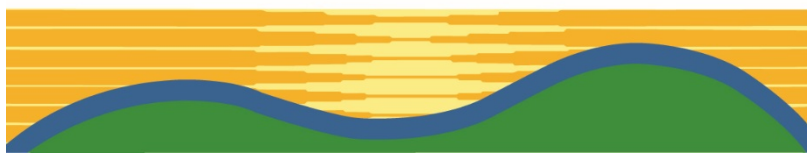


# MITCHELL SHIRE COUNCIL



## COMMUNITY QUESTIONS AND HEARINGS COMMITTEE

### AGENDA

**MONDAY 9 DECEMBER 2019**

**7.00pm**

**NOTICE IS HEREBY GIVEN** that **Community Questions and Hearings Committee** of the Mitchell Shire Council will be held at **Mitchell Civic Centre, 113 High St, Broadford, on Monday 9 December 2019** commencing at **7.00pm**.

**MARY AGOSTINO**  
**ACTING CHIEF EXECUTIVE OFFICER**



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**1 WELCOME AND GOVERNANCE DECLARATION**

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

**2 APOLOGIES AND LEAVE OF ABSENCE****3 DISCLOSURE OF CONFLICTS OF INTEREST**

*In accordance with section 79 of the Local Government Act 1989.*

**4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

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

**RECOMMENDATION**

**THAT** the Minutes of the Community Questions and Hearings Committee held 11 November 2019, as circulated, be confirmed.

**5 DEVELOPMENT AND INFRASTRUCTURE**

**5.1 PLANNING PERMIT APPLICATION PLP205/19 FOR MAJOR PROMOTION SIGN (DOUBLE SIDED AND FLOODLIT) AT 8C EMILY STREET SEYMOUR**

**Author:** Enes Bilgic - Statutory Planner

**File No:** PLP205/19

**Attachments:** Nil

<b>Property No.:</b>	100430
<b>Title Details:</b>	Lot 2 on Plan of Subdivision 439656X Volume 10568 Folio 157
<b>Applicant:</b>	Regional Billboard Co.
<b>Zoning:</b>	Commercial 2 Zone
<b>Overlays:</b>	Floodway Overlay Bushfire Management Overlay
<b>Objections Received:</b>	Two objections received
<b>Cultural Heritage Management Plan Required:</b>	Not required
<b>Officer Declaration of Conflict of Interest:</b>	No officers involved in the preparation of this report have any direct or indirect interest in this matter

**SITE MAP**



**SUMMARY**

The application is seeking approval for a major promotion sign (double-sided and floodlit) at 8C Emily Street, Seymour. The subject land is located within the Commercial 2 Zone and is affected by the Floodway Overlay and Bushfire Management Overlay of the Mitchell Planning Scheme.

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PLANNING PERMIT APPLICATION PLP205/19 FOR MAJOR PROMOTION SIGN (DOUBLE SIDED AND FLOODLIT) AT 8C EMILY STREET SEYMOUR (CONT.)

The application was advertised via letters to adjoining landowners and occupiers and a sign was displayed on the site. A total of two objections have been received, at the time of writing this report.

## **SITE AND SURROUNDS**

### Subject Site Description

The subject site is a rectangular allotment located on the northern side of Emily Street. The 2820 square metres lot currently contains three buildings, including offices and a storage building. The buildings are single storey, with a crossover located along the eastern boundary providing access to Emily Street. Six formal car parking spaces are available within the front setback to Emily Street.

The site is relatively flat, with some remnant native vegetation located on the rear boundary of the site.

### Surrounding Area

The subject site is located within the western end of the Emily Street and to the south-east of the Goulburn River. The subject site forms part of the entrance into Seymour from the Hume Freeway. Emily Street is an arterial road that forms part of the Goulburn Valley Highway and provides access to the Hume Freeway.

The area is a commercial precinct within Seymour. The character of the surrounding area consists of a mix of industrial uses commercial/office uses, food and drink premises, and caravan parks.

The character of the built form within the area is mostly single storey (except the Royal Hotel and Prince of Wales Hotel to the north-east of the site), with most premises providing car parking onsite.

The topography of the surrounding area is flat, with vegetation consisting of planted natives within the median of Emily Street and remnant natives within private property and within the surrounding road reserves (Tierney Street and Hanna Street).

There are two major promotion signs located along Emily Street at the northern end of the commercial precinct within a predominantly light industrial area. These signs are double sided but are not illuminated.

## **PROPOSAL**

The application is seeking approval for a double-sided, floodlit major promotion sign.

### Sign Location

The sign is proposed to be located within the south-western corner of the site fronting Emily Street. The sign is to be setback 0.5 metre from the western boundary (adjoining the Reece site) and 0.5 metre from the southern boundary (adjoining Emily Street).

### Major Promotion Sign Details

Specifically, the sign includes:

- The overall sign is to measure 8.3 metres in length, a maximum height of 4.65 metres (ground level to the top of sign) and 0.775 metres in width.

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PLANNING PERMIT APPLICATION PLP205/19 FOR MAJOR PROMOTION SIGN (DOUBLE SIDED AND FLOODLIT) AT 8C EMILY STREET SEYMOUR (CONT.)

- The display face is 8.3 metres in width and 2.2 metres in height. The total area of each display face is 18.26 square metres. Both sides of the display face will measure 36.52 square metres. The display of the main sign is to change over time, therefore, a specific display is not proposed herein.
- The skirting board (located below the display face) is 8.3 metres in width and 0.85 metre in height. The skirting board also includes permanent business identification signage stating, '*Regional Billboard Co.*', measuring 1.3 metres in length and 0.55 metre in height. The area for the business identification signage is a total of 0.72 square metres for each side.
- The signage will be constructed on two post at a height of 1.5 metres.
- A total of four floodlights are located on top of the sign, two for each side.

### HEARING AND CONSIDERATION OF SUBMISSIONS

Council has established the Community Questions and Hearings Committee to hear and report to Council on submissions received by Council under section 223 of the *Local Government Act 1989* and on objections and submissions received in relation to planning permit applications under the *Planning and Environment Act 1987*.

The applicant and objectors to the application have been invited to attend this meeting of the Community Questions and Hearings Committee to make a brief presentation in support of the application and submissions.

### RECOMMENDATION

**THAT** Council officers provide a report to Council in relation to Planning Permit Application PLP205/19 for a Major Promotion Sign (Double Sided and Floodlit) at 8C Emily Street, Seymour.



**5.2 PLANNING PERMIT AMENDMENT APPLICATION P307044/12.04 FOR PLACE OF ASSEMBLY (MUSIC FESTIVAL) AT 210 TALLAROOK PYALONG ROAD, TALLAROOK**

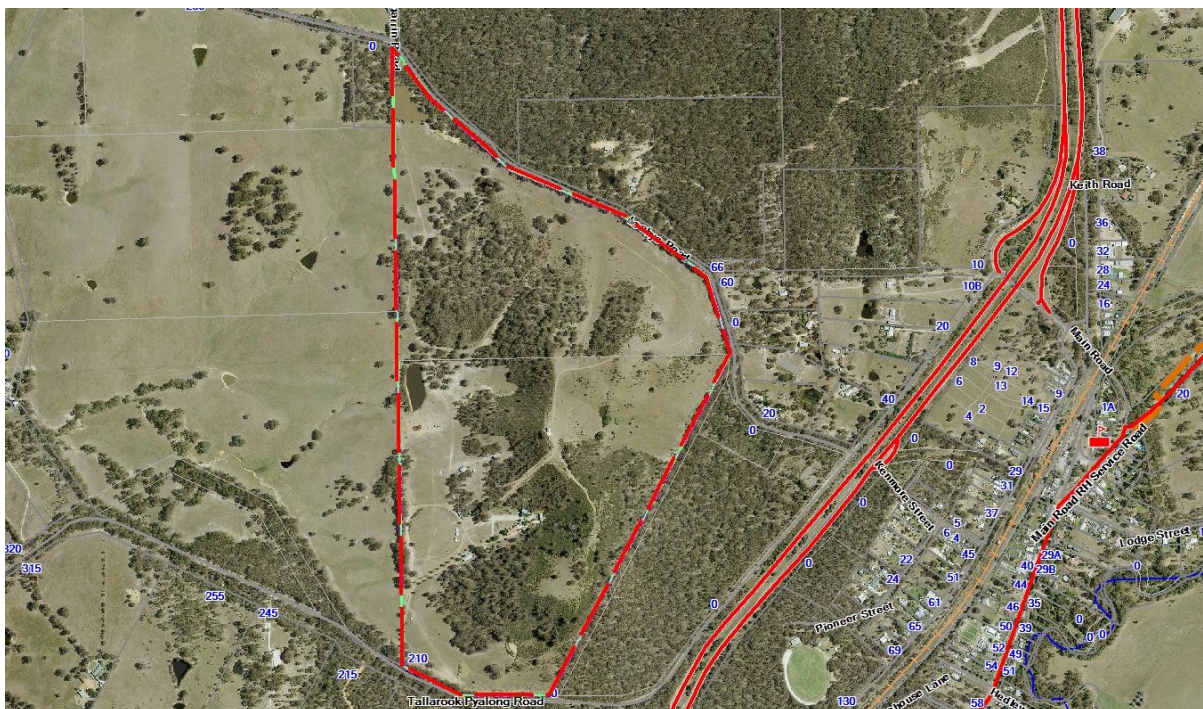
**Author:** James McNulty - Manager Development Approvals

**File No:** P307044/12.04

**Attachments:** Nil

<b>Property No.:</b>	104165
<b>Title Details:</b>	CA 26 Section C Parish of Lowry & CA 27 Section C Parish of Lowery
<b>Applicant:</b>	Glossop Town Planning
<b>Zoning:</b>	Farming Zone
<b>Overlays:</b>	Bushfire Management Overlay, Vegetation Protection Overlay – Schedule 1, Erosion Management Overlay
<b>Objections Received:</b>	58 objections have been received
<b>Cultural Heritage Management Plan Required:</b>	Not Required
<b>Officer Declaration of Conflict of Interest:</b>	No officers involved in the preparation of this report have any direct or indirect interest in this matter

**SITE MAP**



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PLANNING PERMIT AMENDMENT APPLICATION P307044/12.04 FOR PLACE OF ASSEMBLY (MUSIC FESTIVAL) AT 210 TALLAROOK PYALONG ROAD, TALLAROOK (CONT.)

## **SUMMARY**

The subject site is located at 210 Tallarook Pyalong Road in Tallarook. The site is subject to the Farming Zone and is affected by the Bushfire Management Overlay, Vegetation Protection Overlay – Schedule 1, and Erosion Management Overlay.

The site is subject to a number of existing planning permits which allow for use of the land for functions and festivals. This application is seeking to amend one of those permits (P307044/12) which allows for three annual music events at the site per year.

The changes sought seek to address an anomaly in permitted events over Labour Day each year, amend permitted music operating times and amend conditions around noise levels and emissions during events.

The application was advertised by mail, sign on site, a notice in a local paper and on Council's website. To date 102 submissions have been received with 58 submissions objecting to the application and with 44 in support in some form of either the venue or the proposed changes.

## **SITE AND SURROUNDS**

### Subject Site Description

The subject site is legally described as Crown Allotment 26 Section C Parish of Lowry and Crown Allotment 27 Section C Parish of Lowry and is located at 210 Tallarook Pyalong Road in Tallarook. The site is irregular in shape and has a total site area of approximately 89ha. The site is located on the northern side of Tallarook Pyalong Road with Leahys Road forming the northern site boundary.

The subject site contains an existing dwelling along with a number of sheds and outbuildings. The land is used for agricultural purposes, mainly grazing, with a series of dams located on the property. The site is heavily vegetated on the central and towards the northern portions of the site around the significant hills.

The site is established to operate a series of music festivals with associated accommodation and food and drink provision, which occur throughout the year.

### Surrounding Area

The subject site is found in a largely rural area predominantly used for agricultural and rural residential purposes. To the east of the site is the Hume Highway, located approximately 300m from the site.

Further to the east is the township of Tallarook which is located approximately 1km away from the site. Tallarook is largely located within the Township Zone and forms a mainly residential function.

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PLANNING PERMIT AMENDMENT APPLICATION P307044/12.04 FOR PLACE OF ASSEMBLY (MUSIC FESTIVAL) AT 210 TALLAROOK PYALONG ROAD, TALLAROOK (CONT.)

## PROPOSAL

It is proposed to alter a number of the conditions which currently exist in Planning Permit P307044/12. Changes are sought to Conditions 2c), 9 and 11 and it is proposed to delete Condition 10 of the existing permit.

### Condition 2c)

This condition currently specifies that the permitted use may only operate on March 9 – 12 (Labour Day Weekend).

Labour Day falls on the first Monday of March every year. The calendar date changes from year to year. The current condition incorrectly fixes the events to certain days in March. The dates which will not always coincide with the Labour Day Weekend each year. The intent of the condition as described in the officer report at the time was for the event to occur annually on the Labour Day Weekend. The amendment application seeks to correct this anomaly.

### Condition 9

This condition currently limits all types of music to the hours of 10am and 1am (the following morning). The application is seeking the following permitted music times:

- 10am to 1:30am (the following morning) on Monday -Thursday;
- 10am to 3am (the following morning) on Friday - Sunday;
- 10am to 3am (the following morning) on Public Holidays; and
- 10am New Year's Eve to 3am New Year's Day.

### Condition 10

The application is seeking to delete condition 10 from the permit which specifies allowable noise levels. The wording of this condition largely matches with wording of Noise restrictions found in State Environment Protection Policy (SEPP) N-2 (Control of Music Noise from Public Premises).

### Condition 11

It is proposed to amend this condition in the following way:

Noise emissions from the subject premises, must comply with the relevant ~~when measured in accordance with the~~ State Environment Protection Policy(ies) (~~SEPP) Control of Noise from Commercial, Industrial or Trade Premises with the Melbourne Metropolitan Area) No. N-1 and SEPP (Control of Music Noise from Public Premises No. N-2,~~ must comply at all times with permissible noise levels determined from those policies to the satisfaction of the ~~Responsible Authority and the~~ Environmental Protection Authority.

## HEARING AND CONSIDERATION OF SUBMISSIONS

Council has established the Community Questions and Hearings Committee to hear and report to Council on submissions received by Council under section 223 of the *Local Government Act 1989* and on objections and submissions received in relation to planning permit applications under the *Planning and Environment Act 1987*.

PLANNING PERMIT AMENDMENT APPLICATION P307044/12.04 FOR PLACE OF ASSEMBLY (MUSIC FESTIVAL) AT 210 TALLAROOK PYALONG ROAD, TALLAROOK (CONT.)

The applicant and objectors to the application have been invited to attend this meeting of the Community Questions and Hearings Committee to make a brief presentation in support of the application and submissions.

### **RECOMMENDATION**

**THAT** Council officers provide a report to Council in relation to Planning Application P307044/12.04 for amendments to a permit which allows the use of the land for a Place of Assembly (Music Festival) at 210 Tallarook Pyalong Road, Tallarook.

## **6 SUBMISSIONS**

### **PUBLIC PARTICIPATION FORUM**

*In accordance with Clause 65 of the Meeting Procedure Local Law 2014.*

## **7 QUESTION TIME**

## **8 COMMUNITY PRESENTATIONS**

## **9 DATE OF NEXT MEETING**

Meetings of the Community Questions and Hearings Committee are scheduled for the second Monday of the month. If no submissions are scheduled to be heard at a particular meeting of the Committee, the meeting will be cancelled. The next meeting of the Community Questions and Hearings Committee is scheduled for 7.00pm Monday 10 February 2020 at Mitchell Civic Centre, 113 High St, Broadford.

## **10 CLOSE OF MEETING**