

10 DEVELOPMENT AND INFRASTRUCTURE

10.1 PLANNING PERMIT APPLICATION PLP217/19 FOR THE USE AND DEVELOPMENT OF THE LAND FOR INDUSTRY (CONCRETE BATCHING PLANT) AND REDUCTION IN BICYCLE PARKING REQUIREMENTS AT 61 MINTON STREET, BEVERIDGE

Author: *Richard Glawitsch - Senior Statutory Planner*

File No: *PLP217/19*

Attachments:

1. *Development Plans*
2. *Advertising Map*
3. *Planning Policy Framework*

Property No.:	109470
Title Details:	Lot 1 on Plan of Subdivision 117403 and Lot 1 on Title Plan 342880T
Applicant:	Aurora Construction Materials (Plant) Pty Ltd
Zoning:	Farming Zone, Special Use Zone – Schedule 1
Overlays:	Public Acquisition Overlay – Schedule 7
Objections Received:	38 Objections and 1 petition (67 signatures)
Cultural Heritage Management Plan Required:	Yes
Summary Recommendation	Notice of Refusal
Reason Reported to Council	Significant application and the number of objections received exceeds the threshold for officer delegation (4).
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 PLP217/19 FOR THE USE AND DEVELOPMENT OF THE LAND FOR INDUSTRY (CONCRETE BATCHING PLANT) AND REDUCTION IN BICYCLE PARKING REQUIREMENTS AT 61 MINTON STREET, BEVERIDGE (CONT.)

1. Site Map

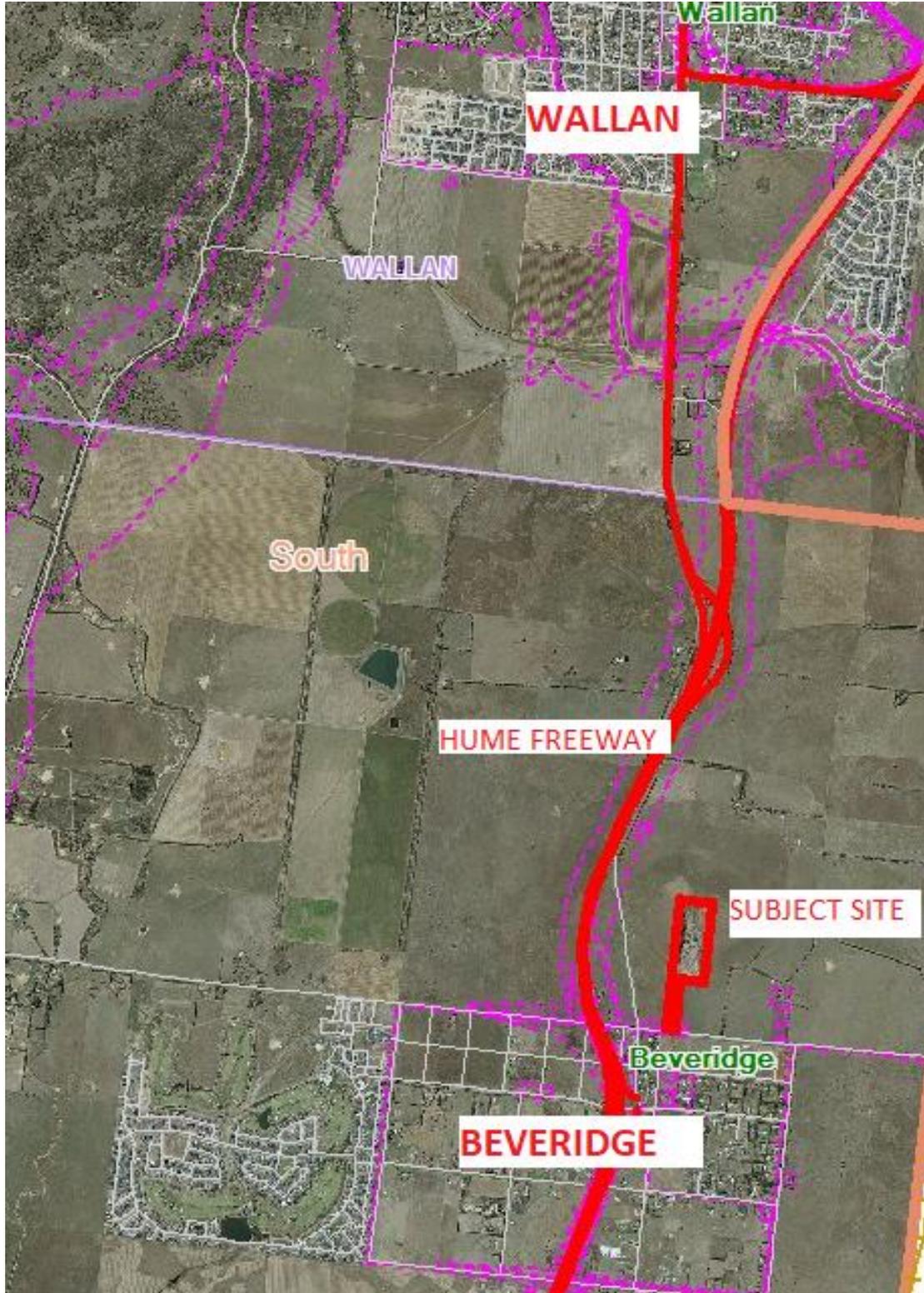


Figure 1. Subject site and wider area (source Exponare Enquiry 5.6.8)

PLANNING PERMIT APPLICATION PLP217/19 FOR THE USE AND DEVELOPMENT OF THE LAND FOR INDUSTRY (CONCRETE BATCHING PLANT) AND REDUCTION IN BICYCLE PARKING REQUIREMENTS AT 61 MINTON STREET, BEVERIDGE (CONT.)



Figure 2. Subject site and surrounds (source Exponare Enquiry 5.6.8)

2. Summary

- 2.1 This report recommends that Council refuse to grant a Planning Permit for Planning Application PLP217/19 at 61 Minton Street, Beveridge for the use and development of the land for industry (concrete batching plant) and reduction in bicycle parking requirements.
- 2.2 Following public notifications, the application received 38 objections and a petition with 67 signatures.
- 2.3 The proposal has been assessed against the relevant provisions of the Mitchell Planning Scheme, and is considered to:
- Result in negative impacts on amenity to the surrounding residential area and residents.
 - Adversely impact on the future residential character and development of the area.
 - Result in negative impacts on the landscape character, values and visual appearance of the surrounding area.
 - Cause adverse implications on the current and future road network.
- 2.4 As such, the application is recommended for refusal.

PLANNING PERMIT APPLICATION PLP217/19 FOR THE USE AND DEVELOPMENT OF THE LAND FOR INDUSTRY (CONCRETE BATCHING PLANT) AND REDUCTION IN BICYCLE PARKING REQUIREMENTS AT 61 MINTON STREET, BEVERIDGE (CONT.)

RECOMMENDATION

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Notice of Refusal in respect of Application No. PLP217/19 for Use and development of land for industry (concrete batching plant) and reduction in bicycle parking requirements at Lot 1 PS117403, known as 61 Minton Street Beveridge, subject to the grounds of refusal:

1. The proposal is inconsistent with the following Planning Policy of the Mitchell Planning Scheme as follows:
 - a. Clause 11 (Settlement)
 - b. Clause 13 (Environment Risk and Amenity)
 - c. Clause 15 (Built Environment and Heritage)
 - d. Clause 17 (Economic Development)
 - e. Clause 18 (Transport)
 - f. Clause 19 (Infrastructure)
2. The proposal is inconsistent with the following Local Planning Policy of the Mitchell Planning Scheme as follows:
 - a. Clause 21.01 (Mitchell Shire)
 - b. Clause 21.02 (Settlement)
 - c. Clause 21.04-4 (Noise and Air Pollution)
 - d. Clause 21.08 (Economic Development)
 - e. Clause 21.09 (Transport)
 - f. Clause 21.10 (Infrastructure)
 - g. Clause 21.11 (Local Areas)
 - h. Clause 21.11-1 (Beveridge)
3. The proposal is inconsistent with the purpose and decision guidelines of Clause 35.07 (Farming Zone).
4. The proposal would highly prejudice the development and implementation of residential development within the surrounding area.
5. The proposal will cause unreasonable visual and amenity impact.
6. No net community benefit.
7. The proposal is inconsistent with the decision guidelines of Clause 65 of the Mitchell Planning Scheme.

PLANNING PERMIT APPLICATION PLP217/19 FOR THE USE AND DEVELOPMENT OF THE LAND FOR INDUSTRY (CONCRETE BATCHING PLANT) AND REDUCTION IN BICYCLE PARKING REQUIREMENTS AT 61 MINTON STREET, BEVERIDGE (CONT.)

ASSESSMENT

3. Site and Surrounds

Subject Site Description

- 3.1 The subject site is on the north side of Minton Street approximately 200 metres east of the Old Hume Highway. The site is a battle axe formation and has a frontage of 20.12 metres to Minton Street and a depth of 808 metres. The site has an overall area of 11.39 hectares.
- 3.2 The site is currently used for stone extraction, garden supplies and materials recycling. The stone extraction operates between 6am to 6pm Monday to Sunday.

Planning Background

- 3.3 Planning Permit P305557/08 was issued 31 March 2010 following a VCAT *Review of a Notice of Decision to issue a Planning Permit* in relation to the use of the land for materials recycling (processing of brick and concrete) and refuse disposal (landfill of shale and earth). This permit was issued at the direction of VCAT in *Better Beveridge Group v Mitchell SC [2010] VCAT 585* and has since expired as the owner of the land failed to act upon the permit.
- 3.4 Planning Permit PLP037/14 was issued on the 1 October 2014 for Use of the land for materials recycling (processing of brick & concrete) and refuse disposal (landfill of shale & earth) and waiver of car parking requirements in accordance with the endorsed plans. This permit was subsequently amended:
 - On the 7 April 2015 to delete conditions.
 - On 13 September 2016 to amend the preamble to include 'processing of brick, concrete and rock'.

Title/Restrictions/Agreements

- 3.5 A restrictive covenant, described as Covenant G007173 dated 21/01/1976 applies to the site. This covenant relates to removal of sand, stone or gravel on or from the land or any part of it except for the purpose of excavating for the foundations of a building or for use in such building or in preparing or laying out gardens to be occupied therewith and no quarrying operations shall be carried out upon the land. The proposal would not be affected by this covenant.
- 3.6 A carriageway easement is located on the eastern part of the site. This easement is in favour of Lot 3 on Plan of Subdivision 639576F which is the

PLANNING PERMIT APPLICATION PLP217/19 FOR THE USE AND DEVELOPMENT OF THE LAND FOR INDUSTRY (CONCRETE BATCHING PLANT) AND REDUCTION IN BICYCLE PARKING REQUIREMENTS AT 61 MINTON STREET, BEVERIDGE (CONT.)

rectangular shaped parcel to the north-east of the site. This is not affected by the proposal.

Surrounding Area

- 3.7 The Beveridge township is to the south of Minton Street. The surrounding area north of Minton Street generally comprises rural agricultural land within the Farming Zone.
- 3.8 The Old Hume Highway is approximately 200 metres to the west and the Hume Freeway is approximately 600 metres to the west. The site has access to the freeway via the interchange at Lithgow Street.
- 3.9 Land surrounding the township of Beveridge is undergoing significant growth and development with the PSP and multiple subdivision permits being issued for Beveridge Central and surrounds. The land immediately south of Minton Street opposite the subject site is currently being developed for residential subdivision.

4. Proposal

- 4.1 The proposal is as follows:

Use

- 4.2 It is proposed to use the land for the purposes of a concrete batching plant.
- 4.3 The operating hours will be 24 hours 7 days per week.

Building and Works

- 4.4 The concrete batching operation will be undertaken in a central enclosed truck shed and four silo structures.
- 4.5 The truck shed is serviced by four upright silos which are fed by a conveyor belt stretching from the quarry to the north. The silos will be approximately 22.4 metres in height.
- 4.6 The truck shed measures 6.8 metres in height and is oriented along a north-south axis. Sales trucks accessing the site will undertake receipt of concrete within the enclosed shed structure.
- 4.7 Associated outbuildings, tanks, storage areas, and washout facilities are located throughout the site.

Access, Car Parking and Loading

- 4.8 Access will be undertaken at the existing crossover to Minton Street at the southern boundary of the site. Trucks will access the central shed for all loading of materials.

PLANNING PERMIT APPLICATION PLP217/19 FOR THE USE AND DEVELOPMENT OF THE LAND FOR INDUSTRY (CONCRETE BATCHING PLANT) AND REDUCTION IN BICYCLE PARKING REQUIREMENTS AT 61 MINTON STREET, BEVERIDGE (CONT.)

- 4.9 The batching plant will include on-site parking for approximately 19 trucks and 26 cars including two spaces for disability access.

Landscaping and Screening

- 4.10 A 10-metre-wide landscape buffer will be maintained along the southern boundary of the existing quarrying operation as a requirement of Work Authority No. 147.
- 4.11 A landscape buffer exists around the proposed location of the concrete batching plant that is proposed to be predominantly retained and enhanced through an additional acoustic wall.
- 4.12 Three (3) metre high acoustic walls will be situated towards the east and west of the site.
- 4.13 Four (4) metre high acoustic wall will be situated at the south-east of the site.
- 4.14 The acoustic walls are proposed to sit on the inner side of the landscaped buffers.

5. Referrals

- 5.1 The application was referred to the following external authorities.

The application was referred to the following authorities under Section 55 of the *Planning and Environment Act 1987* pursuant to Clause 66 of the Scheme.

Authority	Response
Department of Transport (formerly known as VicRoads)	No comments in relation to proposal. Advice provided regarding future access arrangements to the future Beveridge North East Precinct Structure Plan.
Environmental Protection Authority	No concerns, subject to stringent mitigation measures, however a 24-hour operation is not supported.

- 5.2 The application was referred to relevant internal departments.

PLANNING PERMIT APPLICATION PLP217/19 FOR THE USE AND DEVELOPMENT OF THE LAND FOR INDUSTRY (CONCRETE BATCHING PLANT) AND REDUCTION IN BICYCLE PARKING REQUIREMENTS AT 61 MINTON STREET, BEVERIDGE (CONT.)

6. Planning Policy Assessment

Zoning

Farming Zone (FZ)

- 6.1 Pursuant to clause 35.07-1 (FZ) – A permit is required to use the land for industry (concrete batching plant).
- 6.2 Pursuant to clause 35.07-4 (FZ) – A permit is required for buildings and works.

Special Use Zone (SUZ1)

- 6.3 The northern portion of the site is affected by the Special Use Zone pursuant to Clause 37.01 of the Mitchell Planning Scheme.
- 6.4 As the proposed use/development are not located within the zone, no permit triggers are considered under this zone. Therefore, this zone will no longer form part of this assessment.

Overlays

Public Acquisition Overlay (PA07)

- 6.5 The south portion of the site near the street frontage is affected by the Public Acquisition Overlay – Schedule 7 pursuant to clause 45.01.
- 6.6 Pursuant to clause 45.01-1 a planning permit is required to use land for any Section 2 use in the zone and construct a building or construct or carry out works.
- 6.7 Pursuant to clause 45.01-3, an application under clause 45.01 must be referred under Section 55 of the Act to the acquiring authority for the land. In this case, the application must be referred to the Roads Corporation.

Particular Provisions

Clause 52.34 Bicycle Facilities

- 6.8 Clause 52.34-1 states that a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. Clause 52.34-2 states that a permit may be granted to vary, reduce, or waive the requirements of Clause 52.34-5 and Clause 52.34-6.
- 6.9 The use of land for 'industry' generates a requirement for 1 employee bicycle parking space per 100sqm of net floor area and no spaces for visitors.

PLANNING PERMIT APPLICATION PLP217/19 FOR THE USE AND DEVELOPMENT OF THE LAND FOR INDUSTRY (CONCRETE BATCHING PLANT) AND REDUCTION IN BICYCLE PARKING REQUIREMENTS AT 61 MINTON STREET, BEVERIDGE (CONT.)

- 6.10 The net floor area is estimated to be approximately 600sqm. This results in a total requirement for 0.6 bicycle parking spaces. As per clause 52.34-5 'if calculating the number of bicycle facilities, the result is not a whole number, the required number of bicycle facilities is the nearest whole number'.
- 6.11 Therefore, a total of one bicycle parking space is required under clause 52.34-5.
- 6.12 No bicycle parking is proposed, and as such a permit is required to waive the bicycle parking requirements.

Clause 53.10 Uses with Adverse Amenity Potential

- 6.13 The purpose of Clause 53.10 is to define types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood.
- 6.14 Clause 53.10-1 states that for a 'concrete batching plant' the threshold distance is 300 metres to land in a residential zone.
- 6.15 The site is within 25 metres of land in a residential zone.
- 6.16 An application to use land for industry must be referred to the Environment Protection Authority under section 55 of the Act if the threshold distance is not to be met.

Clause 65.01 Approval of an application plan

- 6.17 Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:
- The matters set out in section 60 of the Act.
 - The Municipal Planning Strategy and the Planning Policy Framework.
 - The purpose of the zone, overlay or other provision.
 - Any matter required to be considered in the zone, overlay or other provision.
 - The orderly planning of the area.
 - The effect on the amenity of the area.
 - The proximity of the land to any public land.
 - Factors likely to cause or contribute to land degradation, salinity or reduce water quality.

PLANNING PERMIT APPLICATION PLP217/19 FOR THE USE AND DEVELOPMENT OF THE LAND FOR INDUSTRY (CONCRETE BATCHING PLANT) AND REDUCTION IN BICYCLE PARKING REQUIREMENTS AT 61 MINTON STREET, BEVERIDGE (CONT.)

- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts

Planning Policy Framework (PPF)

6.18 Refer to attachment 3.

7. Alignment to Council Plan

7.1 The proposal does not align with 'Responsible Planning' as it does not meet the strategic objective and the following key strategies of the Council Plan.

8. Public Notification

8.1 The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987* by, placing notice on site and letters sent via post.

8.2 Following public notification of the application, a total of 38 objections and 1 petition with 67 signatures opposing the proposal have been received as of 11 February 2021.

8.3 The concerns raised by objectors are summarised as follows:

Amenity

8.4 Negative impacts on:

- Existing dwellings in the surrounding area.
- Future dwellings associated with approved subdivision across the road.
- Sensitive land uses (dwellings and school) within the area.
- Too close to suburban living

PLANNING PERMIT APPLICATION PLP217/19 FOR THE USE AND DEVELOPMENT OF THE LAND FOR INDUSTRY (CONCRETE BATCHING PLANT) AND REDUCTION IN BICYCLE PARKING REQUIREMENTS AT 61 MINTON STREET, BEVERIDGE (CONT.)

8.5 Noise, including:

- Proposed 24-hour operation
- Vehicle noise on roads and from the subject site.
- Machinery noise from the subject site.
- Impacts on personal health.

8.6 Dust, including:

- Impacts on personal health.
- Dust gathering on property.
- Reduction in air quality.
- Contamination of tank water and waterways.
- Emissions from diesel trucks

8.7 Visual impacts, including:

- Not being screened appropriately.
- Have a negative visual impact in the area.
- Silo tower will be visible to surrounding homes and out of character.

8.8 Devaluation on property values.

8.9 Removal of trees will expose 22.4m high batching plant.

Traffic

8.10 Concrete trucks would make worse roads in poor condition.

8.11 Roads not suitable for 24/7 truck traffic.

8.12 Increase of heavy vehicles will make traffic in area worse affecting residents and school parents.

8.13 Noise from large vehicles entering and exiting the site.

8.14 Road safety risk form increased frequency of heavy vehicles.

8.15 No analysis of truck movement in relation to Minton Street will connect to Spring Street.

PLANNING PERMIT APPLICATION PLP217/19 FOR THE USE AND DEVELOPMENT OF THE LAND FOR INDUSTRY (CONCRETE BATCHING PLANT) AND REDUCTION IN BICYCLE PARKING REQUIREMENTS AT 61 MINTON STREET, BEVERIDGE (CONT.)

- 8.16 Traffic Report assumes traffic can be accommodated once Minton Street is an arterial road, but it is unclear how truck movements can co-exist with the growth of Beveridge Central Precinct.

Other

- 8.17 Inappropriate location for concrete batching plant that should be located in an industrial zone.
- 8.18 Inadequate information about waste management and pollution mitigation.
- 8.19 No regard for Beveridge Township Development Plan.
- 8.20 New industrial uses would undermine development of the Beveridge North East precinct.

9. Discussion

Farming Zone and Residential Land

- 9.1 The southern portion of the site is affected by this zone, which is where the proposal is located. The proposal is a 'heavy' industry which will be at odds with the existing and emerging residential nature of the land uses to the south of Minton Street. Future residential lots have been approved for 100 Minton Street. This site is within the threshold distance specified under Environment Protection Authority Guidelines.
- 9.2 It is considered that the land use pattern south of Minton Street would be in conflict with the proposal. One of the decision guidelines under the zone refers to whether the site is *"suitable for the use or development, and whether the proposal is compatible with nearby land uses."* The application was referred to EPA who identified concerns given the risk of adverse environmental impacts from noise from a 24-hour operation, and that strict mitigation measures would make the proposal acceptable.
- 9.3 The 24-hour operation within 300 metres from residential land will cause an impact on the amenity of the current and future residents. Whilst the surrounding area currently contains low density residential living and farming activities, land use and residential density within Beveridge will change significantly.
- 9.4 The proposed concrete batching plant is adjacent to an approved 260-lot residential subdivision at 100 Minton Street which would be detrimentally impacted by the proposal. Intensifying industrial land uses within close proximity to residential land creates a land use conflict and is not good orderly planning. Further, the proposal does not provide for any community benefit, as the built form due to its scale and height will not enhance the character of the area. It is considered that there is no net community benefit from this type of proposal that would not enhance the local ambience, amenity and character of the area.

PLANNING PERMIT APPLICATION PLP217/19 FOR THE USE AND DEVELOPMENT OF THE LAND FOR INDUSTRY (CONCRETE BATCHING PLANT) AND REDUCTION IN BICYCLE PARKING REQUIREMENTS AT 61 MINTON STREET, BEVERIDGE (CONT.)

- 9.5 In response, the applicant noted examples where concrete batching plants operate near to and in close proximity to residential land use stating that the uses can co-exist provided appropriate dust and noise management measures are in place to ensure continued residential amenity. The reports (Dust Management Plan and Acoustic Report) submitted with the application satisfy this matter. The applicant also placed emphasis that the proposed use will be co-located with an existing materials recycling facility.
- 9.6 It has been advised to the applicant that there is appropriate industrially zoned land with 6km from the subject site and within North Area Growth Corridor including the nearby, Wallan Industrial Precinct, Merrifield and Folkstone Employment Areas which allow for industrial land uses. Therefore, it is unnecessary to locate the concrete batching plant on the subject site when there are more suitable sites within the surrounding area.

Built Form, Context and Landscape

- 9.7 The presentation of four silos with a height of 22.4 to the streetscape will result in an outcome not seen on farming zoned land that is adjacent to residential areas and will result in a negative impact to the public realm.
- 9.8 Tall structures are typical for concrete batching plants, which in this case rise to an overall height above 22 metres. These are setback approximately 100 metres from the frontage, approximately 25 metres from the east boundary and approximately 30 metres from the west boundary.
- 9.9 The silos will be prominent within the landscape and will be visible from many vantage points due to the exposed nature of the site. Existing vegetation along the frontage of the site and the noise wall will not adequately screen the proposal. The silos will and truck shed will protrude above the canopy of the trees and noise wall.

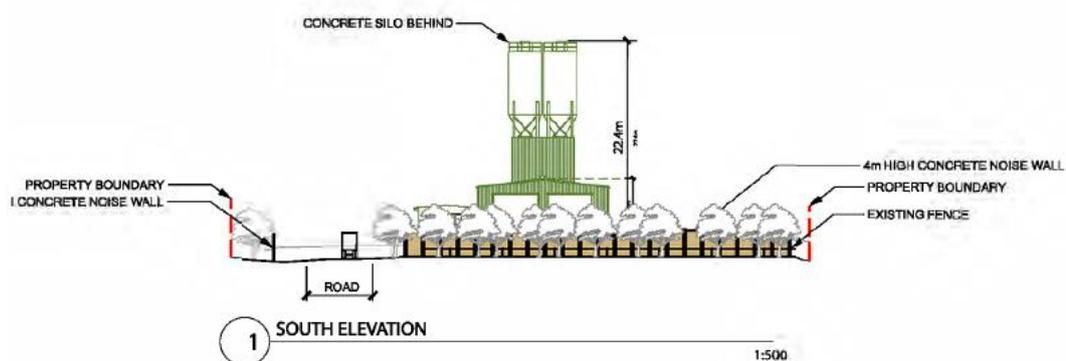


Figure 3. South elevation (source Elevations – Sheet 2)

- 9.10 While the form of the silos relates to their function, they are of an industrial nature and will appear out of place within emerging residential area where large non-residential structures are not found. Therefore, the visual impact

PLANNING PERMIT APPLICATION PLP217/19 FOR THE USE AND DEVELOPMENT OF THE LAND FOR INDUSTRY (CONCRETE BATCHING PLANT) AND REDUCTION IN BICYCLE PARKING REQUIREMENTS AT 61 MINTON STREET, BEVERIDGE (CONT.)

from the built form of the proposal is an unacceptable response to its context and surroundings.

Dust

9.11 A Dust Management Plan (DMP) has been submitted with the proposal. The report outlines how the operational impacts can be minimised and managed. A concrete batching plant has potential to generate dust. The DMP has been prepared to minimise the release of dust through design and management practices.

9.12 The DMP cannot eliminate dust emissions leaving the site but intends to manage dust levels to an acceptable off-site impact. The acceptability of dust emissions was measured against the requirements of the following documents:

- State Environment Protection Policy (Air Quality Management) – Mining and Extractive Industries (EPA Victoria, 2007)
- Protocol for Environmental Management: Mining and Extractive Industries (EPA Publication 1191)
- Environmental Guidelines for the Concrete Batching Industry (EPA Victoria, 1998)

All potential dust sources have been identified to be managed through control measures either by design and preventative or corrective operational controls.

9.13 In this regard, the proposal is considered to be appropriate with respect to dust capable of being managed appropriately with conditions (if a permit was to issue).

Noise

9.1 A comprehensive acoustic assessment has been submitted with the proposal. The report concludes that compliance with the recommended noise limits of EPA Publication 1411: Noise from Industry in Regional Victoria can be met by the following:

- All dust extraction fan discharges are fitted with duct attenuators.
- Noise walls or earth bunds are erected.
- Concrete loading into sales trucks occurs within the enclosed batch building.
- Slump stands operate within the enclosed batch building.

PLANNING PERMIT APPLICATION PLP217/19 FOR THE USE AND DEVELOPMENT OF THE LAND FOR INDUSTRY (CONCRETE BATCHING PLANT) AND REDUCTION IN BICYCLE PARKING REQUIREMENTS AT 61 MINTON STREET, BEVERIDGE (CONT.)

- The enclosed batch building has automatic doors or gates closed other than when trucks are entering and exiting the building.
- 9.2 The acoustic engineer was satisfied that by adhering to all of the above, that the proposed concrete batching plant will not result in adverse impacts to any existing or proposed residential dwellings near the subject site.
- 9.3 The application has been referred to the EPA who support the proposal subject to conditions being included on any permit issued. EPA had concerns about the proposal, given the risk of adverse environmental impacts from noise on existing and future sensitive uses. However, EPA believe the proposal could proceed if there is strict application of mitigation measures in the acoustic report as well as their recommended permit conditions.
- 9.4 On the matter of hours of operation, EPA were not satisfied that the acoustic report had adequately justified operation outside of the hours of 7AM and 6PM. Therefore, EPA did not support a 24-hour operation. The 24-hour operation is also not supported by Council Officers as it is foreseen to have an amenity impact on the surrounding residential land.
- 9.5 In this regard, the proposal is considered to be appropriate from a noise perspective and can be managed appropriately with conditions if a permit was to issue. However, in relation to the hours of operation, if a permit were to issue, it would be recommended to include hours of operation between 7AM and 6PM.

Traffic

- 9.6 A Traffic Impact Assessment has been submitted with the proposal. The report concluded the following:
- The Car Parking Demand Assessment identifies that all parking demands associated with staff and visitors will be comfortably accommodated within the available on-site car parking areas and other hardstand areas available across the site.
 - A maximum of 261 vehicle movements per day will occur in association with the development.
 - The traffic associated with the proposed development can be accommodated by the surrounding road network.
 - All loading and unloading activities will be comfortably accommodated on-site within the various hardstand areas, and
- 9.7 The Department of Transport advises that in review of the planning permit application, notes that as a result of Melbourne's Northern Growth Corridor Plan and associated Precinct Structure Planning, reservation has been

PLANNING PERMIT APPLICATION PLP217/19 FOR THE USE AND DEVELOPMENT OF THE LAND FOR INDUSTRY (CONCRETE BATCHING PLANT) AND REDUCTION IN BICYCLE PARKING REQUIREMENTS AT 61 MINTON STREET, BEVERIDGE (CONT.)

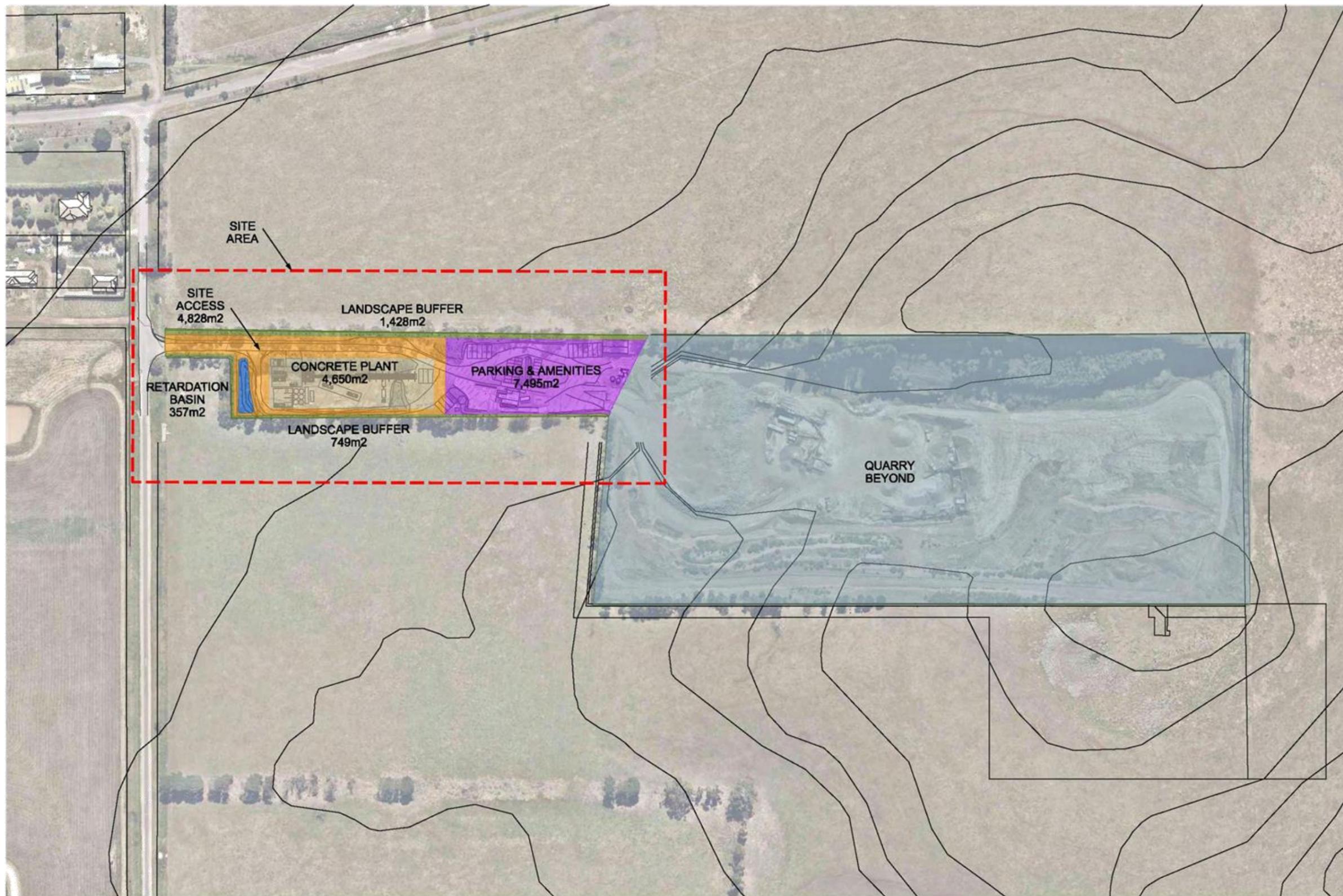
made for a future freeway interchange at Camerons Lane/Minton Street with the Hume Freeway. The future implementation of the Camerons Lane interchange will deny direct vehicular access to the subject land from Minton Street and access reinstated via the local road network which will be determined through the future Beveridge North East PSP process.

- 9.8 In this regard, the proposal is considered to be appropriate from a traffic and car parking perspective and can be managed appropriately with conditions if required.

10. Conclusion

10.1 This application proposes the use and development of land for industry (concrete batching plant) and reduction in the bicycle parking requirements at 61 Minton Street, Beveridge. The subject site is located adjacent to residential land within the urban growth boundary.

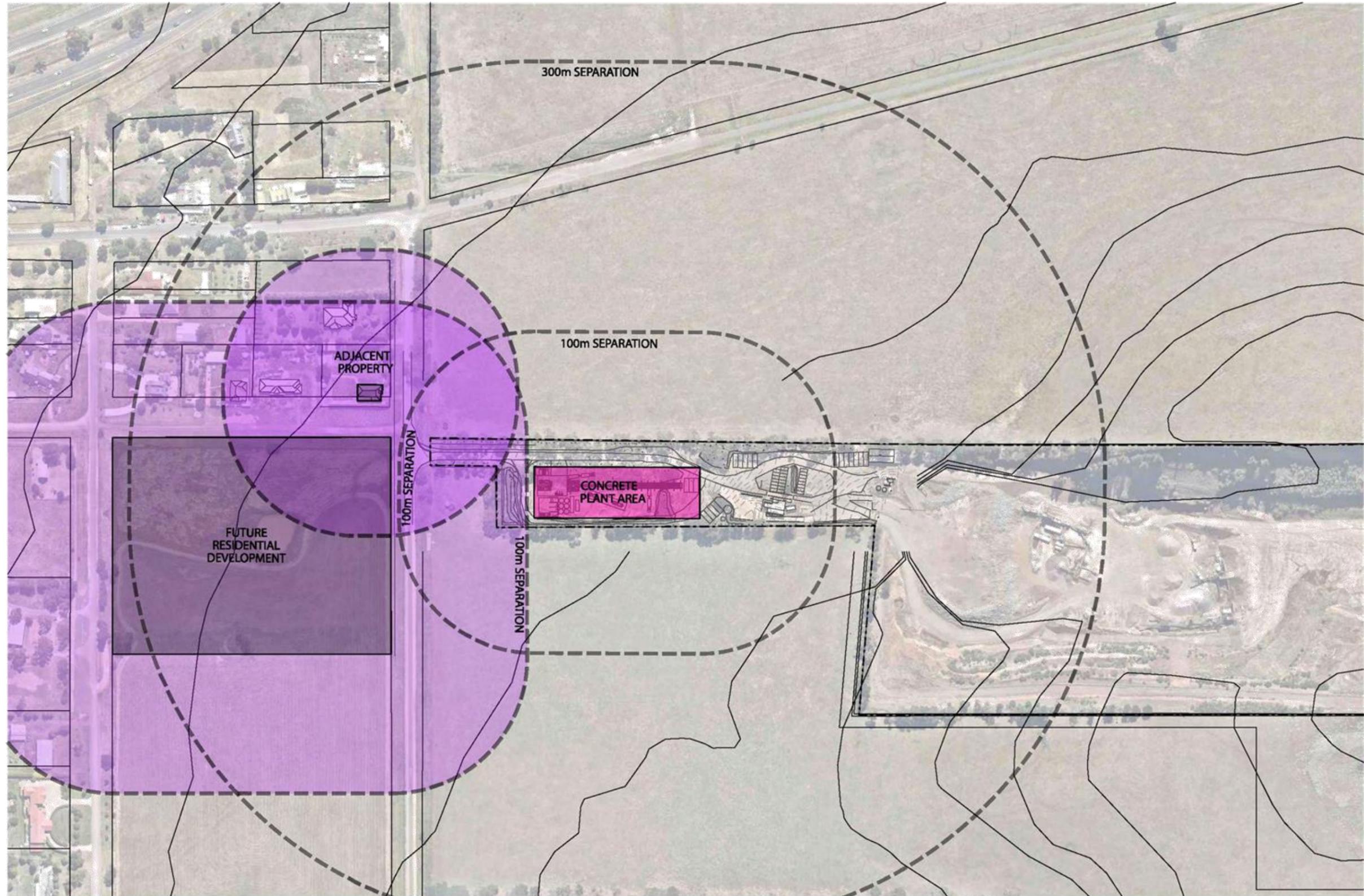
10.2 It is considered that the proposal should not be supported by Council on the basis of the items listed within the Recommendation section of this report.



SCALE 1:2500 @ A3
0 25 50 125m

SITE LAYOUT ZONES OF USE
61 MINTON STREET, BEVERIDGE

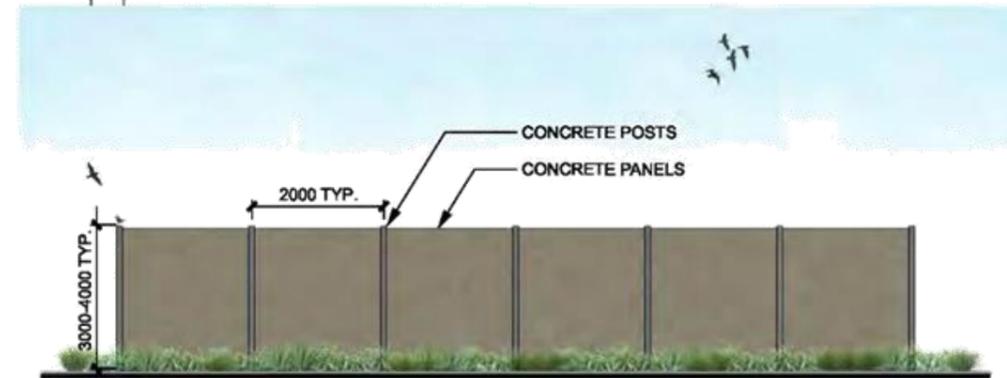
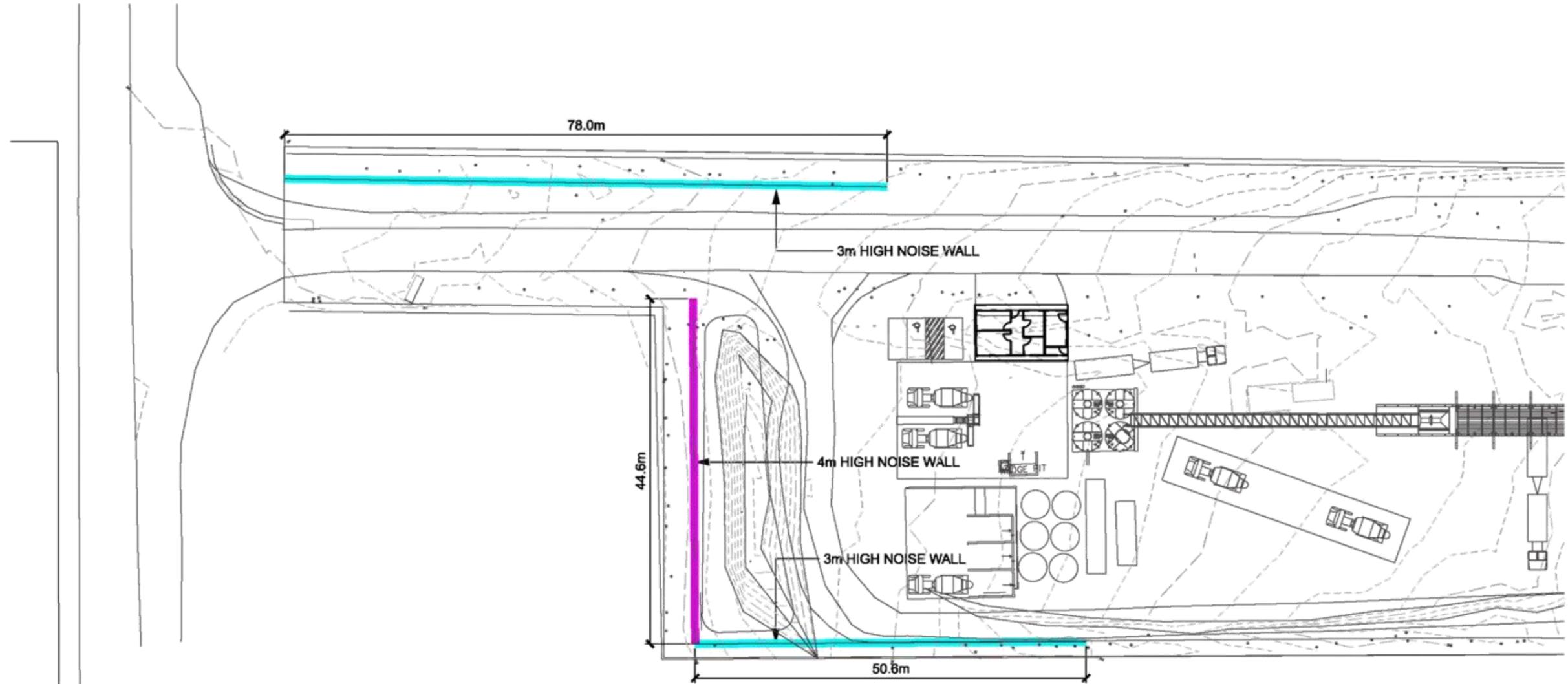
PROJ/DRG NO: 318-0889-00-U-01-DR04 REV:1 DRAWN E.B. CHKD E.B. APPD J.S. DATE 18/12/2019 **Tract**



SCALE 1:2500 @ A3
0 25 50 125m

DWELLING 100m ACTIVITY SEPARATION PLAN
61 MINTON STREET, BEVERIDGE

PROJ/DRG NO: 318-0889-00-U-01-DR05 REV:1 DRAWN E.B. CHKD E.B. APPD J.S. DATE 18/12/2019 **Tract**



1 NOISE WALLS
TYPICAL ELEVATION N.T.S.

CONCRETE PANELS

Suggested Colour Palette

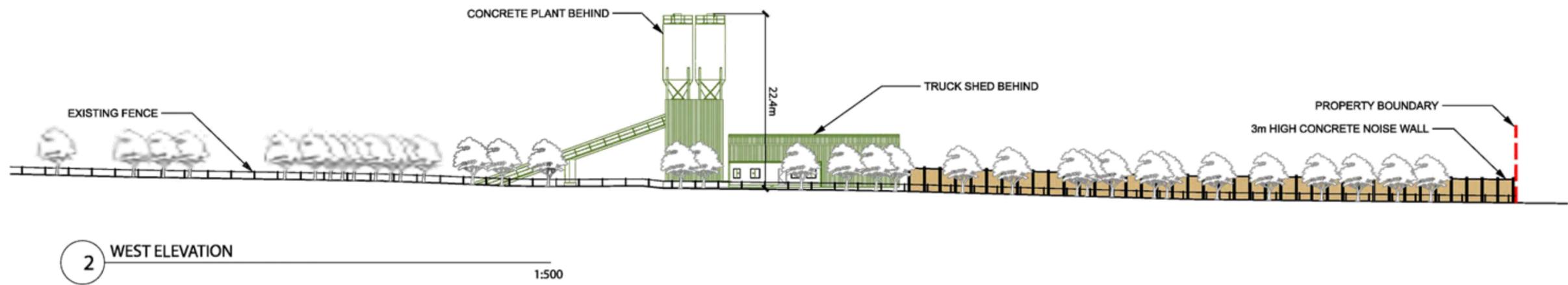
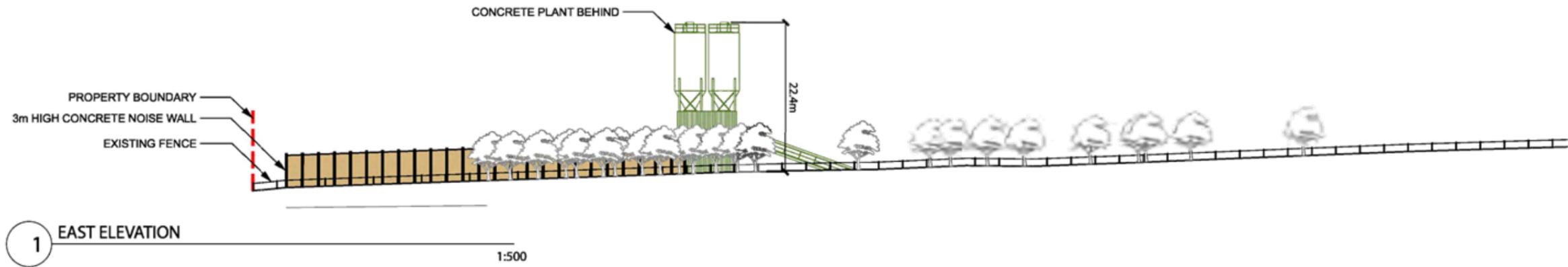
Color No. 707 Peach	Color No. 714 Spice	Color No. 709 Peach	Color No. 302 Sandstone

A3

SCALE 1:500 @ A3

0 5 10 25m

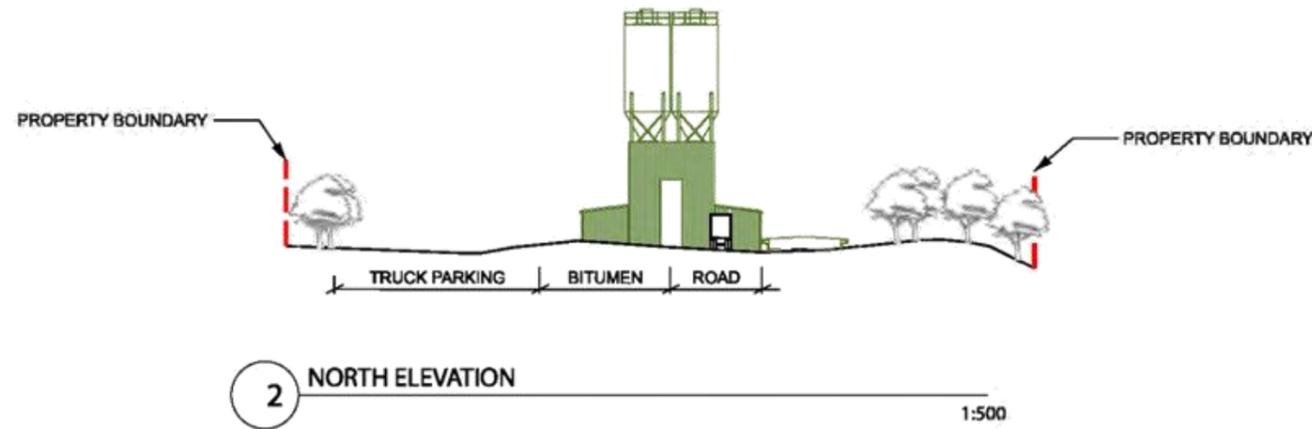
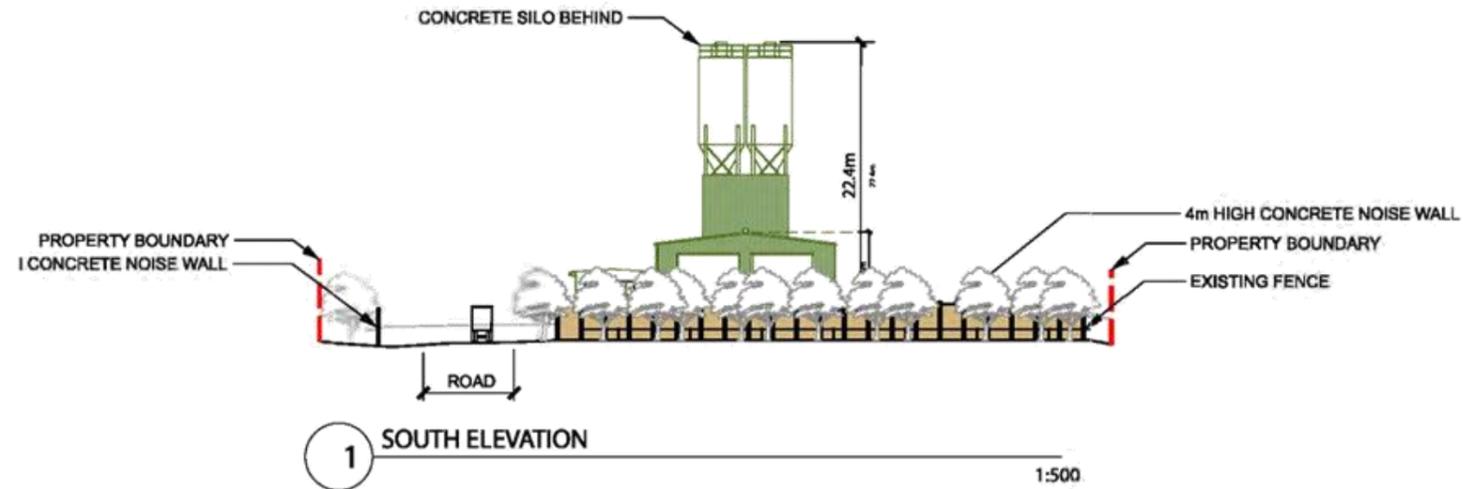
NOISE WALLS PLAN
61 MINTON STREET, BEVERIDGE



SCALE 1:500 @ A3
0 5 10 25m

ELEVATIONS - SHEET 1
61 MINTON STREET, BEVERIDGE

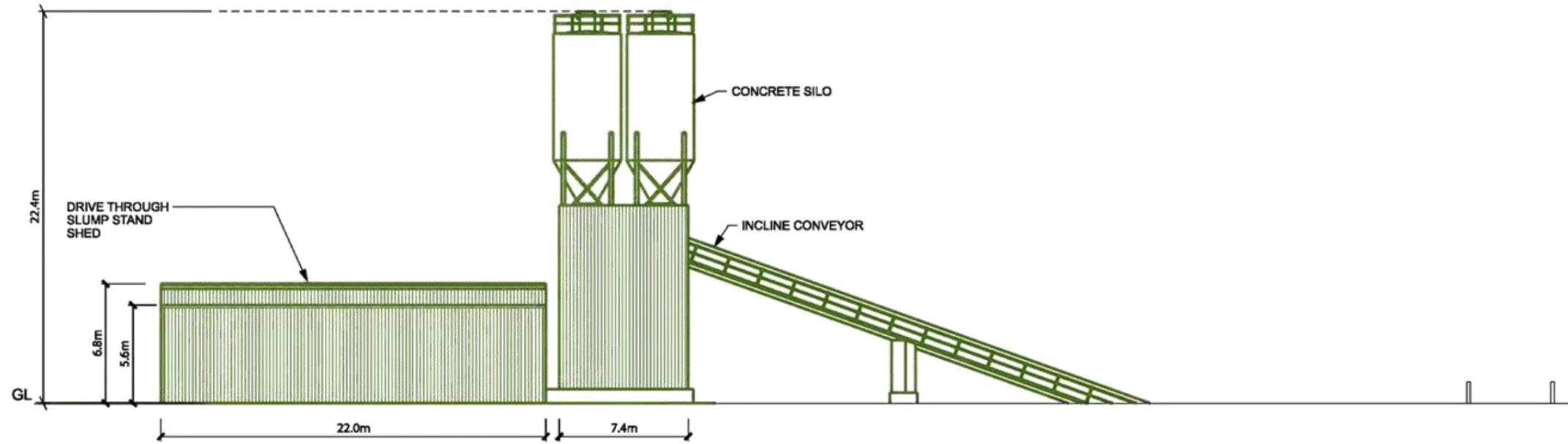
PROJ/DRG NO 318-0889-00-U-01-DR07 REV1 DRAWN T.T. CHKD E.B. APPD J.S. DATE 18/12/2019 **Tract**



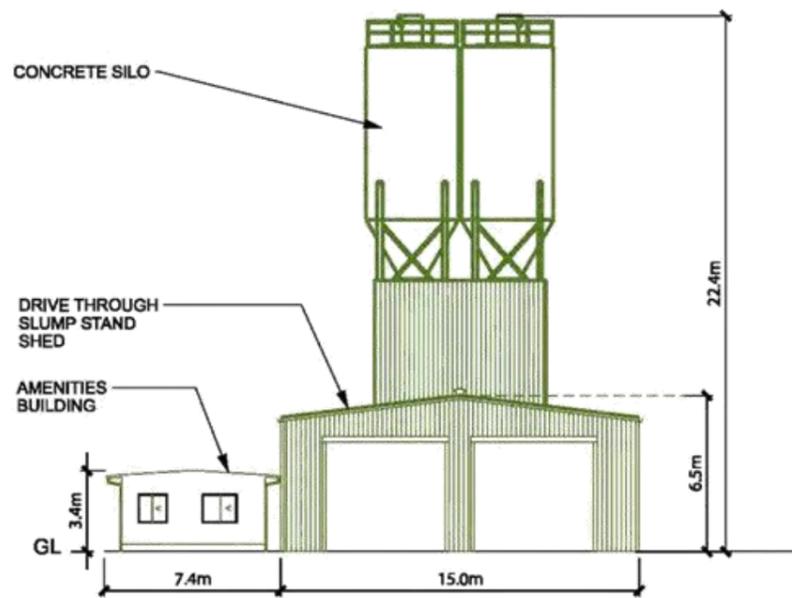
SCALE 1:500 @ A3
0 5 10 25m

ELEVATIONS - SHEET 2
61 MINTON STREET, BEVERIDGE

PROJECT NO 318-0889-00-U-01-DR08 REV1 DRAWN T.T. CHECKED E.B. APPROVED J.S. DATE 18/12/2019 **Tract**



EAST ELEVATION (INDICATIVE)



SOUTH ELEVATION (INDICATIVE)

INDICATIVE COLOUR PALETTE

COLOUR FOR BUILDING TO BE SELECTED FROM THE FOLLOWING PALETTE

COLOUR

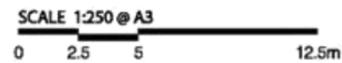
- Dulux 'Green Spruce'
- Colorbond 'Pale Eucalypt'
- Colorbond 'Cottage Green'

INDICATIVE MATERIALS

SHED CLADDING: GREEN COLORBOND CORRUGATED STEEL
 AMENITIES CLADDING: ASKIN PANELLING WITH GREEN COLORBOND FINISH
 SILO: STEEL WITH COLOUR TO MATCH CLADDING
 TRIM: COLORBOND GUTTERS, DOWNPIPES AND FLASHINGS TO MATCH CLADDING



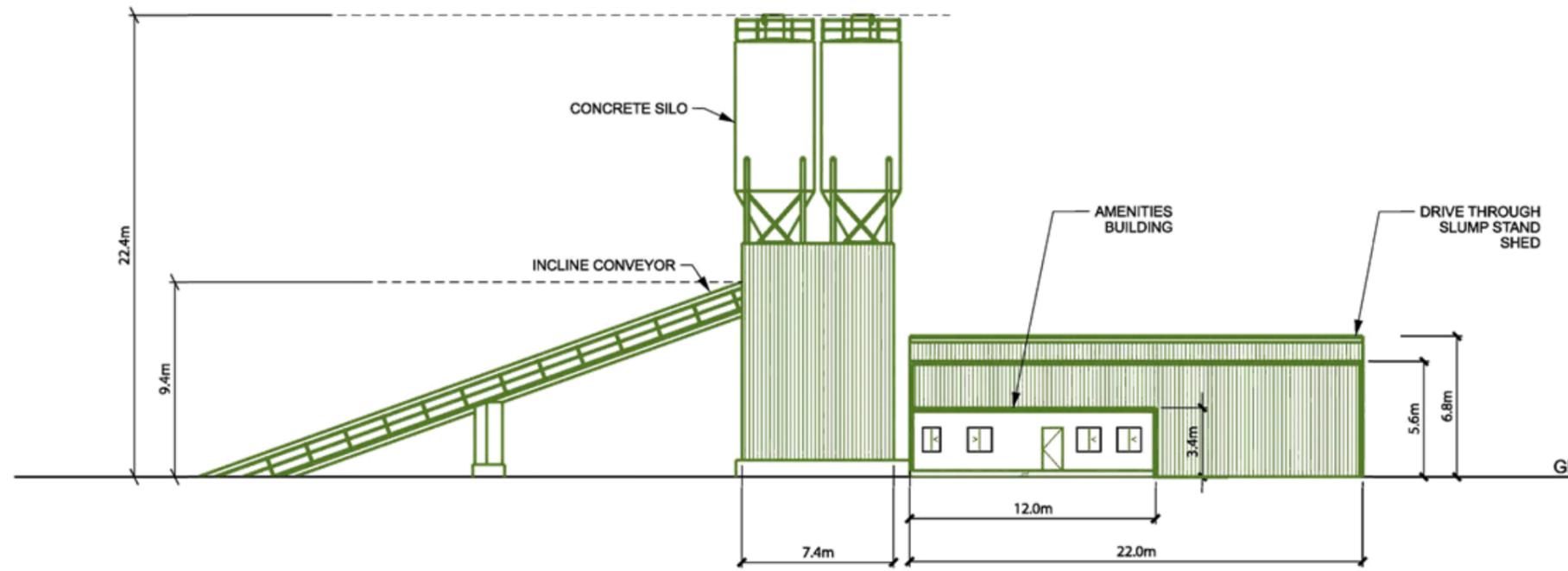
EXAMPLE IMAGE OF THE MATERIALS AND FINISHES SELECTED AT FACILITY UNDER CONSTRUCTION. NOTE THE SECOND SILO YET TO BE ADDED.



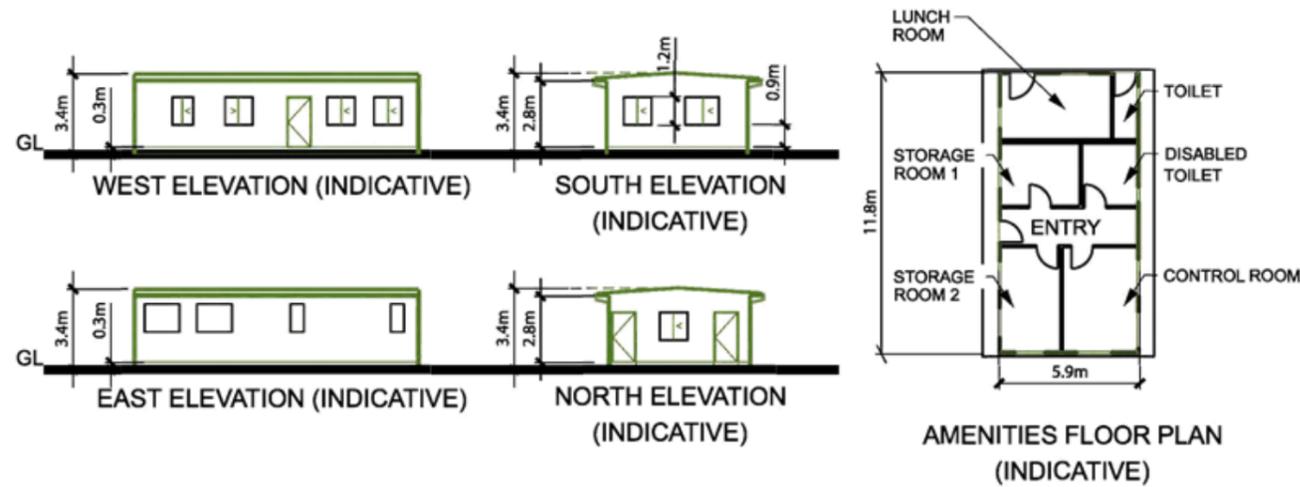
CONCRETE BATCH PLANT & AMENITIES ELEVATIONS SHEET 1

61 MINTON STREET, BEVERIDGE

PROJ/DRG NO 318-0889-00-U-01-DR09 REV1 DRAWN T.T. CHKD E.B. APPD J.S. DATE 18/12/2019



WEST ELEVATION (INDICATIVE)



WEST ELEVATION (INDICATIVE)

SOUTH ELEVATION (INDICATIVE)

EAST ELEVATION (INDICATIVE)

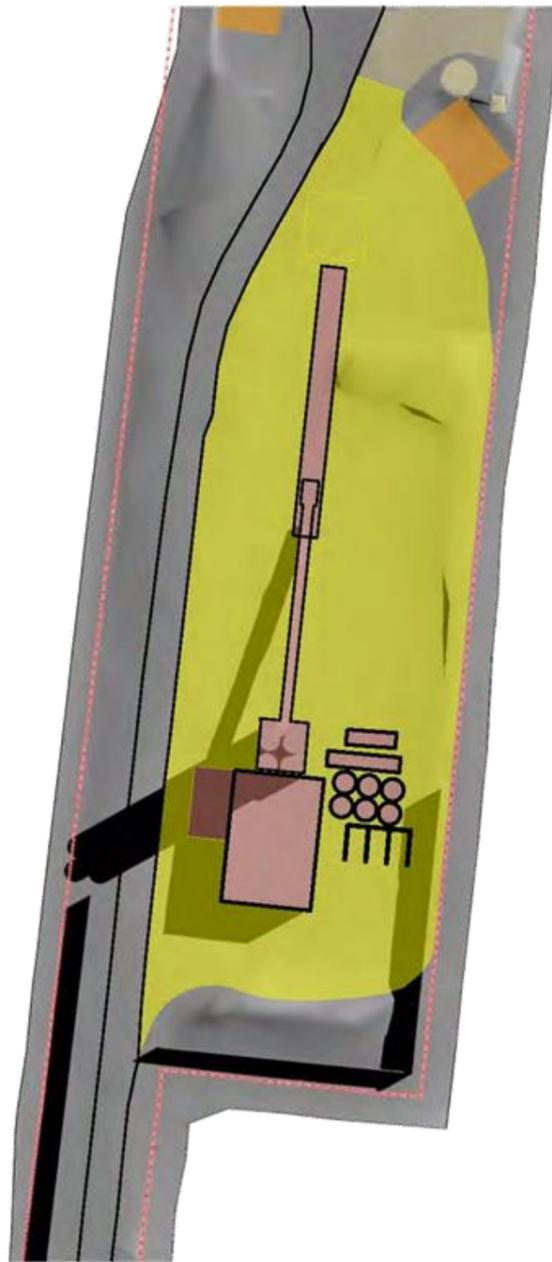
NORTH ELEVATION (INDICATIVE)

AMENITIES FLOOR PLAN (INDICATIVE)



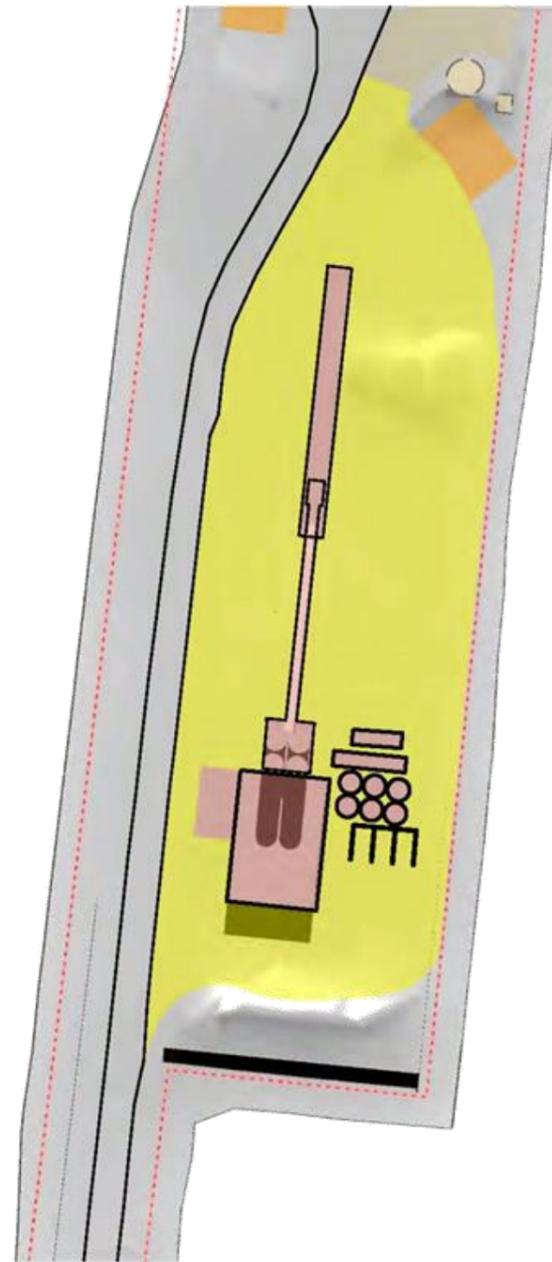
CONCRETE BATCH PLANT & AMENITIES ELEVATIONS SHEET 2
61 MINTON STREET, BEVERIDGE

PROJ/DRG NO:318-0889-00-U-01-DR10 REV1 DRAWN T.T. CHKD E.B. APPD J.S. DATE 18/12/2019 **Tract**



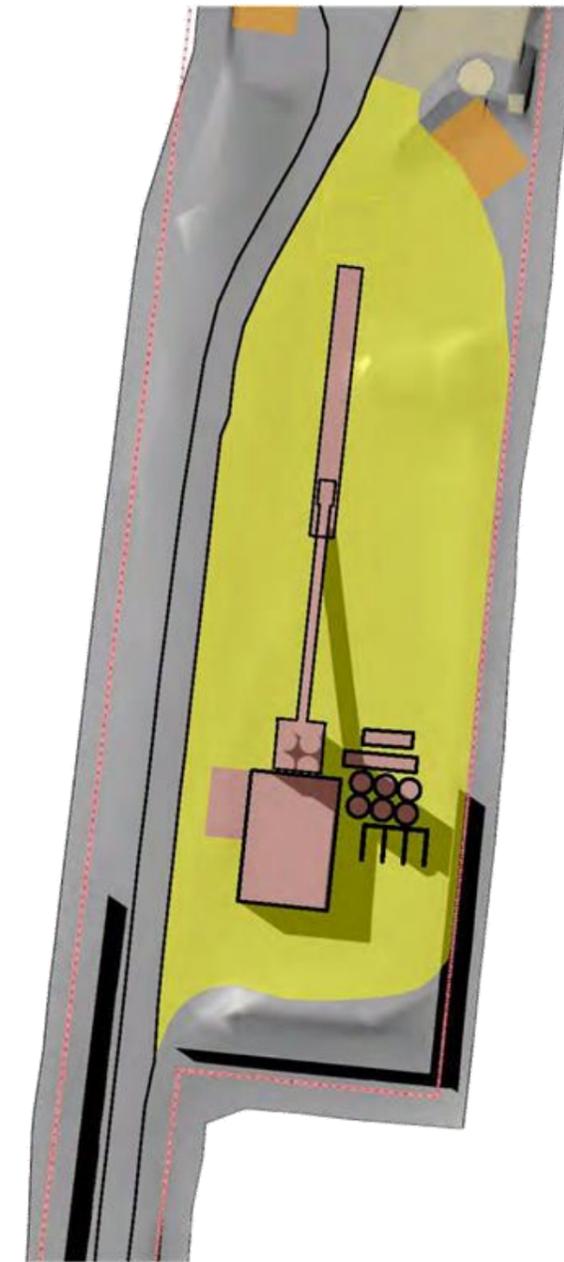
1 SHADOW DIAGRAM
22 SEPTEMBER - 9 AM

1:1000



2 SHADOW DIAGRAM
22 SEPTEMBER - 12 PM

1:1000



3 SHADOW DIAGRAM
22 SEPTEMBER - 3 PM

1:1000



SHADOW DIAGRAM
61 MINTON STREET, BEVERIDGE

PROJ/DRG NO: 318-0889-00-U-01-DR11 REV1 DRAWN E.B. CHKD E.B. APPD J.S. DATE 18/12/2019 **Tract**

Attachment 2 - Advertising Map – 61 Minton Street Beveridge



Attachment 3 – Planning Policy Framework – 61 Minton Street Beveridge

The following clauses of the Planning Policy Framework and Local Planning Policy Framework are considered relevant to this application		
Clause Settlement	11.01-1S	<i>To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.</i>
Clause Settlement - Metropolitan Melbourne	11.01-1R	<i>Maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city and protect the values of non-urban land.</i>
Clause Growth Areas	11.03-2S	<i>To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.</i>
Clause Noise Abatement	13.05-1S	<i>To assist the control of noise effects on sensitive land uses.</i>
Clause Air Quality Management	13.06-1S	<i>To assist the protection and improvement of air quality.</i>
Clause Land Use Compatibility	13.07-1S	<i>To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.</i>
Clause Design for Rural Areas	15.01-6S	<i>To ensure development respects valued areas of rural character</i>
Clause Aboriginal Cultural Heritage	15.03-2S	<i>To ensure the protection and conservation of places of Aboriginal cultural heritage significance.</i>
Clause Diversified Economy	17.01-1S	<i>To strengthen and diversify the economy.</i>
Clause Industrial Land Supply	17.03-1S	<i>To ensure availability of land for industry.</i>
Clause Sustainable Industry	17.03-2S	<i>To facilitate the sustainable operation of industry.</i>
Clause Road System	18.02-3S	<i>To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.</i>
Clause Infrastructure Design and Provision	19.03-2S	<i>To provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.</i>
Clause Mitchell Shire	21.01	
Clause Settlement	21.02	<i>This clause provides local content to support Clause 11 (Settlement) of the State Planning Policy Framework.</i>

Attachment 3 – Planning Policy Framework – 61 Minton Street Beveridge

	<i>Specific references to individual towns are also included in Clause 21.11 (Local Areas).</i>
Clause 21.04-4 Noise and Air	<i>To reduce noise and air pollution.</i>
Clause 21.08-2 Industry	<i>To encourage well planned and located industrial development.</i>
Clause 21.09 Road Network	<i>To ensure that the improvement and upgrading of transport infrastructure is commensurate with the expected impacts of use and development.</i>
Clause 21.10 Infrastructure	<i>To ensure adequate physical infrastructure for future development needs.</i>
Clause 21.11-2 - Local Areas - Broadford	<i>Ensure that development of this area is adequately serviced and integrated with the existing Beveridge township.</i>

10.2 PLANNING PERMIT APPLICATION PLP202/20 FOR NATIVE VEGETATION REMOVAL AT LOT E DELATITE ROAD, SEYMOUR

Author: Richard Glawitsch - Senior Statutory Planner

File No: PLP202/20

- Attachments:**
1. Site Plan
 2. Advertising Map
 3. Planning Policy Framework

Property No.:	100338
Title Details:	Lot E on Plan of Subdivision 210260S
Applicant:	Jane Ellen Nachlik
Zoning:	General Residential Zone – Schedule 1
Overlays:	Nil
Objections Received:	5 objections
Cultural Heritage Management Plan Required:	No
Summary Recommendation	Notice of Decision to Grant a Planning Permit
Reason Reported to Council	Number of objections received exceeds the threshold for officer delegation (4)
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

1. Site Map



Figure 1 - Subject site and wider area (source Exponare Enquiry 5.6.8)

PLANNING PERMIT APPLICATION PLP202/20 FOR NATIVE VEGETATION REMOVAL AT LOT E DELATITE ROAD, SEYMOUR (CONT.)



Figure 1 - Subject site and wider area (source Exponare Enquiry 5.6.8)

2. Summary

- 2.1 This report recommends that Council issue a notice of decision to grant a Planning Permit for Planning Application PLP220/20 at Lot E Delatite Road Seymour for native vegetation removal.
- 2.2 Following public notifications, the application received 5 objections.
- 2.3 The proposal has been assessed against the relevant provisions of the Mitchell Planning Scheme, and is considered to:
- Minimise the impacts from the removal of native vegetation that cannot be avoided.
 - Provide an offset that compensates for the biodiversity impact.
 - Result in the protection of retained native vegetation.
 - Ensure that there is no net loss to biodiversity by applying the three-step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017).
- 2.4 As such, the application is recommended for approval.

PLANNING PERMIT APPLICATION PLP202/20 FOR NATIVE VEGETATION REMOVAL AT LOT E DELATITE ROAD, 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 a Planning Permit in respect of Application No. PLP220/20 for Native vegetation removal at Lot E on Plan of Subdivision 210260S, known as Lot E Delatite Road, Seymour, subject to the following conditions:

1. The extent of vegetation removal as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.
2. Before works start, the permit holder must advise all persons undertaking the vegetation removal/works on land of all relevant conditions of this permit.
3. All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority.
4. Prior to the commencement of works, native vegetation temporary protection fencing must be erected around all trees to be retained on site. This vegetation protection must be in accordance with Australian Standard (AS4970-2009) *Protection of Trees on Development Sites*. The fences are to be erected around the tree/s at a minimum distance of 2 metres from the vegetation and at a radius of 12x the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree/s. The protection fencing must be constructed to the satisfaction of the Responsible Authority.

The protection fencing must be signposted as 'tree protection zone'. The protection fencing must remain in place at least until all works are completed to the satisfaction of the responsible authority. Except with the written consent of the Responsible Authority, within this area:

- no vehicular or pedestrian access, trenching or soil excavation is to occur,
 - no storage or dumping of tools, equipment or waste is to occur,
 - no entry and exit pits for underground services are to be constructed.
5. Before any vegetation is removed from the site, vegetation/trees identified for removal/felling and the ground surface within the vicinity must be examined by a suitably qualified zoologist or, or equivalent, for the presence of native wildlife, including those using external nests, tree hollows or under decortivating bark. If native wildlife species are located, they are to be salvaged and relocated to the nearest suitable habitat in accordance with authorisation under the *Wildlife Act 1975* and any other relevant legislation.

The zoologist must also be on site during the vegetation removal/felling operations to ensure that any fauna species encountered are suitably relocated in accordance with authorisation under the *Wildlife Act 1975* and any other relevant legislation.

PLANNING PERMIT APPLICATION PLP202/20 FOR NATIVE VEGETATION REMOVAL AT LOT E DELATITE ROAD, SEYMOUR (CONT.)

6. To offset the removal of 0.118 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:

A general offset of 0.020 general habitat units:

- located within the Mitchell Shire Council municipal district or the Goulburn Broken Catchment Management Authority boundary;
 - with a minimum strategic biodiversity score of at least 0.080.
7. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of Responsible Authority for consideration and endorsement. This evidence is one or both of the following:
- an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site; and/or
 - credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
8. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.
9. This permit will expire if one of the following circumstances applies:
- a) The vegetation removal is not commenced within two years of the date of this permit;
 - b) The vegetation removal is not completed within six months of the date removal commenced.

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*.

PLANNING PERMIT APPLICATION PLP202/20 FOR NATIVE VEGETATION REMOVAL AT LOT E DELATITE ROAD, SEYMOUR (CONT.)

ASSESSMENT

3. Site and Surrounds

Subject Site Description

- 3.1 The subject site is composed of two separate parcels of 0.41 and 0.14 ha, respectively, that are separated by a road reserve easement. Both parcels have a frontage on Delatite Road.
- 3.2 The northern parcel is square in shape, of dimensions of approximately 36 metres by 38 metres, while the southern parcel is rectangular, with dimensions of approximately 35 metres by 120 metres. The parcels are fenced with a post and wire rural fencing.



Figure 3 - Close up aerial imagery (Nearmap Imagery 30 December 2020)

- 3.3 The subject site is relatively flat and contains a large coverage of native vegetation comprising dense canopy cover and minimal understorey.
- 3.4 The site is surrounded by residential dwellings and is used as a thoroughfare by residents in the area.

Planning Background

- 3.5 The subject site was once part of a Planning Permit PLA304207/05B issued on 7 June 2006 for a 22-lot subdivision and removal of native vegetation on 3.709ha described as Lots C, D and E LP210260S Delatite Road, Seymour.

PLANNING PERMIT APPLICATION PLP202/20 FOR NATIVE VEGETATION REMOVAL AT LOT E DELATITE ROAD, SEYMOUR (CONT.)

The subdivision allowed 21 conventional residential allotments with an average size of 611m² and the creation of a balance lot of 1.0761ha. The permit was allowed subsequent approvals to extend the expiry date for certification until 7 June 2014. A fourth extension of time was refused on 3 July 2014. The refusal to extend was appealed at the Victorian Civil and Administrative Tribunal and subsequently failed to be extended by VCAT on 19 February 2015.

- 3.6 While the above planning permit was alive, another planning permit application was lodged for the same site for a 44-lot subdivision and removal of native vegetation on 27 December 2013 under PLP346/13. However, after failing to provide further information on time, the application lapsed on 12 May 2014.
- 3.7 On the 19 April 2017 another planning application was lodged for the same larger site for use and development of a residential village and removal of native vegetation under application number PLP083/17. On 21 August 2017 the application was withdrawn before providing further information that had been requested on 15 May 2017.
- 3.8 All 3 lots (Lot C, D and E) are separately disposable lots. The applicant purchased Lot E PS210260S on 11 October 2019. The distance between the two parcels of lot E is 15 metres.



Figure 4 – Existing Lot E (purple outline) with outline of Lot C (green) and Lot D (red), Exponare 5.6.8

PLANNING PERMIT APPLICATION PLP202/20 FOR NATIVE VEGETATION REMOVAL AT LOT E DELATITE ROAD, SEYMOUR (CONT.)

Title/Restrictions/Agreements

- 3.9 A 3-metre-wide drainage and sewerage easement runs adjacent to the rear (west) boundary.
- 3.10 The title is not encumbered by any covenants or agreements.

Surrounding Area

- 3.1 The subject site is approximately 1.8 km east of the town centre of Seymour in an area predominantly used for residential purposes. The surrounding land uses also zoned General Residential Zone (GRZ1).

4. Proposal

- 4.1 The proposal is for the removal of native vegetation on the larger southern parcel of the title land for the purpose of constructing a dwelling. The dwelling construction does not require a planning permit.
- 4.2 The removal of vegetation includes Patch 2 and Tree 22 as identified in the Flora and Fauna Assessment and Net Loss Reporting, dated 13 February 2020.



PLANNING PERMIT APPLICATION PLP202/20 FOR NATIVE VEGETATION REMOVAL AT LOT E DELATITE ROAD, SEYMOUR (CONT.)

Figure 5 – Existing Lot E with Patch 2 and tree 22

- 4.3 There will be no vegetation removal necessary from the northern parcel.
- 4.4 The location of the dwelling and access track was chosen with consideration of avoidance and minimisation of vegetation removal. The access track avoids removal of native vegetation. The dwelling footprint limits the impact on native vegetation by removing the least amount of vegetation.

5. Referrals

- 5.1 The application was not required to be referred to any external referral authorities under Section 55 of the *Planning and Environment Act 1987*.
- 5.2 The application was referred to relevant internal departments, with consent provided.

6. Planning Policy Assessment

Zoning

General Residential Zone – Schedule 1 (GRZ1)

- 6.1 No permit triggers for native vegetation are considered under this zone. Therefore, this zone will no longer form part of this assessment.

Overlays

- 6.2 No overlays affect the subject site.

Particular Provisions

Clause 52.17 Native Vegetation

- 6.3 Pursuant to Clause 52.17-1, a permit is required to remove, destroy or lop native vegetation, including dead vegetation on land which has an area of 0.4 hectares or greater.
- 6.4 A planning permit is required for native vegetation removal as the subject site is 5,499m² in area.
- 6.5 An application to remove native vegetation must comply with the application requirements specified in the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the *Guidelines*).
- 6.6 Pursuant to Clause 52.17-3, the responsible authority must consider, in addition to the decision guidelines in Clause 65, the decision guidelines specified in the *Guidelines* as appropriate.

PLANNING PERMIT APPLICATION PLP202/20 FOR NATIVE VEGETATION REMOVAL AT LOT E DELATITE ROAD, SEYMOUR (CONT.)

Clause 65.01 Approval of an application plan

6.7 Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts

Planning Policy Framework (PPF)

6.8 Refer to attachment 3.

7. Alignment to Council Plan

7.1 The proposal aligns with 'Responsible Planning' as it meets the strategic objective and the following key strategies of the Council Plan:

- Improve the liveability of Mitchell Shire.

PLANNING PERMIT APPLICATION PLP202/20 FOR NATIVE VEGETATION REMOVAL AT LOT E DELATITE ROAD, SEYMOUR (CONT.)

- Prioritise environmental and sustainability outcomes in planning decisions.
- Protect and enhance local ambience, amenity and character.

8. Public Notification

8.1 The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987* by, placing notice on site and letters sent via post.

8.2 Following public notification of the application, a total of 5 objections have been received as of 19 March 2021.

8.3 The concerns raised by objectors are summarised as follows:

- Concern about tree removal of endangered community of grey box grassy woodlands.
- Woodlands support native wildlife and migratory birds.
- Should convert to a bush reserve and add picnic benches and understorey planting to enhance a poorly served part of Seymour.
- Private property would be subject to extra heat stress if trees removed.
- Concern about driveway opposite our driveway.
- Additional traffic movements would create a higher risk of collisions.
- Is dwelling single storey?
- Will there be earthworks?
- Will replanting occur?

8.4 A response to the objections is provided later within the report.

9. Discussion

Native Vegetation Removal

9.1 The application proposes to remove native vegetation to enable the construction of a single dwelling. The land is zoned General Residential Zone (GRZ1) where the construction of a dwelling is 'as of right'.

9.2 As the subject site is greater than 4,000m² a permit is required to remove native vegetation. The application is supported by a Flora and Fauna Assessment and Net Loss Reporting by Hamilton Environmental Services. There were 36 trees separately assessed across both parcels. Only trees

PLANNING PERMIT APPLICATION PLP202/20 FOR NATIVE VEGETATION REMOVAL AT LOT E DELATITE ROAD, SEYMOUR (CONT.)

within proximity to any lot boundaries or proposed development footprints were assessed.

- 9.3 Under the *Guidelines*, there are two categories of native vegetation: scattered trees or patches. The application requires the removal of 1 scattered tree (Tree 22) and 1 patch with a score of 0.118ha.
- The patch does not contain any large trees.
 - Tree 22 sits on the boundary fence line and would need to be removed for erecting boundary fencing.
- 9.4 The landowners have made effort to minimise the loss of native vegetation by choosing a location in the largest cleared area of the southern parcel. The fall of land is less in this location, which would minimise earthworks for the construction of a future dwelling and reduce the impact on surrounding vegetation. Further, this location is suitable as the proposed driveway access is along a cleared pathway.
- 9.5 Through the application process, concerns were raised whether the Striped Legless Lizard exists any longer on the subject site. Although the applicant's consultant had determined that species of the Striped Legless Lizard is highly unlikely to be found on the property, a permit condition is recommended to have a suitably qualified zoologist examine the vicinity of vegetation removal prior to commencement of works. Furthermore, the zoologist must be on site during the vegetation removal to ensure that any fauna species encountered are relocated in accordance with authorisation under the *Wildlife Act 1975*.
- 9.6 In response to the *Guidelines* to provide an offset to compensate for the loss of biodiversity, the application was accompanied by a Native Vegetation Removal Report to support the application to remove native vegetation. The report is considered a basic assessment pathway that does not require referral to any external authority.
- 9.7 The report identified that an offset amount of 0.020 general habitat units be provided in the Goulburn Broken Catchment Management Authority or Mitchell Shire Council. The minimum strategic biodiversity score is 0.080. The application was accompanied by a quotation for the supply of native vegetation credits via a specialist brokerage service. This is where the landowner can purchase native vegetation credits from a third party. A third-party offset is an offset site owned by another landowner who manages and protects native vegetation on their land. Before vegetation is removed, the landowner must provide evidence that the required offset has been secured.

10. Objectors' Concerns

- 10.1 Responses to objections not previously discussed are as follows:

PLANNING PERMIT APPLICATION PLP202/20 FOR NATIVE VEGETATION REMOVAL AT LOT E DELATITE ROAD, SEYMOUR (CONT.)

- The subject site is privately owned land. It cannot be turned into a bush reserve unless Council sought to acquire the land.
- The location of a new driveway was chosen to minimise tree removal. The siting of a crossover for a driveway opposite another crossing is a normal occurrence in local roads.
- The addition of one single dwelling would not cause a detrimental increase in traffic.
- As the application is concerned about the removal of native vegetation, whether the dwelling is single or double storey is immaterial as the development of the dwelling is 'as of right' and does not require planning permission.

11. Conclusion

11.1 This application proposes the removal of native vegetation on Lot E Delatite Road, Seymour.

11.2 The application has demonstrated that there would be no net loss of biodiversity as a result of the removal of native vegetation.

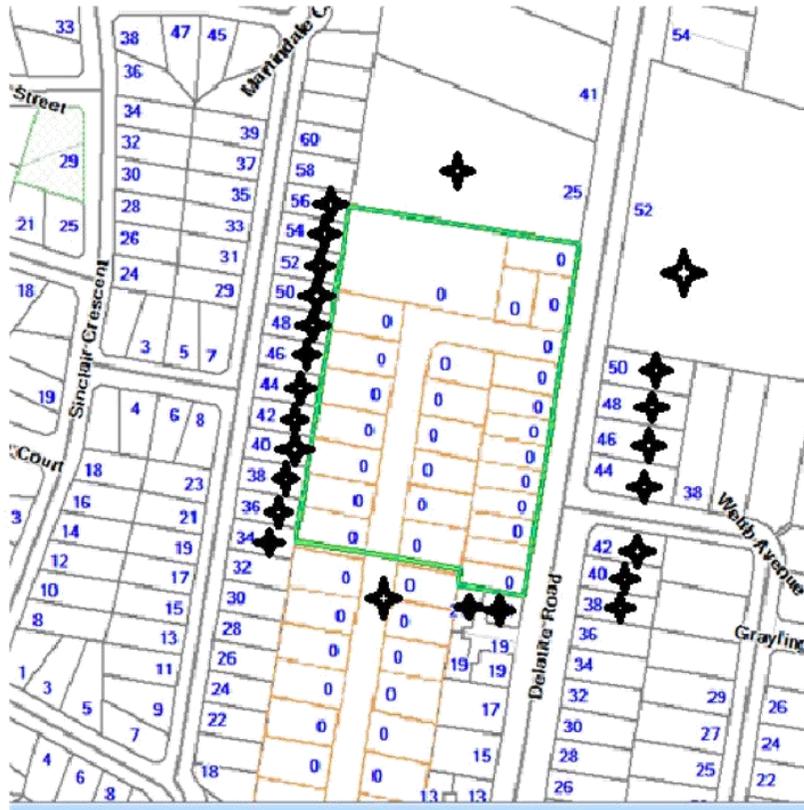
11.3 It is considered that the proposal should be supported by Council on the basis of the items listed within the Recommendation section of this report.

Flora and Fauna Assessment and Net Loss Reporting – Lot E, Delatite Road, Seymour



Figure 4-1 Aerial image of the property showing assessed Grey Box individuals (as numbered as in Appendix D) and defined native vegetation Patches, which are also numbered (Image from DSE 2005).

Attachment 2 - Advertising Map – Lot E Delatite Road Seymour



Attachment 3 – Planning Policy Framework – Lot E Delatite Road Seymour

The following clauses of the Planning Policy Framework and Local Planning Policy Framework are considered relevant to this application

Clause 12.01-1S - Protection of Biodiversity	<i>To assist the protection and conservation of Victoria's biodiversity.</i>
Clause 12.01-2S - Native Vegetation Management	<i>To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.</i>
Clause 21.03-1 - Biodiversity	<i>To protect and enhance indigenous flora, fauna and habitat.</i>

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

Author: Ricardo Ramos - Acting Manager Development Approvals

File No: CL/04/004

Attachments: Nil

1. Purpose

- 1.1 The following is a summary of planning activity before the Victorian Civil and Administrative Tribunal (VCAT) as well as a list of decisions on planning permit applications dealt with under delegated powers for the period detailed.

RECOMMENDATION

THAT the information in the report be received and noted.

2. Key Matters

Upcoming appeals

- 2.1 The following is an update of the upcoming VCAT appeals.

APPEAL DATE	REFERENCE NOS.	ADDRESS	PROPOSAL	APPEAL AGAINST
Deferred awaiting the outcome of a current application	VCAT – P1542/2019 Council – TP93/100	Hillview Drive, Broadford	Subdivision of the land into 25 lots and the removal of native vegetation	Appeal against Council's refusal to extend the completion date of the permit
Awaiting decision	VCAT - P983/2020 Council – PLP150/19	36 Victoria Street, Seymour	Multi-unit development	Conditions appeal by applicant (reduction of unit numbers)
23 March 2021	VCAT – P2492/2019 Council – PLP012/19	Hogan's Hotel, 88-94 High Street, Wallan	Construction of an extension, reduction in car parking, increase in licensed area and patron numbers	Conditions Appeal by applicant (indented car parking)

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

16 April 2021	VCAT – P1055/2020 Council – PLP274/19	Balance of land, 2 Tootle St Kilmore	Multi-lot staged subdivision	Conditions appeal (appealing VicRoads/Council conditions regarding intersection works/contribution)
Adjourned – awaiting new hearing date	VCAT – P93/2020 Council – P307127/12	160 Scotts Road, Tallarook	Use of the land for camping and use of existing buildings for a host farm and function centre	Appeal against Council's refusal to approve an amendment to a planning permit
6 August 2021	VCAT – P1055/220 Council – PLP121/20	(540) 74 Davidson Street Broadford	Multi lot subdivision and removal of vegetation	Failure to determine
30 August 2021	VCAT1888/2020	111 Northern Highway, Kilmore	Construction of a major promotion sign	Appeal against Council's refusal to grant a planning permit

VCAT decisions since last report*8 Pretty Sally Drive, Wallan (PLP016/20) – Subdivision of the land*

- 2.2 Planning permit application PLP016/20 for the subdivision of the land into 2 lots at 8 Pretty Sally Drive went to VCAT for a conditions appeal.
- 2.3 The permit applicant lodged an appeal to remove the following conditions restrict development to a single dwelling and further subdivision:

Condition 7

Before the issue of a Statement of Compliance under the Subdivision Act 1988, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 and the agreement must be registered on the title/s to the land under Section 181 of the Act. The agreement must provide that:

- a. The land may not be further subdivided so as to create a smaller lot for the existing dwelling.
- b. The land may not be further subdivided so as to create additional lots.
- c. Each lot may only have one dwelling.

Condition 8

The owner must pay the reasonable costs for the preparation, execution and registration of the Section 173 Agreement.

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

Condition 9

Before the issue of a Statement of Compliance under the *Subdivision Act 1988*, a copy of the Titles Office registration number (dealing number) for the Section 173 Agreement must be provided to Council as proof of registration.

- 2.4 VCAT concluded that the condition holds no weight as there is no policy in place to support including the conditions in the planning permit and the zone encourages housing growth in locations offering good access to transport services.

625 Northern Highway, Wallan – Amended Development Plan

- 2.5 The permit applicant withdrew VCAT application P1002/2020 which was an appeal against the refusal to amend the development plan.

625 Northern Highway, Wallan (P3049373/07.11) – Staged multi-lot subdivision & removal of native vegetation.

- 2.6 The permit applicant withdrew VCAT application P1556/2020 which was an appeal against a failure to determine planning permit application P3049373/07.11. Consent orders were signed to approve planning permit application P3049373/07.11 as the proposal is generally in accordance with the approved development plan.

625 Northern Highway, Wallan (PLP166/19) – Development of the land for 6 dwellings.

- 2.7 The permit applicant withdrew VCAT application P1556/2020 which was an appeal against the refusal of the development of the land for 6 dwellings.

1755 Seymour Tooborac Road, Glenaroua (PLP298/19) – Place of Assembly, alteration of access to a Road Zone 1 and removal of native vegetation

- 2.8 Planning permit application PLPL298/19 for place of assembly, alteration of access to a Road Zone 1 and removal of native vegetation went to VCAT for a conditions appeal.
- 2.9 The Tribunal directed that planning permit PLP298/19 be issued subject to the following amended conditions:

Condition 24(b) is amended to read:

No more than 5000 patrons and staff may be permitted on the land at any one time.

Condition 43 is amended to read:

This permit will expire if one of the following circumstances applies:

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

- a. The development and vegetation removal is not started within two years of the date of this permit.
- b. The development is not completed within four years of the date of this permit.
- c. The use is not started within four years of the date of this permit.
- d. The use is discontinued for a period of two years.

A new condition is included as follows:

This permit will expire 15 years after the date of issue of the permit.

A new condition is included as follows:

Prior to the commencement of the use a management plan must be submitted to and approved by the Responsible Authority. The management plan must specify that the purpose of the festival is to focus on the achievement of personal wellness with activities including;

- group discussions
- yoga
- meditation
- dance classes
- healing treatments
- any other related activities consistent with the purpose of the Festival to the satisfaction of the Responsible Authority.

The management plan must specify that the sale and consumption of alcohol is not permitted.

2.10 At the end of the hearing, the Tribunal member provided reasons orally for the decision to vary the permit.

92 High Street, Wallan – Hogans Hotel to operate an additional 20 electronic gaming machines (EGMs)

2.11 VCAT application (P1178/2019 to operate an additional 20 electronic gaming machines was approved by VCAT.

2.12 VCAT overall found the additional 20 gaming machines will have a net neutral impact on the well-being of the community. On this basis, the 'no net detriment' test has been satisfied and approval for the amendment to the venue operator's licence should be granted.

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

3. Activities Carried out Under Delegation

3.1 A list of planning permit applications dealt with under delegated powers for the month of March 2021 is included below.

Permit No.	Address	Description of Permit	Decision	Date Approved
South Ward				
PLP192/20	260 Northern Highway WALLAN	Removal of native vegetation and creation of temporary access to a road in a Road Zone, Category 1	Planning Permit	25/02/21
PLP014/21	124 Dolomite Rise WALLAN	Development of the land for a dwelling	Planning Permit	05/03/21
PLP322/17.01	149-157 King Street WALLAN	Staged multi-lot subdivision and removal of native vegetation	Amended Planning Permit	18/03/21
PLP047/21	29 Siena Ridge WALLAN	Development of the land for a dwelling	Planning Permit	30/03/21
PLP002/21	116 Bentinck Street WALLAN	Development of the land for multiple dwellings	Notice of Decision	30/03/21
Central Ward				
PLP013/21	24 Ram Circuit WALLAN	Development of the land for a dwelling	Planning Permit	01/03/21
PLP013/21	11 Freeway Drive WALLAN	Multi lot subdivision	Planning Permit	01/03/21
PLP013/21	27 Station Street WALLAN	Staged subdivision	Amended Planning Permit	01/03/21
PLP013/21	10 Innovation Drive WALLAN	Development the land for two (2) industrial buildings	Planning Permit	02/03/21
PLP013/21	South Station Street WALLAN	Development of the land for 12 dwellings and reduction in car parking requirements	Planning Permit	12/03/21
PLP013/21	11 Freeway Drive WALLAN	Buildings and works for the construction of twelve warehouses, reduction in car parking requirements and removal of vegetation	Amended Planning Permit	12/03/21
PLP013/21	10 Highfield Way KILMORE	Development of the land for an outbuilding	Planning Permit	12/03/21
PLP013/21	213 Wallara Waters	Construction of a single dwelling	Planning Permit	12/03/21

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

	Boulevard WALLAN			
PLP013/21	5 Flynn Court KILMORE	Buildings and works for an outbuilding	Planning Permit	24/03/21
PLP013/21	10 Allen Street KILMORE	Development of the land for two dwellings and subdivision of the land into 2 lots	Planning Permit	25/03/21
PLP013/21	188 Wallara Waters Boulevard WALLAN	Development of the land for a single dwelling	Planning Permit	30/03/21
North Ward				
PLP198/20	Hume and Hovell Road SEYMOUR	Development of the land for a store and reduction in car parking requirements	Planning Permit	24/02/21
PLP204/20	9 Kerris Circuit SEYMOUR	Creation of easements	Planning Permit	25/02/21
PLP030/21	1298 Broadford Wandong Road SUNDAY CREEK	Development of the land for a domestic outbuilding	Planning Permit	02/03/21
PLP023/20	13 Parker Court SEYMOUR	Subdivision of land and creation of reserve	Planning Permit	02/03/21
PLP033/21	9-11 Romano Drive PYALONG	Buildings and works for an extension to an existing dwelling	Planning Permit	03/03/21
PLP186/18.01	8 Ridd Court SEYMOUR	Subdivision of land and creation of reserve	Amended Planning Permit	02/03/21
PLP296/20	24 Emily Street SEYMOUR	Buildings and works for a verandah associated	Planning Permit	02/03/21
PLP342/20	4/45 Wallis Street SEYMOUR	Use of the land for Restricted Recreational Facility (Gym) and installation and display of business identification signage	NOD	05/03/21
PLP251/20	210 Tallarook Pyalong Road TALLAROOK	Development of the land for a dwelling and removal of native vegetation	Lapsed	10/03/21
PLP286/20	3 Bell Court BROADFORD	Development of the land for a store (self storage)	NOD	11/03/21
PLP076/20	2-4 Pollard Street SEYMOUR	Development of the land for six dwellings	Planning Permit	25/03/21

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

		and waiver of one car parking space		
PLP072/21	935 Dry Creek Road BROADFORD	Development of the land for an outbuilding	Planning Permit	25/03/21
PLP137/20	225 Doctors Creek Road CLONBINANE	Use and development of the land for a dwelling	Planning Permit	26/03/21
PLP220/20	12 Mitchell Court SEYMOUR	Development of the land for two (2) dwellings	Planning Permit	30/03/21
PLP269/20	Crawfords Road HIGH CAMP	Development of the land for a dwelling and associated habitable outbuilding	Planning Permit	30/03/21
PLP257/20	1 Mitchell Court SEYMOUR	Development of the land for two dwellings	Planning Permit	30/03/21
PLP020/21	High Street Road Reserve (1 Mylson Ave) BROADFORD	Removal of Native Vegetation	Planning Permit	30/03/21
PLP217/20	8 Smith Street SEYMOUR	Development of the land for two (2) dwellings	Planning Permit	30/03/21
PLP298/19	1755 Seymour Tooborac Road, Glenaroua	Place of Assembly, alteration of access to a Road Zone 1 and removal of native vegetation	Planning Permit	31/03/21

4. Charter of Human Rights Implications

4.1 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.

5. Officer Declaration of Conflict of Interest

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

10.4 RESPONSE TO NOTICE OF MOTION NO. 962 WHITEHEADS CREEK MASTERPLAN

Author: Paul Bezemer - Senior Strategic Planner

File No: CM19/126

Attachments: 1. Whiteheads Creek - Public Land Mapping 1-2
2. Whiteheads Creek - Public Land Mapping 2-2

1. Purpose

1.1 This report provides a response to Notice of Motion No. 962 which relates to a potential masterplan for Whiteheads Creek in Seymour.

2. Background

2.1 At the Ordinary Council Meeting of 15 July 2019, a Notice of Motion was moved and resolved as follows: *“That Council officers prepare a report for the September 2019 Council meeting of their understanding of what is required to develop a masterplan for the Whiteheads Creek environs and surrounds to guide future planning, management and development that complements and enhances this natural asset.”*

3. Key Matters

3.1 Currently the land around Whiteheads Creek in Seymour is mainly in private ownership (refer to Attachments 1 and 2). Whiteheads Creek runs through approximately 38 private properties between the merging of the Goulburn River (west of the Goulburn Valley Highway) and Telegraph Road. In comparison, the majority of the 6-kilometre study area for the Kilmore Creek Precinct Landscape Master Plan is in public land.

3.2 The private ownership will impact on the ability to implement the actions arising from the Masterplan and unlocking the potential community benefits. Council may need to explore opportunities around land acquisition or other arrangements to obtain access to the waterway and undertaking improvements.

3.3 A budget of approximately \$70,000 would be required to produce a Masterplan of the same standard as the recently adopted Kilmore Creek Precinct Landscape Masterplan. Such a project can take between 12 to 18 months to prepare including undertaking community consultation.

Recommendation

THAT Council note the information contained in this report.

RESPONSE TO NOTICE OF MOTION NO. 962 WHITEHEADS CREEK MASTERPLAN (CONT.)

4. Financial, Resource and Asset Management Implications

- 4.1 Council obtained grant funding of \$50,000 from the then Department of Economic Development, Jobs, Transport and Resources (DEDJTR) to prepare the Kilmore Creek Precinct Landscape Masterplan in 2018. Additional budget is likely required to be able to engage with the Traditional Owners of the land throughout the project.

5. Consultation

- 5.1 Engaging with the Traditional Owners as early as possible is necessary to strengthen our relationship and ensure crucial information is obtained at a time that the direction of the Masterplan can be influenced.
- 5.2 Commitment of the abutting landowners is crucial in order to be able to implement such a Masterplan. This process will need an emphasis on engaging with abutting landowners and ascertaining the level/likelihood of support for the future actions.

6. Sustainability Implications (Social and Environmental)

- 6.1 Improving the environmental qualities of the area will be a key element of the Whiteheads Creek Masterplan.
- 6.2 Any further Masterplan will have a strong social focus towards improving the accessibility and amenity of the Whiteheads Creek environs for benefit of the community.

7. Policy and Legislative Implications

- 7.1 Strategic justification to undertake a Masterplan for Whiteheads Creek can be found in Action S5.2 of the adopted Seymour Structure Plan: *“Investigate opportunities to provide open space connections along creeks, including Goulburn River, Whiteheads Creek and Back Creek, currently located on private land, as and when redevelopment proposals are brought forward.”*
- 7.2 The intent of the above Structure Plan action is that the three waterways have the potential to create a network of parks that connect throughout Seymour. With the Chittick Park Masterplan underway, this be the first step in providing park links and active transport options between key destinations such as schools, shops and services in town.
- 7.3 Council is currently working with the Goulburn Broken Catchment Management Authority (GBCMA) to create the Goulburn River Trail on this Crown Land corridor. It is advised to not double up the work along the Goulburn River and therefore not include it in this plan.
- 7.4 Back Creek can be included in this study. and to include those areas into a Masterplan would increase the study area and therefore the costs and timeframe associated with preparing the plan.

RESPONSE TO NOTICE OF MOTION NO. 962 WHITEHEADS CREEK MASTERPLAN (CONT.)

8. Alignment to Council Plan

8.1 A Masterplan for Whiteheads Creek is consistent with the relevant objectives of the *Council Plan 2017 – 2021*, including the following:

Strategic Objective: To demand best practise outcomes when planning for future growth.

Key Strategies: 3.1 – Plan for growth and change through best practise design of services, infrastructure, open space and recreation facilities.

3.3 Prioritise environmental and sustainability outcomes in planning decisions.

3.9 Improve the accessibility and connectivity of pedestrian and cycle paths within and between our towns.

3.10 Protect and enhance local ambience, amenity and character.

9. Conflict of Interest

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

10. Risk Implications

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Financial – effect on budget. Currently a Whiteheads Creek Masterplan is not budgeted for.	Medium.	External grant funding opportunities should be explored to fund this project.	No.
Success of implementing the final Masterplan will depend on cooperation of abutting landowners.	Medium.	Early consultation around the scope of this project will help determine if it is possible to implement a Masterplan.	No.

11. Discussion

11.1 With most of the land along Whiteheads Creek in private ownership (approximately 38 private properties), consideration must be given to future opportunities to implement this Masterplan. Implementation will heavily depend on the willingness of landowners to participate.

11.2 Development opportunities of the land abutting Whiteheads Creek are limited by existing planning controls such as the Flood Zones (particularly the Urban Floodway Zone) and Overlays being applicable for the length of

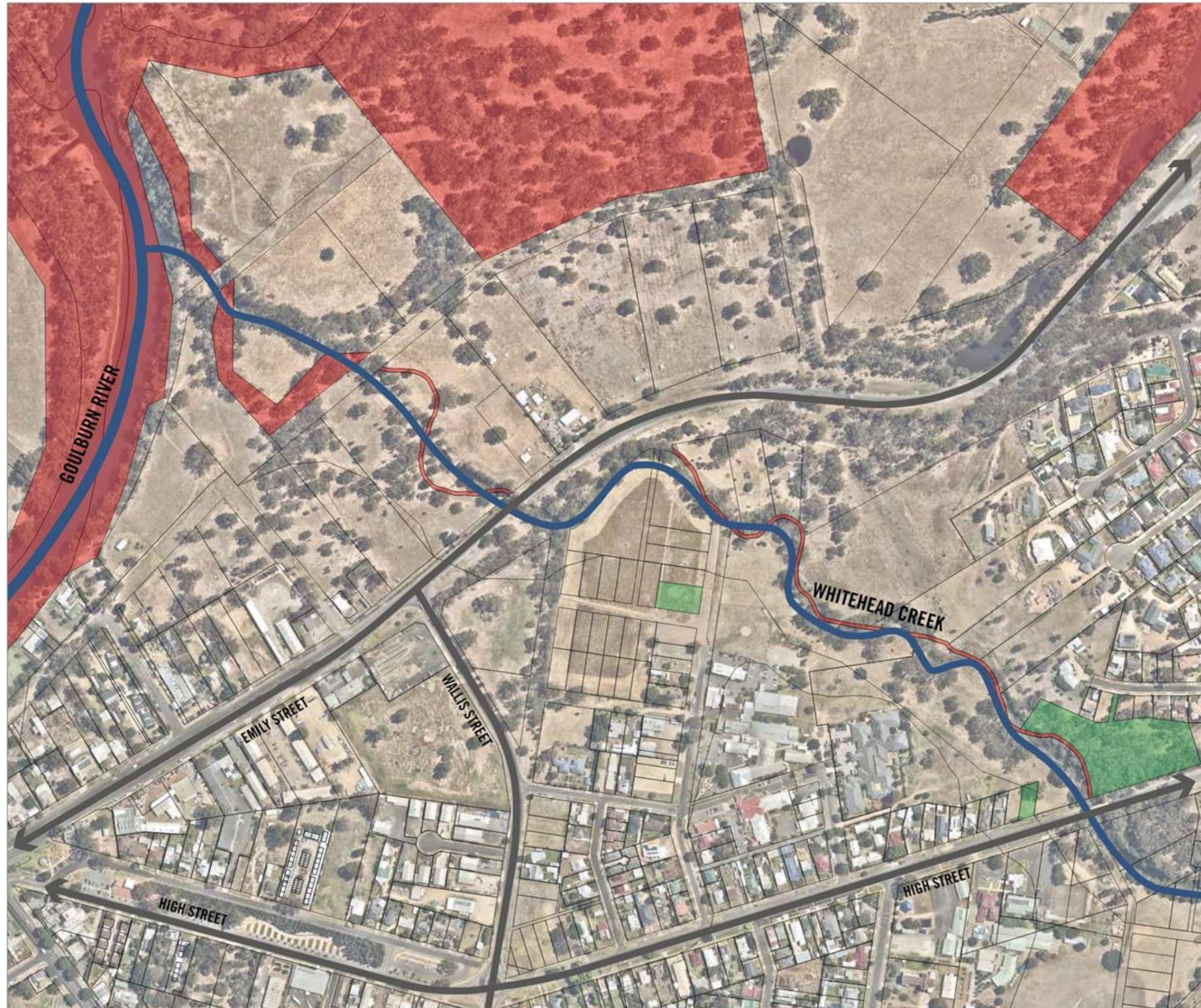
RESPONSE TO NOTICE OF MOTION NO. 962 WHITEHEADS CREEK MASTERPLAN (CONT.)

most of the creek. Most of the abutting land is largely encumbered which means development opportunities are limited and there won't be many subdivision planning applications around this land to negotiate for creek access.

11.3 The exception to the above, are two (2) areas nominated for future development opportunities in the Seymour Structure Plan:

- Greenfield Development Sites 12 & 17 – situated south of Whiteheads Creek and abutting the Seymour Racing Club, this land is earmarked for future residential development and providing an interface to the creek corridor is encouraged.
- Mob Siding Precinct, existing industrial area near Wimble Street and Delatite Road – identified in the Seymour Structure Plan as an urban renewal opportunity to encourage redevelopment of this area to enhance the amenity and public realm. Encouraging access and improved interface outcomes to Whiteheads Creek within this precinct will be key to successfully implementing a Master Plan as this precinct has a frontage to the creek of approximately 1.5-kilometres.

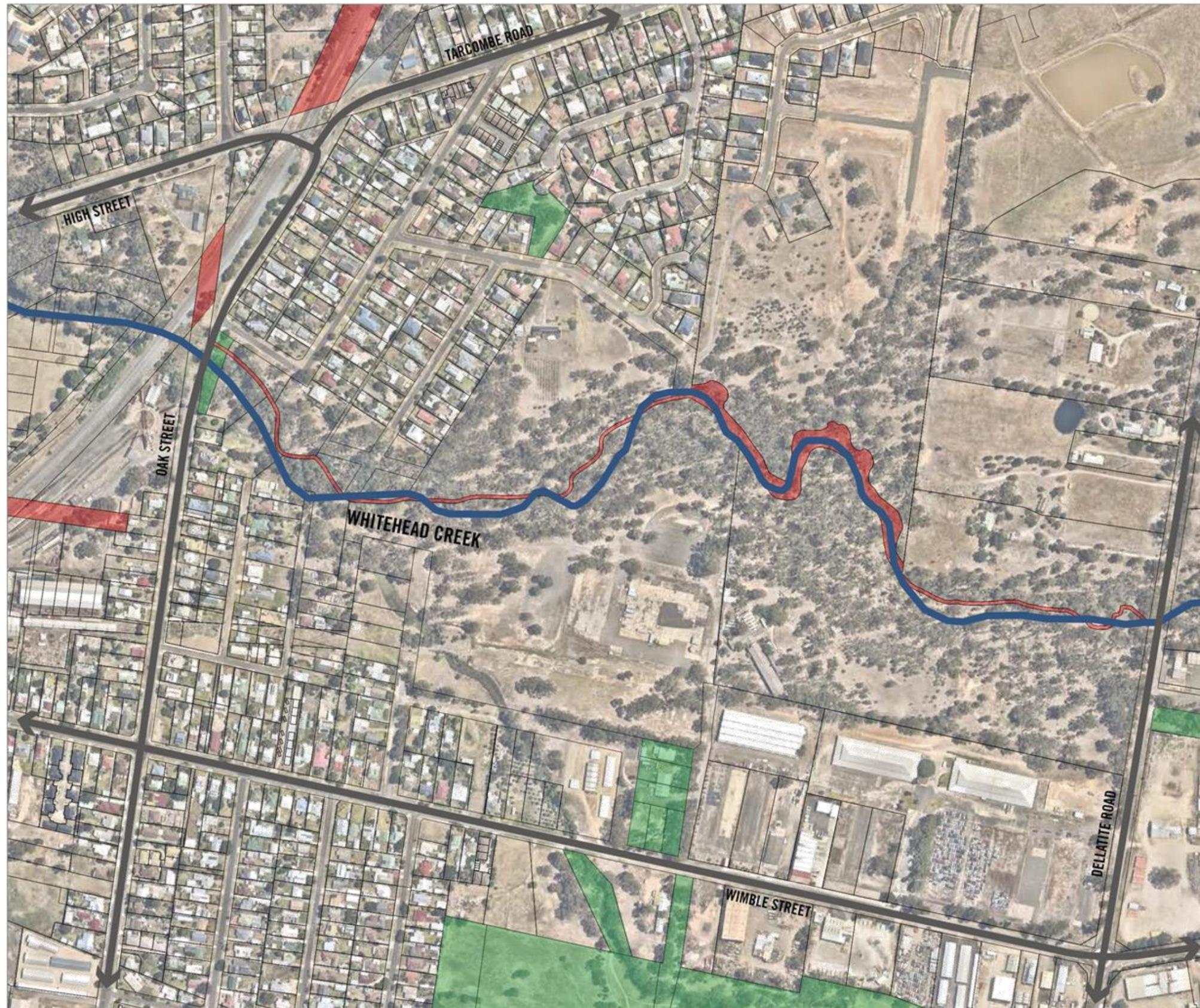
11.4 To proceed with preparing a Whiteheads Creek Masterplan will likely require Council to form a position on future land acquisition or other access arrangements as this forms the biggest obstacle towards implementation.



CROWN LAND
COUNCIL LAND

PUBLIC LAND
WHITEHEAD CREEK - SEYMOUR
MITCHELL SHIRE COUNCIL





CROWN LAND
COUNCIL LAND

PUBLIC LAND
WHITEHEAD CREEK - SEYMOUR
MITCHELL SHIRE COUNCIL

0 40 80 200
SCALE: 1:4,000 @ A3



11 EXECUTIVE SERVICES

Nil Reports

12 NOTICES OF MOTION

12.1 NOTICE OF MOTION: NO. 1002 - WALLAN/KILMORE BYPASS

Author: *Councillor Bill Chisholm*

File No: *TR/09/002*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 19 April 2021.

MOTION

THAT Council:

1. That Council continues and increases its advocacy efforts with the State Government and relevant authorities to push for additional funding commitments, and the actual timeliness for commencement and finalisation for at least the Kilmore stage of this vital project.
2. As part of this effort Council is to keep the community and stakeholders informed and provide an update on progress of the Kilmore/Wandong section of the Bypass.

1. Councillor Comment

- 1.1 Many people out in the wider community are extremely frustrated with the extremely slow pace of this badly needed and long overdue project. It is extremely obvious to all residents of this rapidly growing Shire, not just those directly affected on an everyday basis in the towns of Kilmore and Wallan, how important this project is. The Kilmore/Wallan Bypass needs to be treated as a State significant project and the Northern Highway recognised is a key arterial into the north of this State. Access to high functioning and up to date road and rail networks should be treated as a basic right to all residents not just those living in Melbourne.

2. Officer Comment

- 2.1 The Bypass is one of the "Mitchell's Big Build Projects", highlighting it as a key priority for both Council and the communities it serves. The project was submitted to the State Treasurer for consideration in the State 2021/2022 budget, which will be released in May 2021. If there is no consideration in the State budget, Council will continue to agitate for funding from the State.
- 2.2 Council and the State have worked in partnership to improve outcomes for Kilmore, including the Kilmore Rejuvenation project which will see

NOTICE OF MOTION: NO. 1002 - WALLAN/KILMORE BYPASS (CONT.)

significant improvements to Sydney Street, Kilmore, this project is currently underway. However, the Bypass, is an important infrastructure that will enhance outcomes for the Town and is a priority project in the 'Mitchell's Big Build' document.

- 2.3 The Department of Transport are currently working towards the implementation of the Public Acquisition Overlay (PAO) which will facilitate the construction and delivery of the bypass. The PAO is the first key step in the planning and development process and will clearly define the extent of the bypass, including the alignment north of Willowmavin Road. A Planning Scheme Amendment process will facilitate the inclusion of the PAO into the Mitchell Planning Scheme.

Signed: _____

Cr Bill Chisholm

Date: 25 March 2021

12.2 NOTICE OF MOTION: NO. 1003 - MAV STATE COUNCIL MOTIONS

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 19 April 2021.

MOTION

THAT Council officers submit the following motions to the Municipal Association of Victoria State Council meeting being held in May 2021:

THAT the Municipal Association of Victoria call on the State Government to address the lack of funding allocated to fire prevention by various State Government departments and agencies. At a time when Council are trying to do additional works and increase spending to make our communities safer, there appears to be no corresponding funding increases from the State Government.

THAT the Municipal Association of Victoria call on the State Government to increase waste education through a targeted state-wide media campaign for day trippers, travellers and campers, promoting the 'Take your rubbish home with you' message to protect the state's environmental values and encourage participation in the circular economy.

THAT the Municipal Association of Victoria call on the State and Federal Governments to increase funding to support Local Government to maintain, repair and replace local roads through increased funding for the Roads to Recovery Program and the Financial Assistance Grants.

Signed: _____

Cr Bill Chisholm

Date: 29 March 2021

13 DELEGATES REPORTS

Nil Reports

14 GENERAL BUSINESS

Nil Reports

15 GENERAL BUSINESS**16 URGENT BUSINESS****17 CONFIDENTIAL BUSINESS****RECOMMENDATION**

THAT in accordance with Section 66(1) and 66(2)(a) of the *Local Government Act 2020*, Council resolves to close the meeting to members of the public to consider the following items which relate to matters specified under Section 3(1), as specified below.

17.1 Confirmation of Minutes of previous Confidential Meeting

s3(1)h confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)

The Minutes of the previous confidential meeting of Council contain information that has been determined by Council to be confidential in accordance with s3(1) of the Local Government Act 2020.

17.2 RFT20211 - Marie Williams Kilmore Family and Children's Centre - Refurbishment and Extension

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

17.3 Delegate Report - Audit and Risk Committee

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

17.4 Re-opening of Meeting to members of the public

18 DATE OF NEXT MEETING

The next Ordinary meeting of Council is scheduled to be held on Monday 17 May 2021 at the Mitchell Council Chambers, 113 High Street Broadford, commencing at 7.00pm.

19 CLOSE OF MEETING