



## **ORDINARY MEETING OF COUNCIL MINUTES**

Tuesday 26 March 2019  
6:00pm

Council Chamber  
Room 1 Community Hub  
48 Burns Street  
Maryborough

### **MEMBERSHIP**

Administrator Noel Harvey  
Administrator Karen Douglas  
Administrator Hugh Delahunty

To be confirmed at the Ordinary Council Meeting  
scheduled for 23 April 2019

# CONFIRMED MINUTES

## 1. COMMENCEMENT OF MEETING AND WELCOME

The meeting commenced at 6.00pm

The Chair, Administrator Noel Harvey read the Council Prayer and acknowledgement statement:

### **Council Prayer**

Almighty God, we ask you to be present in this Council.

Direct and guide our deliberations.

We ask you to grant us wisdom and sensitivity as we deal with the business of our Shire.

May each decision that we make advance the wellbeing of all our residents.

This we pray. Amen.

### **Acknowledgement of Country**

I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present, and the Elders from other communities who may be here today.

## PRESENT

Administrator Noel Harvey  
Administrator Karen Douglas  
Administrator Hugh Delahunty

## IN ATTENDANCE

Chief Executive Officer, Lucy Roffey  
General Manager Corporate Performance, Paul Brumby  
General Manager Infrastructure, Assets and Planning, Rebecca Stockfeld  
General Manager Community Wellbeing, Brenton West

The Chair of the Administrators noted that this would be the General Manager Community Wellbeing's last Council Meeting and thanked Brenton for his contribution with Council.

## 2. APOLOGIES

Nil

## 3. LEAVE OF ABSENCE

Nil

## 4. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

## CONFIRMED MINUTES

### 5. CONFIRMATION OF THE MINUTES OF THE PREVIOUS COUNCIL MEETING

The purpose of this report was to present for confirmation, the minutes of the Ordinary Council Meeting held on 26 February 2019.

#### **Council Resolution**

*That Council confirms the Minutes of the Ordinary Council Meeting held on 26 February 2019 as amended.*

**Moved** Administrator Delahunty  
**Seconded** Administrator Douglas

**CARRIED**

### 6. REPORTS FROM COMMITTEES

#### 6.1 NOTING OF THE APPROVED MINUTES OF SPECIAL COMMITTEE MEETINGS

The purpose of this report was to present for noting the confirmed minutes of Council's Special Committees established under section 86 of the Local Government Act 1989.

#### **Council Resolution**

*That Council notes the confirmed Minutes of the Audit and Risk Committee Meeting Minutes 4 December 2018.*

**Moved** Administrator Douglas  
**Seconded** Administrator Delahunty

**CARRIED**

### 7. PETITIONS

Nil

### 8. OFFICER REPORTS

#### 8.1 ASSEMBLIES OF COUNCILLORS

The purpose of this report was to provide the record of any assembly of Councillors, which has been held since the last Council Meeting, so that they are recorded in the minutes of the formal Council Meeting.

#### **Council Resolution**

*That Council note the record of Assemblies of Councillors as outlined in the report.*

**Moved** Administrator Delahunty  
**Seconded** Administrator Douglas

**CARRIED**

## CONFIRMED MINUTES

### 8.2 PROPOSED ROAD NAME – WORRALL COURT

The purpose of the report is to recommend that Council names two sections of road on PS807060 as Worrall Court and Hosken Street, Maryborough. Worrall Court has been suggested in recognition of John “Jack” Worrall. Hosken Street is the continuation of a current street of that name.

#### Council Resolution

*That Council:*

1. Approves Hosken Street as the road name for R1 on PS807060
2. Approves Worrall Court as the road name for R2 on PS807060
3. Submits the names Hosken Street and Worrall Court to Geographic Names
4. Advises the developer of subdivision PS 807060 of this decision.

**Moved Administrator Douglas**  
**Seconded Administrator Delahunty**

**CARRIED**

### 8.3 LEASE PART OF MARYBOROUGH AERODROME TO AMBULANCE VICTORIA

The purpose of this report is to advise on the outcome of the statutory process and recommend that Council enters into a site lease agreement with Ambulance Victoria for site 1/136 located at 152 Leviathan Road, Maryborough Aerodrome.

#### Council Resolution

*That Council*

1. Enters into a 21 year lease agreement with Ambulance Victoria for site 1/136 located at 152 Leviathan Road, Maryborough Aerodrome (comprising an area of 408m<sup>2</sup>), with an initial term of seven years plus two options for a further seven years each, at a rental of \$104 plus GST per annum.
2. Authorises the CEO to sign and seal all documentation required to effect the lease agreement with Ambulance Victoria for site 1/136 located at 152 Leviathan Road, Maryborough Aerodrome

**Moved Administrator Douglas**  
**Seconded Administrator Delahunty**

**CARRIED**

## CONFIRMED MINUTES

### 8.4 PLANNING PERMIT AMENDMENT APPLICATION D108/18 – APPLICATION TO AMEND PLANNING PERMIT D107/04 FOR USE AND DEVELOPMENT OF A DOG KEEPING AND TRAINING ESTABLISHMENT FOR UP TO 6 RACING GREYHOUND DOGS AT 89 SHAW ROAD, DAISY HILL

The purpose of this report is to recommend council issue a Notice of Decision to Grant a Planning Permit subject to conditions requiring detailing and treatment of stormwater runoff for a planning permit application to amend a planning permit at 89 Shaw Road, Daisy Hill Victoria that allows “dog keeping and training establishment for up to six racing greyhound dogs”.

#### **Council Resolution.**

*That Council consider planning permit amendment application D108/18 and determine to issue a Notice of Decision to Grant an amended Planning Permit D107/04 for the Use and Development of a dog keeping and training establishment for up to 6 racing greyhound dogs, with amended endorsed plans which include buildings and works to construct a short run training track and a circuit track, at 89 Shaw Road, Daisy Hill Victoria, subject to the following conditions:*

1. *The use and development must be in accordance with the endorsed plan and information submitted with and forming the planning permit.*
2. *The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
3. *Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
4. *The amenity of the area must not be detrimentally affected by the use or development through the:*
  - a) *Transport of materials, goods or commodities to or from the land.*
  - b) *Appearance of any buildings, works or materials.*
  - c) *Emission of noise, artificial light, vibration, smell, wastewater and waste products.*
  - d) *Presence of vermin.*
  - e) *Discharge of polluted water or run off onto the site and or watercourses within or outside of the boundaries of the land.*
5. *The number of racing dogs present on the site at any one time shall not exceed 6 dogs without the further consent of the Responsible Authority.*
6. *In the event of the dog keeping and training use causing or generating any nuisance or detriment whether directly or consequentially to the locality in the opinion of the Responsible Authority, in consultation with appropriate Council or other officers, the Responsible Authority may serve written notice on the operator under this permit requiring such works, kennel practices or operating procedures to be undertaken as are deemed fit to endeavour to remedy any nuisance or detriment situation. Such measures may include soundproofing action, limits on the numbers of dogs, waste treatment systems, screening, planting and the like and the operator shall comply with any written directions of the Responsible Authority received in such matters in the manner and time directed.*
7. *All dogs shall be suitably housed and secured to prevent escape onto adjoining land or roads to the satisfaction of the Responsible Authority.*

## CONFIRMED MINUTES

8. *All goods, materials and waste products stored onsite must be stored out of view or not appear in an unsightly manner if viewed from a street or adjoining property.*
9. *This permit will expire if one of the following circumstances applies:*
  - a) *The development of training tracks is not started within 1 year of the date of issue of this amended permit.*
  - b) *The development of training tracks is not completed within 2 years of the date of issue of this amended permit.*
  - c) *The use is not started within two years of the date of this permit.*
  - d) *The use is discontinued for a period of two or more years.*

*The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.*

10. *All dog food shall be stored to the satisfaction of the Council's Environmental Health Officer.*
11. *Between the hours of 6:00pm and 8:00am Eastern Standard Time (March to September) and 9:00pm and 8:00am Eastern Standard Time (October to February) all dogs, unless being exercised on a leash, shall be locked in kennels. Such a kennel building shall:*
  - a) *Be constructed in such a manner and with walls, roof and doors of such material that darkness inside the kennel is ensured between the hours stated in this condition, in order to prevent dogs barking.*
  - b) *The materials of construction of the building shall be waterproof and durable and shall be capable of being cleaned without deterioration.*
12. *A permanent screen of trees and shrubs must be planted around the kennel shed and perimeters of the runs to provide an effective visual screen and must be designed and completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.*
13. *All wastes and kennel runoff water generated by the use shall be disposed of and treated to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority, to EPA standards to the requirements of the Environmental Health Officer.*

### *14. New Amended Plans – Drainage for New Training Tracks*

*Before the use and development of the new short run and circular training tracks permitted by this permit commences, amended plans, based on those submitted with the application, must be submitted to and approved by Council. The plans when approved will be endorsed and will then form part of the permit. The plans must be amended to show:*

- a) *The location of the legal point of discharge of stormwater from the short run and circular training tracks.*
  - b) *A drainage plan to drain the development site to the legal point of discharge at (a) above.*
15. *Engineering Department Requirements – Drainage for New Training Tracks*

*Prior to the building and works associated with the construction of a short run and circular training track the following must be undertaken by the applicant/ owner to the requirements and satisfaction of the Responsible Authority:*

## CONFIRMED MINUTES

- a) *All stormwater must be accommodated and treated within the subject land.*
- b) *The owner/ applicant must design a basic drainage system to drain the development site to the legal point of discharge.*
- c) *A legal point of stormwater discharge (LPD) must be provided for the development to the existing table drain at the south east of the property to the satisfaction of the Responsible Authority.*
- d) *At any time the permit holder must ensure that the operation and condition of Council assets are not damaged by the construction works. If the Responsible Authority deems Council assets have been detrimentally affected or damaged by development construction access, then the assets will be required to be repaired and reinstated by the permit holder to the satisfaction of the Responsible Authority.*
- e) *The applicant/ owner shall restrict sediment discharges from the training track site in accordance with Construction Techniques for sediment Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995). The owner/ applicant will submit a sediment management plan to the responsible Authority for approval. This approved plan will then form part of this permit.*

**Moved Administrator Delahunty**  
**Seconded Administrator Douglas**

**CARRIED**

### **8.5 GRANT APPLICATIONS FOR REGIONAL ROADS VICTORIA FIXING COUNTRY ROADS PROGRAM FUNDING ROUND 2**

The purpose of this report is to recommend that Council pre-allocate \$270,000 (Council own source funds) of the 2019/2020 capital works budget and the allocation of the Roads to Recovery funds to the projects so that Council can apply for Regional Roads Victoria Round Fixing Country Roads Fund Round 2 grant applications which require matching funding.

#### **Council Resolution**

*That Council approve the pre-allocation of \$270,000 of Council funds and \$630,000 of Roads to Recovery grant funds from the 2019/20 budget to support the grant submissions to the Regional Roads Victoria Fixing Country Roads Fund Round 2 for projects totaling \$2.7 million.*

**Moved Administrator Douglas**  
**Seconded Administrator Delahunty**

**CARRIED**

## CONFIRMED MINUTES

### 8.6 SURRENDER OF TITLE- DUNOLLY RECREATION RESERVE (DELEDIO RESERVE)

The purpose of this report is to provide Council with the history of ownership and management of the Dunolly Recreation Reserve (Deledio Reserve) and recommend that Council surrender title for the land back to the Crown at the request of the Department of Environment, Land, Water and Planning (DELWP).

#### Council Resolution

*That Council:*

1. *Acknowledges the Committee of Management for Delidio Reserve is the Dunolly Recreation Reserves Committee of Management Incorporated, as appointed by DELWP.*
2. *Authorises Council officers to commence the relevant processes to surrender Certificate of Title Volume 00635 Folio 824 to the Crown.*
3. *Authorises the Chief Executive Officer to sign and seal any documentation relating to the transfer of Certificate of Title Volume 00635 Folio 824 to the Crown.*

**Moved Administrator Delahunty**  
**Seconded Administrator Douglas**

**CARRIED**

### 8.7 PLANNING APPLICATION 119/18 – DISPLAY OF A PROPOSED FLOODLIT PROMOTION SIGN AT LOT 1 ON TP080977K, 216 HIGH STREET, MARYBOROUGH

The purpose of this report is to recommend that Council refuse to grant a planning permit application received proposing the display of a floodlit promotion sign at 216 High Street, Maryborough.

#### Council Resolution

*That Council consider the planning permit application PA119/18 and determine to issue a Notice of Decision to Refuse a Planning Permit for the display of a floodlit promotion sign at Lot 1 on TP080977K, 216 High Street, Maryborough on the following grounds:*

1. *The sign would negatively impact on the local streetscape, the heritage character of this heritage listed building, and adjacent heritage listed historic residential buildings, which are required to be protected by planning policy.*
2. *The sign would be an overly dominant element in the streetscape, and would not enhance this entrance to the Maryborough town centre.*
3. *The sign would have a significant visual amenity impact upon the residents of the almost entirely residential area to the north which the sign would face*

**Moved Administrator Douglas**  
**Seconded Administrator Delahunty**

**CARRIED**



## CONFIRMED MINUTES

### 8.8 MID-YEAR FINANCIAL REVIEW

The mid-year financial review is presented to Council to show a forecast of Council's financial performance projected to 30 June 2019 against the current budget (the adopted budget adjusted for carry forward items as reported to Council in October 2018).

#### **Council Resolution**

*That Council note the mid-year financial review which shows a forecast of Council's financial performance projected to 30 June 2019 against the current budget. The forecast includes a number of variations mainly due to the timing of receipt and expenditure of grants.*

**Moved Administrator Delahunty**  
**Seconded Administrator Douglas**

**CARRIED**

### 8.9 JANUARY FINANCIAL REPORT

Monthly financial reports are presented to Council to show Council's financial performance and how it is tracking against the adopted (original) budget.

#### **Council Resolution**

*That Council receives and notes the attached January 2019 Financial Report showing progress against the budget, as presented.*

**Moved Administrator Douglas**  
**Seconded Administrator Delahunty**

**CARRIED**

## CONFIRMED MINUTES

### 8.10 CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW

The purpose of this report is to consider the Chief Executive Officer's annual performance review.

#### **Council Resolution**

*That Council:*

1. *Receives the following documents:*
  - o *Minutes of the Chief Executive Officer Recruitment, Performance and Recruitment Review Advisory Committee.*
  - o *CEO Performance Review*
  - o *CEO Remuneration Review*
2. *Resolves that the Minutes of the Chief Executive Officer Recruitment, Performance and Recruitment Review Advisory Committee, the CEO Performance Review and the CEO Remuneration Review are Confidential documents as defined under Section 77(2)(b) of the Local Government Act 1989, on the grounds that they relate to personnel matters.*
3. *Adopt the recommendations contained in the CEO Remuneration Review.*

**Moved** Administrator Harvey  
**Seconded** Administrator Douglas

**CARRIED**

### 9 DOCUMENTS FOR SEALING CONFIRMATION

#### 9.1 DOCUMENTS FOR SEALING CONFIRMATION REPORT

The purpose of this report is to present to Council for noting, documents that have been signed under Council's common seal, via delegation, since the last Ordinary Council meeting.

#### **Council Resolution**

*That Council note that the contract documentation relating to Contract G1263-18 Design & Construct Porteous Road Bridge with Murray Constructions Pty Ltd was signed and sealed by the Chief Executive Officer under delegation on behalf of Council, in accordance with the following resolution of Council made on 26 February 2019:*

1. *Award the Porteous Road Wareek Bridge Replacement Contract G1263-18 to Murray Constructions Pty Ltd for \$1,080,035.00 (GST Inclusive).*
2. *Authorise the Chief Executive Officer to sign and affix the Common Seal to the contract documentation for Contract G1263-18 for Porteous Road Bridge Replacement.*

**Moved** Administrator Delahunty  
**Seconded** Administrator Douglas

**CARRIED**

## CONFIRMED MINUTES

### 10 NOTICES OF MOTION

Nil

### 11 URGENT BUSINESS

Nil

### 12 CONFIDENTIAL BUSINESS

Nil

### 13 MEETING CLOSURE

The Chair, Administrator Noel Harvey declared the meeting closed at 6.26pm



Confirmed at the Ordinary Council Meeting  
held on 23 April 2019.

Chair, Administrator Noel Harvey