MITCHELL SHIRE COUNCIL

ORDINARY COUNCIL MEETING MINUTES

MONDAY 21 MARCH 2022

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	**WELCOME**	**1**
2	**GOVERNANCE DECLARATION**	**1**
3	**APOLOGIES AND LEAVE OF ABSENCE**	**2**
4	**DISCLOSURE OF CONFLICTS OF INTEREST**	**2**
5	**CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**	**2**
6	**PETITIONS AND JOINT LETTERS**	**2**
7	**PRESENTATIONS**	**2**
8	**ADVOCACY AND COMMUNITIES**	**3**
8.1	Mitchell Shire Kindergarten Service Plan and Building Blocks Partnership	3
9	**ORGANISATIONAL PERFORMANCE**	**5**
9.1	Australian Local Government Association - National General Assembly Proposed Motions	5
9.2	Proposal to define Emu Flat as a Locality	6
9.3	Governance Report February 2022	7
9.4	Mitchell Planning Scheme Amendment C154, East Street Kilmore - Revised Panel Hearing Submission	8
10	**ECONOMY, GROWTH AND INFRASTRUCTURE**	**9**
10.1	Delatite Road Ford - Update on planning and design works	9
10.2	Proposed Road Deviation (Road Exchange) and Sale of Land	11
10.3	Extension of Contract RFT2018-56 - Tree Removal, Supply, Planting and Maintenance	13
10.4	Victorian Civil and Administrative Tribunal Hearings and Activities Carried Out Under Delegation	14
11	**EXECUTIVE SERVICES**	**15**
	Nil Reports	15
12	**NOTICES OF MOTION**	**16**

12.1 Notice of Motion: No. 1016 - Fire Hazard Inspection Costings.....16
12.2 Notice of Motion: No. 1017 - Community Volunteer Rubbish Removal Support 17

13 DELEGATES REPORTS.....18

Nil Reports 18

14 GENERAL BUSINESS 18

Nil Reports 18

15 URGENT BUSINESS 18

16 CONFIDENTIAL BUSINESS.....18

16.1 Confirmation of Minutes of previous Confidential Meeting 18
16.2 Delegate Report - Audit and Risk Committee.....18
16.3 Purchase of Land, Beveridge Central, as part of Precinct Structure Plan 18
16.4 RFT202145 Seymour Landfill Rehabilitation Project.....18
16.5 Re-opening of Meeting to members of the public.....18

17 DATE OF NEXT MEETING 19

18 CLOSE OF MEETING 19

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MITCHELL SHIRE COUNCIL HELD ONLINE AND AT MITCHELL CIVIC CENTRE, 113 HIGH STREET BROADFORD ON 21 MARCH 2022

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	(Chairperson)
Cr Rhonda Sanderson	North Ward	
Cr Fiona Stevens	North Ward	
Cr David Lowe	South Ward	
Cr Bob Cornish	South Ward	

OFFICERS PRESENT

Mr Brett Luxford	Chief Executive Officer
Mr Laurie Ellis	Director Organisational Performance
Ms Mary Agostino	Director Advocacy and Communities
Ms Suzane Becker	Director Economy, Growth and Infrastructure
Ms El McComish	Acting 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 R. Sanderson.

3 APOLOGIES AND LEAVE OF ABSENCE

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. F. STEVENS

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

CARRIED UNANIMOUSLY

4 DISCLOSURE OF CONFLICTS OF INTEREST

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

Cr Chisholm declared a general conflict in relation to item 9.2 - Proposal to define Emu Flat as a location.

Cr Goble declared an indirect interest in relation to item 9.4 - Mitchell Planning Scheme Amendment C154, East Street Kilmore - Revised Panel Hearing Submission.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. B. CORNISH

THAT the Minutes of the Ordinary Council Meeting held 21 February 2022, as circulated, be confirmed.

CARRIED UNANIMOUSLY

6 PETITIONS AND JOINT LETTERS

7 PRESENTATIONS

8 ADVOCACY AND COMMUNITIES

8.1 MITCHELL SHIRE KINDERGARTEN SERVICE PLAN AND BUILDING BLOCKS PARTNERSHIP

Author: *Jaimie Tredoux - Social Infrastructure and Data Research Officer*

File No: *CM07/293*

Attachments:
1. *Mitchell Shire Council Kindergarten Infrastructure and Service Plan (KISP)*
2. *Mitchell Shire Council and Department of Education and Training (DET) Building Blocks Partnership Memorandum of Understanding - Confidential*

1. Purpose

1.1 To present Council with:

- Mitchell Shire Councils Kindergarten Infrastructure and Service Plan (KISP) (Attachment 1)
- Mitchell Shire Council and Department of Education and Training (DET) Building Blocks Partnership Memorandum of Understanding (CONFIDENTIAL) (Attachment 2)

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. B. CORNISH

THAT Council note:

1. The Kindergarten Infrastructure and Services Plan (Attachment 1) and Building Blocks Partnership Memorandum of Understanding (MOU) (Confidential Attachment 2) to be jointly signed by Mitchell Shire Council Chief Executive Officer and the Department of Education and Training.
2. That the Kindergarten Infrastructure and Services Plan identifies there will be significant growth in demand for 3 and 4 year-old funded kindergarten by 2029 across the municipality.
3. That Kindergarten Infrastructure and Services Plan once signed off will be publicly available on the Department of Education and Training and Mitchell Shire Council websites.
4. The set of key projects as described in; Project Schedule Table 1, (Confidential Attachment 2) that have attracted State Government contributions to enable the delivery of new Kindergarten infrastructure to meet demand from 3 and 4 year old's (2021-2029).
5. That the project schedule will be reviewed annually to include further kindergarten infrastructure projects (informed by sequencing and land

availability) and include additional State Government contribution reviewed as part of this process.

6. That Council and DET anticipate the not-for-profit and private early learning sector to participate in providing funded kindergarten places with their facilities.
7. That Council will be required to provide a contribution to kindergarten infrastructure as part of entering into a Kindergarten Infrastructure and Services Plan and Building Blocks Partnership agreement
8. That Council will continue to advocate to Government for the delivery of timely and appropriate community infrastructure and the necessary investments to make this infrastructure a reality in new and emerging communities.

CARRIED UNANIMOUSLY

9 ORGANISATIONAL PERFORMANCE

9.1 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - NATIONAL GENERAL ASSEMBLY PROPOSED MOTIONS

Author: *Lidia Harding - Manager Governance & Risk*

File No: *OR/04/001*

Attachments: *Nil*

1. Purpose

1.1 To seek endorsement from Council to submit five (5) motions to the Australian Local Government Association (ALGA) National General Assembly (NGA) on the themes of recycling, beyond zero emissions, early delivery for emerging communities, financial assistance grants and growth areas.

COUNCIL RESOLUTION

MOVED: CR. D. LOWE

SECONDED: CR. R. SANDERSON

THAT Council:

1. Endorse the motions to be presented to the National General Assembly regarding issues that face Mitchell Shire and that are also of National concern.
2. Approves interstate travel for Cr Bill Chisholm to represent Council at the 2022 National General Assembly of Local Government in Canberra from 19 to 22 June 2022, noting the travel, accommodation and registration expenses will be met from the Mayor and Councillors budget.
3. That the National General Assembly advocate to the Federal Government to support the establishment of recycling and reprocessing markets in Australia to support a true local circular economy where products and materials are kept in use throughout their product lifecycle and reuse of our precious resources is prioritised by building a demand and market for locally reusable and recycled products.

CARRIED UNANIMOUSLY

9.2 PROPOSAL TO DEFINE EMU FLAT AS A LOCALITY

Author: *Ellen McComish - Senior Governance Officer*

File No: *CR/01/084*

Attachments:
1. *Emu Flat proposal*
2. *Emu Flat proposal maps*

1. Purpose

1.1 To seek in-principle support to proceed with supporting the application to designate Emu Flat as a locality, and thus re-defining the boundaries of Pyalong, Tooborac and Nulla Vale.

Cr B. Chisholm vacated the Chair and left the room at 7.16pm and Cr F. Stevens took the chair.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. L. BANNISTER

THAT Council:

1. Provide in-principle support to designate Emu Flat as a locality.

2. Pending the results of the community consultation a further council report be presented endorsing an application to be made to Geographic Place Names Victoria.

CARRIED UNANIMOUSLY

Cr B. Chisholm returned to the room and resumed the Chair at 7.19pm

9.3 GOVERNANCE REPORT FEBRUARY 2022

Author: *Ellen McComish - Senior Governance Officer*

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

Attachments: *1. Councillor assemblies February 2022*

1. Purpose

1.1 To provide a record of the assembly of Councillors that have occurred in February 2022, which includes matters considered and any conflict-of-interest disclosures made by a Councillor.

1.2 To provide a report on activities and deliberations of groups and associations for which Councillors are an appointed delegate for the February 2022 period and other activities attended as a Council representative.

COUNCIL RESOLUTION

MOVED: CR. B. CORNISH

SECONDED: CR. R. SANDERSON

THAT Council receives and notes the Assembly of Councillors Record and Delegates Report.

The vote resulted in as follows:

For:	**Against:**
CR. N. CLARK	CR. L. BANNISTER
CR. B. CORNISH	CR. B. CHISHOLM
CR. A. GOBLE	CR. F. STEVENS
CR. R. SANDERSON	CR. D. LOWE

CARRIED ON THE CASTING VOTE OF THE MAYOR

Cr A Goble left the meeting at 7.27pm

9.4 MITCHELL PLANNING SCHEME AMENDMENT C154, EAST STREET KILMORE - REVISED PANEL HEARING SUBMISSION

Author: *Justin Harding - Strategic Planner*

File No: *PL/05/284*

Attachments: *Nil*

1. Purpose

1.1 To consider Council's position and submission to Planning Scheme Amendment C154.

COUNCIL RESOLUTION

MOVED: CR. L. BANNISTER

SECONDED: CR. D. LOWE

THAT Council:

1. Withdraws its Part B Submission to the Independent Planning Panel, dated 25 February 2022, in relation to Amendment C154 and submissions received.
2. Advances a neutral position to the Independent Planning Panel in relation to Amendment C154 and submissions received.

CARRIED UNANIMOUSLY

10 ECONOMY, GROWTH AND INFRASTRUCTURE

10.1 DELATITE ROAD FORD - UPDATE ON PLANNING AND DESIGN WORKS

Author: *Tim Partridge - Manager Engineering and Major Projects*

File No: *BR/02/015*

Attachments: *1. Preliminary Detailed Design Plans*
2. Engineers Estimate of Construction Costs

1. Purpose

1.1 To update Council on the progress of detailed planning and design works for the upgrade of Delatite Road at the crossing of the Whiteheads Creek and to seek Council's support for an ongoing advocacy strategy to secure the $2.85M in funds required to complete the project.

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. N. CLARK

THAT Council:

1. Notes the information contained in this report.
2. Refers this item to budget discussions for a commitment of 10% of the build cost within the 2022/23 Council's capital works program.
3. Considers these upgrade works as part of future capital works programs and grant seeking opportunities.
4. Seek to deliver the project within the next four years.
5. Supports an advocacy campaign seeking funding commitments including all possible opportunities including, but not restricted to, both Federal and State Governments and opposition parties.
6. Refers $100K funding to the 2022/23 budget to prepare a Cultural Heritage Management Plan for the future bridge upgrade works, to be completed and reported back to council within 12 months.
7. Holds conversations with Taungurung Clans representatives in respect to Native Title implications, to be completed and reported back to council within 12 months.

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. D. LOWE

<u>EXTENSION OF SPEAKING TIME</u>

THAT

The **EXTENSION OF SPEAKING TIME** be granted.

CARRIED UNANIMOUSLY

Cr A. Goble returned to the meeting at 7.43pm.

The substantive motion was CARRIED UNANIMOUSLY

10.2 PROPOSED ROAD DEVIATION (ROAD EXCHANGE) AND SALE OF LAND

Author: *Tim Partridge - Manager Engineering and Major Projects*

File No: *CP/05/048*

Attachments: *1. Road Deviation Plan*
2. Road Deviation Gazettal Plan

1. Purpose

1.1 To seek Council's support to close part of a Crown Land Government Road Reserve (the Road) located within the Beveridge Central Precinct Structure Plan (PSP) development area through a process known as a 'Road Deviation'.

1.2 This land will then be transferred into Council's ownership and then sold to the adjacent landowner/developer to then be developed as part of the wider residential development in this area as envisaged by the Beveridge Central PSP.

COUNCIL RESOLUTION

MOVED: CR. D. LOWE

SECONDED: CR. B. CORNISH

THAT Council:

1. Authorise that, following approval of the Gazettal plan for the Government Road deviation as shown on Attachment 2, request is made to the Minister for Energy, Environment and Climate Change through the Department of Environment, Land, Water and Planning seeking substantiation of support for the deviation of the Government Road as shown on the plan.
2. Authorise that, upon receipt of the confirmation of support for the deviation of part of the Government Road shown at Attachment 2, the process of giving Public Notice is undertaken in accordance with the *Local Government Act 1989* sections 207(a) and 223 for the closure of part of the Road by process of deviation.
3. Authorise that, concurrent with the Public Notice for the deviation of the Road as shown at Attachment 2, Community Engagement proceeds in accordance with the *Local Government Act 2020* section 114 (a) and (b) for the consideration of the sale of the land held in the road, subject to the Road being found not reasonably required for public use, the deviation proceeding and the transfer of the land to Council ownership.
4. Acknowledge that both the part of the Government Road proposed to be closed by the deviation as shown in Attachment 2 and the consideration of the sale of the closed section of road shown in Attachment 2, are subject to submissions in response to the Public Notice and to Community Engagement with all submissions to be heard at a meeting of the Community Questions and

Hearings Committee.

5. Subject to the outcome of Public Notice and Community Consultation, at a future Council Meeting consider a report recommending to proceed with the Road closure by process of deviation of the Government Road as shown at Attachment 2, the publication of the Gazettal Notice of the Road deviation and opening of new Road, creation of certificate of title plan and lodgment for registration of the land formerly held in the Road to Council's ownership and the sale of the land to the developer of the adjacent land.

6. Authorise that, should the steps in the above processes proceed, subject to community feedback, it be required that the developer cover all of Councils reasonable costs in effecting this Road deviation, preparation and application to Council of new title plan for the land, the lodgment of registration of the title plan to Council ownership and the sale of the land.

CARRIED UNANIMOUSLY

10.3 EXTENSION OF CONTRACT RFT2018-56 - TREE REMOVAL, SUPPLY, PLANTING AND MAINTENANCE

Author: *Andrew Dodd - Manager Operations and Parks*

File No: *CT/05/233*

Attachments: *Nil*

1. Purpose

1.1 For Council to approve the extension of panel contract 2018-56 - Tree Removal, Supply, Planting & Maintenance.

COUNCIL RESOLUTION

MOVED: CR. L. BANNISTER

SECONDED: CR. F. STEVENS

THAT Council:

1. Council notes that the initial term of Contract 2018-56 between The Tree Panel Contractors and Council for the provision of Tree Removal Supply Planting & Maintenance and Associated Services will expire on 30th of June 2022.

2. Council awards the extension of Contract 2018-56 between City Wide Service Solutions Pty Ltd – 94 066 960 085, Tree Tactics Pty Ltd – ABN 18 102 312 032, Star Tree Services Pty Ltd – ABN 58 150 822 889, Treespec Pty Ltd – ABN 72 693 659 541,The Tree Company Pty Ltd – ABN 97 120 997 239, Eagle Travel Tower Services Pty Ltd – ABN 50 070 093 766 and Council for a further 12 months from the date of the expiry of the initial term and the extended Contract is to be priced according to the Schedule of Rates.

3. Council authorises the Chief Executive Officer to sign a letter of extension on Council's behalf.

4. Council delegates to the Chief Executive Officer the power to extend Contract 2018-56 between City Wide Service Solutions Pty Ltd – 94 066 960 085, Tree Tactics Pty Ltd – ABN 18 102 312 032, Star Tree Services Pty Ltd – ABN 58 150 822 889, Treespec Pty Ltd – ABN 72 693 659 541,The Tree Company Pty Ltd – ABN 97 120 997 239, Eagle Travel Tower Services Pty Ltd – ABN 50 070 093 766 and Council for a further 12 months from the expiry of the first extension term in 2023 subject to Council's needs and the Contractor's performance. The extended Contract is to be priced according to the Schedule of Rates.

CARRIED UNANIMOUSLY

10.4 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. F. STEVENS

SECONDED: CR. A. GOBLE

THAT the information in the report be received and noted.

CARRIED UNANIMOUSLY

11 EXECUTIVE SERVICES

Nil Reports

12 NOTICES OF MOTION

12.1 NOTICE OF MOTION: NO. 1016 - FIRE HAZARD INSPECTION COSTINGS

Author: *Councillor Bill Chisholm*

File No: *FP/15/001*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 21 March 2022.

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. R. SANDERSON

THAT Council Officers prepare a detailed report on the costs involved of implementation of a full fire hazard inspection regime on all land within the urban areas of our towns. This includes areas on the rural/urban interface of all towns.

This report should include:

a) the actual time and cost of the inspection process; and serving of an "identification of a fire hazard notice" on land owned or controlled by government agencies and other public authorities, outside of what is normally required in Council's inspection process;

b) identify the overall size of the land concerned (area terms) giving a percentage figure compared to the total area Council staff inspect;

c) and the number of properties included in the land concerned, and

d) include a map of the land concerned.

CARRIED UNANIMOUSLY

12.2 NOTICE OF MOTION: NO. 1017 - COMMUNITY VOLUNTEER RUBBISH REMOVAL SUPPORT

Author: *Louise Bannister - Councillor*

File No: *WM/01/001-01*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 21 March 2022.

COUNCIL RESOLUTION

MOVED: CR. L. BANNISTER

SECONDED: CR. A. GOBLE

THAT Council provide a report regarding possible support options for our volunteer community members that remove litter from our Shire. For the report to address:

a) Solutions as to what would best support the current volunteers' work and encourage future volunteers.

b) Possible support group options, including possible nature, structure and feasibility of a support group. particularly in relation to volunteers not affiliated with an established community group

c) Council's possible roles in providing support, e.g. administration, providing disposal options etc.

d) Benefits that this type of group would provide to create a better Shire and a more supported and included community.

CARRIED UNANIMOUSLY

13 DELEGATES REPORTS

Nil Reports

14 GENERAL BUSINESS

Nil Reports

15 URGENT BUSINESS

16 CONFIDENTIAL BUSINESS

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. L. BANNISTER

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.

16.1 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.

16.2 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.

16.3 Purchase of Land, Beveridge Central, as part of Precinct Structure Plan

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

16.4 RFT202145 Seymour Landfill Rehabilitation Project

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

Procurement report.

16.5 Re-opening of Meeting to members of the public

CARRIED UNANIMOUSLY

17 DATE OF NEXT MEETING

The next Ordinary meeting of Council is scheduled to be held on Tuesday 19 April 2022 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7.00pm.

18 CLOSE OF MEETING

The meeting was declared closed at 8.48pm.

Confirmed this Tuesday, 19 April 2022

.....

Chairperson

Mayor, Cr Bill Chisholm