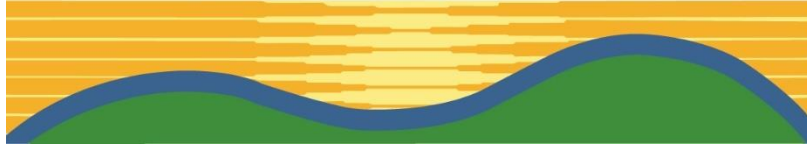


MITCHELL SHIRE COUNCIL



**ORDINARY COUNCIL
MEETING
MINUTES**

MONDAY 15 MAY 2017

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF
THE MITCHELL SHIRE COUNCIL HELD AT MITCHELL
CIVIC CENTRE, 113 HIGH STREET BROADFORD ON
15 MAY 2017**

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 | |
| Cr Rhonda Sanderson | North Ward | (Chairperson) |
| 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 Kellie Vise | Acting Director Advocacy and Community Services |
| Mr Tim Partridge | Acting Director Development and Infrastructure |
| Ms Lidia Harding | Governance & Corporate Accountability Coordinator |

1 GOVERNANCE DECLARATION

The declaration was read by Cr F. Stevens.

2 APOLOGIES AND LEAVE OF ABSENCE

No apologies were received.

3 DISCLOSURE OF CONFLICTS OF INTEREST

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

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**COUNCIL RESOLUTION****MOVED:** CR. R. ELDRIDGE**SECONDED:** CR. D. LOWE

THAT the Minutes of the Ordinary Council Meeting held 18 April 2017, as circulated, be confirmed.

CARRIED UNANIMOUSLY

5 PETITIONS AND JOINT LETTERS

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

6 PRESENTATIONS

In accordance with Clause 65 of Local Law No. 4 – Meeting Procedures.

7 DEVELOPMENT & INFRASTRUCTURE

7.1 Planning Permit Application P304914/7.03 For Use and development of animal boarding at 298 Goulburn Valley Highway, Seymour

Author: *Mathew Mertuszka - Statutory Planner*

File No: *P304914/07*

Attachments: *1. Submitted plans*

| | |
|---|--|
| Property No.: | 102715 |
| Title Details: | Lot 2 on PS409315 |
| Applicant: | Matt Gorman |
| Zoning: | Farming Zone |
| Overlays: | Salinity Management Overlay |
| Objections Received: | Four (4) |
| 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 |

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

SITE MAP



SUMMARY

An application has been received to amend current planning permit P304914/07 for the use and development of animal boarding, associated works, signage and alteration to a Road Zone Category 1. The purpose of the amendment is to increase the capacity of the Greyhound Adoption Program at the initiative of Greyhound Racing Victoria to assist in re-homing ex racing dogs.

The amendment is proposing to increase the number of dogs permitted on the site from a currently approved 120 to 400 (to be phased with 100 dogs initially), increase visitor hours to include Sunday between 10:00am to 4:00pm as well as the construction of seven (7) additional kennel buildings, each containing fifty (50) pens and alterations to the office building. The proposal also requires native vegetation removal (5 trees) and further upgrades to the access with the addition of new signage and vehicle slip lanes.

Notification of the application was given to surrounding owners and occupiers. A total of four (4) objections were received with grounds mostly relating to a potential increase in noise caused by the additional number of animals housed on site. There were also concerns with the proposal not providing adequate noise attenuation as well as the devaluation of land as a result in additional dogs kept on the site.

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. R. ELDRIDGE

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Notice of Decision to grant an amended permit in respect of Application No. P304914/07 for Use and development of animal boarding and associated works, alteration to access to a Road Zone Category 1 and display of signage and removal of native vegetation at 298 Goulburn Valley Highway, Seymour (Lot 2 on PS409315), subject to the following conditions:

General conditions

1. Before the development starts, amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but further modified to show:
 - (a) A detailed landscape plan showing the following information:
 - i) the locations of all landscaping works to be provided on the land, particular around the perimeter of the site to act as a visual and acoustic buffer (verified in an acoustic report) to land adjacent to the subject site;
 - ii) the locations of any trees to be retained or removed from the land (including details of species and size);
 - iii) a detailed schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant;
 - iv) details of the proposed surface finishes of pathways and driveways
 - v) details of the irrigation system to be used on land following completion of the landscaping works;
 - (b) Amended plans showing the location of all new buildings required to house two hundred and twenty (220) dogs on the site, removal any reference to the 'staging' of works.
2. Before the use starts, a noise and amenity plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed plan. The plan must include:
 - (a) measures to control noise emissions from the premises;
 - (b) detailed list of all acoustic treatments of each kennel building used to keep animals (including existing and proposed buildings);
 - (c) Submission of noise readings prepared by a suitably qualified person to be submitted between 3 and 6 months of the use commencing and a

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

- second reading to be submitted between 9 and 12 months of the use commencing.
- (d) The noise readings must be taken from suitable locations around the site and also the location of each dwelling within a 1km radius of the subject site should the occupier at the time wish to participate.
- (e) That the permit applicant, in the event that noise complaints are received by Council, be required to submit up to two noise generation reports per year to Council (unless the use ceases) with measurements being taken from the same locations as the initial readings to enable ongoing performance review, to the satisfaction of the Responsible Authority.
3. The layout of the use(s) and the development as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.
4. All buildings used to keep animal must be acoustically treated to reduce noise to a level satisfactory to the Responsible Authority.
5. All landscaping works as shown on the endorsed plans must be maintained, including that any dead, diseased or damaged plants are to be replaced, to the satisfaction of the Responsible Authority.
6. All buildings used to keep animals on the subject land must be acoustically treated to satisfaction of the Responsible Authority.
7. The layout of the site, and the size of the proposed buildings and works as shown on the endorsed plan shall not be altered or modified (whether or not in order to comply with any Statute, Statutory Rule or Local Law or for any other reason) without the prior consent of the Responsible Authority.
8. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan(s) must:
- Be provided and completed to the satisfaction of the Responsible Authority prior to the commencement of the use hereby permitted;
 - Be maintained thereafter to the satisfaction of the Responsible Authority;
 - Be made available for such use at all times and not used for any other purpose;
 - Be properly formed to such levels that it can be used in accordance with the endorsed plan;
 - Be drained and paved with an all weather crushed rock finish and be treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site; and
 - Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
9. A minimum of one (1) car space is to be provided for the exclusive use of disabled people and is to be located as close as practicable to the front entrance to the building. It shall be marked clearly with a sign to indicate its

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

intended use and the measurements of such a car space is to be 3.8 metres x 4.9 metres. These requirements are not to be altered or modified without the prior written consent of the Responsible Authority.

10. A maximum of two hundred and twenty (220) dogs are permitted on the subject property in accordance with the permitted use at any one time.
11. Feeding of dogs must only occur within the acoustically treated buildings between the hours of 7.00am and 6.00pm daily.
12. Hours of operation for the public to the facility must only occur between:

Monday to Friday: 9:00am to 5:00pm

Saturday to Sunday & Public Holidays: 10:00am to 4:00pm

Unless otherwise amended in writing by the Responsible Authority.

13. The amenity of the area must not be detrimentally affected by the use or development to the satisfaction of the Responsible Authority, through:
 - a) Transportation of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin; or
 - e) Any other way.
14. All external materials must be non-reflective and finished in natural colours or shades to the satisfaction of the Responsible Authority.
15. Any trenching associated with effluent lines and servicing such as electricity should be along the least environmentally damaging route and the following measures should be undertaken:
 - a) If a major tree root (greater than 5cm) is encountered, it should not be severed, but retained and piping threaded under the root;
 - b) Excavated earth should be placed away from the bases of trees and replaced as soon as possible;
 - c) To assist in the revegetation of the trench lines, indigenous tussock grasses and any other small indigenous plants along the route should be dug up before trenching begins and then replanted when the trench work is completed; and
 - d) Erosion control techniques should be employed. This includes techniques such as rough cultivation and leaving debris on the disturbed surface to slow water velocity and minimise erosion problems.
16. All batters are to have a minimum slope of 2 horizontal to 1 vertical and be properly drained to minimise batter erosion and slumping.
17. All batters and disturbed areas are to be top soiled with a minimum of 75mm of

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

- topsoil and revegetated to the satisfaction of the Responsible Authority.
18. At the completion of the development, all areas of disturbed ground must be stabilised and revegetated to the satisfaction of the Responsible Authority.
 19. The discharge of water from the property must be controlled around its limits to prevent any discharge onto any adjacent property or streets other than by means of an underground pipe drain discharged to an approved outlet in a street or to an underground pipe drain to the satisfaction of the Responsible Authority.
 20. All buildings and paved areas must be connected to an underground drainage system designed and installed in accordance with Standards C25 of the Mitchell Shire Planning Scheme. The system must also be designed and constructed to prevent any surface flow across adjacent land or the nature strip on the adjacent road reserve. Drainage Computations and Detail drawings must be submitted to an approved by the Mitchell Shire Council prior to construction commencing.
 21. That the permit holder upgrades the internal access driveway to create a formation with 100mm crushed rock pavement and drainage for all weather access and to the satisfaction of the Responsible Authority and installing guide posts at the termination of the formation.
 22. All weather internal access must be suitably constructed to enable fire fighting vehicles to traverse between buildings and water supply with ease and safety. Adequate turning circles and passing bays are to be provided.
 23. Access must be provided to the allotment with the potential of a concrete culvert crossing and end walls or a concrete invert to the satisfaction of the Responsible Authority.
 24. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into any street, drain, watercourses or other private land during construction. To this end, pollution or litter traps must be provided on site. Refer to the Department of Sustainability and Infrastructure publications, 'Guidelines for minimising soil erosion and sedimentation for construction sites' and 'Control of soil erosion for construction sites'.
 25. A plan checking fee of 0.75% of the estimated cost of road/drainage work and a supervision fee of 2.5% may be recovered by Council for work associated with the development pursuant to Section 62(2) of the Planning and Environment Act 1987.
 26. An appropriately designed sullage water disposal system must be installed to collect wash down water from the kennels and wastewater from the sinks in the prep/treatment rooms to the satisfaction of the Responsible Authority.
 27. Solid waste must be collected and appropriately disposed of to an approved off-

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

- site location, in a manner that does not create a nuisance to any person to the satisfaction of the Responsible Authority.
28. Prior to the commencement of the use hereby permitted, the permit holder must submit details of all external advertising signage associated with the permitted use. Details should include the dimensions, location, wording and colors of both the wording and the background of the sign(s). The sign(s) must not be illuminated.
 29. The location and details of the signs shown on the endorsed plan(s), including the actual advertisement and colours, must not be altered except with the written consent of the Responsible Authority.
 30. Flashing or intermittent lighting must not be used in the signs permitted by this permit.
 31. The signs permitted by this permit must be maintained in good condition to the satisfaction of the Responsible Authority.
 32. Bunting, streamers, flags, windvanes or similar material must not be displayed except with the prior written consent of the Responsible Authority.
 33. No commercial or promotional products, logos or slogans unrelated to the business occupying the site are to be displayed without the consent of the Responsible Authority.
 34. The sign(s) permitted by this permit must be located so as to be wholly contained within the boundaries of the subject land.
 35. This permit in relation to advertising signs expires ten (10) years after the date it is issued. To allow the sign to continue to be displayed, a new application must be made to the Responsible Authority.

Environmental Protection Authority conditions

36. Noise emissions from the premises must comply with the requirements of EPA Publication No. 302/92 Noise Control Guidelines.
37. To minimise the environmental impacts associated with stormwater runoff, all stormwater management must be carried out in accordance with EPA publication 275 Construction Techniques for Sediment Pollution Control.
38. Wastewater generated from the cleaning of animal kennels or stormwater contaminated with such waste must not be discharged to the storm water system at the premises.
39. Odours offensive to the senses of human being must not be discharged beyond the boundaries of the premises.

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

40. Noise emanating from the land must comply with the requirements of the Environment Protection Authority's *Interim Guidelines for Control of Noise from Industry in Country Victoria 1989* to the satisfaction of the Responsible Authority

VicRoads conditions

41. Access to Lot 2 of the subject land must be designed and constructed to the satisfaction of VicRoads and in accordance with the design for a typical Rural Driveway (refer VicRoads drawing 658186 attached).
42. The applicant must comply with the Road Management Act 2004, Road Management (Works and Infrastructure) Regulations 2005 and the Road Management (General) Regulations 2005 with respect to any requirements to notify VicRoads and/or seek consent from VicRoads to undertake "works" (as defined in the Act) in, over OR under the road reserve. VicRoads, in requesting the inclusion of this condition on this planning permit, is not deemed to have been notified of, or to have given consent to undertake any works within the road reserve as proposed in this permit.
43. Before the development approved by this permit commences, the following works on the Goulburn Valley Highway must be provided at no cost to and to the written satisfaction of the Roads Corporation;
- a) Basic Left (BAL) turn lane.
 - b) Basic Right (BAR) turn lane.
 - c) The existing crossover and driveway are to be upgraded to 'Truck Access to Rural properties – Type A' – Drawing No. SD2064 – refer VicRoads Website. The Driveway and crossover must be:
 - i) Formed to such levels and drained so that they can be used in accordance with the plan.
 - ii) Treated with an all-weather seal or some other durable surface.
44. Driveways must be maintained in a fit and proper state so as to not compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. By spilling gravel onto the roadway).
45. No advertising signage is permitted within the Goulburn Valley Highway Road reserve.

Vegetation removal conditions

46. Before works start, the permit holder must advise all persons undertaking the vegetation removal/works on land of all relevant conditions of this permit.
47. In order to offset the removal of 5 scattered native trees approved as part of this permit, the permit holder must provide a native vegetation offset that meets the following requirements, and is in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. The offset must:

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

- a) Contribute gain of 0.053 general biodiversity equivalence units;
 - b) Be located within the Goulburn Broken / North Central Catchment Management Authority boundary or Mitchell Shire Council area
 - c) Have a minimum strategic biodiversity score of 0.111.
48. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either:
- a) A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan; or
 - b) A credit register extract from the Native Vegetation Credit Register.
49. Every year after the offset has been secured (except for offsets on the native vegetation credit register) the permit holder must provide notification to the Responsible Authority of the management actions undertaken towards the implementation of the offset management plan for a period of ten years. An offset site condition statement, including photographs must be included in this notification to the satisfaction of the Responsible Authority.
50. All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority.

Other conditions

51. Before the commencement of the use the permit holder must establish to the satisfaction of the Responsible Authority, and thereafter maintain, a mechanism to regularly meet with residents and owners of adjoining properties for the purpose of discussing and resolving issues related to the ongoing operation of the use. The permit holder must, as part of this process, establish a dedicated communication channel (email and/or telephone number) and make this available to the adjoining owners/residents.
52. A member of staff must be present on the site at all times.
53. Any daily activities relating to the care of animals held on site that are required to take place outside of the acoustically treated holding pens, must only occur between the hours of:
- Monday to Friday: 8:00am to 6:00pm
- Saturday to Sunday & Public Holidays: 10:00am to 4:00pm
- Unless otherwise amended in writing by the Responsible Authority.

Permit expiry

54. This permit will expire if one of the following circumstances applies:
- a) The vegetation removal is not started within twelve (12) months of the date of this permit (amendment date).

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

- b) The works are not completed within three months of the date the works started.
- c) The development is not started within two years of the date of this permit.
- d) The development is not completed within four years of the date of this permit.

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*.

Note: all permit conditions have been renumbered from the original permit for the purpose of adding new conditions.

| Condition | Related action |
|------------------|---|
| 1 | Amended to include additional information before the use and development can commence |
| 2 | New condition |
| 3 | Condition re-worded and updated |
| 4 | New condition |
| 5 | New condition |
| 6 | New condition |
| 7 | Previously condition 3 |
| 8 | Previously condition 4 |
| 9 | Previously condition 5 |
| 10 | Previously condition 6 |
| 11 | Previously condition 7 |
| 12 | Previously condition 8, updated |
| 13 | Previously condition 9 |
| 14 | Previously condition 10, reworded and updated |
| 15 | Previously condition 11 |
| 16 | Previously condition 12 |
| 17 | Previously condition 13 |
| 18 | Previously condition 14, reworded and updated |
| 19 | Previously condition 15, reworded and updated |
| 20 | Previously condition 16 |
| 21 | Previously condition 17 – split up into 3 conditions |
| 22 | Previously condition 17 |
| 23 | Previously condition 17 |

PLANNING PERMIT APPLICATION P304914/7.03 FOR USE AND DEVELOPMENT OF ANIMAL BOARDING AT 298 GOULBURN VALLEY HIGHWAY, SEYMOUR (CONT.)

| | |
|----|--|
| 24 | Previously condition 18 |
| 25 | Previously condition 19 |
| 26 | Previously condition 20 |
| 27 | Previously condition 21 |
| 28 | Previously condition 22 |
| 29 | Previously condition 23 |
| 30 | Previously condition 24 |
| 31 | Previously condition 25 |
| 32 | Previously condition 26 |
| 33 | Previously condition 27 |
| 34 | Previously condition 28 |
| 35 | Previously condition 29 |
| 36 | Previously condition 30 |
| 37 | Previously condition 31 |
| 38 | Previously condition 32 |
| 39 | Previously condition 33 |
| 40 | New condition |
| 41 | Previously condition 34 |
| 42 | Previously condition 35 |
| 43 | New condition |
| 44 | New condition |
| 45 | New condition |
| 46 | New condition |
| 47 | New condition |
| 48 | New condition |
| 49 | New condition |
| 50 | New condition |
| 51 | New condition |
| 52 | New condition |
| 53 | New condition |
| 54 | Previously condition 36 – reworded and updated |

CARRIED UNANIMOUSLY

7.2 Planning Scheme Amendment C117 - Salinity Management Overlay

Author: Andrea Meagher - Strategic Planner

File No: PL/05/180

Attachments:

1. Attachment 1 - C117: Summary of Submissions and Responses
2. Attachment 2 - C117: Amendment Documentation

SUMMARY

Following Council's consideration on 19 September 2016, Ministerial Authorisation was granted for the preparation and exhibition of Planning Scheme Amendment C117 to the Mitchell Planning Scheme. Amendment C117 seeks to implement the outcomes of a review of the Salinity Management Overlay, which will significantly reduce the extent of the mapped Salinity Management Overlay and update the Schedule 1 to this overlay to provide for an improved planning decision making framework.

Proposed Planning Scheme Amendment C117 was placed on public exhibition between 28 January 2017 and 6 March 2017. All affected land owners and occupiers were provided with written notice. Notices were also published in the local newspapers, on Council's website and the *Victoria Government Gazette*.

In response to the exhibition process, a total of six (6) submissions were received. A summary of the submissions received and the officer response is provided at Attachment 1 to this report.

There are two site specific submissions that will need to be referred to an Independent Planning Panel if the matters raised cannot be resolved. Discussions are ongoing and the issues raised had not been resolved at the time of this report.

Given the benefits this amendment will deliver in terms of greater certainty for Council, referral authorities and the wider community, it is recommended that Planning Scheme Amendment C117 be split into two parts. It is recommended that Amendment C117 Part 1 be adopted and forwarded to the Minister for Planning for approval, while Part 2 (which includes the two site specific submissions) be referred to an Independent Planning Panel.

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

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. D. LOWE

THAT Council, having considered all submissions to Mitchell Planning Scheme Amendment C117, resolves to:

1. Determine that public exhibition of Amendment C117 is now complete, and no further submissions will be considered for this Amendment.
2. Council split the exhibited Planning Scheme Amendment C117 into two parts as follows:
 - a) C117 - Part 1 - All proposed changes as exhibited except for the properties proposed for Part 2.
 - b) C117 – Part 2 - The properties of submitters that are seeking changes, namely:
 - 465 Saunders Road, Kilmore East
 - 785 Seymour Tooborac Road, Hilldene
3. Undertake the following actions for Amendment C117 – Part 1:
 - a) Change the following documents forming part of exhibited Planning Scheme Amendment C117, as shown in Attachment 2 to this report.
 - b) Pursuant to Section 29 of the *Planning and Environment Act 1987*, Council adopt Planning Scheme Amendment C117- Part 1, with changes, generally in the form provided at Attachment 2 of this report.
 - c) Pursuant to Section 31 of the *Planning and Environment Act 1987*, forward the adopted Planning Scheme Amendment C117 to the Minister for Planning requesting approval.
4. Undertake the following actions for Amendment C117 – Part 2:
 - a) Continue discussions with the submitters seeking changes to address issues raised with discussions to be completed by 30 May 2017.
 - b) If there are any unresolved submissions remaining after 30 May 2017,
 - Request the Minister for Planning to appoint an Independent Planning Panel under Part 8 of the *Planning and Environment Act 1987* to consider Amendment C117 - Part 2.
 - Submit to the Independent Planning Panel Council's response to the submissions, as generally outlined in Attachment 1 to this report.

CARRIED UNANIMOUSLY

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

7.3 Planning Scheme Amendment C119: Mandalay Estate Framework - Adoption

Author: *Justin Harding - Strategic Planner*

File No: *PL/05/190*

Attachments: 1. *Amendment C119 Submissions Summary and Response*
2. *Amendment C119 Policy Changes and Documentation*

SUMMARY

Following Council's consideration on 19 September 2016, Ministerial Authorisation was granted for the preparation and exhibition of Planning Scheme Amendment C119.

Amendment C119 seeks to revise the planning framework for Mandalay Estate, Beveridge as the development has evolved since its rezoning in 1998 and the existing framework no longer provides clear guidance for future decision making.

The framework will be revised by;

- Replacing the Comprehensive Development Plan at Clause 81.01, Incorporated Documents, that applies to the site with a plan that accurately reflects current land use arrangements and is in accordance with Department of Education and Training advice regarding the location of the proposed primary school.
- Amending Schedule 2 to the Comprehensive Development Zone at Clause 37.02 to remove unnecessary policy duplicated in the existing Section 173 agreement. Other minor changes include VicRoads as a referral authority while the minor changes also amend the table of uses and permit notification requirements to facilitate ongoing development of the project.

Planning Scheme Amendment C119 was placed on public exhibition between 21 February 2017 and 27 March 2017. Five (5) submissions were received by Council during the exhibition period, of which one (1) is supportive, two (2) provided no objection and two (2) requested changes (Attachment 1).

The requested changes modify the Comprehensive Development Plan map to alter potential additional access points near Camerons Lane and Patterson Street intersection and to clarify the size of the retail precinct.

The requested changes also include provision for VicRoads as a referral authority, particularly in a circumstance where a significant modification to the Mandalay Estate layout is proposed. The requested changes are considered appropriate and Newland Developers have provided no objection to the changes. The final Amendment documentation, including changes, can be viewed at Attachment 2.

Therefore, it is recommended that Council adopt Planning Scheme Amendment C119 with changes and submit the adopted Planning Scheme Amendment to the Minister for Planning requesting approval.

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

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

SECONDED: CR. D. ATKINSON

THAT Council:

1. Having considered all submissions, adopts Mitchell Planning Scheme Amendment C119 with changes in accordance with Section 29(1) and 23(1) of the *Planning and Environment Act 1987*.
2. Submits Mitchell Planning Scheme Amendment C119 with changes to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*.

CARRIED UNANIMOUSLY

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

7.4 New - Victorian Civil and Administrative Tribunal Hearings and Activities Carried Out Under Delegation

Author: *James McNulty - Statutory Planning Coordinator*

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.

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. B. CORNISH

THAT the report on the Victorian Civil and Administrative Tribunal Hearings and Activities carried out under delegation be received and noted.

CARRIED UNANIMOUSLY

7.5 Fire Prevention for Government Agencies

Author: Niall Sheehy - Manager Development Approvals

File No: FP/01/001-01

Attachments: 1. Report in response to NOM782 - 14 July 2014

SUMMARY

The purpose of this report is to respond to Notice of Motion 909 unanimously carried by Council at the Ordinary Council Meeting held on 18 April 2017 relating to fire prevention measures on land owned or controlled by public authorities. The Notice of Motion is set out below:

1. Mitchell Shire Council adopt a zero tolerance approach to potential Fire Hazards on all land, both public and private within the Shire. To this end, Council intends to fully implement the report that came with the Notice of Motion 782, dated 14 July 2014 regarding our procedures to address potential fire hazards on land owned or controlled by Government Departments/Agencies.
2. That this information be passed on to all relevant Government Departments/Agencies as soon as practical, to allow them to plan and incorporate into budgets.
3. The Mayor raise this issue at the Ministerial Panel.
4. That a report be presented at the next Council meeting on the implementation plan.

COUNCIL RESOLUTION

MOVED: CR. B. CHISHOLM

SECONDED: CR. B. HUMM

THAT Council:

1. Inform public authorities that it is Council's intention to implement the process identified in the report presented to the Ordinary Council Meeting on 14 July 2014 to address fire hazard on land owned by these authorities and if required, Council will remove the fire hazard at its expense and follow up payment for these works with the public authority.
2. Officers will include an item on the next appropriate agenda of the next Municipal Fire Management Planning Committee (MFMP) for discussion.
3. Officers will request from public authorities, their fire management plans for the land owned/controlled by these authorities.
4. Advise the Minister for Local Government of this resolution, the long standing concerns of Council in relation to this issue and request the Minister to ensure that agencies are aware of and commit to their obligation in accordance with the

FIRE PREVENTION FOR GOVERNMENT AGENCIES (CONT.)

Victorian State-Local Government Agreement.

CARRIED UNANIMOUSLY

8 GOVERNANCE & CORPORATE PERFORMANCE

8.1 Financial Report for Period Ending 31 March 2017

Author: *Hannah White - Management Accounting Coordinator*

File No: *FN/12/001-02*

Attachments: 1. *Q3 Finance Report for the 9 months ending 31 March 2017*

SUMMARY

This report along with the attachment allows Council to monitor its financial performance.

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. B. CHISHOLM

THAT Council note the contents of the Financial Report for the period ending 31 March 2017 and Attachment 1 – Q3 Finance Report for the nine (9) months ending 31 March 2017.

CARRIED UNANIMOUSLY

8.2 Assembly of Councillors

Author: Lidia Harding - Governance and Corporate Accountability Coordinator

File No: CL/04/013-02

Attachments: 1. Assembly of Councillors Record - April 2017

SUMMARY

This report provides records of assemblies of Councillors that have occurred since the last Council meeting, which includes matters considered and any conflict of interest disclosures made by a Councillor.

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. A. GOBLE

THAT Council receive and note the records of assembly of Councillors.

CARRIED UNANIMOUSLY

9 ADVOCACY AND COMMUNITY SERVICES

Nil Reports

10 EXECUTIVE SERVICES

Nil Reports

11 NOTICES OF MOTION

11.1 Notice of Motion: No. 911 - Audit of Council's Roads Funding

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 15 May 2017.

COUNCIL RESOLUTION

MOVED: CR. B. CHISHOLM

SECONDED: CR. F. STEVENS

THAT Council employ external auditors under the guidance of the Chief Executive Officer to evaluate our current Roads Budget (level of spending). This Council needs to know the minimum financial investment required for the proper level of maintenance for the long-term viability of our current and future Roads network.

CARRIED UNANIMOUSLY

Councillor Comment:

There appears to me to be a chronic underfunding of our roads network at both a Council level and at State level. A cursory look back at past Council Budgets shows a steady decline, and as a Councillor representing rural areas the issue of roads is coming up all the time. I am advocating for these measures to establish a sound base on which roads funding decisions can be made in future years.

Signed: _____

Cr Bill Chisholm

Date: 4 May 2017

11.2 Notice of Motion: No. 912 - Rural Roadside Management

Author: *Councillor Bob Humm*

File No: *ET/01/007*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 15 May 2017.

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. B. CHISHOLM

THAT Council officers prepare a report to Council with review to control all fallen trees and branches on road sides within Mitchell Shire in helping the reduction of fuel loads during fire season. With the resulted actions to be placed in the Mitchell Shire Local Laws for control.

CARRIED UNANIMOUSLY

Councillors Comment:

Council contractors are having issues slashing sides of roads in the Shire in preparation prior to fire season being declared and the Country Fire Authority (CFA) groups are being restricted in areas to fight fires due to fallen timber and high growth.

Signed: _____

Cr Bob Humm

Date: 4 May 2017

12 DELEGATES REPORTS

12.1 Delegate Report - Overview and Update on Activities and Delegate Deliberations

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

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

Attachments: *1. Councillor Delegate Report*

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 April 2017 and also other activities attended as a Council representative.

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. A. GOBLE

THAT the Delegate's Report on Overview and Update on Activities and Delegate Deliberation by Councillors for April 2017 be received and noted.

CARRIED UNANIMOUSLY

DELEGATE REPORT: MITCHELL ENVIRONMENT ADVISORY COMMITTEE OVERVIEW AND UPDATE
(CONT.)

12.2 Delegate Report: Mitchell Environment Advisory Committee Overview and Update

Author: *Elyse Kelly - Environment Coordinator*

File No: *ET/03/003*

Attachments:

SUMMARY

This report provides an overview of the Mitchell Environment Advisory Committee (MEAC) and a summary of *the* discussions held at an ordinary Meeting on 27 March 2017.

Cr. Eldridge chaired the meeting and Council representatives included the Director Engineering and Infrastructure, Strategic Planning Officer and Environment Coordinator.

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. B. CHISHOLM

THAT Council receives and notes the Delegates Report, Mitchell Environment Advisory Committee overview and update.

CARRIED UNANIMOUSLY

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

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. B. CORNISH

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.

CARRIED UNANIMOUSLY

The meeting was closed to the public at 7.36pm

- 15.1 Confirmation of Minutes of previous Confidential Meeting
- 15.2 Contract Variation - Wallan Integrated Community Centre
s89(2)(d) contractual matters.
- 15.3 Greater Beveridge Community Centre Tender Evaluation
s89(2)(d) contractual matters.
- 15.4 Re-opening of Meeting to members of the public

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. F. STEVENS

THAT the meeting be re-opened to members of the public.

CARRIED UNANIMOUSLY

This meeting was re-opened to members of the public at 7.46pm

16 DATE OF NEXT MEETING

The next Ordinary meeting of Council is scheduled to be held on Monday 19 June 2017 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7.00pm.

17 CLOSE OF MEETING

The meeting was declared closed at 7.48pm.

Confirmed this Monday, 19 June 2017

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Chairperson
Mayor, Cr Rhonda Sanderson