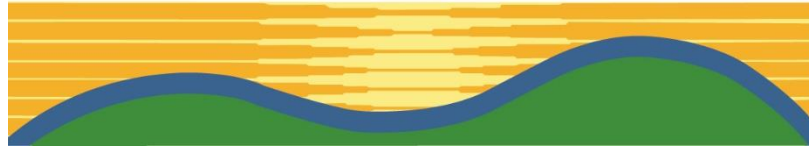


**MITCHELL SHIRE COUNCIL**



**ORDINARY COUNCIL  
MEETING  
MINUTES**

**MONDAY 18 FEBRUARY 2019**



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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  
18 FEBRUARY 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

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**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 B. Humm.

---

ADVOCACY PROGRESS REPORT (CONT.)

## **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.*

Cr F. Stevens declared an indirect conflict of interest in item 9.2 Planning Permit Application PLP 129/18 for buildings and works for the construction of an office building, 2 lot re-subdivision, reduction of car parking requirements and alterations to access to a road zone - category 1 at 63 High Street Broadford of as she holds an indirect financial interest, is an interested party and her residential amenity is likely to be altered.

Cr D. Atkinson declared an indirect conflict of interest in item 9.2 Planning Permit Application PLP 129/18 for buildings and works for the construction of an office building, 2 lot re-subdivision, reduction of car parking requirements and alterations to access to a road zone - category 1 at 63 High Street Broadford as he is a shareholder of NorGen Financial Services who is a tenant.

## **4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

### **COUNCIL RESOLUTION**

**MOVED:** CR. B. CORNISH

**SECONDED:** CR. D. LOWE

**THAT** the Minutes of the Ordinary Council Meeting held 17 December 2018, as circulated, be confirmed.

**CARRIED UNANIMOUSLY**

## **5 PETITIONS AND JOINT LETTERS**

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

Nil

## **6 PRESENTATIONS**

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

Nil

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ADVOCACY PROGRESS REPORT (CONT.)

## **7 ADVOCACY AND COMMUNITY SERVICES**

### **7.1 RESPONSE TO NOM 927 SMALL TOWN FIRE PREVENTION AND MITIGATION**

**Author:** Adam Evans - Local Laws Coordinator

**File No:** CM17/223

**Attachments:** Nil

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#### **SUMMARY**

This report provides a response to Notice of Motion No. 927 relating to reviewing the current fire prevention roadside slashing and spraying works. With specific focus on increasing the area of roadside slashing and spraying activities conducted for fire prevention works within speed reduction zones of townships to improve fire prevention measures.

The liability of slashing VicRoads roads is very high. If Council acknowledges that there is a municipal fire risk on one section of road this requires all Vic Roads roads to be assessed to ensure that the risk is managed.

#### **COUNCIL RESOLUTION**

**MOVED:** CR. R. ELDRIDGE

**SECONDED:** CR. A. GOBLE

**THAT** this item be deferred to the March 2019 Council meeting to allow officers to provide additional information in the report

**CARRIED UNANIMOUSLY**

---

ADVOCACY PROGRESS REPORT (CONT.)

## 7.2 ADVOCACY PROGRESS REPORT

**Author:** *Leeanne Honeyball - Advocacy and Research Officer*

**File No:** *GT/01/034*

**Attachments:**

1. *Advocacy Priorities*
2. *Successful Grant Funding*
3. *2018 State Election Commitments VIC Labor*

---

### SUMMARY

Advocacy is one of Council's seven strategic objectives identified in the Council Plan, which commits Council to 'relentlessly advocate for funding to benefit our community'.

The Advocacy Priorities were endorsed by Council in March 2018, to ensure a focused, coordinated and proactive approach to advocacy across the municipality.

This report provides an update of the actions to date to progress the advocacy priorities, priorities that have been achieved through grants, government budget allocations and those that remain outstanding post the 2018 state election. Additionally, this report provides a brief overview on planning for future advocacy priorities.

### COUNCIL RESOLUTION

**MOVED:** CR. R. ELDRIDGE

**SECONDED:** CR. R. SANDERSON

**THAT** the information in the report be received and noted.

**CARRIED UNANIMOUSLY**



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## 8 GOVERNANCE AND CORPORATE PERFORMANCE

### 8.1 LEASING AND LICENSING POLICY

**Author:** Michael Freeman - Strategic Assets Coordinator

**File No:** CM/03/005

**Attachments:** 1. Draft Leasing and Licensing Policy

---

#### SUMMARY

Mitchell Shire Council owns numerous properties as well as managing properties on behalf of the Crown. A number of these properties are made available to community groups, service providers, sporting bodies, private residents or commercial operators, by way of an occupancy agreement over the land.

Leasing and licensing of property establishes the formal agreement between Council, as the property owner or manager, and the tenants of Council properties to ensure properties are used for community benefit, that there is appropriate stewardship of the property and to apportion legal, insurance and risk management responsibilities related to occupation of Council property.

The proposed Property Leasing and Licensing Policy provides a framework to manage both community and commercial occupancy agreements. However, it is the community use of facilities (more so than Commercial use) that warrants a greater focus of attention due to the complexity and variety of user groups Council interrelates with.

Examples of community service providers are the State Emergency Service (SES), local sporting clubs, childcare centers, Riding for Disabled or Scouts among many others.

This Policy will provide for fair, equitable and transparent decisions and processes such that the community and tenants have a clear understanding of how property is to be allocated by Council and managed by tenants.

This report does not specify the cost structure for use of Council property. The Lease and License Policy focus is on establishing terms and conditions of use of Council property.

While the Property Leasing and Licensing policy will include coverage of some properties in receipt of a Funding and Services Agreement (FASA), the occupancy agreement process is separate to any financial support that may subsequently be provided to tenants of Council properties, and therefore funding arrangements are not discussed in this report.

The intention is for Council to endorse this draft policy prior to undertaking extensive community consultation. Community input will be considered in revising the final draft before adoption by Council.

LEASING AND LICENSING POLICY (CONT.)

**COUNCIL RESOLUTION**

**MOVED:** CR. R. SANDERSON

**SECONDED:** CR. A. GOBLE

**THAT** Council:

1. Release the draft Property Leasing and Licensing Policy for consultation purposes and invite feedback for consideration.
2. Officers present a draft policy to Council for adoption at a later meeting incorporating community feedback.

**CARRIED UNANIMOUSLY**

**8.2 PROPERTY ACQUISITION AND DISPOSAL POLICY**

**Author:** Michael Freeman - Strategic Assets Coordinator

**File No:** CM/03/005

**Attachments:** 1. Draft Property Holding, Acquisition and Disposal Policy

---

**SUMMARY**

The Acquisitions and Disposal Policy has been drafted to ensure property transactions are conducted in accordance with the highest standards of probity, relevant legislation and align with Council strategies and policies.

The Policy will provide criteria which will support integrity, impartiality, accountability and transparency in property transaction decisions and it will ensure Council is achieving its strategic goals in its property management decisions.

**COUNCIL RESOLUTION**

**MOVED:** CR. F. STEVENS

**SECONDED:** CR. A. GOBLE

**THAT** Council endorse the Property Acquisition and Disposal Policy.

**CARRIED UNANIMOUSLY**

---

### 8.3 PROPOSED DECLARATION OF PUBLIC HIGHWAY - PART WANDONG AVENUE

**Author:** Teresa Hendy - Property Officer

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

**Attachments:** 1. Area proposed to be declared public highway

**Reference:** CM18/307

---

#### SUMMARY

This report follows a Council Report from 15 October 2018 and Community Questions and Hearings Committee report of 11 February 2019. The previous two reports have discussed issues associated with the land on both sides of Wandong Avenue where the road abuts Rail Street and how the ownership and management of this land has long been the subject of uncertainty. At the Council meeting of 15 October 2018, Council resolved to:

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.

The ownership and management of this land adjacent to the constructed road (Wandong Avenue) has long been the subject of uncertainty.

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.

In recognition of the long-established use of the whole of the land by vehicle and pedestrian traffic, it is considered that the area under discussion and shown in Attachment 1 of this report is considered reasonably required for public use and it is a recommendation of this report that the area be declared a public highway.

---

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

**COUNCIL RESOLUTION****MOVED:** CR. R. ELDRIDGE**SECONDED:** CR. D. LOWE**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 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.

**CARRIED UNANIMOUSLY**

**8.4 PROPOSED SALE OF LAND - POWLETT STREET KILMORE**

**Author:** Teresa Hendy - Property Officer

**File No:** CP/05/001-02

**Attachments:**

1. Title Information
2. Overview of Powlett Street land
3. Changes to the Central Ford site since 2004

---

**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.

The land has been occupied by Kilmore Central Ford since the opening of their car dealership business and forms part of the display yard.

This report seeks the support of Council to consider the sale of the land on Powlett Street to Kilmore Central Ford and for the support of Council to commence the first step in this process by giving public notice of the proposed sale.

**COUNCIL RESOLUTION**

**MOVED:** CR. D. LOWE

**SECONDED:** CR. A. GOBLE

**THAT** Council:

1. Consider the sale proposed, being the sale of land at 119-125 Powlett Street Kilmore (part) contained in Volume 10011 Folio 804 (as per the Title in Attachment 1) and signify support to continue the necessary steps under the *Local Government Act 1989* section 189 to give public notice for the proposed sale.
2. Authorise the giving of Public Notice under section 189 of the *Local Government Act 1989* of the proposed sale of land at 119-125 Powlett Street Kilmore (part) contained in Volume 10011 Folio 804 (as per the title in Attachment 1). 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.
4. At a later date, consider a Council report containing recommendations pertaining to the proposed sale of the land.

**CARRIED UNANIMOUSLY**

## 8.5 DRAFT RATING STRATEGY

**Author:** *Nicole Maxwell - Manager Finance and Assets*

**File No:** *RA/17/001*

**Attachments:** 1. *Draft Rating Strategy*

---

### SUMMARY

As part of the 2019-2020 budget development a review of the Rating Strategy has been undertaken. This report is to seek Council endorsement of the draft strategy to place on public exhibition for 28 days to seek community feedback prior to final adoption.

### COUNCIL RESOLUTION

**MOVED:** CR. D. ATKINSON

**SECONDED:** CR. A. GOBLE

**THAT** Council:

1. Endorse the draft Rating Strategy.
2. Undertake a community consultation process to receive feedback on the draft policy.
3. Officers present a draft strategy to Council for adoption at a later meeting incorporating community feedback.

The Vote resulted in as follows:

**For:**

CR. D. ATKINSON  
CR. B. CHISHOLM  
CR. B. CORNISH  
CR. A. GOBLE  
CR. B. HUMM  
CR. D. LOWE  
CR. R. SANDERSON  
CR. F. STEVENS

**Against:**

CR. R. ELDRIDGE

**Abstained:**

**CARRIED**

**8.6 FINANCIAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 2018**

**Author:** *Hannah White - Management Accounting Coordinator*

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

**Attachments:** 1. *Quarterly Financial Report for the Period Ending 31 December 2018*

---

**SUMMARY**

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

**COUNCIL RESOLUTION**

**MOVED:** CR. R. SANDERSON

**SECONDED:** CR. D. LOWE

**THAT** Council note the contents of the Financial Report for the period ending 31 December 2018 and Attachment 1 – Financial Report for the six months ending 31 December 2018.

**CARRIED UNANIMOUSLY**



**8.7 COUNCIL PLAN ANNUAL ACTION PLAN MID-YEAR REPORT 2017/2018**

**Author:** Ellen McComish - Corporate Planning and Reporting Officer

**File No:** CM/15/004

**Attachments:** 1. Council Plan Year 2 Action Plan, mid-year progress report

---

**SUMMARY**

The 2017-2021 Council Plan identifies seven strategic objectives that describe how Council will work towards our vision for Mitchell Shire.

Each year an Annual Action Plan sets out what Council will do that year to contribute to achieving the Council Plan objectives.

The attached mid-year update summarises progress to date (July – December 2018) against the commitments set out in the 2018-2019 Annual Action Plan.

The mid-year report will be made available via Council's website. The full year report is provided as part of Council's Annual Report each year.

**COUNCIL RESOLUTION**

**MOVED:** CR. R. ELDRIDGE

**SECONDED:** CR. D. ATKINSON

**THAT** Council endorse the Council Plan Year 2 Annual Action Plan, mid-year progress report 2018-2019.

**CARRIED UNANIMOUSLY**

**8.8 ASSEMBLY OF COUNCIL RECORD**

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

**File No:** *CL/04/013-02*

**Attachments:** 1. *Assembly of Council Record*

---

**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. A. GOBLE

**SECONDED:** CR. D. ATKINSON

**THAT** Council receive and note the record of assembly of Councillors.

**CARRIED UNANIMOUSLY**

---

**8.9 INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987**

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

**File No:** GV/06/016

**Attachments:** 1. Planning Officers Authorisation

---

**SUMMARY**

The *Local Government Act 1989* provides for the appointment of Authorised Officers for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

The Chief Executive Officer, by authority conferred by instrument of delegation from Council dated 16 October 2017, makes these appointments.

Under the *Planning and Environment Act 1987*, however, Authorised Officers can only be appointed by Council resolution as the Act prohibits delegation of the power to appoint Authorised Officers under the Act.

**COUNCIL RESOLUTION**

**MOVED:** CR. F. STEVENS

**SECONDED:** CR. B. CORNISH

**THAT** in the exercise of the powers conferred by Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*, Mitchell Shire Council resolves that:

1. The members of Council staff referred to in the *Instrument of Appointment and Authorisation* at Attachment 1 be appointed and authorised as set out in the Instrument.
2. The *Instrument of Appointment and Authorisation* comes into force immediately after the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it, or until the Authorised Officer ceases to be a member of Council staff.
3. The *Instrument of Appointment and Authorisation* be signed and sealed.

**CARRIED UNANIMOUSLY**

**9 DEVELOPMENT AND INFRASTRUCTURE**

**9.1 PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE**

**Author:** Amy King - Statutory Planner

**File No:** PLP003/18

- Attachments:**
1. Plan of Subdivision
  2. Planning Policy Framework
  3. Clause 56 Assessment

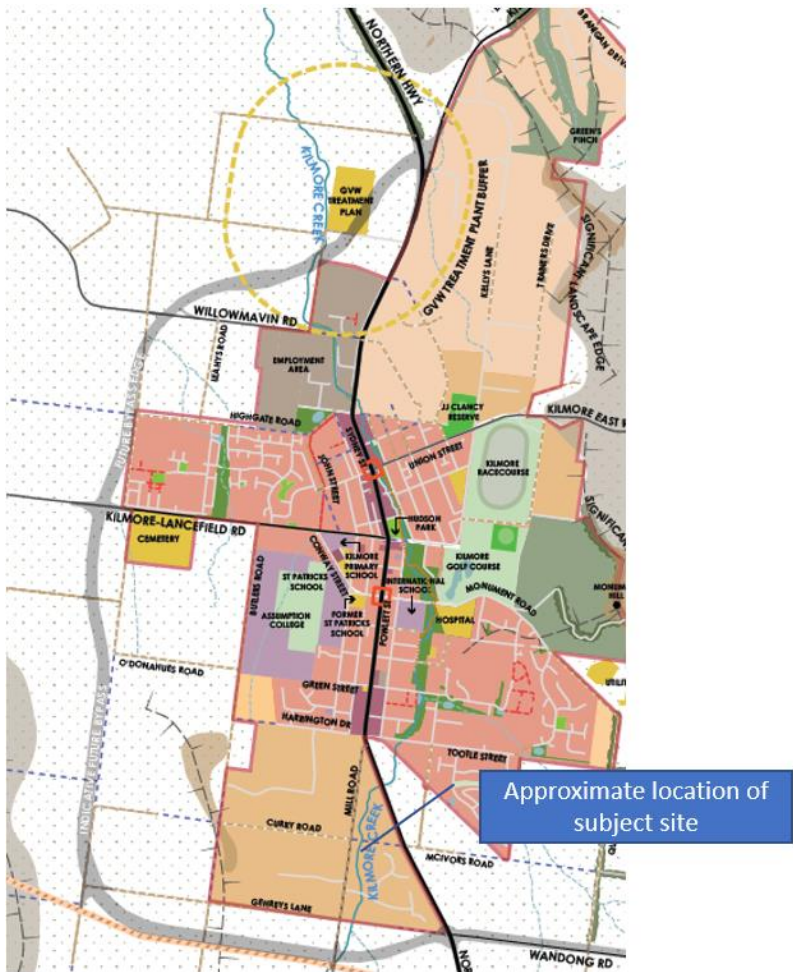
<b>Property No.:</b>	106182
<b>Title Details:</b>	Lot 1 on LP114531 (Volume 10774 / Folio 928)
<b>Applicant:</b>	Planright Australasia Pty Ltd
<b>Zoning:</b>	Low Density Residential Zone
<b>Overlays:</b>	Nil
<b>Objections Received:</b>	9 objections received (including one multi-signature objection containing 100 signatures)
<b>Cultural Heritage Management Plan Required:</b>	Yes. A Cultural Heritage Management Plan was supplied with the permit application as the site is located within an area identified for cultural heritage significance.
<b>Officer Declaration of Conflict of Interest:</b>	No officers involved in the preparation of this report have any direct or indirect interest in this matter

**SITE MAP**



(Aerial image of 38-50 Mill Road, Kilmore)

PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)



(Approximate location of subject site within the Kilmore Structure Plan)

**SUMMARY**

Planning permit application PLP003/18 was received by Council 3 January 2018 for a multi-lot subdivision and the removal of native vegetation at 38-50 Mill Road in Kilmore. The land is zoned Low Density Residential with no Overlays applicable.

The application was publicly notified by mail to adjoining and nearby property owners and occupiers and with multiple signs on site erected on each road frontage. Nine objections were received which are summarised and addressed in later sections of this report.

The application is in part retrospective as some vegetation on site and in the road, reserve has already been removed. This was subject to a separate planning enforcement process. Any approval of the subject application would be conditional upon securing offsets for that already removed vegetation, retention of existing remaining mature vegetation within proposed building exclusion areas and also the provision of additional mature landscaping within the creek corridor as part of the proposed development to compensate that loss.

It is recommended to issue a notice of decision to grant a planning permit subject to conditions.

---

PLANNING PERMIT APPLICATION PLP003/18 FOR A STAGED MULTI-LOT SUBDIVISION AT 38-50 MILL ROAD KILMORE (CONT.)

**COUNCIL RESOLUTION****MOVED:** CR. D. LOWE**SECONDED:** CR. A. GOBLE

**THAT** Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a refusal to grant a planning permit in respect of Application No. PLP003/18 for a staged multi-lot subdivision and removal of native vegetation at Lot 1 on LP114531 (Volume 10774 / Folio 928), known as 38-50 Mill Road, Kilmore, on the following grounds:

1. The proposal does not demonstrate an orderly planning outcome pursuant to Clause 65 of the Mitchell Planning Scheme as the development proposes a significantly increased residential density over that in the existing surrounding neighbourhood.
2. The proposal fails to reflect preferred existing rural residential character of the surrounding subdivision pattern where existing lot sizes in the main are in excess of 4,000sqm in area as opposed to the proposed.

**CARRIED UNANIMOUSLY**

**9.2 PLANNING PERMIT APPLICATION PLP129/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF AN OFFICE BUILDING, 2 LOT RE-SUBDIVISION, REDUCTION OF CAR PARKING REQUIREMENTS AND ALTERATIONS TO ACCESS TO A ROAD ZONE - CATEGORY 1 AT 63 HIGH STREET BROADFORD**

**Author:** Holly Sawyer - Senior Statutory Planner

**File No:** PLP129/18

- Attachments:**
1. 63 High Street Broadford - plans
  2. Planning Policy Framework

Crs F. Stevens and D. Atkinson left the meeting 7.55PM

<b>Property No.:</b>	114967
<b>Title Details:</b>	Lots 1 and 2 on Title Plan 371602K Volume 06635 Folio 958
<b>Applicant:</b>	Archedge Design
<b>Zoning:</b>	Commercial 1 Zone
<b>Overlays:</b>	None
<b>Objections Received:</b>	Five objections received
<b>Cultural Heritage Management Plan Required:</b>	No, the site is not located within an area of Aboriginal cultural heritage sensitivity
<b>Officer Declaration of Conflict of Interest:</b>	No officers involved in the preparation of this report have any direct or indirect interest in this matter

**SITE MAP**



**SUMMARY**

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PLANNING PERMIT APPLICATION PLP360/17 FOR A TWO LOT SUBDIVISION (DWELLING EXCISION) AT P40 WOODLANDS PLACE UPPER PLENTY (CONT.)

The application is seeking approval for the development of the land for an office building, a two-lot re-subdivision, reduction of car parking and alterations to access to a Road Zone – Category 1.

The land is located within the Commercial 1 Zone and not affected by any overlays. The application was advertised via letters to adjoining landowners and occupiers, with a sign displayed fronting High Street. A total of five objections have been received.

The matters discussed later in this report are largely related to the proposed car parking reduction and the development of the land.

This report recommends that a Notice of Decision to Grant a Planning Permit be issued for the proposal, as it is considered that the proposal is appropriate to the context of the site for intensifying commercial activity within an established commercial precinct with the reduction of parking requirements also considered appropriate given that number of on-street parking spaces within walking vicinity of the subject site.

### COUNCIL RESOLUTION

**MOVED:** CR. A. GOBLE

**SECONDED:** CR. R. ELDRIDGE

**THAT** Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a refusal to grant a planning permit in respect of Application No. PLP129/18 for the buildings and works for the construction of an office building, 2-lot re-subdivision, reduction of car parking requirements and alteration of access to a Road Zone – Category 1 at Lots 1 and 2 on Title Plan 371602K Volume 06635 Folio 958, known as 63 High Street Broadford, on the following grounds:

1. The proposal does not demonstrate orderly planning pursuant to Clause 65 of the Mitchell Planning Scheme as the development will landlock the remainder of the site and prevent future vehicle access to the lot.
2. The proposal sterilizes potential for car parking or vehicle access to the rear of the lot and compromises future development opportunities.
3. Given the availability of land to the rear of the site for both development and the provision of on-site car parking, the development and subdivision layout is considered to be an underdevelopment of the site that will prevent positive development outcomes for the site and surrounds, which is not in accordance with the decision guidelines of Clause 34.01-8.
4. The total reduction of car parking is not supported due to current and future on-street car parking demands and use of land along High Street which are likely to restrict all day staff car parking. The proposal fails to comply with Clause 52.06 and Clause 18.02-4S (Car parking), as the total



PLANNING PERMIT APPLICATION PLP360/17 FOR A TWO LOT SUBDIVISION (DWELLING EXCISION) AT P40 WOODLANDS PLACE UPPER PLENTY (CONT.)

reduction is not commensurate to the likely demand to be generated on site and would adversely affect the amenity of the surrounding area.

**CARRIED UNANIMOUSLY**

Cr F Stevens and Cr D Atkinson returned 8.01PM

PLANNING PERMIT APPLICATION PLP360/17 FOR A TWO LOT SUBDIVISION (DWELLING EXCISION) AT P40 WOODLANDS PLACE UPPER PLENTY (CONT.)

**9.3 PLANNING PERMIT APPLICATION PLP360/17 FOR A TWO LOT SUBDIVISION (DWELLING EXCISION) AT 40 WOODLANDS PLACE UPPER PLENTY**

**Author:** *Mathew Mertuszka - Principal Planner*

**File No:** *PLP360/17*

**Attachments:** 1. *Relevant Planning Policies*  
2. *Proposed Plan of Subdivision*

<b>Property No.:</b>	109272
<b>Title Details:</b>	Lot 1 on Title Plan 949012N
<b>Applicant:</b>	T&C Developments
<b>Zoning:</b>	Farming Zone
<b>Overlays:</b>	Bushfire Management Overlay Erosion Management Overlay
<b>Objections Received:</b>	No Objections have been received
<b>Cultural Heritage Management Plan Required:</b>	No, not in an area of Aboriginal Cultural Heritage Significance
<b>Officer Declaration of Conflict of Interest:</b>	No officers involved in the preparation of this report have any direct or indirect interest in this matter

PLANNING PERMIT APPLICATION PLP360/17 FOR A TWO LOT SUBDIVISION (DWELLING EXCISION) AT P40 WOODLANDS PLACE UPPER PLENTY (CONT.)

## SITE MAP



## SUMMARY

Council has received an application for a two-lot subdivision of the land (dwelling excision) at 40 Woodlands Place, Upper Plenty. The proposal seeks to create one small lot being 2.08 hectares, containing an existing dwelling, and a larger balance lot being 44.61 hectares.

The land is located within the Farming Zone and is affected by the Bushfire Management Overlay and the Erosion Management Overlay. As per the provisions of the zone the balance lot would have an automatic dwelling entitlement owing to the land size being in excess of 40ha.

The application was advertised by letter to surrounding properties. No objections were received.

Refusal is recommended as the proposed subdivision is not consistent with relevant Planning Policy Framework and the purpose of the Farming Zone as it fragments productive agricultural land and will adversely affect the agricultural viability of the surrounding agricultural land. Further the subdivision proposes conflict between residential uses and agricultural uses.

## COUNCIL RESOLUTION

**MOVED:** CR. R. SANDERSON

**SECONDED:** CR. A. GOBLE

**THAT** Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Notice of Refusal to Grant a Planning

PLANNING PERMIT APPLICATION PLP360/17 FOR A TWO LOT SUBDIVISION (DWELLING EXCISION) AT P40 WOODLANDS PLACE UPPER PLENTY (CONT.)

Permit in respect of Application No. PLP360/17 for a 2 Lot Subdivision (Dwelling Excision) at Lot 1 on Title Plan 949012N, known as 40 Woodlands Place, Upper Plenty, on the following grounds:

1. The proposal is inconsistent with Clause 14.01-1S (Protection of Agricultural Land) of the Mitchell Planning Scheme as the proposal will result in the permanent removal of agricultural land for primary production purposes and will detract from the long-term capacity of productive agricultural land to continue production.
2. The proposal is inconsistent with Clause 16.01-5S (Rural Residential Development) of the Mitchell Planning Scheme as the proposal will not reduce the amount of new rural-residential development in farming areas.
3. The proposal is inconsistent with Clause 21.05-1 (Agriculture) of the Mitchell Planning Scheme as the proposal:
  - a) fails to protect farming and other agricultural practises from the encroachment of urban growth;
  - b) fails to retain productive land for agricultural purposes;
  - c) fragments agricultural land that is currently in a productive capacity;
  - d) produces a subdivision layout that is inconsistent with the character of the area.
4. The proposal is inconsistent with the purpose and decision guidelines of the Clause 35.07 (Farming Zone) of the Mitchell Planning Scheme as the proposal:
  - a) will create a residential lot in a rural area and will adversely affect the use of the land for agricultural purposes.
  - b) seeks to create a lot greater than 40 hectares which will have an as-of-right entitlement for a dwelling.
  - c) does not retain and fragments the productive agricultural land.
  - d) Creates potential for rural land use conflict with lots used for residential use and the surrounding agricultural uses.

The vote resulted in as follows:

**For:**

CR. D. ATKINSON  
CR. B. CHISHOLM  
CR. B. CORNISH  
CR. R. ELDRIDGE  
CR. A. GOBLE  
CR. B. HUMM  
CR. R. SANDERSON  
CR. F. STEVENS

**Against:**

CR. D. LOWE

**Abstained:**

**CARRIED**

**9.4 PLANNING PERMIT APPLICATION PLP252/18 FOR MAJOR PROMOTIONAL SIGN AT 127A NORTHERN HIGHWAY KILMORE**

**Author:** Amy King - Statutory Planner

**File No:** PLP252/18

**Attachments:** 1. Proposed Plan

<b>Property No.:</b>	116852
<b>Title Details:</b>	Land in PC163005G (Volume 09702 / Folio 637)
<b>Applicant:</b>	Total Outdoor Media
<b>Zoning:</b>	Industrial 1 Zone
<b>Overlays:</b>	Nil
<b>Objections Received:</b>	3 objections received
<b>Cultural Heritage Management Plan Required:</b>	No. While the subject site is located within an area identified for cultural heritage significance, the proposed development is not a high impact activity thus negating the need for a Cultural Heritage Management Plan
<b>Officer Declaration of Conflict of Interest:</b>	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*

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PLANNING PERMIT APPLICATION PLP252/18 FOR MAJOR PROMOTIONAL SIGN AT 127A NORTHERN HIGHWAY KILMORE (CONT.)

### SUMMARY

Planning permit application PLP252/18 seeks to obtain planning permission for the installation and display of a major promotional sign at 127A Northern Highway in Kilmore.

The site is zoned Industrial 1 and is not affected by Overlays. The site is located on the northern entry to the township. The subject site is affected by multiple easements which will be discussed in detail later in this report.

The application was advertised by mail to adjoining properties as well as by placing a site on the site. Three objections were received to the application.

It is recommended to refuse the application.

### COUNCIL RESOLUTION

**MOVED:** CR. A. GOBLE

**SECONDED:** CR. R. ELDRIDGE

**THAT** Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a refusal in respect of Application No. PLP252/18 for the installation of a major promotion sign at Land in PC163005G (Volume 09702 / Folio 637), known as 127A Northern Highway Kilmore, on the following grounds:

1. The proposal does not meet the relevant objectives of Clause 21.11-3 of the Mitchell Planning Scheme by failing to contribute to an attractive gateway to the Kilmore Township.
2. The proposal does not satisfactorily meet the decision guidelines of Clause 52.05-8 of the Mitchell Planning Scheme with regards to the impact on streetscape, and the overall visual dominance of the sign.
3. The site context does not allow for a major promotion sign to fit comfortably within the surrounding landscape.
4. The proposal may result in impacts of services contained within easement E4 on CP163005G and insufficient engineering information has been supplied to demonstrate that the stormwater and sewer assets will not be adversely affected.
5. The proposed sign is at odds with the local policy direction proposed to be inserted into the Mitchell Planning Scheme through Amendment C123 around Built Environment and Economic Development.
6. The proposal is contrary to proper and orderly planning pursuant to Clause 65.01 of the Mitchell Planning Scheme.

**CARRIED UNANIMOUSLY**

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## 9.5 PROPOSED PLANNING SCHEME AMENDMENT C138 - CORRECTIONS OF VARIOUS ZONING ANOMALIES

**Author:** Sean Greer - Coordinator Strategic Planning

**File No:** PL/05/272

**Attachments:** 1. Draft Planning Scheme Amendment C138 Documentation

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### SUMMARY

Proposed Planning Scheme Amendment C138 seeks to correct various zoning anomalies / inconsistencies that have been identified. These anomalies have been raised by either affected landowners, VicTrack or identified as actions by a township structure plan for the area.

This Amendment proposes to change the *Mitchell Planning Scheme* by rezoning multiple land areas to reflect current land use. Most of these scenarios relate to a public zone affecting private land or public land being incorrectly identified by the planning maps.

The draft documentation for Planning Scheme Amendment C138 forms Attachment 1 to this Report.

This report recommends that Council request authorisation from the Minister for Planning to prepare Mitchell Planning Scheme Amendment C138 generally in accordance with Attachment 1.

Following receipt of authorisation, the Planning Scheme Amendment will be placed on public exhibition in accordance with the requirements of the *Planning and Environment Act 1987*.

### COUNCIL RESOLUTION

**MOVED:** CR. R. ELDRIDGE

**SECONDED:** CR. R. SANDERSON

**THAT:**

1. Council Officers seek Ministerial Authorisation in accordance with Section 8(A) of the *Planning and Environment Act 1987* for the preparation of Mitchell Planning Scheme Amendment C138 generally in accordance with Attachment 1.
2. Subject to Ministerial Authorisation being granted, Council Officers prepare and exhibit Mitchell Planning Scheme Amendment C138 in accordance with the requirements of the *Planning and Environment Act 1987*.

**CARRIED UNANIMOUSLY**

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## 9.6 SEYMOUR SPORTS AND AQUATIC CENTRE (SSAC) - SOLAR PROJECT FUNDING OPTIONS

**Author:** Heather Bradbury - Acting Environmental Programs Coordinator

**File No:** ET/11/019

**Attachments:** 1. Mitchell Community Energy - Seymour Installation SSAC  
2. Mitchell Community Energy - SSAC Balloon Payments

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### SUMMARY

The Chittick Park Solar Project (also known as the Seymour Sports and Aquatic Centre (SSAC) Solar Project) is a collaborative project between the community and Council.

In 2016 Mitchell Shire Council commissioned the Moreland Energy Foundation to undertake a feasibility study titled "Chittick Park – Renewable Energy Investigation Project Report". The study, completed in June 2017, was partly funded via a grant from the Department of Environment, Land, Water and Planning (DELWP).

The feasibility report presents a business case to install a 99kW 'behind the meter' solar panel system on the roof of the SSAC. The estimated cost for installation is \$120,000 with a payback period of approximately 5 years.

A behind the meter system is when the electricity generated is used on site, this model is well suited to end users with high daytime electricity requirement loads, such as the SSAC.

There has been much community and Council interest in this project especially from the new and active community group "Mitchell Community Energy" (MCE). MCE has been the driver for this project and has presented a proposal for a "Collaborative installation of a solar panel system on SSAC". Following this proposal an amendment was submitted to Council. A copy of this proposal and the amendment is attached.

MCE has also made a submission to the draft budget requesting "Council to enter into a community investment model agreement with Mitchell Community Energy for the construction of the Seymour Sports and Aquatic Centre solar panel installation".

This report examines two (2) financial options to fund the design and installation of solar panels on the SSAC.

#### Option A

Nominate to enter a partnership agreement with the MCE to fund the solar panel project whereby Council borrows \$120,000 from MCE @ 4.5% and pay back the interest, principle and administration fees over 7 years.

#### Option B

Nominate to design and install the solar panel project using already allocated Capital Works Budget funds.

In addition to recommending a suitable option outlined above, the report also recommends Council investigates entering into a Memorandum of Understanding (MoU) with Mitchell Community Energy with a view to pursuing other energy



SEYMOUR SPORTS AND AQUATIC CENTRE (SSAC) - SOLAR PROJECT FUNDING OPTIONS (CONT.)

efficiency initiatives aligning with this local social enterprise and Councils own aspirations to pursue more energy efficient business solutions.

### **COUNCIL RESOLUTION**

**MOVED:** CR. D. LOWE

**SECONDED:** CR. R. ELDRIDGE

**THAT** Council:

1. Acknowledge the initiative and leadership of Mitchell Community Energy in bringing this matter before Council which has ultimately lead to a more efficient and sustainable operation of the Seymour Sports and Aquatic Centre.
2. Nominate to design and install the solar panel project using already allocated Capital Works Budget funds as outlined in Option B.
3. Receive a report from officers to explore how Council can pursue further energy initiatives aligned with Council's own aspirations for more energy efficient business solutions.

**CARRIED UNANIMOUSLY**

**9.7 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*

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**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. B. HUMM

**SECONDED:** CR. F. STEVENS

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

**CARRIED UNANIMOUSLY**

## **10 EXECUTIVE SERVICES**

Nil Reports

## 11 NOTICES OF MOTION

### 11.1 NOTICE OF MOTION: NO. 958 - TIDY AND SAFE TOWN ENTRY POLICY

**Author:** Councillor Bob Humm

**File No:** GT/04/006

**Attachments:** Nil

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 18 February 2019.

#### COUNCIL RESOLUTION

**MOVED:** CR. B. HUMM

**SECONDED:** CR. D. LOWE

**THAT** Council request officers to prepare a report for consideration at the next available Ordinary Council meeting providing detailed costings and legal implications (if any) for the implementation of a 'Tidy and Safe Town Entry Policy' which will focus on slashing and mowing up to one kilometre each side of its townships on all major VicRoads controlled roads within Mitchell Shire.

The report should deal with recommended standards and precise locations of maintenance to achieve the above objective, costings to implement the standard of service, levels of reimbursement if any from VicRoads and what legal implications there are in undertaking programmed maintenance works on VicRoads property.

The vote resulted in as follows.

**For:**

CR. R. ELDRIDGE  
CR. B. HUMM  
CR. D. LOWE

**Against:**

CR. D. ATKINSON  
CR. B. CHISHOLM  
CR. B. CORNISH  
CR. A. GOBLE  
CR. R. SANDERSON  
CR. F. STEVENS

**Abstained:**

**LOST**

#### COUNCIL RESOLUTION

**MOVED:** CR. A. GOBLE

**SECONDED:** CR. D. ATKINSON

**THAT** an extension of time be granted.

**CARRIED UNANIMOUSLY**

## 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 Delegates 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 December 2018 - January 2019 and also other activities attended as a Council representative.

#### COUNCIL RESOLUTION

**MOVED:** CR. D. ATKINSON

**SECONDED:** CR. R. SANDERSON

**THAT** the Delegate's Report on Overview and Update on Activities and Delegate Deliberation by Councillors for December 2018 - January 2019 be received and noted.

**CARRIED UNANIMOUSLY**

**13 GENERAL BUSINESS**

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

Nil

**14 URGENT BUSINESS**

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

Nil

**15 CONFIDENTIAL BUSINESS****COUNCIL RESOLUTION**

**MOVED:** CR. F. STEVENS

**SECONDED:** CR. A. GOBLE

**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 closed to the public at 8.37pm

**15.1 Confirmation of Minutes of previous Confidential Meeting****15.2 Contract Extension 132295 - Cleaning of Council Buildings, Public Toilets and BBQ's**

s89(2)(d) contractual matters.

**15.3 White Street formalisation in between Lumsden and Allan Street**

s89(2)(d) contractual matters.

**15.4 Appointment of Independent Member to Audit Committee**

s89(2)(a) personnel matters.

**15.5 Re-opening of Meeting to members of the public**

The meeting was re-opened to members of the public at 8.45pm.

**16 DATE OF NEXT MEETING**

The next Ordinary meeting of Council is scheduled to be held on Monday 18 March 2019 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7.00pm.

**17 CLOSE OF MEETING**

The meeting was declared closed at 8.45pm.

Confirmed this Monday, 18 March 2019

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**Chairperson**  
**Mayor, Cr Bill Chisholm**