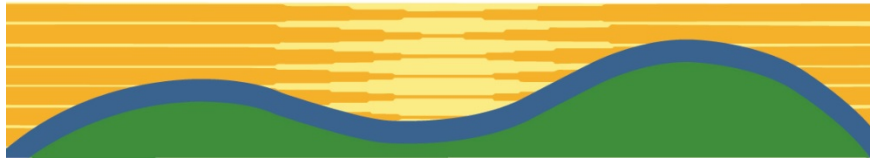


**MITCHELL SHIRE COUNCIL**



**HEARINGS COMMITTEE  
MINUTES**

**TUESDAY 15 MARCH 2016**

**TRAVIS HEENEY  
ACTING CHIEF EXECUTIVE OFFICER**



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MINUTES OF THE HEARINGS COMMITTEE MEETING OF THE

<p><b>MITCHELL SHIRE COUNCIL HELD AT THE CIVIC CENTRE 113 HIGH STREET BROADFORD ON MONDAY 15 MARCH 2016</b></p>
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**THE MEETING OPENED:** 7.00pm

**COUNCILLORS PRESENT**

Cr Rodney Parker	Central Ward	
Cr Ross Lee	Central Ward	
Cr Des Callaghan	Central Ward	
Cr Bill Melbourne	North Ward	
Cr Bill Chisholm	North Ward	
Cr Rhonda Sanderson	North Ward	
Cr Sue Marstaeller	South Ward	(Chairperson)
Cr Kevin Mulroney	South Ward	
Cr Bob Cornish	South Ward	

**OFFICERS PRESENT**

Mr Travis Heeney	Acting Chief Executive Officer
Mr Laurie Ellis	Director Corporate Services
Mrs Kristen Cherry	Acting Director Sustainable Communities
Mr Jeff Saker	Director Engineering and Infrastructure
Mr Julian Edwards	Manager Planning and Compliance
Mr Paul Wood	Statutory Planning Coordinator
Mr Darren Scerri	Coordinator Risk and Governance
Mr Lee McSweeney	Governance Advisor

**1. GOVERNANCE DECLARATION**

The declaration was read by Cr Parker.

**2. APOLOGIES AND LEAVE OF ABSENCE**

No apologies and leave of absences were received by the Chair.

**3. DISCLOSURE OF CONFLICTS OF INTEREST**

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

No conflicts of interests were disclosed for this meeting.

**4. CONFIRMATION OF MINUTES****COUNCIL RESOLUTION**

**MOVED:** CR. R. PARKER

**SECONDED:** CR. R. SANDERSON

**THAT** the minutes of the Hearings Committee meeting held 8 February 2016 as circulated, be confirmed.

**CARRIED**

## 5. SUBMISSIONS

### 5.1 PLANNING PERMIT APPLICATION PLP191/15 FOR THE USE AND DEVELOPMENT OF THE LAND FOR EARTH AND ENERGY RESOURCES INDUSTRY (STONE EXTRACTION) AND THE CREATION OF ACCESS TO A ROAD IN A ROAD ZONE (CATEGORY 1) AT 175 NORTHERN HIGHWAY, WALLAN

**Author:** Danielle Kos – Principal Planner

**File No:** PLP191/15

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#### SUMMARY

An application has been received by Council which seeks approval for the use and development of the land at 175 Northern Highway, Wallan for an earth and energy resource industry (stone extraction). The application was advertised and 67 submissions were received.

#### SITE DETAILS

The subject site consists of two lots and is located at 175 Northern Highway, Wallan. The site covers an area of approximately 154 hectares and is located immediately to the west of the Northern Highway and the exit ramp off the Hume Freeway.

A locality plan of the site is provided for the information of the Councillors:



## HEARING AND CONSIDERATION OF SUBMISSIONS

Council has established the Hearings Committee to hear and report to Council on submissions received by Council under section 223 of the *Local Government Act 1989* and on objections and submissions received in relation to planning permit applications under the *Planning and Environment Act 1987*.

The applicant and the 67 submitters to the proposed Planning Permit have been invited to attend this meeting of the Hearings Committee to make a brief presentation in support of their submission.

A schedule of submissions to be heard will be tabled at the meeting.

The process for hearing the submissions is outlined in the Hearings Committee Charter adopted by the Council on 10 November 2014. Following hearing of submissions by the Committee, a report on the proposal will be submitted to Council for consideration.

Council is required to consider all submissions received before deciding on the matter.

## PRESENTATIONS

At the invitation of the Mayor, the following submitters took the opportunity to present to the Hearings Committee in support of their submission:

- Mr and Mrs Moss
- Mr Iannello (rep: Mr G Timpani)
- Mr D Whyte
- Mrs R Kirby
- Mrs C Wright

Submissions highlighted a range of concerns relating to traffic congestion on the Northern Highway, traffic flow in Wallan Town Centre and heavy vehicles, increased noise and dust levels from heavy vehicles, access to and from the proposed site and impact on traffic flows. Other concerns highlighted included livability and lifestyle impacts to surrounding properties and Town Centre.

### Yarra Valley Water

Yarra Valley Water took the opportunity to present to the Hearings Committee on their submission highlighting 10 grounds of objection and that the proposed development was not consistent with the approved growth corridor plan.

### Mr D. McKelvie

Mr. McKelvie took the opportunity to present to the Hearings Committee on the key elements of the proposal highlighting the professionalism of workforce and plant operations by Conundrum Holdings and safety standards applied to ensure the safety of the community.

Conundrum Holdings (Applicant)

Conundrum Holdings took the opportunity to present to the Hearings Committee on the key elements of the proposal highlighting a plan for a four phase extraction (over a 40 year operation period) and that site investigations initiated in 2004. The development will support local jobs growth and resources required to support the development of the growth corridor. Management plans including community engagement, blast, traffic, site assessment and rehabilitation plans have been establishment for this proposal.

**COUNCIL RESOLUTION**

**MOVED:** CR. K. MULRONEY  
**SECONDED:** CR. B. CHISHOLM

**THAT** Council Officers provide a report to Council in relation to Planning Permit Application PLP191/15 for the use and development of the land for earth and energy resources industry (stone extraction) and the creation of access to a road in a Road Zone (Category 1) at 175 Northern Highway, Wallan.

**CARRIED**



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## 5.2 PLANNING PERMIT APPLICATION PLP103/15 FOR BUILDINGS AND WORKS IN ASSOCIATION WITH THE USE OF THE LAND FOR GARDEN SUPPLIES AND THE ALTERATION OF ACCESS TO A ROAD ZONE, CATEGORY 1 AT 196 HIGH STREET, BROADFORD

**Author:** Nathan Aikman – Senior Statutory Planner

**File No:** PLP103/15

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### SUMMARY

An application has been received by Council which proposes buildings and works in association with the use of the land for garden supplies at 196 High Street, Broadford.

The application was advertised and 16 objections were received.

### SITE DETAILS

The subject site currently contains two buildings located in proximity to the High Street frontage of the property. The site is relatively flat with a slight fall from north to south and has a total area of approximately 2000m<sup>2</sup>.

A locality plan of the site is provided for the information of the Councillors:



## HEARING AND CONSIDERATION OF SUBMISSIONS

Council has established the Hearings Committee to hear and report to Council on submissions received by Council under section 223 of the *Local Government Act 1989* and on objections and submissions received in relation to planning permit applications under the *Planning and Environment Act 1987*.

The applicant and the 16 objectors to the proposed Planning Permit have been invited to attend this meeting of the Hearings Committee to make a brief presentation in support of their submission.

A schedule of submissions to be heard will be tabled at the meeting.

The process for hearing the submissions is outlined in the Hearings Committee Charter adopted by the Council on 10 November 2014. Following hearing of submissions by the Committee, a report on the proposal will be submitted to Council for consideration.

Council is required to consider all submissions received before deciding on the matter.

## PRESENTATIONS

At the invitation of the Mayor, the following submitters took the opportunity to present to the Hearings Committee in support of their submission:

- Mrs A Warren
- Mrs A Warren (rep: H and P Warren)
- Mrs V Jacobs
- Mrs D Fitzgerald
- Mr A Bow
- Mrs A Jarvis
- Mrs S O'Grady

Submissions highlighted the importance for the proposed site to be rezoned from industry to residential. Submissions also highlighted concerns in relation to increased traffic flows, operation of machinery in close proximity to residential properties, impact on privacy of neighbouring properties, noise level of equipment operated and duration of operating hours.

## COUNCIL RESOLUTION

**MOVED:** CR. R. PARKER  
**SECONDED:** CR. K. MULRONEY

**THAT** Council Officers provide a report to Council in relation Planning Permit Application PLP103/15 for buildings and works in association with the use of the land for garden supplies and the alteration of access to a Road Zone, Category 1 at 196 High Street, Broadford.

**CARRIED**



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### 5.3 PLANNING PERMIT APPLICATION PLP228/15 FOR USE OF PART OF THE LAND FOR A DEPOT (IN ASSOCIATION WITH AN ARBORIST BUSINESS) AND TIMBER YARD AT 225 MAHADYS ROAD UPPER PLENTY

**Author:** Paul Wood – Statutory Planner Coordinator

**File No:** PLP228/15

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#### SUMMARY

An application has been received by Council which seeks to use the land at 225 Mahadys Road for a depot (in association with an arborist business) and timber yard. The application was advertised and a total of seven objections were received.

#### SITE DETAILS

The site is located on the north-west side of Mahadys Road, approximately 2.2km to the north of the intersection with Wallan-Whittlesea Road and south-east of the intersection with Lords Road. The site is irregular in shape with an area of 5.886 hectares.

A locality plan of the site is provided for the information of the Councillors:



## HEARING AND CONSIDERATION OF SUBMISSIONS

Council has established the Hearings Committee to hear and report to Council on submissions received by Council under section 223 of the *Local Government Act 1989* and on objections and submissions received in relation to planning permit applications under the *Planning and Environment Act 1987*.

The applicant and the 7 objectors to the proposed Planning Permit application have been invited to attend this meeting of the Hearings Committee to make a brief presentation in support of their submission.

A schedule of submissions to be heard will be tabled at the meeting.

The process for hearing the submissions is outlined in the Hearings Committee Charter adopted by the Council on 10 November 2014. Following hearing of submissions by the Committee, a report on the proposal will be submitted to Council for consideration.

Council is required to consider all submissions received before deciding on the matter.

## PRESENTATIONS

At the invitation of the Mayor, the following submitters took the opportunity to present to the Hearings Committee in support of their submission:

- Mrs R Miller
- Mr and Mrs Kanderovskis
- Mrs Ogilvie

Submissions highlighted the proposed operation was inconstant for the rural area and a range of concerns including only one road access, high fire danger zone, increased traffic flows of heavy vehicles, operating after-hours and on weekends up to 10.40pm, current road not suitable to support increase traffic volumes, run-off and materials into local creek and business operating without a permit.

Mr M. Tompson and R. Knott (Applicant)

Mr. Tompson and Mr. Knott took the opportunity to present to the Hearings Committee on the key elements of the proposal highlighting the purpose of the operation as an arborist depot business. Reports for noise and traffic assessments have been completed. The site has been cleaned and intended to be a small operation.

*A time extension was granted to Mr. Knott – A motion for a time extension was moved by Cr. R. Parker and seconded by Cr. B. Chisholm. Motion when put was carried.*

## COUNCIL RESOLUTION

**MOVED:** CR. D. CALLAGHAN  
**SECONDED:** CR. K. MULRONEY

**THAT** Council Officers provide a report to Council in relation to Planning Permit Application PLP225/15 for use of part of the land for a depot (in association with an arborist business) and timber yard at 225 Mahadys Road, Upper Plenty.

**CARRIED**

## PUBLIC PARTICIPATION FORUM

*In accordance with Clause 65 of the Meeting Procedure Local Law 2014.*

### 6. QUESTION TIME

#### 6.1 Mr. Waye

Mr Waye submitted two questions to Council and a response was provided to Mr Waye at the meeting.

Question 1:

*Security Guards at the entry to the Council Chamber at Council Meetings (beginning 22 February 2016). What post instructions were issued to the Security Guards direct their conduct and responses during their time of duty at the Council Offices, and who issued them?*

Council's response is as follows:

To ensure the safety of Councillors, Council staff and members of the public, Officers from Council's Governance team provided a briefing to the security team in accordance with Council policies. The briefing included:

- a tour of the venue and associated spaces
- overview of the meeting process and layout
- clarification on roles and duties
  - notify Council Officers of any concerns relating to public behaviour
  - emergency procedure if Councillors elected to exit the Chamber at any point
- restrictions on seating capacity in Council Chambers and access to additional seating if required from Broadford Hall

Overall, the security team were requested to provide a presence within the Council Chamber in order to assist in reducing any risk to Councillors, staff and the public.

In the event that any incident occurred which placed Councillors, Officers or the community at risk, the security team were asked to assist.

Question 2:

*Regarding the Council Performance phone survey by National Field Services conducted week of 22 February 2016. Given that the pollster said that the survey was on behalf of Mitchell Shire Council, and that there was a Mitchell Shire specific question asking the party surveyed to choose between the 2.5% or 4.5% rate increase, what was the cost, to Mitchell Shire, of this survey?*

Council's response is as follows:

The Community Satisfaction Survey is an annual telephone survey which Councils across Victoria participate in. Survey participation is matched to the demographics of each municipality with a sample of 400 people.

The State Government coordinates the survey which includes a number of compulsory questions which Councils across the state must report on each year in its Annual Report through the Local Government Performance Reporting Framework. The survey also includes a number of pre-set questions about individual services which many Councils opt-in to for benchmarking and performance reporting use.

This question about rates was a pre-determined question which all Councils had the option of including within the phone survey.

The survey is an important tool in transparent reporting across Councils. It is also much more cost effective to take part in the state wide survey rather than gathering the information separately. Participation also ensures consistent data is available for benchmarking across all Councils in Victoria.

The cost is \$11,410 based on an 8 minute survey. The State Government coordinates this contract.

Once again, thank you for taking the time to prepare your questions.

If you have any queries that you would like to discuss at a later date, please do not hesitate to contact Laurie Ellis, Director Corporate Services on 5734 6200.

## **6.2 Mr Mawhinney**

Mr Mawhinney submitted two questions to Council and a response was provided to Mr Mawhinney at the meeting.

Question 1:

*It appears that Council's Heritage Overlay HO91 does not entirely cover and protect the Old Kilmore Police camp area for its significant heritage and archaeological values as noted in the C91 amendment and recognised by Heritage Victoria. How and when will Council adequately address and remedy this very significant and urgent matter?*

Council's response is as follows:

A Planning Scheme Amendment is required to rectify the extent of the Heritage Overlay mapping. Council officers are currently reviewing the relevant information and will seek to determine whether this could be dealt with as a correctional matter. Further information regarding timeframes can be provided once these actions have been undertaken.

Note that the relevant heritage map reference number for 'The Camp', former police station and residence, Ryans Road, Kilmore was changed from HO91 to HO81 through Planning Scheme Amendment C91 to align with the schedule to the Heritage Overlay.

Question 2:

*Since the Planning Minister's final decision to adopt the MPS amendment C56 to protect the Kilmore Historic Outdoor Recreation Precinct, which incidentally came into effect on 24th September 2014, a change has been made.*

*The Planning Minister signed off on an SLO which included the unmade Government road through the Old Police Campsite. However the northern portion of the unmade Government road has been excluded from the SLO.*

*One can only wonder how this change came about and if the Planning Minister has been informed of the change. How and when will Council adequately address and remedy this very significant and urgent heritage matter?*

Council's response is as follows:

The unmade Government Road should have been included within the Significant Landscape Overlay (Schedule 1 – Kilmore Historic Outdoor Recreation Precinct), however, a technical error was made at the time of Planning Scheme Amendment C56 being approved.

Council has followed up on this matter with the Department of Environment, Land, Water and Planning and established that it constitutes a technical error and may be considered for a streamlined Planning Scheme Amendment. Council is likely to consider this matter at the May 2016 Ordinary Council meeting.

Once again, thank you for taking the time to prepare your questions.

If you have any queries that you would like to discuss at a later date, please do not hesitate to contact our Strategic Planning Manager on 5734 6200.

### **6.3 Mr Bennie**

Mr Bennie submitted two questions to Council and a response was provided to Mr Bennie at the meeting.

Question 1:

*How can the community and Councillors have confidence that statements by Council Officers, in statutory documents, on-line and in rate capping brochures are truthful, honest and do not mislead or deceive when there is a clear conflict*

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*between the statements tendered to the December meeting and that provided the community?*

Council's response is as follows:

The figures contained in the December report were based on preliminary information which was available at the time of preparing the "Fair Go Rates – Notice of Intention to make application for a Variation to the Rate Cap" report.

I find it unfair that you imply Council has deliberately misled or deceived the community. There is no intention to do this by Councillors or Council officers. The figures you refer to in the Council report of 14 December were based on engagement activities from September to the close of the official survey period in October. The information in the recent rate capping survey flyer reflected updated figures following the formal post-consultation evaluation. In the interests of openness and transparency, we provide some further detail on the consultation which followed the initial period of September to October. During November, Officers attended activities such as the four community barbeques, a Youth Expo and the Wallan Youth Room's First Birthday celebration, all of which significantly contributed to the survey results.

In relation to your query regarding the number of respondents that could accommodate a higher rate increase (5%+), I can confirm that this figure is 14%. However, an additional 35% indicated they would accommodate a moderate rate rise (3.01%-5%) which combined is 49% of people who would support a higher or moderate rate rise.

Question 2:

*Whether deliberate or an inadvertent mistake, when will a written correction to the public record be undertaken and by what means?*

Council's response is as follows:

I trust the information provided in regards to your first question addresses your question.

Thank you for taking the time to prepare your questions.

If you have any queries that you would like to discuss at a later date, please do not hesitate to contact Laurie Ellis, Director Corporate Services on 5734 6200.

## **7. COMMUNITY PRESENTATIONS**

### **7.1 Nexus Primary Health**

Suzanne Miller, Chief Executive Officer Nexus Primary Health opportunity to present to the Hearings Committee in relation to the HACC contribution provided by MSC to Nexus. The presentation sought a reconsideration from Council and recommended options for future partnerships.

Copy of the Nexus Primary Health presentation attached.

*Cr Callaghan left the meeting at 8.34pm at the commencement of the Nexus presentation and returned at 8.48pm.*

**7.2 Goulburn Broken Catchment Management Authority**

No presentation was received.

**8. DATE OF NEXT MEETING**

Meetings of the Hearings Committee are scheduled for the second Mondays (when Mondays are unavailable due to a scheduled public holiday the meeting will be moved to the Tuesday) of the month. If no submissions are scheduled to be heard at a particular meeting of the Committee, the meeting will be cancelled.

The next meeting of the Hearings Committee is scheduled for Monday 11 April 2016.

**9. CLOSE OF MEETING**

The Chair declared the meeting closed at 8.48pm.