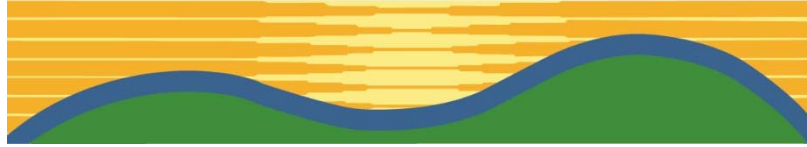


MITCHELL SHIRE COUNCIL



**ORDINARY COUNCIL
MEETING
MINUTES**

MONDAY 19 FEBRUARY 2018

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF
THE MITCHELL SHIRE COUNCIL HELD AT MITCHELL
CIVIC CENTRE, 113 HIGH STREET BROADFORD ON
19 FEBRUARY 2018**

THE MEETING OPENED: 7.00pm

COUNCILLORS PRESENT

Cr Annie Goble	Central Ward	
Cr David Atkinson	Central Ward	
Cr Bob Humm	Central Ward	
Cr Bill Chisholm	North Ward	
Cr Rhonda Sanderson	North Ward	(Chairperson)
Cr Fiona Stevens	North Ward	
Cr David Lowe	South Ward	
Cr Rob Eldridge	South Ward	
Cr Bob Cornish	South Ward	

OFFICERS PRESENT

Mr David Turnbull	Chief Executive Officer
Ms Nicole Maxwell	Acting Director Governance and Corporate Performance
Ms Mary Agostino	Director Advocacy and Community Services
Mr Mike McIntosh	Director Development and Infrastructure
Ms Lidia Harding	Governance and Corporate Accountability Coordinator

1 GOVERNANCE DECLARATION

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

The Mayor acknowledges that the meeting is being held on the traditional lands of the Taungurung people, acknowledging them as the Traditional Owners and paying respect to their Elders, past and present, and any Elders from other communities who may be here today.

The declaration was read by Cr D. Lowe

2 APOLOGIES AND LEAVE OF ABSENCE

No apologies were received.

3 DISCLOSURE OF CONFLICTS OF INTEREST

In accordance with Section 79 of the Local Government Act 1989.

Nil.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. B. HUMM

THAT the Minutes of the Ordinary Council Meeting held 18 December 2017, as circulated, be confirmed.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. B. HUMM

THAT the Minutes of the Special Council Meeting held 29 January 2018, as circulated, be confirmed.

CARRIED UNANIMOUSLY

5 PETITIONS AND JOINT LETTERS

In accordance with Clause 66 of Local Law No. 4 – Meeting Procedures.

Cr F. Stevens tabled a petition with 10 signatories on behalf of residents of Ennis Rd, Tallarook requesting that they be issued with bins for rubbish and recycling and then a regular rubbish removal from the beginning of their driveways.

Cr F. Stevens tabled a petition with 170 signatories on behalf of residents of Seymour who strongly oppose a level bank for Seymour. The residents want the creeks and waterways to be cleaned and maintained to allow for any future water to flow freely to the river and a Community Flood Safety Plan to be developed and communicated with residents.

6 PRESENTATIONS

In accordance with Clause 65 of Local Law No. 4 – Meeting Procedures

Nil.

7 ADVOCACY AND COMMUNITY SERVICES

Nil Reports.

8 GOVERNANCE AND CORPORATE PERFORMANCE

8.1 ASSEMBLY OF COUNCIL RECORD

Author: Lidia Harding - Governance & Corporate Accountability Coordinator

File No: CL/04/013-02

Attachments: 1. Assembly of Council Record - December 2017 to January 2018

SUMMARY

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. A. GOBLE

SECONDED: CR. B. CORNISH

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

CARRIED UNANIMOUSLY

8.2 COMMUNITY QUESTIONS AND HEARINGS COMMITTEE REVIEW

Author: Lidia Harding - Governance & Corporate Accountability Coordinator

File No: CL/04/010

Attachments: 1. Community Questions and Hearings Committee Guidelines

SUMMARY

Council, at its meeting on 20 March 2017, (Item 11.8 Notice of Motion: No. 900) resolved that Council Officers provide a report to the Council on the *“feasibility of the introduction of the best possible public question time at Ordinary Council meetings with the report to canvass the practical steps required to facilitate the initiative should Council decide to proceed”*.

A report addressing this Notice of Motion was presented to the 21 August 2017 Council meeting. This report recommended that Council rename the current Hearings Committee to be known as the Community Questions and Hearings Committee and undertake an advertising campaign to make the public aware of their opportunity to ask questions of the Committee. It further committed a review of the question time component of the Community Questions and Hearings Committee by February 2018. Following a review, this report provides an assessment of the findings.

COUNCIL RESOLUTION

MOVED: CR. D. LOWE

SECONDED: CR. D. ATKINSON

THAT Council:

1. Continue to provide an opportunity for the community to address Council via a public question time at the Community Questions and Hearings Committee.
2. Revise the Community Questions and Hearings Committee Guidelines to reflect a change in the deadline for acceptance of questions for the Community Questions and Hearings Committee to 12.00 noon on the Friday before the Monday meeting.
3. Promote this change to members of the public.

CARRIED UNANIMOUSLY

8.3 COUNCIL SUBMISSION - LOCAL GOVERNMENT BILL - EXPOSURE DRAFT

Author: Lidia Harding - Governance & Corporate Accountability Coordinator

File No: LS/01/013

Attachments: 1. Mitchell Shire Council Submission - Exposure Draft

SUMMARY

The State Government made a commitment to complete a comprehensive review to the *Local Government Act 1989*. This review has been informed by extensive consultation with the community. In December 2017, the Local Government Exposure Draft Bill was released for public consultation. This is the fourth and final stage of public consultation before the Bill enters the Parliament. Submissions are due by 16 March 2018.

This report seeks Council's endorsement on a draft submission prepared by Council Officers.

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. B. HUMM

THAT Council endorse the submission to the Local Government Bill – Exposure Draft.

CARRIED UNANIMOUSLY

8.4 FINANCIAL REPORT FOR PERIOD ENDING 31 DECEMBER 2017

Author: *Hannah White - Management Accounting Coordinator*

File No: *FN/12/001-02*

Attachments: 1. *Financial Report for 6 months ending 31 December 2017*

SUMMARY

This report along with the attachment allows Council to monitor its financial performance.

COUNCIL RESOLUTION

MOVED: CR. B. CHISHOLM

SECONDED: CR. F. STEVENS

THAT Council note the contents of the Financial Report for the period ending 31 December 2017 and Attachment 1 – Financial Report for the six months ending 31 December 2017.

CARRIED UNANIMOUSLY

9 DEVELOPMENT AND INFRASTRUCTURE

9.1 PLANNING SCHEME AMENDMENT C123: IMPLEMENTATION OF KILMORE AND WANDONG-HEATHCOTE JUNCTION STRUCTURE PLANS - CONSIDERATION OF SUBMISSIONS

Author: Justin Harding - Strategic Planner

File No: PL/05/215

Attachments: 1. C123 Summary of Submissions and Council Officer Response
2. C123 Revised Policy

SUMMARY

Planning Scheme Amendment C123 seeks to implement the *Kilmore Structure Plan, 2016* and *Wandong-Heathcote Junction Structure Plan, 2016* into the *Mitchell Planning Scheme*. Amendment C123 was placed on public exhibition between 6 October and 17 November 2017, in accordance with Council's resolution on 21 August 2017. Exhibition comprised a mailout to all affected land owners, newspaper advertising, notice in the Victoria Government Gazette and five drop-in sessions.

In total 30 submissions have been received. A summary of the submissions received and the officer response is provided at Attachment 1 to this report. The overall vision and guiding principles within each Structure Plan and Amendment C123 have not been challenged. Most submissions received focus on a site or specific issues as opposed to challenging the overall strategic intent of Amendment C123.

The Structure Plans are Council's adopted strategic vision for both townships and providing them with statutory weight under the Mitchell Planning Scheme is vital to ensuring that Kilmore and Wandong-Heathcote Junction develops in a fair, orderly and sustainable manner. Implementation of the Structure Plans through Amendment C123 will provide significant benefits to Council, referral authorities and the community regarding the future development of both townships. It is recommended that Amendment C123 be referred to an Independent Planning Panel for review and consideration of unresolved submissions.

PLANNING SCHEME AMENDMENT C123: IMPLEMENTATION OF KILMORE AND WANDONG-HEATHCOTE JUNCTION STRUCTURE PLANS - CONSIDERATION OF SUBMISSIONS (CONT.)

COUNCIL RESOLUTION**MOVED:** CR. B. HUMM**SECONDED:** CR. D. ATKINSON**THAT** Council:

1. Request the Minister for Planning to appoint an Independent Planning Panel under Part 8 of the *Planning and Environment Act 1987* to consider Amendment C123.
2. Submit to the Independent Planning Panel Council's response to the submissions, as generally outlined in Attachments 1 and 2 to this report.
3. Continue mediating with submitters to resolve concerns prior to commencement of the Independent Planning Panel.

CARRIED UNANIMOUSLY

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

Author: *James McNulty - Acting Manager Development Approvals*

File No: *CL/04/004*

Attachments: *Nil*

SUMMARY

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. B. CORNISH

SECONDED: CR. A. GOBLE

THAT Council receive and note the report on the Victorian Civil and Administrative Tribunal Hearings and Activities carried out under delegation.

CARRIED UNANIMOUSLY

**9.3 MITCHELL SHIRE ENVIRONMENT STRATEGIES 2017-2018 ACTION PLAN
MID-YEAR REPORT**

Author: Elyse Kelly - Environmental Programs Coordinator

File No: ET/01/001-03

Attachments: 1. Environment Strategies 2017/2018 Mid Year Report

SUMMARY

This report provides a mid-year report on the implementation of the *Mitchell Shire Environment Strategies 2017-2018 Action Plan*, which was adopted by Council on the 16 October 2017.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. R. ELDRIDGE

THAT Council review and note the mid-year report for the *Mitchell Shire Environment Strategies 2017-2018 Action Plan*.

CARRIED UNANIMOUSLY

9.4 ROAD DISCONTINUANCE AND LAND EXCHANGE ASSOCIATED WITH DEVELOPMENT OF LAND AT 57 MELBOURNE STREET, KILMORE

Author: Cameron Baird - Transport and Development Coordinator

File No: CP/05/036

Attachments:

1. Public Notice of Discontinuance and Sale
2. 89 Sydney Street Submission
3. Proposed Road Discontinuance
4. Proposed Land Exchange

Reference: PLP060/16

SUMMARY

As part of the future development of land at 57 Melbourne Street, it is proposed to exchange a section of Council owned road reserve with the developer of this site to provide a better development outcome and help facilitate the ultimate construction of the John Street inner link road to the west of central Kilmore.

Public notice of this proposed exchange has occurred in line with obligations to discontinue and sell/exchange this section of road. One submission has been received under this process. This report considers the submission and seeks to move forward with the discontinuation of the road and sale/exchange of the land with modifications to address the sole submitters concerns.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. B. HUMM

THAT Council:

1. Note that the legislative processes as required under section 207 and schedule 82A and section 223 of the *Local Government Act 1989* have been completed in relation to the proposed land exchange of part of the land known as Melbourne Street, Kilmore as identified as Area C on Attachment 4 of this report.
2. Resolve that part of the road known as Melbourne Street, Kilmore as identified as Area C on Attachment 4 of this report is not reasonably required as a future road for public use.
3. Authorise the Director of Development and Infrastructure to complete the legislative processes under Clause 3 of Schedule 6 and section 206 of the *Local Government Act 1989* to discontinue that section of Melbourne Street, Kilmore as identified as Area B on Attachment 3 of this report.
4. Authorise the publication of a Notice in the Victoria Government Gazette to give notice of the discontinuance of the part of Melbourne Street, Kilmore identified as Area B on Attachment 3 of this report.

ROAD DISCONTINUANCE AND LAND EXCHANGE ASSOCIATED WITH DEVELOPMENT OF LAND AT 57 MELBOURNE STREET, KILMORE (CONT.)

5. Support the exchange of part of the land held within the road known as Melbourne Street, Kilmore as identified as Area C on Attachment 4 of this report. The exchange would consist of the part of Melbourne Street identified as Area C on Attachment 4 to be exchanged with the Developer of 57 Melbourne Street, Kilmore for the land identified as Area A on Attachment 4 of this report.
6. Authorise the legislative processes required under the *Planning and Environment Act 1987 and Subdivision Act 1988* to obtain a Certificate of Title for the land held within Area C on Attachment 4 of this report which forms the land to be exchanged.
7. Authorise the signing and sealing of all forms and legal documentation required to complete the exchange and transfer of the part of the road currently known as Melbourne Street, Kilmore and identified as Area C on Attachment 4 of this report with the land identified as Area A on Attachment 4 of this report.

CARRIED

The vote resulted in as follows:

For:

CR. D. ATKINSON
CR. B. CHISHOLM
CR. B. CORNISH
CR. R. ELDRIDGE
CR. B. HUMM
CR. D. LOWE
CR. R. SANDERSON
CR. F. STEVENS

Against:

CR. A. GOBLE

Abstained:

10 EXECUTIVE SERVICES

Nil Reports.

11 NOTICES OF MOTION

11.1 NOTICE OF MOTION: NO. 931 - COMMUNITY SPACES FOR HIRE

Author: Councillor Rhonda Sanderson

File No: CP/22/004

Attachments: Nil

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 19 February 2018.

COUNCIL RESOLUTION

MOVED: CR. B. CORNISH

SECONDED: CR. D. LOWE

THAT Council officers prepare a report for the 19 March 2018 Ordinary Council Meeting listing all Mitchell Shire Council rooms available for community use including hire costs, and dimensions, by township.

AMENDMENT

MOVED: CR. B. CORNISH

SECONDED: CR. D. LOWE

THAT Council officers prepare a report for the 19 March 2018 Ordinary Council Meeting listing all Mitchell Shire Council rooms available for community use including hire costs, how often the rooms are used annually and dimensions, by township.

The **AMENDMENT** was **CARRIED** and became the substantive motion

The vote resulted in as follows:

For:

CR. D. ATKINSON
CR. B. CHISHOLM
CR. B. CORNISH
CR. R. ELDRIDGE
CR. A. GOBLE
CR. D. LOWE

Against:

CR. B. HUMM
CR. R. SANDERSON
CR. F. STEVENS

Abstained:

**11.2 NOTICE OF MOTION: NO. 932 - SCHOOL CROSSING KILMORE-
LANCEFIELD ROAD, KILMORE****Author:** *Councillor Bob Humm***File No:** *LL/04/001***Attachments:** *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 19 February 2018.

COUNCIL RESOLUTION**MOVED:** CR. B. HUMM**SECONDED:** CR. A. GOBLE

THAT Council officers investigate and prepare costings for the following two infrastructure improvements in the vicinity of Kilmore-Lancefield Road and Conway Street in Kilmore and refer these to the 2018-2019 Capital Works Program for consideration:

1. The installation of a new supervised Children's Crossing in Conway Street near Kilmore-Lancefield Road.
2. The completion of the missing link footpath on the North side of Kilmore-Lancefield Road between Kingsgate Village and Church Street.

AMENDMENT**MOVED:** CR. R. ELDRIDGE**SECONDED:** CR. B. CORNISH

THAT Council officers undertake a needs assessment of school children's pedestrian safety and prepare costings for the following two infrastructure improvements in the vicinity of Kilmore-Lancefield Road and Conway Street in Kilmore and refer these to the 2018-2019 Capital Works Program for consideration and whilst doing so, consider the relevance to the existing crossings:

1. The installation of a new supervised Children's Crossing in Conway Street near Kilmore-Lancefield Road.
2. The completion of the missing link footpath on the North side of Kilmore-Lancefield Road between Kingsgate Village and Church Street.

The AMENDMENT was CARRIED UNANIMOUSLY

11.3 NOTICE OF MOTION: NO. 933 - STAND ALONE RURAL WATER SUPPLY INFRASTRUCTURE

Author: *Councillor Bill Chisholm*

File No: *ET/15/006*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 19 February 2018.

COUNCIL RESOLUTION

MOVED: CR. B. CHISHOLM

SECONDED: CR. A. GOBLE

THAT Council officers:

1. Prepare a report on the progressive upgrading of Councils standalone Rural Water Supply Infrastructure. This comprises standpipes, tanks and bores and in some cases static water points i.e. access points to water on creeks and rivers.
2. The report should further include:
 - a) plans for the long-term replacement and significant upgrading of this infrastructure and initiate ways in which to fund this program. With our changing climatic conditions it is important for Council to be proactive in this space.
 - b) a breakdown of this program and the annual amount of water used.
 - c) the locations from which this water is drawn.

AMENDMENT

MOVED: CR. B. HUMM

SECONDED: -

THAT Council officers:

1. Prepare a report for consideration on the progressive upgrading of Councils standalone Rural Water Supply Infrastructure. This comprises standpipes, tanks and bores and in some cases static water points i.e. access points to water on creeks and rivers.
 - b) investigate the opportunity to use GVW excess water from Willowmavin plant.
2. The report should further include:
 - a) plans for the long-term replacement and significant upgrading of this infrastructure and initiate ways in which to fund this program. With our changing climatic conditions it is important for Council to

NOTICE OF MOTION: NO. 933 - STAND ALONE RURAL WATER SUPPLY INFRASTRUCTURE (CONT.)

be proactive in this space.

Water Supplies for Council's Rural Roads Program

- b) a breakdown of this program and the annual amount of water used.
- c) the locations from which this water is drawn.

The **AMENDMENT** was **LAPSED** for want of a seconder
THE SUBSTANTIVE MOTION WAS CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

MOVED: CR. B. CORNISH

SECONDED: CR. F. STEVENS

THAT an extension of speaking time be granted.

CARRIED UNANIMOUSLY

11.4 NOTICE OF MOTION: NO. 934 - WORKS AT WHITE STREET, KILMORE

Author: *Councillor David Atkinson*

File No: *CT/06/291*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 19 February 2018.

MOTION

THAT Council officers investigate and prepare costings for the following infrastructure improvements on White Street, Kilmore and refer these to the 2018-2019 Capital Works Program for consideration:

- a) The installation of a new footpath along White St, Kilmore to complete the footpath that is missing.
- b) The installation of full bitumen with curb and channeling along White St, Kilmore to complete the sides of the bitumen road that is missing.

THIS MOTION WAS WITHDRAWN

12 DELEGATES REPORTS

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

Author: Lidia Harding - Governance & Corporate Accountability Coordinator

File No: CL/04/001-03

Attachments: 1. Delegates Report December 2017 - January 2018

SUMMARY

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 December 2017 - January 2018 and also other activities attended as a Council representative.

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. R. ELDRIDGE

THAT the Delegate's Report on Overview and Update on Activities and Delegate Deliberation by Councillors for December 2017 - January 2018 be received and noted.

CARRIED UNANIMOUSLY

**12.2 DELEGATE REPORT - HERITAGE ADVISORY COMMITTEE OVERVIEW
AND UPDATE (12 DECEMBER 2017)**

Author: *Andrea Meagher - Strategic Planner*

File No: *HI/04/005*

Attachments: *Nil*

SUMMARY

This Delegate's report provides an overview of the Mitchell Heritage Advisory Committee (MHAC).

Cr. Bob Humm chaired the meeting and Council's Manager, Strategic Planning and a Strategic Planning Officer attended the meeting held on 12 December 2017, at the Royal Hotel, 26 Emily Street, Seymour.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. R. ELDRIDGE

THAT Council receive and note the Delegates report.

CARRIED UNANIMOUSLY

**12.3 DELEGATE REPORT MITCHELL ENVIRONMENT ADVISORY COMMITTEE
OVERVIEW AND UPDATE (6 DECEMBER 2017)**

Author: *Elyse Kelly - Environmental Programs Coordinator*

File No: *ET/03/003*

Attachments: *Nil*

SUMMARY

This report provides an overview of the Mitchell Environment Advisory Committee (MEAC) and a summary of *the* discussions held an ordinary meeting on 6 December 2017.

Cr. Eldridge chaired the meeting. Council representatives included the Manager Operations and Parks and the Environment Coordinator.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. R. ELDRIDGE

THAT Council receive and note the Delegates report, Mitchell Environment Advisory Committee overview and update.

CARRIED UNANIMOUSLY

13 GENERAL BUSINESS

In accordance with Clause 30 of the Meeting Procedure Local Law.

14 URGENT BUSINESS

In accordance with Clause 31 of the Meeting Procedure Local Law.

15 CONFIDENTIAL BUSINESS**COUNCIL RESOLUTION**

MOVED: CR. B. CORNISH

SECONDED: CR. B. HUMM

THAT in accordance with Section 89(2) of the *Local Government Act 1989*, Council resolves to close the meeting to members of the public to consider the following items which relate to matters specified under Section 89(2), as specified below.

CARRIED UNANIMOUSLY

This meeting was closed to the public at 8.39pm.

15.1 Confirmation of Minutes of previous Confidential Meeting**15.2 Delegate Report - Audit Committee**

s89(2)(h) any other matter which the Council or special committee considers would prejudice the Council or any person.

15.3 Environmental Health Services Tender

s89(2)(d) contractual matters.

15.4 Procurement Australia Electricity Tender

s89(2)(d) contractual matters.

15.5 Re-opening of Meeting to members of the public**COUNCIL RESOLUTION**

MOVED: CR. B. CORNISH

SECONDED: CR. D. ATKINSON

THAT the meeting be re-opened to the members of the public.

CARRIED UNANIMOUSLY

The meeting was re-opened to members of the public at 8.46pm.

16 DATE OF NEXT MEETING

The next Ordinary meeting of Council is scheduled to be held on Monday 19 March 2018 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7.00pm.

17 CLOSE OF MEETING

The meeting was declared closed at 8.47pm.

Confirmed this Monday, 19 March 2018

.....
Chairperson
Mayor, Cr Rhonda Sanderson