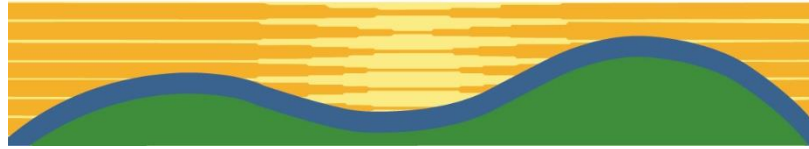


MITCHELL SHIRE COUNCIL



**COMMUNITY QUESTIONS
AND HEARINGS COMMITTEE
MINUTES**

MONDAY 13 MAY 2019

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**MINUTES OF THE COMMUNITY QUESTIONS AND
HEARINGS COMMITTEE OF THE MITCHELL SHIRE
COUNCIL HELD AT MITCHELL CIVIC CENTRE, 113 HIGH
ST, BROADFORD ON
13 MAY 2019**

THE MEETING OPENED: 7.00pm

COUNCILLORS PRESENT:

Cr Annie Goble Central Ward
Cr David Atkinson Central Ward
Cr Bob Humm Central Ward

Cr Bill Chisholm North Ward (Chairperson)
Cr Rhonda Sanderson North Ward
Cr Fiona Stevens North Ward

Cr David Lowe South Ward
Cr Rob Eldridge South Ward
Cr Bob Cornish South Ward

OFFICERS PRESENT:

Mr David Turnbull Chief Executive Officer
Mr Laurie Ellis Director Governance and Corporate Performance
Ms Mary Agostino Director Advocacy and Community Services
Mr Mike McIntosh Director Development and Infrastructure
Ms Lidia Harding Governance and Corporate Accountability
Coordinator

1 WELCOME AND GOVERNANCE DECLARATION

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

The Mayor acknowledges the traditional owners of the Taungurung Nation and pay his respect to their Elders past and present, and its emerging and future leaders.

The declaration was read by Cr F. Stevens

2 APOLOGIES AND LEAVE OF ABSENCE

Nil

3 DISCLOSURE OF CONFLICTS OF INTEREST

In accordance with Section 79 of the Local Government Act 1989.

Cr Cornish declared an indirect conflict of interest in Item 6.1 Planning Permit Application PLP212/18 For The Use and Development of the land for Trade Supplies and Restricted Retail Premises, Alteration of Access to a Road Zone - Category 1, Reduction of Bicycle Parking Requirements and Display of Signage At 63 Anzac Avenue Seymour because of a conflicting duty.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

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

COMMITTEE RECOMMENDATION

MOVED: CR. B. CORNISH

SECONDED: CR. D. LOWE

THAT the Minutes of the Community Questions and Hearings Committee held 8 April 2019, as circulated, be confirmed.

CARRIED UNANIMOUSLY

5 GOVERNANCE AND CORPORATE PERFORMANCE

5.1 CONSIDERATION OF THE SALE OF LAND IN POWLETT STREET KILMORE

Author: Teresa Hendy - Property Officer

File No: CP/05/040

Attachments: 1. Powlett Street Land Since 2004
2. Overview of Powlett Street Land
3. Submission Received.

Reference: CM19/15

SUMMARY

Council owns a small parcel of land located on the western side of Powlett Street, Kilmore. The land has been in the ownership of Council (Shire of Kilmore, Mitchell Shire Council) since 1990.

A report to the Ordinary Council Meeting of 18 February 2019 sought the support of Council to consider the sale of land occupied by Kilmore Central Ford since the opening of their car dealership business and forms part of the display yard, and for the support of Council to commence the first step in this process by giving public notice of the proposed sale.

Public Notice has been given and one submission was received in response to the Public Notice, with the submitter requesting to be heard by the Community Questions and Hearings Committee.

COMMITTEE RECOMMENDATION

MOVED: CR. R. SANDERSON

SECONDED: CR. B. HUMM

THAT Council officers provide a future report to Council in relation to the proposed sale of land in Powlett Street, Kilmore.

CARRIED UNANIMOUSLY

5.2 PROPOSED DECLARATION OF PUBLIC HIGHWAY - PART WANDONG AVENUE

Author: Teresa Hendy - Property Officer
Nicole Maxwell - Manager Finance and Assets

File No: CP/06/012, ST/01/001

Attachments: 1. Area proposed to be declared public highway

Reference: CM18/307

SUMMARY

The ownership and management of the land adjacent to the constructed road (Wandong Avenue) has long been the subject of uncertainty (area shown in Attachment 1).

As previously reported the proposal to declare the whole of the land (shown in Attachment 1) as a public highway would create certainty for future management of the land and the proposal has been advertised to the community by giving public notice and requesting submissions.

This report follows Council Reports from 15 October 2018, 18 February 2019 and 15 April 2019 which discussed issues associated with the land on both sides of Wandong Avenue where the road abuts Rail Street.

The recommendations of the Council Reports are as follows:

15 October 2018

THAT Council:

1. Propose to declare the northern section of Wandong Avenue, Wandong (adjacent to Rail Street), and as shown on Attachment 1 of this report, as a public highway.
2. Authorise the giving of Public Notice under Section 223 of the *Local Government Act 1989* of the intention to declare the section of Wandong Avenue, as shown on Attachment 1, a public highway under Section 204(1) of the *Local Government Act 1989*. The Public Notice would be published in a local newspaper and on Council's website.
3. In accordance with Section 223 of the *Local Government Act 1989*, receive written submissions and hear from submitters at a meeting of the Community Questions and Hearings Committee.

18 February 2019

THAT Council:

1. Determine that the area shown in Attachment 1 of this report, being the northern section of Wandong Avenue adjacent to Rail Street, is reasonably required for

PROPOSED DECLARATION OF PUBLIC HIGHWAY - PART WANDONG AVENUE (CONT.)

- public use, both for immediate vehicle and pedestrian use and to allow for future planning for public, Council and utility uses and services.
2. Authorise the giving of public notice to give effect to Recommendation 1, by the publication of a notice of declaration of public highway under section 204(1) of the *Local Government Act 1989* of the area shown in Attachment 1 of this report in the *Victoria Government Gazette*.
 3. After the giving of public notice, authorise the preparation of a title Plan for the land declared as public highway and application by Council to become the registered proprietor of the land declared as public highway, as shown in Attachment 1 of this report.

Following the Council meeting of 18 February 2019, it came to light that Officers inadvertently did not provide all parties the opportunity to be heard in accordance with Section 223 of the *Local Government Act 1989* and that a new resolution on the matter of declaring Part Wandong Road a Public Highway would be required after submitters had the opportunity to be heard by the Community Questions and Hearings Committee.

The Council resolution of 18 February 2019 could not be acted upon without having provided procedural fairness as is required by the Act, therefore this required Council to consider the proposal anew.

The subsequent report of 15 April 2019 proposed a way forward to ensure that the submissions were treated in accordance with the Act and Council could advance to make a new resolution once they had considered all submissions, written and verbal.

The resolution of the Meeting of 15 April 2019 is as follows:

15 April 2019**THAT** Council:

1. Reconsider the decision made at the Ordinary Council Meeting of 18 February 2019, Item 2, which gives effect to the declaration of public highway of part of Wandong Avenue (as shown in Attachment 1), noting that Council cannot proceed with the resolution having not fulfilled its requirements under the *Local Government Act 1989* to provide opportunity for submitters to be heard in accordance with section 223 of the *Local Government Act 1989*.
2. Officers invite the submitter and all other objectors who wished to be heard in support of their submission made in regards to the proposed declaration of public highway of part Wandong Avenue to the meeting of the Community Questions and Hearing Committee meeting scheduled for Monday 13 May 2019.
3. Hear the submitters at the Community Questions and Hearings Committee and report back to Council with a full representation of the submitter's views and concerns.

PROPOSED DECLARATION OF PUBLIC HIGHWAY - PART WANDONG AVENUE (CONT.)

This report provides the background and information around the proposal for the declaration as public highway of part of Wandong Avenue to inform the consideration of the proposal in conjunction with the submission/s to the Community Questions and Hearings Committee.

COMMITTEE RECOMMENDATION

MOVED: CR. D. LOWE

SECONDED: CR. R. SANDERSON

THAT Council officers provide a future report to Council in relation to the proposed declaration of public highway, part Wandong Avenue.

CARRIED UNANIMOUSLY

6 DEVELOPMENT AND INFRASTRUCTURE

6.1 PLANNING PERMIT APPLICATION PLP212/18 FOR THE USE AND DEVELOPMENT OF THE LAND FOR TRADE SUPPLIES AND RESTRICTED RETAIL PREMISES, ALTERATION OF ACCESS TO A ROAD ZONE - CATEGORY 1, REDUCTION OF BICYCLE PARKING REQUIREMENTS AND DISPLAY OF SIGNAGE AT 63 ANZAC AVENUE SEYMOUR

7.14pm Cr Cornish left the meeting

Author: Holly Sawyer - Senior Statutory Planner

File No: PLP212/18

Attachments: Nil

Property No.:	100083
Title Details:	Lot 5 on Plan of Subdivision 310138R Volume 10048 Folio 943
Applicant:	Peninsula Planning Consultants Pty Ltd
Zoning:	Industrial 1 Zone
Overlays:	None
Objections Received:	17, at the time of this report
Cultural Heritage Management Plan Required:	No, the subject site is not located within an area of Aboriginal Cultural Heritage Sensitivity
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

SITE MAP



PLANNING PERMIT APPLICATION PLP212/18 FOR THE USE AND DEVELOPMENT OF THE LAND FOR TRADE SUPPLIES AND RESTRICTED RETAIL PREMISES, ALTERATION OF ACCESS TO A ROAD ZONE - CATEGORY 1, REDUCTION OF BICYCLE PARKING REQUIREMENTS AND DISPLAY OF SIGNAGE AT 63 ANZAC AVENUE SEYMOUR (CONT.)

SUMMARY

The application is seeking approval for the use and development of the land for trade supplies and restricted retail premises (Bunnings Warehouse), alteration of access to a Road Zone – Category 1, reduction of bicycle parking requirements and display of signage. The land is located within the Industrial 1 Zone of the Mitchell Planning Scheme, with no overlays affecting the site.

The application was advertised via letters to adjoining landowners and occupiers and those within the surrounding area. Two signs were also displayed on the subject site (one fronting Victoria Street and the other fronting Anzac Avenue). A total of 17 objections have been received at the time of writing this report. .

COMMITTEE RECOMMENDATION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. D. ATKINSON

THAT Council officers provide a report to Council in relation to Planning Application PLP212/18 for the use and development of the land for a trade supplies and restricted retail premises, alteration of access to a Road Zone – Category 1, reduction of bicycle parking requirements and display of signage at 63 Anzac Avenue, Seymour.

CARRIED UNANIMOUSLY

8.33pm Cr Cornish returned

6.2 PLANNING PERMIT APPLICATION PLP186/18 FOR SUBDIVISION OF THE LAND AT 8 RIDD COURT SEYMOUR

Author: Amy King - Statutory Planner

File No: PLP186/18

Attachments: Nil

Reference: PLP186/18

Property No.:	103759
Title Details:	Lot 2 on PS409317R (Volume 10346 / Folio 043)
Applicant:	Peyton Waite Pty Ltd
Zoning:	General Residential Zone – Schedule 1
Overlays:	Nil
Objections Received:	4
Cultural Heritage Management Plan Required:	No
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

SITE MAP



(Aerial image of subject site – 8 Ridd Court, Seymour)

PLANNING PERMIT APPLICATION PLP186/18 FOR SUBDIVISION OF THE LAND AT 8 RIDD COURT SEYMOUR (CONT.)

SUMMARY

Planning permit application PLP186/18 was received by Council for a multi-lot subdivision of the land at 8 Ridd Court in Seymour. The site is zoned General Residential Zone with no overlay controls applicable.

The application was publicly notified via letters to adjoining landowners and occupiers and a sign on the property frontage. Four objections were received.

COMMITTEE RECOMMENDATION

MOVED: CR. R. SANDERSON

SECONDED: CR. B. HUMM

THAT Council officers provide a report to Council in relation to Planning Application PLP186/18 for the subdivision of the land at 8 Ridd Court, Seymour.

CARRIED UNANIMOUSLY

6.3 PLANNING PERMIT APPLICATION PLP344/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 7 DWELLINGS AT 7 MCCARTHY COURT WALLAN

Author: Mathew Mertuszka - Principal Planner

File No: PLP344/18

- Attachments:**
1. Relevant Policies
 2. Plans - Under Separate Cover
 3. Rescode Assessment

Property No.:	PLP344/18
Title Details:	Lot 1 on Plan of Subdivision 200848M
Applicant:	M Property
Zoning:	General Residential Zone – Schedule 1
Overlays:	Nil
Objections Received:	6 objections received at the time of this report
Cultural Heritage Management Plan Required:	No, not in an area of aboriginal cultural heritage significance
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

SITE MAP



PLANNING PERMIT APPLICATION PLP344/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 7 DWELLINGS AT 7 MCCARTHY COURT WALLAN (CONT.)

SUMMARY

The application is seeking to construct seven dwellings on a lot. The proposal will result in six double storey dwellings and one single storey dwelling. The existing dwelling on the land will be demolished. This application must be decided at a Council in accordance with Council's instrument of delegation for receiving 4 or more objections during public notification.

The lot has an area of 1,998 square metres (sqm) and is located on the northern side of McCarthy Court, Wallan.

The application was advertised by posting notices to adjoining property owners and occupiers and posting a sign on the premises. A total of six objections have been received. The concerns raised related to overdevelopment of the site, lack of on street car parking and footpaths, failure to comply with neighbourhood character, overlooking concerns, loss of amenity due to size, bulk of the development, generation of increased traffic and noise and loss of established trees.

Given the residential zoning, existing services and the site's location within an easy walking distance of the Wallan Town Centre, public transport, schools, and parks, this provides for an appropriate context to increase residential densities.

In officer's assessment the proposal demonstrates compliance with the relevant policies and provisions of the Mitchell Planning Scheme. It is therefore recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

COMMITTEE RECOMMENDATION

MOVED: CR. A. GOBLE

SECONDED: CR. B. HUMM

THAT Council officers provide a report to Council in relation to Planning application PLP344/18 for Buildings and –for the construction of 7 dwellings at lot 1 on Plan of Subdivision 200048M, known as 7 McCarthy Court, Wallan.

CARRIED UNANIMOUSLY

7 SUBMISSIONS

Nil

8 QUESTION TIME

PAULINE DUFF - WALLAN HEATHCOTE RAIL TRAIL

- What progress has been made in the twelve months since that meeting to investigate external sources of funding?

Thank you for the question.

Council officers are regularly engaged in advocacy priority discussion with State and Federal Governments. At this point a particular funding source for the next stage of feasibility and design for the Wallan to Heathcote Rail Trail has not been identified, Council officers will continue to work with relevant government departments to identify relevant funding opportunities.

- What efforts have been made to secure the public land suggested for use by the proposed rail trail? In particular we are concerned about the VicTrack controlled section between Tootle Street and Bylands.

The security of land for the Wallan to Heathcote Rail Trail is a complex issue, that will most likely occur in a staged manner once further planning for the Rail Trail has progressed.

In relation to Kilmore there has been some planning policy changes that further support the Wallan to Heathcote Rail Trail. In January 2019 Planning Scheme Amendment C120 for the residential rezoning of the land at 2 Tootle Street, Kilmore was approved. As part of future residential Development Plan for this land, the developer is required to demonstrate appropriate pedestrian and cycle links, this includes the necessary land requirement for the Wallan to Heathcote Rail Trail.

In addition, Amendment C123 to the Mitchell Planning Scheme was approved on the 28 March 2019. Amendment C123 implements the Kilmore Structure Plan into the Mitchell Planning Scheme, therefore providing significant policy weight to the overall objective of achieving the Wallan to Heathcote Rail Trail. Specially, figure 17 (page 48) of the Kilmore Structure Plan identifies the alignment of the potential Heathcote to Wallan Rail Trail.

9 COMMUNITY PRESENTATIONS

Nil

10 DATE OF NEXT MEETING

The next Community Questions and Hearings Committee meeting is scheduled to be held on 11 June 2019 at the Mitchell Civic Centre, 113 High St, Broadford, commencing at 7.00pm.

11 CLOSURE OF MEETING

The meeting was declared closed at 9.15pm.

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Chairperson
Mayor, Cr Bill Chisholm