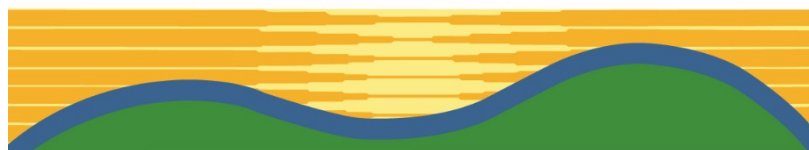


MITCHELL SHIRE COUNCIL



**COMMUNITY QUESTIONS
AND HEARINGS COMMITTEE
MINUTES**

MONDAY 14 SEPTEMBER 2020

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**MINUTES OF THE COMMUNITY QUESTIONS AND
HEARINGS COMMITTEE OF THE MITCHELL SHIRE
COUNCIL HELD ONLINE ON
14 SEPTEMBER 2020**

THE MEETING OPENED: 7.04pm

COUNCILLORS PRESENT:

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

Cr Bill Chisholm North Ward
Cr Rhonda Sanderson North Ward
Cr Fiona Stevens North Ward

Cr David Lowe South Ward (Chairperson)
Cr Rob Eldridge South Ward
Cr Bob Cornish South Ward

OFFICERS PRESENT:

Mr Brett Luxford Chief Executive Officer
Mr Laurie Ellis Director Governance and Corporate Performance
Ms Karen Watson Acting Director Advocacy and Community Services
Mr Mike McIntosh Director Development and Infrastructure
Ms Lidia Harding Manager Governance and Corporate Accountability

1 WELCOME

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

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

2 GOVERNANCE DECLARATION

The declaration was read by Cr R. Sanderson.

3 APOLOGIES AND LEAVE OF ABSENCE

No apologies were received.

4 DISCLOSURE OF CONFLICTS OF INTEREST

Cr R. Sanderson declared an indirect interest in Item 6.1 Planning Permit Application PLP111/20 For Construction of Three Dwellings At 1-3 The Avenue Seymour because residential amenity is likely to be affected.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COMMITTEE RECOMMENDATION

MOVED: CR. B. CHISHOLM

SECONDED: CR. A. GOBLE

THAT the Minutes of the Community Questions and Hearings Committee held 10 August 2020, as circulated, be confirmed.

CARRIED

6 DEVELOPMENT AND INFRASTRUCTURE

6.1 PLANNING PERMIT APPLICATION PLP111/20 FOR CONSTRUCTION OF THREE DWELLINGS AT 1-3 THE AVENUE SEYMOUR

Author: Enes Bilgic - Statutory Planner

File No: PLP111/20

Attachments: Nil

Cr R. Sanderson left the meeting at 7.12pm.

Property No.:	124511
Title Details:	Lot 31 & 32 on PS 0122230 Volume 07377 Folio 207
Applicant:	Laura Harris – Beyond Housing
Zoning:	General Residential Zone – Schedule 1
Overlays:	None apply to the land
Objections Received:	7 Objections received
Cultural Heritage Management Plan Required:	No CHMP is required
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



(Subject Site, Nearmap 2020)

PLANNING PERMIT APPLICATION PLP111/20 FOR CONSTRUCTION OF THREE DWELLINGS AT 1-3 THE AVENUE SEYMOUR (CONT.)



(Surrounding Context Map, Nearmap 2020)

2. SUMMARY

- 2.1 A planning permit application has been received for the construction of three dwellings at 1-3 The Avenue Seymour. The subject site is located within the General Residential Zone – Schedule 1 and no overlays affect the subject site.
- 2.2 The application was advertised via letters to adjoining landowners and occupiers and a sign was displayed on the site. A total of seven objections have been received at the time of writing this report.

COMMITTEE RECOMMENDATION

MOVED: CR. A. GOBLE

SECONDED: CR. B. CHISHOLM

THAT Council officers provide a report in relation to Planning Application No. PLP111/20 for construction of 3 dwellings at Lot 31 & 32 on PS 0122230 (Volume 07377 Folio 207), known as 1-3 The Avenue, Seymour.

CARRIED UNANIMOUSLY

Cr R. Sanderson returned to the meeting at 7.32pm.

6.2 PLANNING PERMIT APPLICATION PLP052/20 FOR THE DEVELOPMENT OF THE LAND FOR THREE DWELLINGS AT 152 BENTINCK STREET, WALLAN 3756

Author: Sarah Tomlinson - Senior Statutory Planner

File No: PLP052/20

Attachments: Nil

Property No.:	112157
Title Details:	CA 16 Sec 24 Vol 2300 Fol 853
Applicant:	Desypher Architecture
Zoning:	General Residential Zone (Schedule 1) Clause 32.08
Overlays:	None Applicable
Objections Received:	One (1)
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

1. SITE MAP



PLANNING PERMIT APPLICATION PLP052/20 FOR THE DEVELOPMENT OF THE LAND FOR THREE DWELLINGS AT 152 BENTINCK STREET, WALLAN 3756 (CONT.)



2. SUMMARY

- 2.1 The application is seeking to construct two new dwellings and to retain the existing dwelling at 152 Bentinck Street, Wallan. The subject land is within the General Residential Zone (Schedule 1) under the Mitchell Shire Planning Scheme and is not affected by any overlays.

PLANNING PERMIT APPLICATION PLP052/20 FOR THE DEVELOPMENT OF THE LAND FOR THREE DWELLINGS AT 152 BENTINCK STREET, WALLAN 3756 (CONT.)

- 2.2 The application was advertised via letters to adjoining properties and a sign placed on site. One objection has been received at the time of writing this report.

COMMITTEE RECOMMENDATION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. B. CORNISH

THAT Council officers provide a report in relation to Planning Application No. PLP052/20 for the Development of the Land for Three (3) dwellings on CA 16 Sec 24 Vol 2300 Fol 853, known as 152 Bentinck Street, WALLAN 3765.

CARRIED UNANIMOUSLY

7 SUBMISSIONS

8 QUESTION TIME

Mr Ranjith Arachchige

Thank you for your questions. In regard to your questions and a summary to the background of the enquiry, an application was lodged to amend Section 173 Agreement AH771499Y. The amendments were to:

- move the location of the building envelope; and
- remove the relevant wording so Hidden Valley doesn't have the right to buy back your land.

The 173 Agreement is between Hidden Valley Australia and Mitchell Shire Council. Such agreements are highly common in such developments throughout Victoria. To amend the Section 173 Agreement, both parties must agree to amend the agreement. Mitchell Shire Council agrees to the amendment; however Hidden Valley Australia have not consented to amend the 173 Agreement. As Hidden Valley Australia have not consented to the amendment of the 173 Agreement, the application to amend the 173 Agreement must be refused.

Question 1: Why did the council ignore the written consent they have received from VicRoads related to the application PLP032/20 and used Hidden Valley Australia developer provided unsubstantiated reason to deliver a NOTICE of REFUSAL against my application?

Mitchell Shire Council did not ignore the referral response from VicRoads. The Section 173 Agreement is between Mitchell Shire Council and Hidden Valley Australia. Mitchell Shire Council has agreed to amend the Section 173 Agreement, Hidden Valley Australia has not. Therefore, as Hidden Valley did not consent to amending the Section 173 Agreement, Mitchell Shire Council cannot approve the application to amend the 173 Agreement.

Question 2: Why did the council fail to rectify the above mentioned issue, when I provided the Mayor of the Council with a letter received from the Minister for Planning, clearly confirming that there is no need for lands from the Hidden Valley, Wallan, as VicRoads have reserved necessary lands on the other side of the road for ANY Northern Highway road widening work, if arise in the future?

It is appreciated that advice from Minister of Planning has been sought, however the written response from the Minister's officer has no relevance on the decision making of the application to amend the section 173 Agreement.

Similarly, to the previous response, Mitchell Shire Council cannot grant the amendment to the Section 173 Agreement without the consent of all relevant parties. Hidden Valley Australia have not consented to amend the Section 173 Agreement; therefore, Mitchell Shire Council cannot grant the amendment to the Section 173 Agreement.

9 COMMUNITY PRESENTATIONS

Nil

10 DATE OF NEXT MEETING

The next Community Questions and Hearings Committee meeting is scheduled to be held on 12 October 2020 at the Mitchell Civic Centre, 113 High St, Broadford, commencing at 7:00pm.

11 CLOSURE OF MEETING

The meeting was declared closed at 7.49pm.

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Chairperson
Mayor, Cr David Lowe