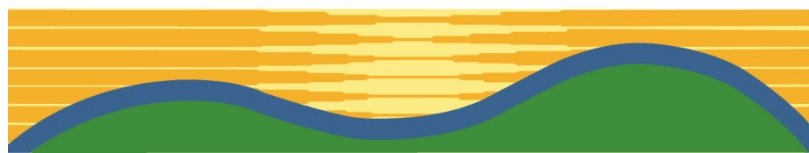


MITCHELL SHIRE COUNCIL



**ORDINARY COUNCIL
MEETING
MINUTES**

MONDAY 19 JULY 2021

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF
THE MITCHELL SHIRE COUNCIL HELD ONLINE ON
19 JULY 2021**

THE MEETING OPENED: 7.00pm

COUNCILLORS PRESENT

Cr Annie Goble	Central Ward	
Cr Nathan Clark	Central Ward	
Cr Louise Bannister	Central Ward	
Cr Bill Chisholm	North Ward	
Cr Rhonda Sanderson	North Ward	(Chairperson)
Cr Fiona Stevens	North Ward	
Cr Christine Banks	South Ward	

OFFICERS PRESENT

Mr Brett Luxford	Chief Executive Officer
Mr Laurie Ellis	Director Organisational Performance
Ms Mary Agostino	Director Advocacy and Communities
Mr Mike McIntosh	Director Economy, Growth and Infrastructure
Ms Lidia Harding	Manager Governance and Risk

1 WELCOME

The Mayor formally opens the meeting with an acknowledgement of country and welcomes all present.

Mitchell Shire Council acknowledges the traditional custodians of the land, those of the Taungurung and Wurundjeri People. We pay our respects to their rich cultures and to Elders past, present and future.

2 GOVERNANCE DECLARATION

The declaration was read by Cr N. Clark.

7.02pm Cr Stevens joined the meeting.

3 APOLOGIES AND LEAVE OF ABSENCE

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. N. CLARK

THAT the apology for this meeting received from Cr R. Eldridge and Cr B. Cornish be accepted.

CARRIED UNANIMOUSLY

4 DISCLOSURE OF CONFLICTS OF INTEREST

In accordance with Section 130(2)(a) of the Local Government Act 2020.

Nil

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. A. GOBLE

THAT the Minutes of the Ordinary Council Meeting held 28 June 2021, as circulated, be confirmed.

CARRIED UNANIMOUSLY

6 PETITIONS AND JOINT LETTERS

Nil

7 PRESENTATIONS

Nil

8 ADVOCACY AND COMMUNITIES

8.1 FEDERAL ELECTION CAMPAIGN

Author: *Nicolas Adams - Research and Advocacy Officer*

File No: *CS/21/010*

Attachments: *Nil*

1. Purpose

1.1 To seek endorsement for the two key projects for the 2021/22 Federal Election:

- Camerons Lane – Hume Freeway Interchange
- Seymour Community Wellbeing Hub

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. N. CLARK

THAT Council endorse the two key asks for the upcoming Federal Election:

1. Camerons Lane – Hume Freeway interchange
2. Seymour Community Wellbeing hub.

CARRIED UNANIMOUSLY

9 ORGANISATIONAL PERFORMANCE

9.1 CONSIDERATION OF SALE OF LAND - CONWAY STREET KILMORE

Author: Teresa Hendy - Property Officer

File No: CP/05/029

Attachments:

1. Old Titles Pre Subdivision
2. Title Details
3. Location Map
4. Policy Criteria

1. Purpose

- 1.1 Council owns a small parcel of vacant land in Conway Street, Kilmore which is adjacent to Assumption College and St Patrick's Primary School. This report proposes the consideration of the sale of the land by private treaty and seeks support to engage with the community in relation to a possible sale and to invite and receive submissions.

COUNCIL RESOLUTION

MOVED: CR. N. CLARK

SECONDED: CR. A. GOBLE

THAT Council:

1. Consider the proposed sale of the land at Conway Street Kilmore held in Lot 1 on Plan of Subdivision 747382R and contained in Volume 11826 Folio 828 (as per the Title in Attachment 2) which is reasoned surplus to requirements as assessed against Council's Property Holding and Acquisition and Disposal Policy 2019.
2. Signify support to continue the steps under the *Local Government Act 2020* to publish a notice for the consideration of the sale of the land at Conway Street Kilmore contained in Volume 11826 Folio 828 (as per the Title in Attachment 2) on Council's Internet site and in a local paper.
3. Authorise the giving of notice under section 114 (2) of the *Local Government Act 2020* for the consideration of sale of the land at Conway Street Kilmore contained in Volume 11826 Folio 828 (as per the title in Attachment 2). The notice would be published on Council's Internet site as required by section 114 (2) of the *Local Government Act 2020* and include the consideration to sell the land by private treaty for not for less than an independent valuation. The notice would also be published in a local newspaper to engage with the wider community.
4. Receive written submissions in response to the notice and hear from submitters at a meeting of the Community Questions and Hearings Committee in relation to the land held in Volume 11826 Folio 828 located at Conway Street Kilmore.
5. At a later date, consider a Council report containing recommendations pertaining

CONSIDERATION OF SALE OF LAND - CONWAY STREET KILMORE (CONT.)

to the consideration of sale of the land contained in Volume 11826 Folio 828,
located at Conway Street Kilmore.

The vote resulted in 5 for and 2 against, as follows:

For:

CR. C. BANKS

CR. N. CLARK

CR. A. GOBLE

CR. R. SANDERSON

CR. F. STEVENS

Against:

CR. L. BANNISTER

CR. B. CHISHOLM

CARRIED

9.2 ASSEMBLY OF COUNCIL RECORD

Author: Lidia Harding - Manager Governance & Risk

File No: CL/04/013-02

Attachments: 1. *Assembly of Council Record*

1. Purpose

- 1.1 This report provides Records of Assemblies of Councillors that have occurred since the last Council meeting, which includes matters considered and any conflict of interest disclosures made by a Councillor.

COUNCIL RESOLUTION

MOVED: CR. L. BANNISTER

SECONDED: CR. F. STEVENS

THAT Council receive and note the record of assembly of Councillors.

CARRIED UNANIMOUSLY

9.3 DELEGATE REPORT - OVERVIEW AND UPDATE ON ACTIVITIES AND DELEGATE DELIBERATIONS

Author: Lidia Harding - Manager Governance & Risk

File No: CL/04/001-03

Attachments: 1. Councillor Delegate Report June 2021

1. Purpose

- 1.1 This delegate's report provides an update on activities and deliberations of groups and associations for which Councillors are an appointed delegate for the period from 1 to 30 June 2021 and also other activities attended as a Council representative.

COUNCIL RESOLUTION

MOVED: CR. B. CHISHOLM

SECONDED: CR. A. GOBLE

THAT Council receive and note the Delegate's Report on Overview and Update on Activities and Delegate Deliberation by Councillors for the period 1 to 30 June 2021.

CARRIED UNANIMOUSLY

10 ECONOMY, GROWTH AND INFRASTRUCTURE

10.1 DRAFT ENVIRONMENTALLY SUSTAINABLE DESIGN FOR COUNCIL BUILDINGS POLICY

Author: *Brendan Garrett - Sustainability Officer*

File No: *ET/04/001-01*

Attachments: 1. *Draft ESD Minimum Building Standards for Council Buildings Policy*

1. Purpose

- 1.1 This report presents the Draft Environmentally Sustainable Design (ESD) for Council Buildings Policy (the Policy) and recommends that Council place the Policy on public consultation from 20 July for 28 days prior to its adoption.

COUNCIL RESOLUTION

MOVED: CR. L. BANNISTER

SECONDED: CR. N. CLARK

THAT Council endorse the Draft ESD for Council Buildings Policy for public consultation from 20 July for a period of 28 days.

CARRIED UNANIMOUSLY

10.2 PLANNING PERMIT APPLICATION PLP344/20 FOR USE OF THE LAND FOR A VEHICLE STORE (WAREHOUSE) AND ALTERATION TO ACCESS TO A ROAD ZONE - CATEGORY 1 AT 126 HIGH STREET, WALLAN

Author: *Fawaaz Price - Statutory Planner*

File No: *PLP344/20*

Attachments: 1. *Application Plans*
2. *Grounds for Refusal*
3. *Planning Policy Framework*

Property No.:	123624
Title Details:	Crown Allotment 3 Section 23 Township of Wallan Parish of Wallan Wallan (Vol. 09421 Fol. 277)
Applicant:	Peyton Waite Pty Ltd
Zoning:	Commercial 2 Zone
Overlays:	Design and Development Overlay – Schedule 10 (DDO12); and Heritage Overlay – Schedule 12 (HO212)
Objections Received:	1 at the time of writing this report.
Cultural Heritage Management Plan Required:	No, the subject site is within a culturally sensitive area however, the proposal is considered minor works as the permit is merely changing the use of the land. As such, a CHMP is not required.
Summary Recommendation	Refusal to Grant a Planning Permit
Reason Reported to Council	Officers do not have delegation to refuse a planning permit application
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

PLANNING PERMIT APPLICATION PLP344/20 FOR USE OF THE LAND FOR A VEHICLE STORE (WAREHOUSE) AND ALTERATION TO ACCESS TO A ROAD ZONE - CATEGORY 1 AT 126 HIGH STREET, WALLAN (CONT.)

1. Site Map



Image 1. Subject site outlined in red - 126 High Street, Wallan (Source: Near Map GIS 2021)

2. Summary

- 2.1 Council has received an application for a planning permit to allow for the use of the land for a vehicle store (warehouse) and alteration to a Road Zone – Category 1 at 126 High Street, Wallan.
- 2.2 Permission is being sought to utilise the western portion (frontage) of the subject site, which includes a heritage building, to store vehicles associated with the existing business which operates at the rear of the subject site.
- 2.3 The existing church is proposed to be repurposed to an office associated with the vehicle store operation.
- 2.4 The site is within Commercial 2 Zone and is affected by the Design and Development Overlay – Schedule 1 and a Heritage Overlay (HO212).
- 2.5 The application was advertised to the adjoining landowners and a sign placed on site. To date one objection has been lodged.
- 2.6 The Officer Recommendation is to refuse to grant a planning permit for the following summarised reasons:

PLANNING PERMIT APPLICATION PLP344/20 FOR USE OF THE LAND FOR A VEHICLE STORE (WAREHOUSE) AND ALTERATION TO ACCESS TO A ROAD ZONE - CATEGORY 1 AT 126 HIGH STREET, WALLAN (CONT.)

- The outcome of the proposed use represents a poor urban design outcome and will not contribute to the preferred character of Wallan Town Centre;
- The proposed use does not comply with the strategic objectives that aim to improve Wallan Town Centre and its surrounds;
- The use of the land for a vehicle store will not provide the community with appropriate services required within the commercial precinct; and
- The proposed use does not consider the sense of significance and identity that the heritage building provides the Wallan Community.

COUNCIL RESOLUTION

MOVED: CR. N. CLARK

SECONDED: CR. A. GOBLE

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Refusal to Grant a Planning Permit in respect of Application No. PLP344/20 for Use of the land for a vehicle store (Warehouse) and alteration of access to a Road Zone Category 1 at Crown Allotment 3 Section 23 Township of Wallan Parish of Wallan Wallan (Vol. 09421 Fol. 277), known as 126 High Street, Wallan, subject to the conditions outlined in Attachment 1.

CARRIED UNANIMOUSLY

10.3 PLANNING PERMIT APPLICATION PLP182/20 FOR DEMOLITION OF A HERITAGE BUILDING AND ASSOCIATED BUILDINGS AND WORKS AT 37 SYDNEY STREET, KILMORE

Author: Robert Ford - Principal Planner

File No: PLP182/20

Attachments: 1. Development Plans
2. Planning Policy Framework

Property No.:	106613
Title Details:	Lot 1 on Title Plan 014176V
Applicant:	Mr. Joseph Popa A2Z Building Services P/L
Zoning:	Commercial 1 Zone
Overlays:	Design and Development Overlay (DDO4) Heritage Overlay (HO99)
Objections Received:	Yes, a total of 6 objections have been received.
Cultural Heritage Management Plan Required:	Not Required.
Summary Recommendation	Notice of Refusal
Reason Reported to Council	Proposed Refusal of Planning Application. Number of objections received exceeds the threshold for officer delegation (4)
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

PLANNING PERMIT APPLICATION PLP182/20 FOR DEMOLITION OF A HERITAGE BUILDING AND ASSOCIATED BUILDINGS AND WORKS AT 37 SYDNEY STREET, KILMORE (CONT.)

1. Site Map



Figure 1 - NearMap aerial imagery of the subject site (February 2021).



Figure 2 - NearMap Aerial Imagery of the surrounds (February 2021)

PLANNING PERMIT APPLICATION PLP182/20 FOR DEMOLITION OF A HERITAGE BUILDING AND ASSOCIATED BUILDINGS AND WORKS AT 37 SYDNEY STREET, KILMORE (CONT.)

2. Summary

- 2.1 This report recommends that Council refuse to grant a planning permit for Planning Application PLP182/20 at 37 Sydney Street Kilmore for the demolition of a heritage building and associated buildings and works.
- 2.2 Following public notification of the application, a total of six (6) submissions (objections) were received. Points of objection generally regard the support for retention of heritage buildings, and that the proposal is at odds with policy within the Mitchell Planning Scheme.
- 2.3 The application has been referred internally to relevant departments. Concerns have been raised by Council's Heritage Advisor.
- 2.4 The proposal has been assessed and is considered to not be in accordance with the Planning Policy Framework and Heritage Overlay of the Mitchell Planning Scheme. Further, the proposed 'heritage response' does not provide any net community benefit, re-use or reactivation opportunities.
- 2.5 As such, the application is recommended for refusal.

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. N. CLARK

PROCEDURAL MOTION

THAT the motion be DEFERRED

CARRIED UNANIMOUSLY

10.4 ROAD MANAGEMENT PLAN 2021 - CONSULTATION SUMMARY AND ADOPTION

Author: Gareth Antrobus - Roads Maintenance Coordinator

File No: ST/09/007

Attachments:

1. Draft Road Management Plan 2021 - For Adoption
2. Draft Road Management Plan 2021 - Fact sheet
3. Draft Road Management Plan 2021 - Key Stakeholders Register
4. Draft Road Management Plan 2021 - Submissions Register

1. Purpose

1.1 To report the consultation process relating to the draft Road Management Plan 2021 (RMP) and adopt the RMP 2021(Attachment 1).

COUNCIL RESOLUTION

MOVED: CR. N. CLARK

SECONDED: CR. C. BANKS

THAT Council adopt the Road Management Plan 2021.

CARRIED UNANIMOUSLY

10.5 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION

Author: *Ricardo Ramos - Manager Development Approvals*

File No: *CL/04/004*

Attachments: *Nil*

1. Purpose

- 1.1 The following is a summary of planning activity before the Victorian Civil and Administrative Tribunal (VCAT) as well as a list of decisions on planning permit applications dealt with under delegated powers for the period detailed.

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. F. STEVENS

THAT the information in the report be received and noted.

CARRIED UNANIMOUSLY

11 EXECUTIVE SERVICES

11.1 COUNCILLOR AND OFFICER CHARTER

Author: *Brett Luxford - Chief Executive Officer*

File No: *CL/04/001-03*

Attachments: *1. Councillor and Officer Charter*

1. Purpose

1.1 To update the Councillor and Officer Charter.

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. A. GOBLE

THAT Council adopt the Councillor and Officer Charter at Attachment 1.

CARRIED UNANIMOUSLY

12 NOTICES OF MOTION

Nil Reports

13 DELEGATES REPORTS

Nil Reports

14 GENERAL BUSINESS

Nil Reports

15 GENERAL BUSINESS

Nil

16 URGENT BUSINESS

Nil

17 CONFIDENTIAL BUSINESS

COUNCIL RESOLUTION

MOVED: CR. N. CLARK

SECONDED: CR. A. GOBLE

THAT in accordance with Section 66(1) and 66(2)(a) of the *Local Government Act 2020*, Council resolves to close the meeting to members of the public to consider the following items which relate to matters specified under Section 3(1), as specified below.

17.1 Confirmation of Minutes of previous Confidential Meeting

s3(1)h confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)

The Minutes of the previous confidential meeting of Council contain information that has been determined by Council to be confidential in accordance with s3(1) of the Local Government Act 2020.

17.2 RFT202120- Construction of new Seymour Resource Recovery Centre

s3(1)(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

17.3 Additional Funding for Projects RFT132725, RFT132768 and

RFT132776

s3(1)(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

17.4 Delegate Report - Audit and Risk Committee

s3(1)(l) Information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

17.5 Re-opening of Meeting to members of the public

CARRIED UNANIMOUSLY

18 DATE OF NEXT MEETING

The next Ordinary meeting of Council is scheduled to be held on Monday 16 August 2021 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7.00pm.

19 CLOSE OF MEETING

The meeting was declared closed at 7.47pm.

Confirmed this Monday, 16 August 2021

.....
Chairperson
Mayor, Cr Rhonda Sanderson