

## 9.6 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION

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

**File No:** CL/04/004

**Attachments:** Nil

### SUMMARY

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

### RECOMMENDATION

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

### 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
8 July 2019	VCAT – P481/2019 Council – PLP358/17	45 & 75 Willowmavin Road, Kilmore	4 lot subdivision (re-subdivision) and creation of easement	Appealing conditions included in the permit
19 July 2019	VCAT – P2664/2018 Council – PLP027/18	51 Tootle Street, Kilmore	Multi lot subdivision & removal of native vegetation	Appealing conditions included in the permit
24 July 2019	VCAT – P57/2019 Council – PLP207/18	5 Springridge Boulevard, Wallan	2 lot subdivision	Appeal against Council's refusal to grant a planning permit
6 August 2019	VCAT – P323/2019 Council – PLP252/18	127A Northern Highway, Kilmore	Installation and display of a major promotion sign	Appeal against Council's refusal to grant a planning permit
11 August 2019	VCAT – P510/2019 Council – PLP003/18	38-50 Mill Road, Kilmore	Staged multi-lot subdivision and removal of native vegetation	Appeal against Council's refusal to grant a planning permit
13 August 2019	VCAT – P125/2019 Council – PLP206/18	8 Eden Place, Wallan	Development of the land for multiple dwellings	Appeal against Council's refusal to grant a planning permit
10 October 2019	VCAT – P668/2019	63 High Street, Broadford	Buildings and works for the construction of	Appeal against Council's refusal to grant a planning permit

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

	Council – PLP129/18		an office building, 2-lot re-subdivision, reduction of car parking requirements and alteration of access to a Road Zone Category 1	
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**VCAT decisions since last report**

No decisions received in the period since the last report

**Activities Carried out Under Delegation**

A list of planning permit applications dealt with under delegated powers for the month of May 2019 is included below.

Permit No.	Address	Description of Permit	Decision	Date Approved
<b>South Ward</b>				
PLP087/19	35 Raglan Street WALLAN	3 lot subdivision SPEAR S136888J	Planning Permit	10/05/19
PLP114/18	100-102 High Street WALLAN	Use and development of the land for warehouses, buildings and works for a restricted retail premises, reduction in car parking requirements, display of signage and alteration to a road in a road zone category 1	Planning Permit	14/05/19
PLP052/19	25 Baden Drive HEATHCOTE JUNCTION	Development of the land for an outbuilding	Planning Permit	24/05/19
<b>Central Ward</b>				
PLP029/19	27 Foote Street KILMORE	Construction of a dwelling and outbuilding	Planning Permit	08/05/19
PLP113/19	119/33 The Elms Boulevard KILMORE	Buildings and works for the construction of a verandah	Planning Permit	14/05/19
PLP053/19	21 Jamieson Street BROADFORD	Three lot subdivision	Planning Permit	16/05/19
PLP011/19	3 Branigan Drive KILMORE	Buildings and works for an outbuilding	Planning Permit	16/05/19

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

PLP058/19	7 Hammond Court SUNDAY CREEK	Use and development of the land for a single dwelling	Planning Permit	24/05/19
PLP041/19	27 Wallis Road SUNDAY CREEK	Development of the land for an outbuilding	Planning Permit	24/05/19
PLP093/19	310 McGraths Lane WILLOWMAVIN	Buildings and works for the construction of an agricultural outbuilding and removal of native vegetation	Planning Permit	28/05/19
PLP294/18.01	31 Violet Lane BROADFORD	Development of the land for a dwelling	Section 72 Amendment	31/05/19
<b>North Ward</b>				
PLP107/19	4 Red Box Court SEYMOUR	Buildings and works for the extension of an existing dwelling	Planning Permit	03/05/19
PLP124/19	64 High Street SEYMOUR	Buildings and works associated with an existing family care centre (alterations and extension)	Planning Permit	16/05/19
PLP284/18	Botterills Lane WHITEHEADS CREEK	Use and development of a telecommunications facility and removal of native vegetation	Planning Permit	24/05/19
PLP109/19	13 Tristan Street SEYMOUR	Demolition of a front fence	Planning Permit	24/05/19
PLP256/16.02	49 Emily Street SEYMOUR	Buildings and works associated with motor vehicle repairs and sales and display of signage	Section 72 Amendment	17/05/19
PLP134/19	45 Breens Road TALLAROOK	Development of the land for an outbuilding	Planning Permit	28/05/19
PLP180/18	80 Paddys Dam Road TOOBORAC	Buildings and works for the extension to a dwelling	Planning Permit	28/05/19

**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.

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

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

**10 EXECUTIVE SERVICES**

Nil Reports

**11 NOTICES OF MOTION**

Nil Reports

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## 12 DELEGATES REPORTS

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

**Author:** Lidia Harding - Governance & Corporate Accountability Coordinator

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

**Attachments:** 1. Councillor Delegate Report

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#### 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 May 2019 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 May 2019 be received and noted.

#### BACKGROUND

The 2016 Council Elections were held on 22 October 2016. New committee and organisation delegates were appointed on 26 November 2018. 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.

DELEGATE REPORT - OVERVIEW AND UPDATE ON ACTIVITIES AND DELEGATE DELIBERATIONS  
(CONT.)

# **MITCHELL SHIRE COUNCIL**

## **Council Meeting Attachment**

### **DELEGATES REPORTS**

**24 JUNE 2019**

**12.1**

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

**Attachment No: 1  
Councillor Delegate Report**

**Councillor Delegate Report – May 2019**

**Cr David Atkinson**

Cr Atkinson submitted the following Delegate report for this period:

Meetings and events attended as a delegate:

9 May 2019 - Audit Committee meeting, Broadford

21 May 2019 - Harley Hammond Committee of Management meeting, Broadford

23 May 2019 - Attended and chaired the Goulburn Broken Greenhouse Alliance Extraordinary General meeting, Benalla and Ordinary meeting, Benalla

Other meetings and events attended as a Council representative include:

1 May 2019 - Attended with Cr Sanderson, Cr Lowe and officers the Budget session at Club Mandalay

2 May 2019 - Attended with the Mayor Seymour-FM radio presentation

2 May 2019 - Attended with the Mayor and other Councillors the Wallan Federal announcement

2 May 2019 - Attended with other Councillors and the Mayor and officers the Budget session at Broadford Living and Learning Centre

6 May 2019 - Attended with other Councillors and represented the Mayor at the Citizenship Ceremony welcoming new citizens into Australia and our Shire

8 May 2019 - Attended with Cr Sanderson, Cr Stevens, and officers the Budget session at Wine X Sam, Seymour

10 May 2019 - Attended with other Councillors and officers the Budget Session at The Old Gaol Café, Kilmore

10 May 2019 - Attended the Reg Withers Classic Committee function, Trackside Kilmore

14 May 2019 - Attended with Mayor and Councillor Sanderson the CRLLEN Annual General meeting in Marysville which had the Local Jobs First Commissioner, Don Mathews as speaker and a panel of three students in a Q&A type forum. This was an excellent session by all that spoke on supporting local jobs, business and industry

15 May 2019 - Attended with other councillors and officers the Budget session at The John Taylor Toom, Kilmore

16 May 2019 - Attended the U3A 20th Anniversary, The Golf Club, Kilmore

16 May 2019 - Attended with other Central Ward Councillors and the Chief Executive meeting with KADDRA at The John Taylor Room, Kilmore

18 May 2019 - Attended and represented the Mayor at the Melbourne Municipal Association of Victoria State Council meeting in Melbourne and moved a motion on behalf of the Mitchell Shire Council



**Cr Bill Chisholm**

Cr Chisholm submitted the following Delegate report for this period:

Meetings and events attended as a delegate:

1 May 2019 - Interface Council meeting, Melbourne

9 May 2019 - Audit Committee meeting, Broadford

15 May 2019 - Municipal Fire Management Planning Committee meeting, Broadford.

15 May 2019 - Australia Day Awards selection committee meeting, Broadford

13 and 20 May 2019 – Chief Executive Officer Review committee meeting, Broadford.

31 May 2019 - Municipal Emergency Management Planning Committee meeting in Melbourne. Some important issues up for discussion.

Other meetings and events attended as a Council representative include:

2 May 2019 - Attended with Cr Atkinson Seymour Radio FM presentation, Seymour

2 May 2019 - Attended with other Councillors the ALP announcement of \$23 million as part share of the Watson Street ramps project if they get into power at a Federal level

2 May 2019 - Broadford Budget session with Cr Atkinson at the Broadford Living and Learning Centre

4 May 2019 - Council Federal Election Advocacy stall, Wellington Square, Wallan and Tallarook Mechanics

6 May 2019 - Japanese Consulate visit in honour of the new Emperors inauguration

8 May 2019 - Annual Military Exercise at the Puckapunyal Army Base. Very interesting

10 May 2019 - Attended with other Councillors Budget session at the Old Gaol Cafe, Kilmore

10 May 2019 - Channel 7 Young Achiever's Awards night at Flemington Racecourse with the Mitchell Shire Youth Council who sadly just missed out on an award, but it was a great recognition to actually be nominated. A great night

14 May 2019 - Central Ranges Local Learning and Employment Network, Annual General meeting, Marysville

15 May 2019 - Meeting with members of the Broadford Truck Show Committee with Cr Humm and Shire staff on the Broadford Common

15 May 2019 - Tallarook Mechanic's Institute (Hall replacement) Community meeting. Discussions on final design, Tallarook Hotel

16 May 2019 - Collaborative Weeds Management Workshop. Comprising various Government Agencies and Departments, Landcare groups and facilitators, etc., Broadford Shire Office.

16 May 2019 - KADDRA meeting, John Taylor Room, Kilmore

16 May 2019 - Seymour Revitalisation Community Workshop. Well attended, Salvation Army Hall, Seymour

17 May 2019 - Activation of the 40km lights High Street, Seymour

19 May 2019 - Mitchell Shire Band presentation at the Seymour Performing Arts Centre

19 May 2019 - Kilmore Agricultural Society Dinner at Trackside, Kilmore

22 May 2019 - Broadford Historical Society Open Day. A very informative and welcoming event. The volunteers need to be congratulated

22 May 2019 - Riding for the Disabled Anniversary Lunch at Go TAFE Seymour, another very enjoyable and informative function.

23 May 2019 - Roadside Fire Management Planning, Broadford. Ground truthing exercise

24 May 2019 - Mitchell Shire Volunteers Thank You event, Kilmore Memorial Hall. Great night and a privilege to be MC

25 May 2019 - Broadford Football Netball Club indigenous recognition round

29 May 2019 - TV interview with Channel 9 Shepparton regarding the deportation of the Hyde family of Seymour

30 May 2019 – Municipal Association of Victoria Rural and Regional Planning Conference, Ballarat. Very informative and met some great fellow Councillors from across the State

31 May 2019 - Municipal Association of Victoria Conference Ballarat. Took time out from this to "Zoom" in on the MAV.

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**Cr Bob Cornish**

Cr Cornish submitted the following Delegate report for this period:

Meetings and events attended as a delegate:

Other meetings and events attended as a Council representative include:

6 May 2019 - Citizenship Ceremony, Broadford

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**Cr Rob Eldridge**

Cr Eldridge submitted the following Delegate report for this period:

Meetings and events attended as a delegate:

Other meetings and events attended as a Council representative include:

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**Cr Annie Goble**

Cr Goble submitted the following Delegate report for this period:

Meetings and events attended as a delegate:

Other meetings and events attended as a Council representative include:

6 May 2019 - Citizenship Ceremony, Broadford

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**Cr Bob Humm**

Cr Humm submitted the following Delegate report for this period:

Meetings and events attended as a delegate:

1 May 2019 - Mitchell Fire Consultative Forum, Broadford

15 May 2019 – JJ Clancy Committee of Management meeting, Kilmore

29 May 2019 – Mitchell Emergency Management meeting, Broadford

Other meetings and events attended as a Council representative include:

6 May 2019 - Citizenship Ceremony, Broadford  
10 May 2019 - Budget Drop In, Kilmore  
15 May 2019 - Meeting with Broadford Common User Group  
15 May 2019 – Budget Drop In, John Taylor Room, Kilmore  
23 May 2019 – Roadside Fire Management Plan, bus trip around shire  
24 May 2019 – Kilmore Recognising Our Volunteer, Thankyou Evening  
25 May 2019 – Supporting Broadford Indigenous Round, BFNC

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**Cr David Lowe**

Cr Lowe submitted the following Delegate report for the period March and April:

Meetings and events attended as a delegate:

Other meetings and events attended as a Council representative include:

6 May 2019 - Citizenship Ceremony, Broadford

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**Cr Rhonda Sanderson**

Cr Sanderson submitted the following Delegate report for this period:

Meetings and events attended as a delegate:

3 May 2019 - Australian Local Government Women's Association North East Branch meeting, Wangaratta City Council Offices, Ovens Street, Wangaratta

9 May 2019 - Goulburn River Valley Tourism Board meeting, Northern Republic, Kirkland Avenue, Euroa. This was the final Board meeting prior to the winding up of GRVT on 30 June 2019

13 May 2019 – Mitchell Shire Council, Chief Executive Officer Performance Review Committee meeting, Broadford

14 May 2019 - Bushland Park Committee of Management meeting, Goulburn Valley Highway, Seymour

14 May 2019 - Kings Park Committee of Management meeting, Second Oval Outbuilding, Kings Park, Seymour

15 May 2019 - Australian Light Horse Memorial Park Committee of Management meeting, Ken Hall Pavilion, Kings Park, Seymour

29 May 2019 - Mitchell Shire Council, Chief Executive Officer Performance Review Committee meeting, Broadford. The annual Chief Executive Officer Performance Review was conducted

Other meetings and events attended as a Council representative include:

1 May 2019 - Mitchell Shire Council Budget Consultation Drop-in Session, Club Mandalay, Beveridge. Staff and some Councillors attended this open session. Unfortunately, no members of the community joined us

2 May 2019 - Federal election commitment announcement, Wallan Town Heart, High Street, Wallan. An election commitment of \$23 million towards the Watson Street interchange was announced by the Labor candidate for McEwen, Rob Mitchell

3 May 2019 - Mitchell Shire Council Budget Consultation Drop-In session, Open Cafe, High Street, Wallan. One community member attended

3 May 2019 - Cancer Council Victoria Seymour Volunteer Group 35th Anniversary Dinner, The Seymour Club, Elizabeth Street, Seymour. This amazing Volunteer Group has raised over \$600,000 in the past 35 years

4 May 2019 - Mitchell Shire Council's Federal Election Advocacy stall, Wellington Square shopping centre, High Street, Wallan. This was a very busy stall with lots of community support shown for Mitchell Shire Council's two main advocacy priorities: the Watson Street interchange and the provision of local mental health services

4 May 2019 - Tallarook Mechanics Institute Committee of Management meeting, Tallarook Hotel, Main Road, Tallarook

6 May 2019 - Mitchell Shire Council Citizenship Ceremony, Broadford Shire Hall, Murchison Street, Broadford

7 May 2019 - Mitchell Shire Council Budget Consultation Drop-in Session, Pyalong Neighbourhood House, Main Road, Pyalong. One member of the public attended

7 May 2019 - Seymour U3A 'Melting Pot' talk, Chittick Park Community Place, Pollard Street, Seymour. Mitchell Shire Council Director Mary Agostino and Senior Project Officer Amy Reynolds provided an update on the Seymour Revitalisation project to a large gathering of U3A members

7 May 2019 - Mitchell Shire Council Community Consultation, Neighbourhood House, High Street, Pyalong. Nine reps from key community groups attended this initial community consultation regarding a proposed recreational space in Pyalong. Other topics included in the consultation session were the proposed 2019-2020 Budget and the Pyalong Community Plan

8 May 2019 - Mitchell Shire Council Budget Consultation Drop-in session, Wine x Sam, Anzac Avenue, Seymour. Three community members attended

8 May 2019 - River and Ranges Community Leadership Program AGM, Wallan Multi-purpose Centre, Wallan. The Inaugural Alumni Award was presented to former Tallarook resident Linda Kennedy

9 May 2019 - Seymour Business & Tourism meeting, Seymour Coaches, Highlands Road, Seymour

10 May 2019 - Mitchell Shire Council Federal Election Advocacy Campaign Drop-in session, Wallan Multi-purpose Centre, Wallan

10 May 2019 - Mitchell Shire Council Budget Consultation Drop-in session, Kilmore Gaol Cafe, Kilmore. A number of community members attended this session

14 May 2019 - Central Ranges Local Learning and Employment Network Annual General meeting, Vibe, Murchison Street, Marysville

15 May 2019 - Mitchell Shire Council Tallarook Mechanics Institute Rebuild community meeting, Tallarook Hotel, Main Road, Tallarook. This was the final Concept Design meeting and was well attended by community members

16 May 2019 - Pyalong Neighbourhood House Australia's Biggest Morning Tea, Pyalong Community Centre, High Street, Pyalong. A fantastic and fun fundraising event for the Cancer Council which drew a good crowd

16 May 2019 - DELWP/ Mitchell Shire Council Seymour Revitalisation Community Working Group workshop, Salvation Army Hall, Victoria Street, Seymour. Twenty-one CWG members attended this workshop to provide comments regarding housing, public realm improvements and the transition from school to work

19 May 2019 - Mitchell Shire Concert Band 'Your Band, Your Town' concert, Community Arts Centre, Seymour College, Anglesey Street, Seymour. This was a very entertaining concert which also included performances by the Australian Military Wives Choir and Seymour College Primary Choir

21 May 2019 - Mitchell Shire Council Volunteer Thankyou event, Salvation Army Hall, Victoria Street, Seymour. I was proud to MC this fun event which was attended by approximately 80 local volunteers

21 May 2019 - Broadford Historical Society Open Day, High Street, Broadford. The tour of the historical buildings in the precinct was very enlightening and I enjoyed meeting some of the volunteers

22 May 2019 - Riding Develops Abilities Seymour 40th Anniversary event, Seymour GO-TAFE, Wallis Street, Seymour. A very pleasant event acknowledging this fantastic volunteer service provided to Shire residents

24 May 2019 - MSC Volunteer Thankyou event, Soldiers' Memorial Hall, Sydney Street, Kilmore. Another fun event which was attended by approximately 60 local volunteers

30 May 2019 - Seymour FM 'Talking about Mitchell' radio show, Seymour FM studios, Lesley Street, Seymour

30 May 2019 - Mitchell Shire Council Reconciliation Week Practice Guide Launch, Mitchell Shire Council Civic Centre, High Street, Broadford. I was honoured to launch Mitchell Shire Council first 'Acknowledging our Traditional Owners Resource Guide' at this celebration of Reconciliation Week. A large crowd attended including representatives from the Lower Hume Primary Care Partnership, Taungurung Aboriginal Corporation, Victoria Police, Defence and local schools. Local Taungurung elder, Uncle Larry, performed a Welcome to Country and smoking ceremony

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**Cr Fiona Stevens**

Cr Stevens submitted the following Delegate report for this period:

Meetings and events attended as a delegate:

Other meetings and events attended as a Council representative include:

6 May 2019 - Citizenship Ceremony, Broadford

**13 GENERAL BUSINESS**

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

**14 URGENT BUSINESS**

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

**15 CONFIDENTIAL BUSINESS****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 Old Goulburn River Bridge Stabilisation Works - Contract Award**

s89(2)(d) contractual matters.

**15.3 Kilmore Creek Pedestrian Bridge Project - Design and Construct Contract Award**

s89(2)(d) contractual matters.

**15.4 Award of Contract No: 2018-56 for Tree Services Panel in collaboration with Whittlesea City Council**

s89(2)(d) contractual matters.

**15.5 Chief Executive Officer Mid-Year Performance Review**

s89(2)(a) personnel matters.

**15.6 Re-opening of Meeting to members of the public****16 DATE OF NEXT MEETING**

The next Ordinary meeting of Council is scheduled to be held on Monday 15 July 2019 at the Mitchell Council Chambers, 113 High Street Broadford, commencing at 7.00pm.

**17 CLOSE OF MEETING**