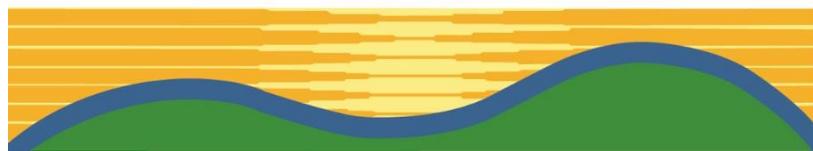


MITCHELL SHIRE COUNCIL



ORDINARY COUNCIL MEETING

AGENDA

MONDAY 15 MAY 2017
7.00pm

NOTICE IS HEREBY GIVEN that **Ordinary Council Meeting** of the Mitchell Shire Council will be held at **Mitchell Civic Centre, 113 High Street Broadford**, on **Monday 15 May 2017** commencing at **7.00pm**.

DAVID TURNBULL
CHIEF EXECUTIVE OFFICER

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	GOVERNANCE DECLARATION	1
2	APOLOGIES AND LEAVE OF ABSENCE	1
3	DISCLOSURE OF CONFLICTS OF INTEREST	1
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	1
5	PETITIONS AND JOINT LETTERS	1
6	PRESENTATIONS	1
7	ADVOCACY AND COMMUNITY SERVICES.....	2
7.1	Planning Permit Application P304914/7.03 For Use and development of animal boarding At 298 Goulburn Valley Highway, Seymour	2
7.2	Planning Scheme Amendment C117 - Salinity Management Overlay.....	27
7.3	Planning Scheme Amendment C119: Mandalay Estate Framework - Adoption.....	34
7.4	New - Victorian Civil and Administrative Tribunal Hearings and Activities Carried Out Under Delegation.....	39
7.5	Fire Prevention for Government Agencies	43
8	GOVERNANCE AND CORPORATE PERFORMANCE.....	46
8.1	Financial Report for Period Ending 31 March 2017.....	46
8.2	Assembly of Councillors.....	50
9	DEVELOPMENT AND INFRASTRUCTURE	53
	Nil Reports	53
10	EXECUTIVE SERVICES	55
	Nil Reports	55
11	NOTICES OF MOTION.....	57
11.1	Notice of Motion: No. 911 - Audit of Council's Roads Funding	57
11.2	Notice of Motion: No. 912 - Rural Roadside Management	58
12	DELEGATES REPORTS.....	60

12.1	Delegate Report - Overview and Update on Activities and Delegate Deliberations	60
12.2	Delegate Report: Mitchell Environment Advisory Committee Overview and Update	62
11	GENERAL BUSINESS	64
12	URGENT BUSINESS	64
13	CONFIDENTIAL BUSINESS	64
15.1	Confirmation of Minutes of previous Confidential Meeting	64
15.2	Contract Variation - Wallan Integrated Community Centre.....	64
15.3	Greater Beveridge Community Centre Tender Evaluation	64
15.4	Re-opening of Meeting to members of the public.....	64
14	DATE OF NEXT MEETING	64
15	CLOSE OF MEETING	64

1 GOVERNANCE DECLARATION

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

RECOMMENDATION

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

5 PETITIONS AND JOINT LETTERS

In accordance with Clause 66 of the Meeting Procedure Local Law.

6 PRESENTATIONS

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

7 ADVOCACY AND COMMUNITY SERVICES

7.1 PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR

Author: Mathew Mertuszka - Statutory Planner

File No: P304914/07

Attachments: 1. Submitted plans

Property No.:	102715
Title Details:	Lot 2 on PS409315
Applicant:	Matt Gorman
Zoning:	Farming Zone
Overlays:	Salinity Management Overlay
Objections Received:	Four (4)
Cultural Heritage Management Plan Required:	No, not in an area of Aboriginal Cultural Heritage Significance
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 P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

SITE MAP



SUMMARY

An application has been received to amend current planning permit P304914/07 for the use and development of animal boarding, associated works, signage and alteration to a Road Zone Category 1. The purpose of the amendment is to increase the capacity of the Greyhound Adoption Program at the initiative of Greyhound Racing Victoria to assist in re-homing ex racing dogs.

The amendment is proposing to increase the number of dogs permitted on the site from a currently approved 120 to 400 (to be phased with 100 dogs initially), increase visitor hours to include Sunday between 10:00am to 4:00pm as well as the construction of seven (7) additional kennel buildings, each containing fifty (50) pens and alterations to the office building. The proposal also requires native vegetation removal (5 trees) and further upgrades to the access with the addition of new signage and vehicle slip lanes.

Notification of the application was given to surrounding owners and occupiers. A total of four (4) objections were received with grounds mostly relating to a potential increase in noise caused by the additional number of animals housed on site. There were also concerns with the proposal not providing adequate noise attenuation as well as the devaluation of land as a result in additional dogs kept on the site.

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

SITE AND SURROUNDS

Subject Site Description

The subject site is located east of the Goulburn Valley Highway, is rectangular in shape and covers an area of approximately 17.33 hectares. The site is known as Lot 2 on PS409315 and is currently used for animal boarding associated with the Greyhound Adoption Program (GAP).

A number of buildings are constructed on the site that are used in conjunction with animal boarding and are mostly clustered together and confined to the southern portion of the site. A caretakers dwelling is also found on the site used to house members of staff.

The site is otherwise vacant except for 2 large dams and contains scattered vegetation mostly located in a paddock to the east.

Access to the site is afforded from the Goulburn Valley Highway to the west which contains a wide road reserve consisting of remnant native vegetation. A sealed driveway provides access to the facility that runs along the southern boundary of the site.

Planning Background

A search of Council's electronic record keeping system indicates that Planning permit P303149 was issued on the site on 26 November 2002 for the 'construction and use of boarding kennels in accordance with the endorsed plans. It is understood that this permit is no longer valid.

The site was sold to 'Greyhound Racing Victoria' in June 2003 who had plans to expand the site, with planning permit P304914/07 issued on the site on 28 September 2007.

The permit was amended on 29 February 2008 to alter the floor area of the approved administration building. Further amendments were approved on 2 July 2012 to alter the preamble to include signage and upgrades to the access way.

Further alterations to the permit were approved on 3 June 2015 that allowed the increase in the amount of dogs from 52 to 120, and replacement of a site building known as 'building 13'.

Title/Restrictions/Agreements

There are no restrictions listed on the title except for an easement running along the sites western boundary. This easement will not be impacted by this proposal.

Surrounding Area

The subject land is located within a rural area of the shire approximately 3km north of the Township of Seymour. The surrounding properties are mostly used for agricultural purposes and are typically greater than ten (10) hectares in area. The property to the South currently is used for the purpose of animal breeding with other surrounding sites being used for mixed grazing and some residential purposes.

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

A number of animal related facilities exist within the immediate area with planning permits being issued for land to the North to keep and board animals.

Topographically, the Goulburn River has a significant impact on the landscape, being located to the west where most remnant vegetation is located. Dense remnant vegetation is also located along the roadside with several scattered patches of vegetation found within the subject site boundaries.

Overall the site has excellent road access with the Hume Freeway and Goulburn Valley Highway being located nearby.

PROPOSAL

The proposal is seeking to amend planning permit P304914/07 to include the following details:

Permit alterations:

- Increase the permitted number of dogs on the land to 400.
- Increase the hours of operation (visitor hours) to include Sundays between 10am to 4pm.

Additional Kennel buildings:

- Construction of seven (7) additional kennel buildings each containing fifty (50) pens, containing one additional effluent disposal field per two buildings. The buildings consist of 5 standard kennels, one holding kennel and one post-operative kennel but all contains the same building specification.
- Each kennel building contains a 1m high earth mound separating the kennels from one another.
- Standard kennels have a proposed floor area of 964.6sqm each (54.3m by 18.2m) with the post op kennel being slightly smaller at 962.78sqm (52.9m by 18.2m).
- The design consists of Aramax (a ridged panel material similar to corrugated iron with larger spacing) roof sheeting with incorporated skylights, acid resistant thermal wall panels, welded mesh and ventilated roller shutters, one on each elevation except the rear narrow side.
- Wire mesh stands at 2.4m high
- The kennel buildings each contain a pressure washing system

Other additional works:

- Alterations and extensions to the existing reception building (annotated as building 5 on the submitted drawings, increasing the floor area by adding an addition meeting two (2) rooms and staff facilities.
- The construction of an 'adoption centre' marked as building 12 on the site plan. The building consists of a contemporary design comprising of two 'adoption

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

rooms', a reception with waiting area, toilet facilities and a store room contained within a roof area of approximately 106.sqm.

Vegetation removal

- The proposal includes the removal of eight (8) trees. Five (5) of which require an offset under Clause 52.17, the remaining three (3) are regrowth and only trigger under the SMO (trees 36, 55 and 61).
- All trees are located near the existing reception building and the site of three additional kennel buildings.
- An arborist report submitted with the application identifies that the following trees are to be removed:
 - Tree 12 (Blue Leaved Mallee), DBH (cm) = 12, 16,18, H x S (m) = 12x11 (more than 10 years old).
 - Tree 13 (Red Ironbark), DBH (cm) = 20, H x S (m) = 12x4 (more than 10 years old).
 - Tree 36 (Yellow Box), DBH (cm) = 6, H x S (m) = 2x1.5 (less than 10 years old).
 - Tree 55 (Grey Box), DBH (cm) = 16, H x S (m) = 10x6 (less than 10 years old).
 - Tree 56 (Grey Box), DBH (cm) = 110 equiv, H x S (m) = 26x22 (more than 10 years old).
 - Tree 57 (Grey Box), DBH (cm) = 69,75, H x S (m) = 24x19 (more than 10 years old).
 - Tree 61 (Grey Box - regrowth), DBH (cm) = up to 10 approx, H x S (m) = 1 to 4 (less than 10 years old).
 - Tree 65 (Grey Box), DBH (cm) = 13, H x S (m) = 6x4 (more than 10 years old)

(DBH – Diameter at breast height), H x S – Height and spread)

Alteration to access

- The Goulburn Valley Highway is proposed to be upgraded/widened by the installation of new turning lanes and new signage (road signage).

APPLICATION HISTORY

The application was received by Council on 10 October 2016. The application was amended on 2 December 2016 to include the removal of native vegetation.

PLANNING SCHEME PROVISIONS

Zoning

Farming Zone

The purpose of the Farming Zone is:

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

Pursuant to Clause 35.07.4 of the Mitchell Planning Scheme, a planning permit is required to use and develop the land for Animal Boarding.

Overlays

Salinity Management Overlay

The purpose of Clause 44.02 of the Mitchell Planning Scheme is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas subject to saline ground water discharge or high ground water recharge.*
- *To facilitate the stabilisation of areas affected by salinity.*
- *To encourage revegetation of areas which contribute to salinity.*
- *To encourage development to be undertaken in a manner which brings about a reduction in salinity recharge.*
- *To ensure development is compatible with site capability and the retention of vegetation, and complies with the objectives of any salinity management plan for the area.*
- *To prevent damage to buildings and infrastructure from saline discharge and high watertable.*

Pursuant to Clause 44.02-1 a planning permit is required to construct a building or to construct or carry out works.

Particular Provisions

Clause 52.17 – Native Vegetation

The purpose of Clause 52.17 is to ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

- *Avoid the removal of native vegetation that makes a significant contribution to*
- *Victoria's biodiversity.*
- *Minimise impacts on Victoria's biodiversity from the removal of native vegetation.*
- *Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.*
- *To manage native vegetation to minimise land and water degradation.*
- *To manage native vegetation near buildings to reduce the threat to life and property from bushfire.*

Pursuant Clause 52.17-2 a planning permit is required to remove, destroy or lop native vegetation including dead vegetation.

Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road.

The purpose of Clause 52.29 is to ensure appropriate access to identified roads and to ensure appropriate subdivision of land adjacent to identified roads.

A permit is required to create or alter access to a Road Zone Category 1.

State Planning Policy Framework (SPPF)

The following clauses of the SPPF are considered relevant to this application:

Clause 12.01-1 – Protection of biodiversity	The objective of this policy is: To assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.
Clause 12.01-2 – Native vegetation management	The objective of this policy is: To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.
Clause 13.04-1 (Noise abatement)	this clause is considered relevant and has the following objective: To assist the control of noise effects on sensitive land uses
Clause 13.04-2 (Air quality)	This clause is considered relevant and has the following objective: To assist the protection and improvement of air quality.
Clause 14.01-2 (Sustainable agricultural land use)	This clause is considered relevant and has the following objective: To encourage sustainable agricultural land use

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

Local Planning Policy Framework (LPPF)

The following clauses of the LPPF are considered relevant to this application:

Clause 21.03-1 – (Biodiversity)	The objective of this policy is: <i>To protect and enhance indigenous flora, fauna and habitat.</i>
Clause 21.04-4 (Noise and air)	This clause is considered relevant and has the following objective: To reduce noise and air pollution
Clause 21.05-1 (Agriculture):	This clause is considered relevant and has the following objective: <ul style="list-style-type: none"> • <i>to ensure that the use, development or subdivision of land is not prejudicial to</i> • <i>agricultural enterprises or to the productive capacity of the land;</i> • <i>to support the diversification of agriculture, the development of agro-forestry</i> • <i>and the processing of agricultural products grown within the municipality; and</i> • <i>to encourage and promote environmentally sustainable management of land,</i> • <i>water and biological resources.</i>
Clause 21.05-2 (Water)	This clause is considered relevant and has the following objective: <ul style="list-style-type: none"> • To improve the quality of water in waterways and catchments; and • To ensure that surface and ground water quality is not adversely affected by development.

PUBLIC NOTIFICATION (ADVERTISING)

Formal notification of the application was given by means of posting notices to adjoining property owners and occupiers. A total of four (4) objections have been received and are addressed in the section Objectors' Concerns later in this report.

HEARINGS COMMITTEE

The applicant and objectors were invited to a meeting of the Hearings Committee on 8 May 2017 to make a presentation in support of their submission. The applicant elected to make a presentation in support of their submission as part of the decision-making process as well as a number of objectors whom made a presentation.

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

REFERRALS

External

Department of Environment, Land, Water and Planning (DELWP)

The application was referred to DELWP pursuant to Section 55 of the *Planning and Environment Act 1987* and Clause 66 of the Mitchell Planning Scheme under the provisions of the Salinity Management Overlay for buildings and works and removal of vegetation and who provided their unconditional consent to the application.

VicRoads

The application was referred to VicRoads pursuant to Section 55 of the *Planning and Environment Act 1987* and Clause 66 of the Mitchell Planning Scheme who provided conditional consent to the application. The conditions relate to standards that must be met for upgrade works to the existing crossover and the Goulburn Valley Highway road reserve. It is noted that these conditions numbered 43 and 44 on the permit, under the VicRoads subheading.

DISCUSSION

Response to Policy Framework

The application proposes to expand on an existing animal boarding facility operated by the Greyhound Adoption Program within an area zoned farming north east of Seymour. The relevant sections of the State and Local Planning Policy Frameworks as outlined previously in this report provide a number of considerations for the assessment of the current proposal. The relevant policies seek to ensure that land designated for agricultural use remains protected and viable for agricultural production, however the policies also seek to ensure that land uses that build on traditional agricultural activities, including tourism, be encouraged so as a strong and diverse economic base can be achieved. Other policies also seek to ensure that use and development upon land does not adversely impact upon the environment through the emission of wastewater, noise and smell as well as minimizing vegetation removal.

The subject site currently has a permit in place to keep up to 120 former race dogs on the premises at any given time. Hours of operation for visiting hours are also restricted to occur only between Monday and Saturday. The purpose of this amendment is to increase the amount of dogs that can be kept on the site to four hundred (400) as well as allowing operating hours to be extended into Sunday. To house the additional dogs, 7 new kennel buildings are proposed each containing 50 pens over what is proposed to be a 'staged development'. The proposal also seeks to expand the existing administration building as well as upgrading the access into the premises by way of adding slips lanes and new signage onto the Goulburn Valley Highway. Five (5) native trees are also proposed for removal to make way for the extended administration building and two of the proposed kennels.

It should be noted that following a Hearings Committee meeting the applicant clarified that the contrary to the application form and documents, the proposal is only seeking to increase the number of dogs by 100, resulting in a total of two hundred and twenty (220) dogs on the premises.

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

The purpose of the expansion to the facility is required due a steadily increased number of animals requiring to be re-homed due to recent scrutiny within the greyhound racing industry. The dogs brought to the facility are housed in kennels, fed, and are exercised within mostly the southern portion of the site. Veterinary facility also exist on the premises to cater to the dogs. Existing visiting hours range from Monday to Friday from 9:00am to 5:00pm and on Saturday from 10:00am to 4:00pm with Sunday being closed.

Noise from barking dogs as part of the operation will likely be heard from adjoining properties despite the wide open spaces and large rural setting. The applicant has stated that work will be done to vegetate the perimeter of the site to act as both a visual and acoustic buffer. This will also be extended to specific noise attenuation to both proposed and existing kennel buildings, which currently offer no such treatment. It is considered that the increase of animals can occur on the site, provided that additional effort is made to control noise caused by barking dogs.

Currently majority of animals being kept on site are held in basic open holding pens which offer no sound attenuation given they consist of a wire mesh fence with a roof. The proposed new kennel buildings will offer a higher level of sound attenuation as they will be acoustically treated, and it is considered that this treatment should be extended to the existing kennels on the site, which will be added as a condition to this permit. Furthermore, additional screen planting around the perimeter of the site on top of what is proposed will be required by the applicant to ensure the premises does not cause further adverse impacts to surrounding properties.

Zoning Implications

Under Clause 74 of the Mitchell Planning Scheme, the use of the land for Animal Boarding is 'nested' within the land use Animal Husbandry which are both 'nested' within the overarching land use of Agriculture, essentially making animal boarding an agricultural land use. The purpose of the Farming Zone amongst other things is to provide for the use of the land for agriculture and to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture. It is considered that the Farming Zone is the most appropriate zone for the use that is currently being undertaken on the land. As the use of the land for animal keeping is a nested within an agricultural use, it is considered that such uses should be facilitated within this zone. The current use of the land for the Greyhound Adoption Program has been lawfully operation for 10 years and this amendment is proposing to intensify this use.

The requirements of the Farming Zone seek to ensure that a number of matters are considered in the assessment of a proposal, including the potential impact of a proposal on the ability of the land or nearby land to be used for agricultural purposes, whether the proposal will enhance the agricultural use of the land and whether the proposal can be appropriately accommodated on the land with regard to any site constraints.

As outlined above, the proposed intensification of the use is considered to be consistent with the Farming Zone, noting that the use falls within the broader

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

agricultural land use term and will not impact on any agricultural use of the surrounding land. Given that farming and agricultural activities can often be intrusive with regard to noise, odor, chemical spraying etc., it is important to ensure that where dwellings exist, amenity expectations are not the only consideration given the primary purpose of the land and zone, as this can constrain the performance and expansion of agricultural activities on adjoining land including other land uses that fit within the broader agricultural land use term.

The provisions of the Farming Zone also seek to protect agricultural land from inappropriate non-rural land uses encroaching on productive agricultural land and the retention of the rural character of the area is essential in ensuring that agricultural activities on adjoining land are not impacted upon. With regard to the current amendment to the permit the use has been established and there are similar animal boarding/breeding uses currently taking place on adjoining land, particularly to the immediate north and south.

In a general sense, due to the overall absence of dwellings, large allotment sizes and wide setbacks typically offered within the Farming Zone, it is an ideal zone for dog keeping. In this instance however, the lots immediately surrounding the site are typically over 20ha with an exception of the immediate lot to the south which contains a dwellings as well as the property immediately adjacent to the north, requiring a careful consideration of competing objectives. The facility will continue to operate in a similar manner where the caretakers house will be habited by staff, and the construction of new kennel buildings would be setback a minimum 28m to the south boundary, 89m to the north boundary and 75m from the east boundary. It is considered that the subject land can comfortably accommodate the proposed expansion of the facility whilst still maintaining adequate setbacks from adjoining nonagricultural uses.

Given the above, the Farming Zone provides an opportunity for discussion on whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses. Planning permits exist for land both to the north and south for either animal breeding and keeping, albeit on a far lesser scale than what is proposed for the subject site. Currently the site is permitted to keep up to 120 dogs on the site at any one given time. Following an assessment of the context of the site and surrounding land uses, the current use of the land is considered to be compatible with adjoining land however given the presence of dwellings (albeit associated with animal keeping uses), an increase in animal numbers should incorporate additional measures to ensure amenity impacts are minimized.

The application proposed some planting of vegetation along the sites perimeter to the north as well as 1m high earth mounds between each kennel building however this is not considered to be adequate and there is no acoustic evidence to suggest that these earth mounds would have any effect suppressing noise. Although the proposal to increase the number of animals kept on the site and the associated works is considered to be appropriate in the context of the zone, a condition will be added to the amended permit to include a greater level of sound attenuation to minimize adverse amenity impact caused by noise pollution. It is recommended that all kennel buildings should be acoustically treated to prevent the cumulative effect of barking dogs to cause nuisance adjoining dwellings. These details will be required a management plan and

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

specific details regarding the internal and external treatments will be negotiable between the applicant and Responsible Authority.

Notwithstanding the noise concerns the proposal will promote a form of agricultural use of the land and will provide opportunities for the applicant to keep additional dogs on land zoned appropriately for this type of use. Nuisance provisions associated with noise will continue to be applicable and can still be controlled separately to the planning process. Consequently, it is considered that subject to appropriate conditions the proposal is consistent with the provisions of the Farming Zone in this instance.

Overlay Implications

The use and development proposed as part of this application is not considered to have any impact on the existing or ongoing discharge of saline groundwater within the area. The application seeks to remove 8 trees which is not considered to have a significant impact on salinity. The discharge of all storm water will be directed to water tanks so to reduce the amount of water discharged throughout the property including areas of septic will comply with all relevant environmental policies and controls. A condition will be added to the permit to ensure all earthworks and areas of vegetation removal will be stabilized.

The application was referred to the DELWP to provide comment with regards to the application and its impact on salinity. DELWP provided their unconditional consent to the application and stated that the proposed development would be unlikely to impact on salinity within the area despite the construction of seven (7) additional kennel buildings, adoption building and increase in floor area to the reception building. Given now that the number of dogs will be restricted to two hundred and twenty (220), it is anticipated that less ground disturbance is required due to the reduction in buildings being constructed.

Particular Provisions

The application requires consideration under Clause 52.17 due to the removal of native vegetation from the site, consisting of a total of five (5) canopy trees that require an offset as they trigger a planning permit for their removal. The main purpose of the native vegetation provision is to avoid and minimize the extent of native vegetation that makes a significant contribution to Victoria's biodiversity.

The trees are required to be removed to make way for the proposed expansion to the facility and fall under a 'low risk based pathway' according to the biodiversity assessment report submitted with the application. This indicates that the vegetation proposed for removal is unlikely to impact on rare or threatened species, particularly given that other areas of vegetation on the site would still remain. All vegetation proposed to be removed is located near existing buildings and therefore it is unlikely that the tree removal would have a significant impact on biodiversity on the site and surrounds. Notwithstanding this, an offset is required to be submitted pursuant to Clause 52.17-6 of the Scheme. The submitted biodiversity assessment report indicates that a general offset of consisting of 0.053 General Biodiversity Equivalence Units to

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

be planted with the Goulburn Broken Catchment Management Authority area of within Mitchell Shire Council and must have a minimum strategic biodiversity score of 0.111.

The five (5) trees that require an offset are either 'Yellow Box', 'Red Iron Bark', 'Blue Leaved Mallee' and 'Grey Box' which are described as being native to Victoria. All trees range from having a maximum height of 26m high with a canopy spread of 24m to 12m and 4m canopy spread. The other three (3) trees are exempt from 52.17 as they are considered to be regrowth and do not trigger a planning permit.

It is considered that the proposed works are sympathetic to the existing vegetation on the site and the location of works are designed to minimize the extent of vegetation removal. For the 5 trees to be removed, conditions on the permit will added to ensure they are offset in accordance with the requirements of Clause 52.17. Provided that the vegetation is properly offset, it is considered that the vegetation removal can be supported.

Alterations are proposed to the crossover at Goulburn Valley Highway which is triggered under Clause 52.29 of the Mitchell Planning Scheme. The proposal is seeking to upgrade the existing access to the facility by installing additional slip lanes to allow for safer access to the site. The proposal was referred to the VicRoads who did not object to the proposal subject to conditions that have been placed to onto the amended permit.

OBJECTORS' CONCERNS

The objections received in relation to the current proposal cover a number of matters and are addressed below:

Number	Objector	Grounds of objection
1	Adjoining land owner – dwelling located approximately 780m away from proposed kennels	<ul style="list-style-type: none"> • The increase in dog numbers would result in an unacceptable level of noise; • Will decrease amenity of their property due to the potential of noise; • The existing level of noise is already unacceptable depending on wind direction; • The site for the proposed expansion is not appropriate given its proximity to residential uses; • Lack of sound treatment to support the increase in animal numbers (1 meter high soil mounds not sufficient); • The proposal has the potential to devalue land and should the proposal go ahead will be seeking compensation from Mitchell Shire.
2	Adjoining Local resident – dwelling located	<ul style="list-style-type: none"> • The increase in dog numbers will result in a serious loss of amenity, which is already unacceptable based on the current amount of dogs on the site;

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

	approximately 1000m away from proposed kennel buildings	<ul style="list-style-type: none"> • Claims to have not been notified on previous proposals on the site despite Council advertising each S72 amendment.
3	Adjoining Property owner – immediately adjacent, no dwelling on site	<ul style="list-style-type: none"> • The proposal would result in further noise disturbance by increasing the amount of dogs on site • The previous increase from 52 to 120 made a significant amplification of noise, a further increase to 400 would be unacceptable • Concerns that the proposed location of kennels would not comply with EPA guidelines • Visual amenity will be affected due to the construction of the kennel buildings • Devaluation of the property • No dwelling located on this site however it is feared that the increase in dogs will affect a future dwelling to be constructed.
4	Adjoining Local resident – dwelling located approximately 200m away from proposed kennel buildings	<ul style="list-style-type: none"> • Dogs are currently too noisy when outdoors • Existing buildings on their site will be affected by an increase in noise.

In response to the objector concerns, it is acknowledged that the proposal could inevitably result in the increase in noise caused primarily by the barking of dogs. Council officers agree that the increase in dog numbers could have an adverse impact on the amenity of the area however, given the zoning of the land there are a number of 'as of right' uses that could take place on adjoining land that have a potential to result in far greater amenity impact. Although the provisions of the Farming Zone discuss agricultural issues having an impact on adjoining uses, the purpose of the zone must be acknowledged and carry more weight as an assessment tool.

It is considered that the encroachment of non agricultural uses such as dwellings pose the greatest risk in the operation and expansion of legitimate agricultural land uses. It should be noted that one of the objections received is from a property several blocks away, where the dwelling on that site is setback at least 1km away from the nearest proposed kennel. Another objection was received from an adjoining property that is currently vacant, therefore it is unlikely that the barking of dogs would pose a direct amenity impact on this land as it is unclear at this stage what use may occur on the land.

The remaining two objections were received from land immediately adjoining where there are currently permits in place for animal related type uses, including breeding

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

and boarding of dogs. These properties however do contain dwellings therefore the concern related to the expansion of the subject site may have on these uses.

The concerns in relation to the siting of buildings on subject land, it is considered that the setbacks are reasonable and should not pose a visual amenity impact as they buildings are generally clustered together with existing buildings and would be well designed with muted and non reflective materials. However it is agreed that more work can be done to acoustically treat the existing and proposed kennel buildings to ensure the barking of dogs does not cause any further nuisance.

Currently the premises is known to house animals in outdoor pens/kennel that are not acoustically treated, therefore contributing to the overall noise the facility creates. Given that the proposed kennel buildings will be acoustically treated, an increase in dog numbers that are kept appropriately should mitigate most of the dog barking concerns that have been observed by surrounding residents.

As a response to the objector concerns a condition will be added to the amended permit with obligations for the permit holder to set up a communication medium in accordance with practices associated with being 'a good neighbour' where surrounding land owners and residence have a mechanism to regularly discuss any issues that may arise with the use and ongoing management practices with the operators of the facility.

CONCLUSION

The proposal is seeking a significant increase in the permitted animals to be kept on site, also resulting in a significant increase in infrastructure required to support the additional animals. Given the nature of the site and surrounds, particularly in the context of surrounding uses in which the site is located and the zoning of the land, It is considered that the increase in animal numbers and additional works is consistent with the purpose of the Farming Zone and relevant State and Local Planning provisions provided that adequate noise attenuation is provided to reduce the potential amenity risk.

The proposal also seeks to remove 5 native trees to make way for the additional buildings and works, which will be offset in accordance with the requirements of 52.17 and is considered an appropriate planning outcome. Other works including an adoption center as well as extension to the existing reception building are considered to be appropriate given their location being clustered within existing buildings on the land.

Notwithstanding the objections to the proposal, Council Officers have assessed the proposal against the relevant planning controls and have considered that an amended permit subject to additional conditions should be granted.

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

RECOMMENDATION

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Notice of Decision to grant an amended permit in respect of Application No. P304914/07 for Use and development of animal boarding and associated works, alteration to access to a Road Zone Category 1 and display of signage and removal of native vegetation at 298 Goulburn Valley Highway, Seymour (Lot 2 on PS409315), subject to the following conditions:

General conditions

1. Before the development starts, amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but further modified to show:
 - (a) A detailed landscape plan showing the following information:
 - i) the locations of all landscaping works to be provided on the land, particular around the perimeter of the site to act as a visual and acoustic buffer (verified in an acoustic report) to land adjacent to the subject site;
 - ii) the locations of any trees to be retained or removed from the land (including details of species and size);
 - iii) a detailed schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant;
 - iv) details of the proposed surface finishes of pathways and driveways
 - v) details of the irrigation system to be used on land following completion of the landscaping works;
 - (b) Amended plans showing the location of all new buildings required to house two hundred and twenty (220) dogs on the site, removal any reference to the 'staging' of works.
2. Before the use starts, a noise and amenity plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed plan. The plan must include:
 - (a) measures to control noise emissions from the premises;
 - (b) detailed list of all acoustic treatments of each kennel building used to keep animals (including existing and proposed buildings);
 - (c) Submission of noise readings prepared by a suitably qualified person to be submitted between 3 and 6 months of the use commencing and a second reading to be submitted between 9 and 12 months of the use commencing.

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

- (d) The noise readings must be taken from suitable locations around the site and also the location of each dwelling within a 1km radius of the subject site should the occupier at the time wish to participate.
3. The layout of the use(s) and the development as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.
4. All buildings used to keep animal must be acoustically treated to reduce noise to a level satisfactory to the Responsible Authority.
5. All landscaping works as shown on the endorsed plans must be maintained, including that any dead, diseased or damaged plants are to be replaced, to the satisfaction of the Responsible Authority.
6. All buildings used to keep animals on the subject land must be acoustically treated to satisfaction of the Responsible Authority.
7. The layout of the site, and the size of the proposed buildings and works as shown on the endorsed plan shall not be altered or modified (whether or not in order to comply with any Statute, Statutory Rule or Local Law or for any other reason) without the prior consent of the Responsible Authority.
8. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan(s) must:
 - a) Be provided and completed to the satisfaction of the Responsible Authority prior to the commencement of the use hereby permitted;
 - b) Be maintained thereafter to the satisfaction of the Responsible Authority;
 - c) Be made available for such use at all times and not used for any other purpose;
 - d) Be properly formed to such levels that it can be used in accordance with the endorsed plan;
 - e) Be drained and paved with an all weather crushed rock finish and be treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site; and
 - f) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
9. A minimum of one (1) car space is to be provided for the exclusive use of disabled people and is to be located as close as practicable to the front entrance to the building. It shall be marked clearly with a sign to indicate its intended use and the measurements of such a car space is to be 3.8 metres x 4.9 metres. These requirements are not to be altered or modified without the prior written consent of the Responsible Authority.
10. A maximum of two hundred and twenty (220) dogs are permitted on the subject property in accordance with the permitted use at any one time.

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

11. Feeding of dogs must only occur within the daylight hours of 7.00am and 6.00pm.
12. Hours of operation for the public to the facility must only occur between:

Monday to Friday: 9:00am to 5:00pm
Saturday to Sunday: 10:00am to 4:00pm

Unless otherwise amended in writing by the Responsible Authority.

13. The amenity of the area must not be detrimentally affected by the use or development to the satisfaction of the Responsible Authority, through:
 - a) Transportation of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin; or
 - e) Any other way.
14. All external materials must be non-reflective and finished in natural colours or shades to the satisfaction of the Responsible Authority.
15. Any trenching associated with effluent lines and servicing such as electricity should be along the least environmentally damaging route and the following measures should be undertaken:
 - a) If a major tree root (greater than 5cm) is encountered, it should not be severed, but retained and piping threaded under the root;
 - b) Excavated earth should be placed away from the bases of trees and replaced as soon as possible;
 - c) To assist in the revegetation of the trench lines, indigenous tussock grasses and any other small indigenous plants along the route should be dug up before trenching begins and then replanted when the trench work is completed; and
 - d) Erosion control techniques should be employed. This includes techniques such as rough cultivation and leaving debris on the disturbed surface to slow water velocity and minimise erosion problems.
16. All batters are to have a minimum slope of 2 horizontal to 1 vertical and be properly drained to minimise batter erosion and slumping.
17. All batters and disturbed areas are to be top soiled with a minimum of 75mm of topsoil and revegetated to the satisfaction of the Responsible Authority.
18. At the completion of the development, all areas of disturbed ground must be stabilised and revegetated to the satisfaction of the Responsible Authority.
19. The discharge of water from the property must be controlled around its limits to prevent any discharge onto any adjacent property or streets other than by means of an underground pipe drain discharged to an approved outlet in a

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

- street or to an underground pipe drain to the satisfaction of the Responsible Authority.
20. All buildings and paved areas must be connected to an underground drainage system designed and installed in accordance with Standards C25 of the Mitchell Shire Planning Scheme. The system must also be designed and constructed to prevent any surface flow across adjacent land or the nature strip on the adjacent road reserve. Drainage Computations and Detail drawings must be submitted to an approved by the Mitchell Shire Council prior to construction commencing.
 21. That the permit holder upgrades the internal access driveway to create a formation with 100mm crushed rock pavement and drainage for all weather access and to the satisfaction of the Responsible Authority and installing guide posts at the termination of the formation.
 22. All weather internal access must be suitably constructed to enable fire fighting vehicles to traverse between buildings and water supply with ease and safety. Adequate turning circles and passing bays are to be provided.
 23. Access must be provided to the allotment with the potential of a concrete culvert crossing and end walls or a concrete invert to the satisfaction of the Responsible Authority.
 24. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into any street, drain, watercourses or other private land during construction. To this end, pollution or litter traps must be provided on site. Refer to the Department of Sustainability and Infrastructure publications, 'Guidelines for minimising soil erosion and sedimentation for construction sites' and 'Control of soil erosion for construction sites'.
 25. A plan checking fee of 0.75% of the estimated cost of road/drainage work and a supervision fee of 2.5% may be recovered by Council for work associated with the development pursuant to Section 62(2) of the Planning and Environment Act 1987.
 26. An appropriately designed sullage water disposal system must be installed to collect wash down water from the kennels and wastewater from the sinks in the prep/treatment rooms to the satisfaction of the Responsible Authority.
 27. Solid waste must be collected and appropriately disposed of to an approved off-site location, in a manner that does not create a nuisance to any person to the satisfaction of the Responsible Authority.
 28. Prior to the commencement of the use hereby permitted, the permit holder must submit details of all external advertising signage associated with the permitted use. Details should include the dimensions, location, wording and colors of both the wording and the background of the sign(s). The sign(s) must not be illuminated.

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

29. The location and details of the signs shown on the endorsed plan(s), including the actual advertisement and colours, must not be altered except with the written consent of the Responsible Authority.
30. Flashing or intermittent lighting must not be used in the signs permitted by this permit.
31. The signs permitted by this permit must be maintained in good condition to the satisfaction of the Responsible Authority.
32. Bunting, streamers, flags, windvanes or similar material must not be displayed except with the prior written consent of the Responsible Authority.
33. No commercial or promotional products, logos or slogans unrelated to the business occupying the site are to be displayed without the consent of the Responsible Authority.
34. The sign(s) permitted by this permit must be located so as to be wholly contained within the boundaries of the subject land.
35. This permit in relation to advertising signs expires ten (10) years after the date it is issued. To allow the sign to continue to be displayed, a new application must be made to the Responsible Authority.

Environmental Protection Authority conditions

36. Noise emissions from the premises must comply with the requirements of EPA Publication No. 302/92 Noise Control Guidelines.
37. To minimise the environmental impacts associated with stormwater runoff, all stormwater management must be carried out in accordance with EPA publication 275 Construction Techniques for Sediment Pollution Control.
38. Wastewater generated from the cleaning of animal kennels or stormwater contaminated with such waste must not be discharged to the storm water system at the premises.
39. Odours offensive to the senses of human being must not be discharged beyond the boundaries of the premises.
40. Noise emanating from the land must comply with the requirements of the Environment Protection Authority's *Interim Guidelines for Control of Noise from Industry in Country Victoria 1989* to the satisfaction of the Responsible Authority

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

VicRoads conditions

41. Access to Lot 2 of the subject land must be designed and constructed to the satisfaction of VicRoads and in accordance with the design for a typical Rural Driveway (refer VicRoads drawing 658186 attached).
42. The applicant must comply with the Road Management Act 2004, Road Management (Works and Infrastructure) Regulations 2005 and the Road Management (General) Regulations 2005 with respect to any requirements to notify VicRoads and/or seek consent from VicRoads to undertake "works" (as defined in the Act) in, over OR under the road reserve. VicRoads, in requesting the inclusion of this condition on this planning permit, is not deemed to have been notified of, or to have given consent to undertake any works within the road reserve as proposed in this permit.
43. Before the development approved by this permit commences, the following works on the Goulburn Valley Highway must be provided at no cost to and to the written satisfaction of the Roads Corporation;
 - a) Basic Left (BAL) turn lane.
 - b) Basic Right (BAR) turn lane.
 - c) The existing crossover and driveway are to be upgraded to 'Truck Access to Rural properties – Type A' – Drawing No. SD2064 – refer VicRoads Website. The Driveway and crossover must be:
 - i) Formed to such levels and drained so that they can be used in accordance with the plan.
 - ii) Treated with an all-weather seal or some other durable surface.
44. Driveways must be maintained in a fit and proper state so as to not compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. By spilling gravel onto the roadway).
45. No advertising signage is permitted within the Goulburn Valley Highway Road reserve.

Vegetation removal conditions

46. Before works start, the permit holder must advise all persons undertaking the vegetation removal/works on land of all relevant conditions of this permit.
47. In order to offset the removal of 5 scattered native trees approved as part of this permit, the permit holder must provide a native vegetation offset that meets the following requirements, and is in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. The offset must:
 - a) Contribute gain of 0.053 general biodiversity equivalence units;
 - b) Be located within the Goulburn Broken / North Central Catchment Management Authority boundary or Mitchell Shire Council area
 - c) Have a minimum strategic biodiversity score of 0.111.

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

48. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either:
- a) A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan; or
 - b) A credit register extract from the Native Vegetation Credit Register.
49. Every year after the offset has been secured (except for offsets on the native vegetation credit register) the permit holder must provide notification to the Responsible Authority of the management actions undertaken towards the implementation of the offset management plan for a period of ten years. An offset site condition statement, including photographs must be included in this notification to the satisfaction of the Responsible Authority.
50. All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority.

Other conditions

51. Before the commencement of the use the permit holder must establish to the satisfaction of the Responsible Authority, and thereafter maintain, a mechanism to regularly meet with residents and owners of adjoining properties for the purpose of discussing and resolving issues related to the ongoing operation of the use. The permit holder must, as part of this process, establish a dedicated communication channel (email and/or telephone number) and make this available to the adjoining owners/residents.
52. A member of staff must be present on the site at all times.

Permit expiry

53. This permit will expire if one of the following circumstances applies:
- a) The vegetation removal is not started within twelve (12) months of the date of this permit (amendment date).
 - b) The works are not completed within three months of the date the works started.
 - c) The development is not started within two years of the date of this permit.
 - d) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of *Planning and Environment Act 1987*.

Note: all permit conditions have been renumbered from the original permit for the purpose of adding new conditions.

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

Condition	Related action
1	Amended to include additional information before the use and development can commence
2	New condition
3	Condition re-worded and updated
4	New condition
5	New condition
6	New condition
7	Previously condition 3
8	Previously condition 4
9	Previously condition 5
10	Previously condition 6
11	Previously condition 7
12	Previously condition 8, updated
13	Previously condition 9
14	Previously condition 10, reworded and updated
15	Previously condition 11
16	Previously condition 12
17	Previously condition 13
18	Previously condition 14, reworded and updated
19	Previously condition 15, reworded and updated
20	Previously condition 16
21	Previously condition 17 – split up into 3 conditions
22	Previously condition 17
23	Previously condition 17
24	Previously condition 18
25	Previously condition 19
26	Previously condition 20
27	Previously condition 21
28	Previously condition 22
29	Previously condition 23
30	Previously condition 24

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

31	Previously condition 25
32	Previously condition 26
33	Previously condition 27
34	Previously condition 28
35	Previously condition 29
36	Previously condition 30
37	Previously condition 31
38	Previously condition 32
39	Previously condition 33
40	New condition
41	Previously condition 34
42	Previously condition 35
43	New condition
44	New condition
45	New condition
46	New condition
47	New condition
48	New condition
49	New condition
50	New condition
51	New condition
52	New condition
53	Previously condition 36 – reworded and updated

THIS PAGE INTENTIONALLY LEFT BLANK

PLANNING SCHEME AMENDMENT C117 - SALINITY MANAGEMENT OVERLAY (CONT.)

7.2 PLANNING SCHEME AMENDMENT C117 - SALINITY MANAGEMENT OVERLAY

Author: Andrea Meagher - Strategic Planner

File No: PL/05/180

Attachments:

1. Attachment 1 - C117: Summary of Submissions and Responses
2. Attachment 2 - C117: Amendment Documentation

SUMMARY

Following Council's consideration on 19 September 2016, Ministerial Authorisation was granted for the preparation and exhibition of Planning Scheme Amendment C117 to the Mitchell Planning Scheme. Amendment C117 seeks to implement the outcomes of a review of the Salinity Management Overlay, which will significantly reduce the extent of the mapped Salinity Management Overlay and update the Schedule 1 to this overlay to provide for an improved planning decision making framework.

Proposed Planning Scheme Amendment C117 was placed on public exhibition between 28 January 2017 and 6 March 2017. All affected land owners and occupiers were provided with written notice. Notices were also published in the local newspapers, on Council's website and the *Victoria Government Gazette*.

In response to the exhibition process, a total of six (6) submissions were received. A summary of the submissions received and the officer response is provided at Attachment 1 to this report.

There are two site specific submissions that will need to be referred to an Independent Planning Panel if the matters raised cannot be resolved. Discussions are ongoing and the issues raised had not been resolved at the time of this report.

Given the benefits this amendment will deliver in terms of greater certainty for Council, referral authorities and the wider community, it is recommended that Planning Scheme Amendment C117 be split into two parts. It is recommended that Amendment C117 Part 1 be adopted and forwarded to the Minister for Planning for approval, while Part 2 (which includes the two site specific submissions) be referred to an Independent Planning Panel.

PLANNING SCHEME AMENDMENT C117 - SALINITY MANAGEMENT OVERLAY (CONT.)

RECOMMENDATION

THAT Council, having considered all submissions to Mitchell Planning Scheme Amendment C117, resolves to:

1. Determine that public exhibition of Amendment C117 is now complete, and no further submissions will be considered for this Amendment.
2. Council split the exhibited Planning Scheme Amendment C117 into two parts as follows:
 - a) C117 - Part 1 - All proposed changes as exhibited except for the properties proposed for Part 2.
 - b) C117 – Part 2 - The properties of submitters that are seeking changes, namely:
 - 465 Saunders Road, Kilmore East
 - 785 Seymour Tooborac Road, Hilldene
3. Undertake the following actions for Amendment C117 – Part 1:
 - a) Change the following documents forming part of exhibited Planning Scheme Amendment C117, as shown in Attachment 2 to this report.
 - b) Pursuant to Section 29 of the *Planning and Environment Act 1987*, Council adopt Planning Scheme Amendment C117- Part 1, with changes, generally in the form provided at Attachment 2 of this report.
 - c) Pursuant to Section 31 of the *Planning and Environment Act 1987*, forward the adopted Planning Scheme Amendment C117 to the Minister for Planning requesting approval.
4. Undertake the following actions for Amendment C117 – Part 2:
 - a) Continue discussions with the submitters seeking changes to address issues raised with discussions to be completed by 30 May 2017.
 - b) If there are any unresolved submissions remaining after 30 May 2017,
 - Request the Minister for Planning to appoint an Independent Planning Panel under Part 8 of the *Planning and Environment Act 1987* to consider Amendment C117 - Part 2.
 - Submit to the Independent Planning Panel Council's response to the submissions, as generally outlined in Attachment 1 to this report.

BACKGROUND

The *Mitchell Planning Scheme* has a number of planning overlays that recognise and protect environmental and landscape features and land management. One such overlay is the Salinity Management Overlay which generally applies to all land that is not within an urban zone or township.

The intent of the Salinity Management Overlay is to identify areas of saline ground water discharge and to encourage development which would bring about a reduction

PLANNING SCHEME AMENDMENT C117 - SALINITY MANAGEMENT OVERLAY (CONT.)

of existing salinity impacts. The requirements of the Overlay relate to areas of land where there is a known risk of or presence of salinity.

Given the extent of land included within the Salinity Management Overlay and the absence of any whole of shire review, Council officers in consultation with the Department of Environment, Land, Water and Planning (DELWP), Department of Economic Development, Jobs, Transport and Resources (DEDJTR), Goulburn Broken Catchment Management Authority and Goulburn Murray Water completed a review of the Salinity Management Overlay provisions within the *Mitchell Planning Scheme* in early 2016. The preparation of Planning Scheme Amendment C117 is the outcome of this review.

The Amendment proposes map changes which will result in a significant reduction in land within the Salinity Management Overlay. Over 3500 properties within Mitchell Shire Council are currently affected by the Salinity Management Overlay. This amendment will reduce the affected properties to approximately 350.

The proposed revisions to the Salinity Management Overlay have been prepared in consultation with relevant State Government Departments, Goulburn Murray Water and Goulburn Broken Catchment Management Authority. The mapping has been prepared based on the data which has been made available as part of the Victorian soil salinity monitoring project. The proposed mapping better reflects and more accurately captures areas of known groundwater discharge.

The ordinance at Schedule 1 of the Salinity Management Overlay has also been reviewed, and changes are proposed as part of Planning Scheme Amendment C117. These changes primarily include removal of redundant provisions and fewer permit triggers.

ISSUES AND DISCUSSION

Public Exhibition Process

Planning Scheme Amendment C117 was exhibited in accordance with the provisions of the *Planning and Environment Act 1987* between 8 January 2017 and 6 March 2017. Public Notices were:

- mailed to land owners/occupiers of all properties that are proposed to remain within the Salinity Management Overlay;
- mailed to Government Departments, Statutory Authorities and prescribed Ministers
- Advertised within the Local Newspapers:
 - *North Central Review* on the 31 January 2017
 - *Seymour Telegraph* – 1 February 2017
- Placed on the Council's website.
- Placed in the *Victoria Government Gazette* on 2 February 2017

The public exhibition process included the preparation of an 'Information Sheet (FAQ)' which was distributed with each letter and was made available online.

PLANNING SCHEME AMENDMENT C117 - SALINITY MANAGEMENT OVERLAY (CONT.)

Two drop-in sessions were held on 15 and 21 February 2017 which were attended by seven (7) landowners.

Submission Review

A total of six (6) submissions were received to the exhibition of Planning Scheme Amendment C117. Of the submissions received:

- Two (2) submitters sought site specific changes,
- Three (3) submitters supported the Amendment; and
- One (1) submitter sought follow up in relation to an unrelated matter.

No submissions were received that opposed the amendment. Attachment 1 to this report provides a summary of the submissions and the officer response.

Council and DEDJTR officers met with the submitters that were seeking changes to the amendment. Discussions with submitters who sought changes are ongoing and the issues raised had not been resolved at the time of this report.

In brief, the changes sought are as follows:

- Submitter #3 is seeking the removal of the Salinity Management Overlay from their entire property.
- Submitter #6 is seeking evidence to support the application of the Salinity Management Overlay on their property and justification for why an adjoining site is not impacted by the proposed amendment.

Recommended Changes to Amendment C117

Attachment 2 to this report provides a copy of the proposed changed Amendment documentation.

Changes to the ordinance, Salinity Management Overlay - Schedule 1

The current planning permit triggers within Schedule 1 to the Salinity Management Overlay are considered to be redundant. Changes to the Schedule primary involve the removal of redundant requirements.

Some further refinements have been made to clarify what buildings and works should be exempt under the Schedule and are outlined in Attachment 2 of this report.

CONSULTATION

Council officers will continue to work with submitters. All submitters will be notified of Council's decision following consideration of this report.

Any mediation that continues to occur with submitters would be consistent with the officer response identified within Attachment 1 of this report.

If a Planning Panel is appointed, all submitters will be notified of the hearing proceedings and will be given the opportunity to present to the Planning Panel.

PLANNING SCHEME AMENDMENT C117 - SALINITY MANAGEMENT OVERLAY (CONT.)

If a panel hearing is conducted, Council is required to release the panel report within 28 days of its receipt. The panel recommendations would be subject to a future report to Council for formal consideration.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

If a Planning Panel is appointed, Council is responsible for the payment of the panel's costs, including hearing time, report writing time and expenses (e.g. accommodation and food). The full extent of the panel costs will depend on the number of panel members required, the complexity of submissions and the length of hearing time. Council's Strategic Planning Department operating budget includes an allocation of funds for the conducting of Planning Panels; it is expected that the panel's costs will be within this allocated operating budget.

POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan

Proposed planning scheme amendment C117 is consistent with the objectives of the Council Plan 2013-2017, including;

Strategic Objective: Environmental Resilience, Responding to changing environmental conditions and protecting and enhancing our natural environment to ensure long term sustainability

Four Year Focus: Encourage environmental best practice

State and Local Planning Policy Framework

Proposed Amendment C117 is consistent with the State and Local Planning Policy Framework as it seeks to improve the accuracy of the planning controls.

Specifically the State Planning Policy at Clause 13.03-3 of the *Mitchell Planning Scheme* relates to Salinity and has the following objective:

- To minimise the impact of salinity and rising watertables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt loads in rivers.

There are several policy strategies which seek to achieve the above objective including:

- Identify areas subject to salinity in the preparation of planning schemes and land use planning decisions.
- Prevent inappropriate development in areas affected by groundwater salinity.

It is considered that accurate representation of the presence of salinity via the Salinity Management Overlay is consistent with the above strategies.

PLANNING SCHEME AMENDMENT C117 - SALINITY MANAGEMENT OVERLAY (CONT.)

SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)

The proposed amendment seeks to improve the accuracy of the Salinity Management Overlay by only relating to sites of salinity discharge, therefore accurately reflecting the location where salinity needs to be considered.

CHARTER OF HUMAN RIGHTS IMPLICATIONS

The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered in preparing this report and it's determined that the subject matter does not raise any human rights issues.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

As a result of the two submissions seeking changes, it is recommended that Planning Scheme Amendment C117 be split into two parts. It is recommended that Amendment C117 Part 1 be adopted and forwarded to the Minister for Planning for approval, while Part 2 (including 2 unresolved submissions) is recommended to be referred to a Planning Panel. If the submissions can be resolved by the 30 May 2017, Council will seek to adopt and forward the entire amendment as contained in Attachment 1 to the Minister for Planning for approval.

THIS PAGE INTENTIONALLY LEFT BLANK

**7.3 PLANNING SCHEME AMENDMENT C119: MANDALAY ESTATE FRAMEWORK
- ADOPTION**

Author: Justin Harding - Strategic Planner

File No: PL/05/190

Attachments: 1. Amendment C119 Submissions Summary and Response
2. Amendment C119 Policy Changes and Documentation

SUMMARY

Following Council's consideration on 19 September 2016, Ministerial Authorisation was granted for the preparation and exhibition of Planning Scheme Amendment C119.

Amendment C119 seeks to revise the planning framework for Mandalay Estate, Beveridge as the development has evolved since its rezoning in 1998 and the existing framework no longer provides clear guidance for future decision making.

The framework will be revised by;

- Replacing the Comprehensive Development Plan at Clause 81.01, Incorporated Documents, that applies to the site with a plan that accurately reflects current land use arrangements and is in accordance with Department of Education and Training advice regarding the location of the proposed primary school.
- Amending Schedule 2 to the Comprehensive Development Zone at Clause 37.02 to remove unnecessary policy duplicated in the existing Section 173 agreement. Other minor changes include VicRoads as a referral authority while the minor changes also amend the table of uses and permit notification requirements to facilitate ongoing development of the project.

Planning Scheme Amendment C119 was placed on public exhibition between 21 February 2017 and 27 March 2017. Five (5) submissions were received by Council during the exhibition period, of which one (1) is supportive, two (2) provided no objection and two (2) requested changes (Attachment 1).

The requested changes modify the Comprehensive Development Plan map to alter potential additional access points near Camerons Lane and Patterson Street intersection and to clarify the size of the retail precinct.

The requested changes also include provision for VicRoads as a referral authority, particularly in a circumstance where a significant modification to the Mandalay Estate layout is proposed. The requested changes are considered appropriate and Newland Developers have provided no objection to the changes. The final Amendment documentation, including changes, can be viewed at Attachment 2.

Therefore, it is recommended that Council adopt Planning Scheme Amendment C119 with changes and submit the adopted Planning Scheme Amendment to the Minister for Planning requesting approval.

RECOMMENDATION

THAT Council:

1. Having considered all submissions, adopts Mitchell Planning Scheme Amendment C119 with changes in accordance with Section 29(1) and 23(1) of the *Planning and Environment Act 1987*.
2. Submits Mitchell Planning Scheme Amendment C119 with changes to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*.

BACKGROUND

Mandalay Estate is a residential development centred around a golf course which is bound by Camerons Lane to the north and Patterson Street to the east. The Estate comprises a site area of approximately 260 hectares and the current planning framework allows for a maximum of 2,050 dwellings which will be supported by a retail precinct, future primary school, open space and a future community facility.

The relevant planning provisions within the *Mitchell Planning Scheme* which guides the consideration of development within this area are the Comprehensive Development Zone – Schedule 2 and the Beveridge Comprehensive Development Plan. These plans have been in operation since the rezoning of land which occurred through Amendment L20 which was gazetted on 8 April 1998.

The current approved Mandalay Layout Plan was approved under the provisions of the Comprehensive Development Zone by Council on 5 April 2012. Changes are now proposed to key land uses within the north-east of the estate to facilitate the relocation of the primary school site and to modify the configuration of open space. Importantly, the proposed open space asset near the creek corridor will be the largest open space within the Mandalay Estate.

ISSUES AND DISCUSSION

Benefits of Revising the Mandalay Estate Planning Framework

Since rezoning of the Mandalay Estate site in 1998 there have been significant changes to planning policy in the northern region. Mandalay Estate is now included in Melbourne's Northern Growth Corridor and infrastructure planning for the area has changed significantly.

Camerons Lane, which forms the northern boundary of the estate, is proposed to become an arterial road to service the future surrounding residential communities and the Beveridge Interstate Freight Terminal. The current Mandalay Comprehensive Development Plan shows the proposed primary school site as fronting Camerons Lane.

The Department of Education and Training have advised that the proposed primary school would be more appropriately located fronting Patterson Street on the eastern boundary of Mandalay Estate. Replacing the Comprehensive Development Plan will ensure the primary school location is in accordance with this advice. Appropriately locating the proposed primary school will significantly benefit current and future residents of Mandalay Estate and the broader Beveridge township.

Amendment C119 also proposes changes to Schedule 2 to the Comprehensive Development Zone which will simplify ongoing planning permit and subdivision administration for both Council and the estate developer Newland by updating the Table of Uses and clarifying permit triggers and notification requirements.

Submission Summary

During exhibition of Amendment C119 Council received five (5) submissions which are discussed below.

Department of Environment Land Water and Planning (DELWP) and the CFA provided no objection to Amendment C119. Newland Developers, who are the developers of Mandalay Estate, support Amendment C119 and noted that the revised Comprehensive Development Plan shows the proposed primary school site fronting Patterson Street in accordance with recent Department of Education and Training advice.

A neighbouring land owner requested that the Comprehensive Development Plan be amended to modify the proposed access points near the Camerons Lane and Patterson Street intersection and to clarify the size of the retail precinct.

Council Planning Officers support modifying the Comprehensive Development Plan to show access points terminating near the Camerons Lane and Patterson Street intersection instead of crossing them and clarifying the retail precinct as being a maximum area of two (2) hectares.

VicRoads requested changes to Schedule 2 to the Comprehensive Development Zone that add VicRoads as a referral authority if Council receives an application to significantly modify the Mandalay Estate development. Council Planning Officers support the proposed changes. Newland Developers have not objected to the proposed VicRoads or neighbouring land owner changes.

CONSULTATION

Planning Scheme Amendment C119 was on exhibition from 21 February 2017 to 28 March 2017 and involved sending written notices (letters) to all relevant Government Departments, a neighboring land owner on Patterson Street, Statutory Authorities and prescribed Ministers.

Notices were published in the *Victoria Government Gazette* on 23 February 2017 and the North Central Review on 21 and 28 February 2017. Council Planning Officers also attended a Council facilitated community BBQ event held at Club Mandalay on 2 March 2017. Hardcopies of Amendment C119 were available for inspection at the Wallan Planning and Building office and at Club Mandalay.

Five (5) submissions were received of which two (2) requested changes. As detailed in the Issues and Discussion section of this report it is considered that the requested changes are appropriate. Council can submit the Amendment with changes to the Minister of Planning requesting approval without the need to request the Minister to appoint an Independent Planning Panel under Part 8 of the *Planning and Environment Act 1987*.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

The operating budget of Council's Strategic Planning Department has allowed for the fees associated with the request to approve this Planning Scheme Amendment should Council resolve to adopt the amendment.

POLICY AND LEGISLATIVE IMPLICATIONS

Council Plan

Proposed Planning Scheme Amendment C119 is consistent with the relevant objectives of the Council Plan 2013 – 2017, including the following:

Strategic Objective: Sustainable Growth and Development

Shaping the future of our communities through forward planning and well built and maintained facilities and infrastructure

Four Year Focus: Plan for future growth and new communities to ensure sustainable and quality outcomes

Ensure Council assets and infrastructure support current and future needs

SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)

The proposed Planning Scheme Amendment documentation has been prepared while giving consideration to the Social and Environmental objectives within the State and Local Planning Policy Frameworks.

CHARTER OF HUMAN RIGHTS IMPLICATIONS

The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered in preparing this report and it's determined that the subject matter does not raise any human rights issues.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

Following the exhibition of Planning Scheme Amendment C119 Council received five (5) submissions. No objections were received and two submissions requested changes. The changes are supported by Council Planning Officers and Newland Developers (Mandalay Estate developer).

It is therefore recommended that Council adopt Planning Scheme Amendment C119 with changes and submit the adopted Planning Scheme Amendment to the Minister for Planning requesting approval.

THIS PAGE INTENTIONALLY LEFT BLANK

NEW - VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION (CONT.)

7.4 NEW - VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION

Author: James McNulty - Statutory Planning Coordinator

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.

RECOMMENDATION

THAT the report on the Victorian Civil and Administrative Tribunal Hearings and Activities carried out under delegation be received and noted.

Victorian Civil and Administrative Tribunal (VCAT) activity update.

Upcoming appeals

The following is an update of the upcoming VCAT appeals.

APPEAL DATE	REFERENCE NOS.	ADDRESS	PROPOSAL	APPEAL AGAINST
Hearing occurred on 3 & 4 May 2017 – awaiting decision	VCAT - P762/2016 Council - PLP228/15	225 Mahady's Road, Upper Plenty VIC	Use of part of the land for a depot (in association with an arborist business) and timber yard	Refusal to Grant a Planning Permit
24 August 2017	VCAT - P2556/2016 & P2558/2016 Council - P306820/12.0 1 & PLP061/14.02	26 O'Gradys Road, Kilmore VIC 3764	Function centre & extended home occupation	Part refusal and appealing conditions on approval

Recent VCAT decisions

In regards to planning permit PLP210/15 (VCAT Reference P400/2017), for a subdivision at 634 Northern Highway, Pyalong, a Practise Day Hearing and Merits hearing were held on 28 April 2017 with the decision to grant a permit by Council being upheld.

NEW - VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION (CONT.)

Activities Carried out Under Delegation

A list of planning permit applications dealt with under delegated powers for the month of April is included below.

REFERENCE NO.	ADDRESS	PROPOSAL	DECISION	DECISION DATE
Central Ward				
PLP341/16	68-70 Fitzroy Street KILMORE	2 lot subdivision (dwelling excision) SPEAR S097289H	Planning Permit	10/04/17
PLP007/17	13 Anvil Avenue KILMORE	Building and works associated with building storage units and an office	Planning Permit	11/04/17
PLP284/16	70 Kilmore Lancefield Road KILMORE	Display of signage	Secodnary Consent	11/04/17
PLP206/16	86 Albert Street KILMORE	Six (6) lot subdivision	NOD	18/04/17
PLP311/16	39 Allen Street KILMORE	Two (2) lot subdivision	Planning Permit	18/04/17
PLP272/16	100 Forbes Moranding Road KILMORE	Use and development of a dwelling (replacement dwelling)	Planning Permit	19/04/17
PLP261/16	103 Mia Mia Road BROADFORD	2 lot subdivision SPEAR S093454C	Planning Permit	19/04/17
PLP044/17	60 Thompsons Spur Road REEDY CREEK	Use and development of the land for a dwelling	Planning Permit	24/04/17
PLP311/16	39 Allen Street KILMORE	Two (2) lot subdivision	Section 71 Amendment	26/04/17
PLP053/17	91-93 Sydney Street KILMORE	2 lot subdivision SPEAR S100192C	Planning Permit	26/04/17
PLP027/17	105 Spur Road CLONBINANE	Use and development of the land for a dwelling	Planning Permit	26/04/17
PLP266/16	60 Color Drive KILMORE	Use and development of the land for a dwelling.	Planning Permit	27/04/17
PLP051/17	275 Dry Creek Road KILMORE EAST	Building and works to construct a carport	Planning Permit	27/04/17
PLP028/17	20 Elliotts Road BROADFORD	Building and works for the extension of an existing shed	Planning Permit	27/04/17
North Ward				
PLP298/16	1280 Broadford Glenaroua Road GLENAROUA	Multi lot subdivision (re subdivision)	Planning Permit	03/04/17
PLP024/17	20 Lightwood Avenue SEYMOUR	Buildings and works for the construction of a dwelling	Planning Permit	10/04/17
PLP035/17	2510 Seymour Pyalong Road PYALONG	Buildings and works for the construction of a dwelling, garage and shed	Planning Permit	11/04/17
PLP033/17	49 Emily Street SEYMOUR	2 lot subdivision (re-subdivision) SPEAR S099406J	Planning Permit	13/04/17
PLP132/16	955 Forbes Moranding Road HIGH CAMP	Buildings and works for the construction of a dwelling	Planning Permit	19/04/17

NEW - VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION (CONT.)

PLP006/17	75 Jordan Street SEYMOUR	Use and development of the land for a telecommunications facility	Planning Permit	20/04/17
PLP282/16	8447 Goulburn Valley Highway TRAWOOL	Construction of a shed	Planning Permit	26/04/17
P306771/11	3 Melbourne Crescent SEYMOUR	To construct buildings and works (warehouse storage)	Secondary Consent	26/04/17
PLP333/16	Kilmore Glenaroua Road GLENAROUA	Building and works for the construction of a dwelling	Planning Permit	27/04/17
South Ward				
PLP041/17	30 Banon Street WALLAN	Buildings and works to construct a dwelling	Planning Permit	11/04/17
PLP050/17	23 Alexander Avenue WALLAN	2 lot subdivision SPEAR S099894V	Planning Permit	11/04/17
PLP316/16	Station Street WALLAN	Buildings and works for a multi-unit development and reduction of car parking requirements	Planning Permit	11/04/17
PLP270/16	155 Camerons Lane BEVERIDGE	Use and development of land for a display home and a reduction of car park requirements.	Planning Permit	11/04/17
PLP030/17	1240 Wallan Whittlesea Road UPPER PLENTY	Use and development of a hall	Planning Permit	13/04/17
PLP034/17	9 Knox Court WANDONG	2 lot subdivision SPEAR S099309E	Planning Permit	19/04/17
PLP004/17	91 Windham Street WALLAN	Two (2) lot subdivision	Planning Permit	20/04/17
P307126/12.0 1	3 Callistemon Place WALLAN	Buildings and works for the construction of a dwelling on a lot less than 300m2	Secondary Consent	21/04/17
PLP068/17	6 Silvan Street WALLAN	Construction of a dwelling	Planning Permit	26/04/17

CHARTER OF HUMAN RIGHTS IMPLICATIONS

The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered in preparing this report. Failure to comply with the Child Safe Standards and associated legal responsibilities would be a breach of human rights.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

THIS PAGE INTENTIONALLY LEFT BLANK

FINANCIAL REPORT FOR PERIOD ENDING 31 MARCH 2017 (CONT.)

7.5 FIRE PREVENTION FOR GOVERNMENT AGENCIES

Author: Niall Sheehy - Manager Development Approvals

File No: FP/01/001-01

Attachments: 1. Report in response to NOM782 - 14 July 2014

SUMMARY

The purpose of this report is to respond to Notice of Motion 909 unanimously carried by Council at the Ordinary Council Meeting held on 18 April 2017 relating to fire prevention measures on land owned or controlled by public authorities. The Notice of Motion is set out below:

1. Mitchell Shire Council adopt a zero tolerance approach to potential Fire Hazards on all land, both public and private within the Shire. To this end, Council intends to fully implement the report that came with the Notice of Motion 782, dated 14 July 2014 regarding our procedures to address potential fire hazards on land owned or controlled by Government Departments/Agencies.
2. That this information be passed on to all relevant Government Departments/Agencies as soon as practical, to allow them to plan and incorporate into budgets.
3. The Mayor raise this issue at the Ministerial Panel.
4. That a report be presented at the next Council meeting on the implementation plan.

RECOMMENDATION

THAT Council:

1. Inform public authorities that it is Council's intention to implement the process identified in the report presented to the Ordinary Council Meeting on 14 July 2014 to address fire hazard on land owned by these authorities and if required, Council will remove the fire hazard at its expense and follow up payment for these works with the public authority.
2. Officers will include an item on the next appropriate agenda of the next Municipal Fire Management Planning Committee (MFMPC) for discussion.
3. Officers will request from public authorities, their fire management plans for the land owned/controlled by these authorities.
4. Advise the Minister for Local Government of this resolution, the long standing concerns of Council in relation to this issue and request the Minister to ensure that agencies are aware of and commit to their obligation in accordance with the Victorian State-Local Government Agreement.

FINANCIAL REPORT FOR PERIOD ENDING 31 MARCH 2017 (CONT.)

BACKGROUND

Local Government has a wide range of responsibilities in the context of emergency management. Council has a legislated responsibility under the *Country Fire Authority Act 1958* (CFA Act) to implement fire prevention and protection measures across the Shire.

One of the actions council undertakes is to assess each property in the Shire for fire hazards in the lead up to the summer Fire Danger Period. If a privately owned property is assessed as requiring action to reduce fuel loads, Council will send a Fire Prevention Notice to the property owner outlining action required. However, Council does not have the same authority to address high fuel loads on land owned by public authorities.

In addressing the Notice of Motion mentioned above, this report outlines measures to address the matter concerning Council's process to address high fire hazards on publicly owned/controlled land.

ISSUES AND DISCUSSION

On 24 March 2014, a Notice of Motion relating to fire prevention measures on land owned/controlled by public authorities was carried by Council at its Ordinary Council Meeting (NOM782). In response to this, a report was presented to Council on 14 July 2014 (Attachment 1). The report identified two measures to address the concerns relating to the appropriate management of fuel loads on land owned/controlled by public authorities. These measures consist of the following:

1. The property is inspected and if the Municipal Fire Prevention Officer believes that the land is a fire hazard a letter is sent to the Chief Executive Officer of the public authority. This letter will inform the public authority of Council's assessment including remedial action required and a date that this action needs to be completed (this information will be similar to what is included on a fire prevention notice sent to a private landowner). It will also include advice that if no action is taken the matter will be referred to the Chief Fire Officer.

If no action is taken by the due date a letter is forwarded to the Chief Fire Officer outlining Council's assessment and a copy of the letter sent to the public authority.

Whilst this will satisfy Council's legal requirements, in the event the land has an extreme fire risk Council should also consider the consequences associated to the rest of the community if action is not taken. In some circumstances it may be appropriate to have the fire hazard removed at Council's expense and follow up with the public authority for payment. Letters sent to Government Departments/Agencies as per Recommendation 1 of this report will communicate this course of action; and

2. Council Officers will place this item on the agenda of the next Municipal Fire Management Planning Committee (MFMP) which is scheduled in August 2014.

On a broader level, it is disappointing that Council should again have to remind State Government agencies of their land management obligations. It is appropriate for Council to advise the Minister for Local Government, who is the “

FINANCIAL REPORT FOR PERIOD ENDING 31 MARCH 2017 (CONT.)

THIS PAGE INTENTIONALLY LEFT BLANK

FINANCIAL REPORT FOR PERIOD ENDING 31 MARCH 2017 (CONT.)

8 GOVERNANCE AND CORPORATE PERFORMANCE

8.1 FINANCIAL REPORT FOR PERIOD ENDING 31 MARCH 2017

Author: *Hannah White - Management Accounting Coordinator*

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

Attachments: 1. *Q3 Finance Report for the 9 months ending 31 March 2017*

SUMMARY

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

RECOMMENDATION

THAT Council note the contents of the Financial Report for the period ending 31 March 2017 and Attachment 1 – Q3 Finance Report for the nine (9) months ending 31 March 2017.

BACKGROUND

Section 136 of the *Local Government Act 1989* (the Act) requires Councils to implement the principles of sound financial management and manage financial risk facing Council prudently. Section 137 of the Act requires Councils to set up a budgeting and reporting framework and Section 138 requires regular reporting. As well as meeting the requirements of the Act, Council planning and reporting should be timely and give a clear picture of financial performance and the current financial state.

ISSUES AND DISCUSSION

This report combined with the attachment ensures Council prudently manages its financials in an open and transparent way to meet the requirements of the Act, as outlined in the background. The attachment forms a package which gives a comprehensive picture of Council's financial performance and current financial state, both in comparison to the prior forecast and budget adopted by Council.

The Quarter 3 forecast predicts a positive result that will further improve Council's financial sustainability and cash position.

The attached report represents the third budget review for the financial year and 9 months of business. Council's revised forecast adjusted underlying result is predicting a deficit of \$0.53M compared to the prior forecast deficit of \$1.79M. Overall there is a \$1.26M favourable change when comparing forecast to forecast and \$1.59M favourable when compared to the adopted budget.

The attached report contains further detail, however some key operating items contributing to the \$1.59M favourable result compared to the adopted budget include:

- Operating projects identified as carry forward works into 2017/2018;

FINANCIAL REPORT FOR PERIOD ENDING 31 MARCH 2017 (CONT.)

- Operating expenditure transferred to capital works to increase the capital works funding available or to correctly account for the transactions such as a security upgrade at the Broadford Pound, additional consulting in the implementation of a Roster Management system, purchase of an industrial coffee machine for the Leisure Centre, etc.; and
- Additional income primarily related to an increase in statutory fees, growth in the municipality, and a recalculated fuel rebate.

Further to the above operating result, the capital works expenditure for the 9 months ended 31 March 2017 was \$10.24M. This represents 46% of the total works program (including new projects that have recently been added to the program as a result of successful funding applications).

Capital works expenditure generally increases as the financial year progresses following completion of the necessary procurement requirements and construction commences. Budgets will continue to be refined as the year further progresses.

The total capital works expenditure forecast for the year is \$22.32M, which is \$1.81M lower than the prior forecast. This is a combined result of projects being revised down to reflect completion in the 2017/2018 financial year, and projects being revised up due to additional costs and / or funding.

The current capital carry forwards amount to \$14.98M and this amount will be revised at June 30 and adjusted as required in the 2017/2018 first Quarter Review.

It is expected that the favorable change from the adopted budget to the Quarter 3 forecast will lead to an increase in cash holdings as at 30 June 2017. The cash holdings of Council will be reviewed at year end as part of the Financial Statement preparation and actuals compared to long term forecasts will be reviewed and updated as part of the preparation of the draft 2018/2019 Budget and Strategic Resource Plan, with building cash to continue as Council's first priority followed by increasing Asset Renewal expenditure.

CONSULTATION

Officers have been consulted in the preparation of this report.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

Attachment 1 outlines the financial implications.

POLICY AND LEGISLATIVE IMPLICATIONS

Council's Financial Planning Principles set parameters under which Council prepares its budgets. This report, along with the attachment, compares actual financial performance and state with that of the prior forecast.

FINANCIAL REPORT FOR PERIOD ENDING 31 MARCH 2017 (CONT.)

SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)

Council's Financial Planning Principles include a principle of long-term sustainability.

CHARTER OF HUMAN RIGHTS IMPLICATIONS

The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered in preparing this report and it's determined that the subject matter does not raise any human rights issues.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No Officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

Council's Budget is prepared in accordance with Council's Financial Planning Principles. This report compares the actual financial performance and financial state with the prior forecast.

THIS PAGE INTENTIONALLY LEFT BLANK

ASSEMBLY OF COUNCILLORS (CONT.)

8.2 ASSEMBLY OF COUNCILLORS

Author: Lidia Harding - Governance and Corporate Accountability Coordinator

File No: CL/04/013-02

Attachments: 1. Assembly of Councillors Record - April 2017

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.

RECOMMENDATION

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

BACKGROUND

The *Local Government Act 1989* requires a written record of an assembly of Councillors to form part of the Council Minutes.

The Chief Executive Officer must ensure that the written record includes the following:

- (a) Names of all Councillors and members of Council staff attending.
- (b) Matters considered.
- (c) Any conflict of interest disclosures made by a Councillor attending under subsection (3).
- (d) Whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.

ISSUES AND DISCUSSION

An Assembly of Councillors means:

- A planned or scheduled meeting that includes at least half the Councillors and a member of Council staff (providing that the matter/s considered are intended or likely to be the subject of a future decision by the Council or an officer decision under delegated authority); or
- An Advisory Committee of the Council where one or more Councillors are present.

Some examples include:

- Councillor Briefings – Strategy meeting, Councillor and Officer Discussion (Pre-Council meeting);
- Advisory Committees – Mitchell Shire Environment Advisory Committee, Access and Inclusion Advisory Committee, Mitchell Heritage Advisory Committee, Mitchell Fire Advisory Committee, Health and Wellbeing Advisory Committee and the Cultural Diversity Advisory Committee.

ASSEMBLY OF COUNCILLORS (CONT.)

A list of the Assembly of Councillors Record for the period April 2017 is at Attachment 1.

CONSULTATION

Members of the Executive Leadership Team, Mayor, Councillors and relevant Managers have been consulted in preparing this report.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

There are no financial resource and asset management implications associated with this report.

POLICY AND LEGISLATIVE IMPLICATIONS

This report is consistent with Section 80A of the *Local Government Act 1989* which requires the Chief Executive Officer to ensure that the written record of an assembly of Councillors is reported at an ordinary meeting of Council as soon as practicable and is incorporated in the Minutes of that Council meeting.

SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)

This is an administration process and does not have any environment and sustainability implications associated with this report.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No Officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

This report is consistent with Section 80A of the *Local Government Act 1989* which requires the Chief Executive Officer to ensure that the written record of an assembly of Councillors is reported at an ordinary meeting of Council as soon as practicable and is incorporated in the Minutes of that Council meeting.

THIS PAGE INTENTIONALLY LEFT BLANK

9 DEVELOPMENT AND INFRASTRUCTURE

Nil Reports

THIS PAGE INTENTIONALLY LEFT BLANK

10 EXECUTIVE SERVICES

Nil Reports

THIS PAGE INTENTIONALLY LEFT BLANK

NOTICE OF MOTION: NO. 911 - AUDIT OF COUNCIL'S ROADS FUNDING

11 NOTICES OF MOTION

11.1 NOTICE OF MOTION: NO. 911 - AUDIT OF COUNCIL'S ROADS FUNDING

Author: *Councillor Bill Chisholm*

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

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 15 May 2017.

MOTION

THAT Council undertake an independent analysis of the current and planned future local road budget (as projected in the draft Strategic Resource Plan) to establish the level of funding required to ensure the long term viability and minimum standards required for the Shires current and future road network.

Councillor Comment:

There appears to me to be a chronic underfunding of our roads network at both a Council level and at State level. A cursory look back at past Council Budgets shows a steady decline, and as a Councillor representing rural areas the issue of roads is coming up all the time. I am advocating for these measures to establish a sound base on which roads funding decisions can be made in future years.

Signed: _____

Cr Bill Chisholm

Date: 4 May 2017

NOTICE OF MOTION: NO. 912 – RURAL ROADSIDE MANAGEMENT

11.2 NOTICE OF MOTION: NO. 912 - RURAL ROADSIDE MANAGEMENT

Author: *Councillor Bob Humm*

File No: *ET/01/007*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 15 May 2017.

MOTION

THAT Council officers prepare a report to Council with review to control all fallen trees and branches on road sides within Mitchell Shire in helping the reduction of fuel loads during fire season. With the resulted actions to be placed in the Mitchell Shire Local Laws for control.

Councillors Comment:

Council contractors are having issues slashing sides of roads in the Shire in preparation prior to fire season being declared and the Country Fire Authority (CFA) groups are being restricted in areas to fight fires due to fallen timber and high growth.

Signed: _____

Cr Bob Humm

Date: 4 May 2017

THIS PAGE INTENTIONALLY LEFT BLANK

DELEGATE REPORT - OVERVIEW AND UPDATE ON ACTIVITIES AND DELEGATE DELIBERATIONS

9 DELEGATES REPORTS

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

Author: Lidia Harding - Governance and Corporate Accountability Coordinator

File No: CL/04/001-03

Attachments: 1. Councillor Delegate Report

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 April 2017 and also other activities attended as a Council representative.

RECOMMENDATION

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

BACKGROUND

The 2016 Council Elections were held on 22 October 2016. New committee and organisation delegates were appointed on 21 November 2016. This report is presented in response to NOM 881 of the 21 November 2016 meeting which requested that each Councillor submits a Delegate Report for inclusion in the monthly Council Meeting agenda, commencing from the December 2016 meeting.

The Delegates Reports will include:

- a. Activities attended as a nominated Council Delegate; and
- b. Other activities attended as a Council representative.

The Report will not include:

- a. Assemblies of Councillors (as they are already reported in Council Agendas);
- b. Private meetings.

The Report should be verifiable by the Councillor from the Councillor's Council Diary.

DISCUSSION

Councillors have attended a number of meetings in this period as per their appointments as delegate and other activities as a Council representative as per Attachment 1.

THIS PAGE INTENTIONALLY LEFT BLANK

DELEGATE REPORT: MITCHELL ENVIRONMENT ADVISORY COMMITTEE OVERVIEW AND UPDATE (CONT.)

12.2 DELEGATE REPORT: MITCHELL ENVIRONMENT ADVISORY COMMITTEE OVERVIEW AND UPDATE

Author: *Elyse Kelly - Environment Coordinator*

File No: *ET/03/003*

Attachments:

SUMMARY

This report provides an overview of the Mitchell Environment Advisory Committee (MEAC) and a summary of *the* discussions held at an ordinary Meeting on 27 March 2017.

Cr. Eldridge chaired the meeting and Council representatives included the Director Engineering and Infrastructure, Strategic Planning Officer and Environment Coordinator.

RECOMMENDATION

THAT Council receives and notes the Delegates Report, Mitchell Environment Advisory Committee overview and update.

BACKGROUND

In July 2011 Council established the Mitchell Environment Advisory Committee (MEAC). During 2013, Council reviewed the Committee's Terms of Reference (TOR) including its role and purpose.

The purpose of the Mitchell Environment Advisory Committee is to capitalise "...on the knowledge, experience and skill available in the community to provide Mitchell Shire Council with strategic advice in respect to environmental sustainability and management issues and initiatives within the municipality".

A meeting of MEAC was held on the 27 March 2017 with the following items discussed:

1. Draft Beveridge Township Development Plan Stage 1

The meeting commenced with a presentation from one of Council's Strategic Planning Officers on the draft Beveridge Township Development Plan Stage 1. The Committee discussed the draft Plan and intend to provide written advice to Council within the required timeframe.

2. Proposed Southern Regional Park

Cr. Eldridge presented a discussion paper on a proposed Southern Regional Park.

The Committee was pleased that the draft Council Plan includes reference for the need for the Southern Regional Park as the area proposed by Cr. Eldridge falls

DELEGATE REPORT: MITCHELL ENVIRONMENT ADVISORY COMMITTEE OVERVIEW AND UPDATE (CONT.)

into the Beveridge North Precinct Structure Plan area which will be undertaken within 12 months. The members strongly reiterated the urgency of the need to confirm the Southern Regional Park in all strategies and unanimously carried the following recommendation:

The Mitchell Environment Advisory Committee commends Council for including the Southern Regional Park in the draft 2017-2021 Council Plan and urges Council to keep this initiative in the final version of the Council Plan, making it an urgent priority for year one (1).

3. Draft 2017-2021 Council Plan

The Committee then spent considerable time discussing the draft 2017-2021 Council Plan and resolved to hold a special meeting on 17 May 2017 to finalise the Committee's written advice to Council on the Draft Council Plan.

4. Mitchell Shire Sustainable Resource Management Strategy

Following earlier discussions on the review of the Mitchell Shire Sustainable Resource Management Strategy, the Committee agreed to discuss the review process at a special MEAC meeting on 17 May 2017.

5. MEAC Terms of Reference

The Committee also agreed to review the MEAC Terms of Reference which will be tabled at a later meeting.

10 GENERAL BUSINESS

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

11 URGENT BUSINESS

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

12 CONFIDENTIAL BUSINESS**RECOMMENDATION**

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.

15.1 Confirmation of Minutes of previous Confidential Meeting**15.2 Contract Variation - Wallan Integrated Community Centre**

s89(2)(d) contractual matters.

15.3 Greater Beveridge Community Centre Tender Evaluation

s89(2)(d) contractual matters.

15.4 Re-opening of Meeting to members of the public**13 DATE OF NEXT MEETING**

The next Ordinary meeting of Council is scheduled to be held on Monday 19 June 2017 at the Mitchell Council Chambers, 113 High Street Broadford, commencing at 7.00pm.

14 CLOSE OF MEETING