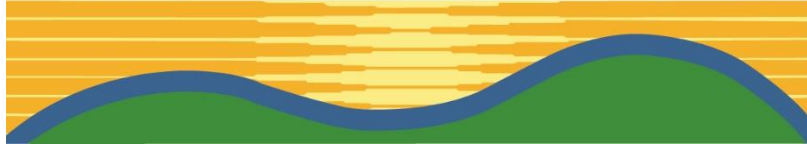


MITCHELL SHIRE COUNCIL



**ORDINARY COUNCIL
MEETING
MINUTES**

MONDAY 24 JUNE 2019

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	WELCOME AND GOVERNANCE DECLARATION.....	1
2	APOLOGIES AND LEAVE OF ABSENCE	2
3	DISCLOSURE OF CONFLICTS OF INTEREST	2
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	2
5	PETITIONS AND JOINT LETTERS	2
6	PRESENTATIONS	2
7	ADVOCACY AND COMMUNITY SERVICES	3
	Nil Reports	3
8	GOVERNANCE AND CORPORATE PERFORMANCE.....	4
8.1	Adoption of the 2019-2020 Budget and Strategic Resource Plan 2020-2023	4
8.2	Rating Strategy	8
8.3	Leasing and Licensing Policy	9
8.4	Consideration of the Sale of Unit 2, 49 Wellington Street Wallan.....	11
8.5	Council Plan 2017-2021 (2019 Revision)	13
8.6	Council Plan 2017-2021 - Year 3 Action Plan (2019/20)	15
8.7	Assembly of Council Record	16
9	DEVELOPMENT AND INFRASTRUCTURE	17
9.1	Planning Permit Application PLP212/18 For the Use and Development of the land for trade supplies and restricted retail premises, alteration of access to a Road Zone - Category 1, reduction of bicycle parking requirements and display of signage At 63 Anzac Avenue Seymour	17
9.2	Planning Permit Application PLP319/17 For Removal of Native Vegetation At 175 Northern Highway Wallan	30
9.3	Planning Scheme Amendment C130, Rezone of 40 Butlers Road, Kilmore: Consideration of Planning Panel Report.....	34
9.4	Planning Scheme Amendment C138 - Rezoning Of Land At Part 49 Emily Street Seymour And Part 17 High Street Seymour	35

9.5 Delatite Road, Seymour - Bridge Construction Options at Whiteheads Creek.....36

9.6 Victorian Civil and Administrative Tribunal Hearings and Activities Carried Out Under Delegation.....38

10 EXECUTIVE SERVICES39

Nil Reports39

11 NOTICES OF MOTION.....39

Nil Reports39

12 DELEGATES REPORTS.....40

12.1 Delegate Report - Overview and Update on Activities and Delegate Deliberations40

13 GENERAL BUSINESS41

14 URGENT BUSINESS41

15 CONFIDENTIAL BUSINESS.....41

15.1 Confirmation of Minutes of previous Confidential Meeting41

15.2 Old Goulburn River Bridge Stabilisation Works - Contract Award41

15.3 Kilmore Creek Pedestrian Bridge Project - Design and Construct Contract Award41

15.4 Award of Contract No: 2018-56 for Tree Services Panel in collaboration with Whittlesea City Council.....41

15.5 Chief Executive Officer Annual Performance Review.....41

15.6 Re-opening of Meeting to members of the public.....41

16 DATE OF NEXT MEETING42

17 CLOSE OF MEETING42

**MINUTES OF THE ORDINARY COUNCIL MEETING OF
THE MITCHELL SHIRE COUNCIL HELD AT MITCHELL
CIVIC CENTRE, 113 HIGH STREET BROADFORD ON
24 JUNE 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

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

1 WELCOME AND GOVERNANCE DECLARATION

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

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

The declaration was read by Cr B. Humm.

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 B. Cornish declared an indirect conflict of interest in Item 9.1 of the Council Agenda Planning Permit Application PLP212/18 For the Use and Development of the land for Trade Supplies and Restricted Retail Premises, Alteration of Access to a Road Zone - Category 1, Reduction of Bicycle Parking Requirements and Display of Signage At 63 Anzac Avenue Seymour because of a conflicting duty.

Cr D. Atkinson declared an indirect conflict of interest in Item 15.4 of the Confidential Council Agenda Award of Contract No: 2018-56 for Tree Services Panel in collaboration with Whittlesea City Council as his son works for one of the companies who tendered for the works.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL RESOLUTION

MOVED: CR. D. LOWE

SECONDED: CR. A. GOBLE

THAT the Minutes of the Ordinary Council Meeting held 20 May 2019, as circulated, be confirmed.

CARRIED UNANIMOUSLY

5 PETITIONS AND JOINT LETTERS

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

Cr F. Stevens tabled a petition with 28 signatories in relation to VCAT Reference No P3909/.2011 Planning Permit Application No. P3606552/11 Restricted Place of Assembly at 22 Dempsey Road, Seymour asking Council to address the concerns of residents in relation to the construction of the building as a restricted place of assembly, the increased traffic and the orientation and setback of the building.

6 PRESENTATIONS

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

Nil

7 ADVOCACY AND COMMUNITY SERVICES

Nil Reports

8 GOVERNANCE AND CORPORATE PERFORMANCE

8.1 ADOPTION OF THE 2019-2020 BUDGET AND STRATEGIC RESOURCE PLAN 2020-2023

Author: *Nicole Maxwell - Manager Finance and Assets*

File No: *FN/09/022*

Attachments: 1. *Budget Submission Summary*

SUMMARY

This report presents the 2019-2020 Budget and Strategic Resource Plan 2020-2023 (SRP) for adoption.

The 2019-2020 Proposed Budget and Draft Strategic Resource Plan 2020-2023 were endorsed to be placed on public exhibition by Council on 15 April 2019. Public notice was advertised in the local papers and submissions invited.

Community information sessions were held across the Shire to explain key elements of the 2019-2020 Budget and outline the submission process. The submission period ended on 22 May 2019 and a total of forty-six submissions were received. Eleven submitters elected to be heard by Council at a Special Hearings Committee held on Monday 3 June 2019.

Council also ran a pre-budget formulation consultation process that concluded in October 2018 which yielded 455 responses and over 750 suggestions, these were taken into account by Council as part of the budget process.

The report recommends that Council, having considered public submissions and other information contained in this report in relation to the 2019-2020 Proposed Budget and Draft Strategic Resource Plan 2020-2023, must resolve to:

- Adopt the 2019-2020 Budget and the Strategic Resource Plan 2020-2023 following public notice and inspection in accordance with the requirements of the *Local Government Act 1989* (the Act) and *Local Government (Planning and Reporting) Regulations 2014* (the Regulations); and
- Declare the amount which the Council intends to raise by general rates and charges.

ADOPTION OF THE 2019-2020 BUDGET AND STRATEGIC RESOURCE PLAN 2020-2023 (CONT.)

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. A. GOBLE

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. B. HUMM

THAT an extension of speaking time be granted.

CARRIED

COUNCIL RESOLUTION

MOVED: CR. R. CORNISH

SECONDED: CR. B. HUMM

THAT an extension of speaking time be granted.

CARRIED

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. B. HUMM

THAT an extension of speaking time be granted.

CARRIED

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. F. STEVENS

THAT an extension of speaking time be granted.

CARRIED

THAT Council:

1. Adopt the Strategic Resource Plan 2020-2023 as the final Adopted Strategic Resource Plan of Council for the 2020-2023 financial years, (circulated separately and annexed to the Minutes), prepared by Council for the purposes of Sections 126(3) and 127(1) of the *Local Government Act 1989*.
2. Adopt the Budget 2019-2020 as the final Adopted Budget of Council for the 2019-2020 financial year, (circulated separately and annexed to the Minutes), prepared by Council for the purposes of Sections 126(3) and

ADOPTION OF THE 2019-2020 BUDGET AND STRATEGIC RESOURCE PLAN 2020-2023 (CONT.)

127(1) of the *Local Government Act 1989*.

3. Makes copies of the 2019-2020 Adopted Budget and Strategic Resource Plan 2020-2023 available at Council offices, Libraries and on Council's website.
4. Authorise the Chief Executive Officer to give public notice of the decision to adopt the 2019-2020 Annual Budget and Strategic Resource Plan 2020-2023 and submit copies as required to the Minister for Local Government, in accordance with Section 130 of the Act.
5. Notify in writing the persons who have made a submission regarding the 2019-2020 Budget and/or Strategic Resource Plan 2020-2023 of Council's decision, in accordance with Section 223 of the Act, which will include a detailed response to the issues raised in the submission.
6. Declare an amount of \$46.213M (or such greater amount as is lawfully levied as a consequence of this resolution) as the amount which Council intends to raise by rates and charges in line with the 2.50% rate increase and 18.42% Garbage charge increase outlined in the 2019-2020 Budget, which is made up of the following:
 - a) General Rates* \$32.602M
 - b) Garbage Charges* \$6.711M
 - c) Municipal Charges \$6.900M
 - d) Total Rates and Charges \$46.213M* including supplementary rates
7. Advises in respect of general rates:
 - a) A general rate be declared in respect of and for the entire duration of the 2019-2020 financial year;
 - b) It further be declared that the general rate be raised by application of differential rates;
 - c) Council declare the differential rates (shown as cents/\$CIV) for the 2019-2020 year as follows:
 - o General Land: 0.2851
 - o Vacant Land: 0.5702
 - o Vacant Commercial or Industrial Land: 0.6842
 - o Agricultural Land (40ha-100ha): 0.2566
 - o Agricultural Land (greater than 100ha): 0.2281
 - o Subdivisional Land: 0.5702
8. Declares a Municipal Charge of \$316.00 in respect of the 2019-2020 financial year.
9. Declares:
 - a) Garbage charge (full service) of \$405.00
 - b) Garbage charge (extra service) of \$228.00
 - c) Recycling Charge (extra service) of \$177.00
10. Authorises the Chief Executive Officer to effect minor administrative and wording changes to the 2019-2020 Annual Budget and Strategic Resource Plan 2020-2023 documents, which may be required.

ADOPTION OF THE 2019-2020 BUDGET AND STRATEGIC RESOURCE PLAN 2020-2023 (CONT.)

CARRIED

The vote resulted in as follows:

For:

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

Against:

CR. B. CORNISH
CR. R. ELDRIDGE
CR. D. LOWE

Abstained:

8.2 RATING STRATEGY

Author: *Nicole Maxwell - Manager Finance and Assets*

File No: *GT/01/017*

Attachments: *1. Rating Strategy*

SUMMARY

As part of the 2019-2020 budget development a review of the Rating Strategy was completed, and a draft Rating Strategy was endorsed by Council for the purposes of Community Consultation. The draft strategy was placed on public exhibition for 28 days seeking community feedback.

Following public consultation this report seeks endorsement of the strategy.

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. A. GOBLE

THAT Council adopt the Rating Strategy as attached.

CARRIED UNANIMOUSLY

8.3 LEASING AND LICENSING POLICY

Author: Michael Freeman - Strategic Assets Coordinator

File No: CM/03/005

Attachments: 1. Leasing and Licensing Policy

SUMMARY

Mitchell Shire Council owns numerous properties and manages properties on behalf of the Crown. Specific properties are made available to community groups, service providers, sporting bodies, private residents or commercial operators, by way of an occupancy agreement for the property.

Leasing and licensing of property establishes the formal agreement between Council, as the property owner or manager, and the tenants of Council properties. These agreements 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.

Where Council leases a property, this provides exclusive tenure to the tenant. Leases primarily relate to commercial occupancy agreements. Licenses on the other hand do not provide exclusive tenure. They provide an agreement to utilise a property on specific days and at specific times which are agreed at the outset of the license. There can be multiple licenses to different community groups over a single property. Licenses are generally provided to community groups and sporting clubs.

The proposed 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 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 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.

A draft Leasing and Licensing Policy was presented at the February 2019 Ordinary Council Meeting. Council resolved to release the draft Property Leasing and Licensing Policy for consultation purposes and to invite feedback for consideration and that officers present a draft policy to Council for adoption at a later meeting incorporating community feedback.

LEASING AND LICENSING POLICY (CONT.)

The community consultation process included a mail out to all clubs and community groups, advertising in the Council News column in the local papers, publishing on Council's Engaging Mitchell website and providing copies of the policy at all Shire libraries.

There were seven responses provided back to Council. The attached final draft has incorporated suggestions from the public where these have strengthened or made clearer the intent of the policy. The draft Policy is provided with track changes visible so that amendments made since the initial draft that went out to the public can be easily ascertained.

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. D. LOWE

THAT Council defer this item.

CARRIED UNANIMOUSLY

8.4 CONSIDERATION OF THE SALE OF UNIT 2, 49 WELLINGTON STREET WALLAN

Author: Michael Freeman - Strategic Assets Coordinator

File No: CP/05/029

Attachments: 1. Photos of Unit 2/49 Wellington Street
2. Unit 2/49 Wellington Street Wallan Site Map

SUMMARY

Council owns two single bedroom residential units (units 2 and 5) which are part of a five-unit complex at 49 Wellington Street, Wallan.

Council has the option to sell the vacant unit or retain it and make it available for term affordable social housing or crisis accommodation. In the case of the housing option being considered, this would involve partnering with a Housing Association who could use the property for either long term affordable social housing or crisis accommodation for the local area. Under a partnership arrangement, whilst Council would retain ownership of the property, the ongoing management and upkeep would be the responsibility of the Housing Association for the term of the partnership.

While accommodation is not a Council service, either long term affordable social housing or crisis accommodation facilities would support people in need in the local community.

The units were built in the 1980's and owned by Council under a single title, Lot 1 TP234735. The property was used for long term rental accommodation for elderly Wallan residents. Only two of the units were occupied in 2014 when the first recommendation to sell the property was supported by Council at its October Ordinary Council Meeting (OCM). Council also resolved at this meeting to consider the needs of the two remaining tenants in units 2 and 5.

Council approved a subdivision of the property at its OCM in October 2015 creating a title for each of the five units to facilitate their sale. At this meeting the Council resolution included a direction to Council Officers to provide an assurance of tenure to the tenants of units 2 and 5. The intent was that Council would not sell the last two units while occupied by the current tenants to fulfil its commitment to them of secure tenure.

At the December 2015 Ordinary Council Meeting, Council resolved to sell the three vacant units. The report to Council recommended that aged services would be better delivered to clients by specialised aged care housing providers.

In September 2018 unit 2 was vacated by the tenant and has remained vacant since that date. Council's original intention was to sell all of the Wellington Street units and the sale of the now vacant unit is in line with Council's Property Holding, Acquisition and Disposal Policy.

It is incumbent on Council to make a decision whether to sell the unit or make it available for use by a Housing Association. If Council decides to sell the property, the

CONSIDERATION OF THE SALE OF UNIT 2, 49 WELLINGTON STREET WALLAN (CONT.)

proceeds are not restricted and will be placed in the Property Proceeds Reserve for future investment in the Wallan area.

From 1 June 2018, the Victorian Planning and Environment Act 1987 included a new objective “**to facilitate the provision of affordable housing in Victoria**”. It defines affordable housing as ‘housing, including social housing, that is appropriate for the housing needs of very low, low, and moderate-income households. The objective of this recent change is to facilitate the supply of affordable housing through the planning system.

Local government has been playing a crucial role in the area of social and affordable housing, particularly through its facilitating and advocacy role with Federal and State government. This also includes planning for growth and is in negotiations with developers. Although local government is not a provider of social or affordable housing, it has a critical role in encouraging and facilitating high quality affordable, appropriate and accessible housing developments targeted at households at different life stages and income levels. Local government has a key role in partnerships with housing associations/providers to meet community expectations and needs.

If Council prefers to explore these options to make the property available to a Housing Association for long term affordable social housing or crisis accommodation, then it is recommended an Expression of Interest (EOI) process be undertaken to garner interest from the sector in the property and understand the financial implications of a partnership arrangement.

Should the EOI process not demonstrate the benefit to Council or the community from making the property available to a Housing Association, then this should trigger the option to sell the property. The EOI would be completed by the end of August 2019.

Council will continue to fulfil its commitment of secure tenure to the remaining tenant in unit 5.

COUNCIL RESOLUTION

MOVED: CR. D. LOWE

SECONDED: CR. B. CORNISH

THAT Council defer this item.

CARRIED UNANIMOUSLY

8.5 COUNCIL PLAN 2017-2021 (2019 REVISION)

Author: Ellen McComish - Corporate Planning and Reporting Officer

File No: CM/15/004

Attachments: 1. Council Plan 2017 - 2021 (2019 Revision)

SUMMARY

In accordance with section 125(7) of the *Local Government Act 1989*, the Council Plan has been reviewed. The Council Plan sets out the key directions and main objectives to achieve our vision of a sustainable future. Council has reviewed and updated the Council Plan so that we can deliver on our objectives.

A part of reviewing the plan involves confirming if we are on the right track as well as understanding emerging issues and priorities. This review process ensures that what we do meets community needs, remains relevant and responds to the changing circumstances and environment in which we live.

As a result of this review, there have not been any changes proposed to the themes or strategic objectives. However, there have been some contextual updates, as well as the addition of measures of success linked to the annual Council Customer Satisfaction Survey and Local Government Performance Reporting Framework.

In addition, the Action Plan has been separated from this strategic document as there is a separate process to develop these annually. This allows for a more responsive and agile system for development of annual plans to support achieving our strategic objectives.

COUNCIL PLAN 2017-2021 - YEAR 3 ACTION PLAN (2019/20) (CONT.)

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. D. LOWE

THAT Council endorse the Council Plan 2017 – 2021 (2019 Revision) with further work to be undertaken immediately to strengthen the measures of success and this presented to a future Council meeting.

CARRIED

The vote resulted in as follows:

For:

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

Against:

CR. B. CORNISH

Abstained:

COUNCIL PLAN 2017-2021 - YEAR 3 ACTION PLAN (2019/20) (CONT.)

8.6 COUNCIL PLAN 2017-2021 - YEAR 3 ACTION PLAN (2019/20)

Author: Ellen McComish - Corporate Planning and Reporting Officer

File No: CM/15/008

Attachments: 1. Year 3 Action Plan 2019-2020

SUMMARY

The 2017-2021 Council Plan (the Plan) establishes Council's overall strategic direction and priorities for the next four years.

A program of effort has been developed for the third year of the Plan, identifying the actions that will be delivered to support the achievement of the strategic objectives, which also align with the approved Budget for 2019-2020.

Progress on Action Plan items will be reported every six months to Council and the community.

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. R. SANDERSON

THAT Council adopts the Year 3 Action Plan (2019-2020).

The vote resulted in as follows:

For:

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

Against:

CR. B. CORNISH

Abstained:

CARRIED

8.7 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. R. SANDERSON

SECONDED: CR. F. STEVENS

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

CARRIED UNANIMOUSLY

9 DEVELOPMENT AND INFRASTRUCTURE

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

Author: *Holly Sawyer - Senior Statutory Planner*

File No: *PLP212/18*

Attachments:

1. *63 Anzac Avenue Seymour - policy framework*
2. *63 Anzac Avenue Seymour - heritage advice*
3. *63 Anzac Avenue Seymour - proposed plans*

7.53pm Cr Cornish left the meeting

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

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

SITE MAP



SUMMARY

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

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

The primary matters discussed later in this report are related to the appropriateness of the proposed land use, residential interfaces and amenity, urban design, access and heritage considerations.

This report recommends that a Notice of Decision to Grant a Planning Permit be issued for the proposed use and development of the land, as it is considered that the proposal is consistent with the objectives of the Mitchell Planning Scheme and the Seymour Structure Plan particularly for economic and employment growth.

It is considered that the proposal would result in a positive planning outcome, subject to conditions regarding photographic archives and reinterpretation of the heritage values of the existing Ansett Knitting Mill factory.

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

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. D. LOWE

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Notice of Decision to Grant a Planning Permit in respect of Application No. PLP212/18 for the use and development of the land for trade supplies and restricted retail premises, alteration of access to a Road Zone Category 1, reduction of bicycle parking requirements and display of signage at 63 Anzac Avenue Seymour, known as Lot 5 on Plan of Subdivision 310138R Volume 10048 Folio 943, subject to the following conditions:

Amended Plans

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 must be generally in accordance with the plans submitted on 30 May 2019 but further modified to show:
 - a. Amended site and elevation plans to include:
 - i. Location and details of the heritage interpretation of the existing building(s);
 - ii. Provision of a minimum of 10 bicycle parking spaces unless otherwise agreed in writing;
 - iii. Provision of a minimum setback of 1 metre of all built form (altered to include an appropriate corner treatment) from the Anzac Avenue frontage and inclusion of a suitable landscape treatment of the setback unless otherwise agreed in writing;
 - iv. Inclusion of a suitable landscape treatment within the building setback from Victoria Street;
 - v. Removal of the proposed fencing treatment from the Victoria Street frontage, in proximity to the loading bay entry and exit, and replacement with similar treatment to that proposed at the corner of Anzac Avenue and Victoria Street or other suitable cladding treatment to the satisfaction of the Responsible Authority.
 - b. Details of the heritage interpretation of the existing buildings in accordance with the advice from Bryce Raworth dated 22 March 2019.

General

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

2. The layout of the uses and the development (including the location and details of signs, their structures, illumination and advertising content) as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.
3. The use(s) must only operate between the hours of 7:00am to 9:00pm Monday to Friday and 7:00am to 7:00pm Saturday and Sunday, unless otherwise agreed in writing by the Responsible Authority.
4. The use(s) must not detrimentally impact on the Anzac Day memorial parade and/or ceremony, including the ingress/egress of vehicles from the site.
5. Deliveries to or from the land must only occur between the hours of:
 - a. Monday-Friday: 7:00am to 9:00pm
 - b. Saturday and Sunday: 7:00am to 7:00pm.
 - c. Deliveries must not occur on public holidays unless otherwise agreed in writing.
6. Waste and recyclables must only be collected between the hours of 7:00am and 4pm Monday to Friday, unless otherwise agreed in writing by the Responsible Authority.
7. The use and development must be managed so that the amenity of the area is not detrimentally affected through the:
 - a. Transport of materials, goods or commodities to or from the land;
 - b. Inappropriate storage of any works or construction materials;
 - c. Hours of construction activity;
 - d. Appearance of buildings, works or materials;
 - e. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, reflection or glare, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil;
 - f. Presence of vermin; and
 - g. In any other way.
8. Noise emanating from the premises, including plant and other equipment must comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority.

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

9. No amplified music, announcements or broadcasts are to be audible beyond the property boundary of the land.
10. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.
11. Provision must be made on the land for the storage and collection of waste and recyclables. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
12. All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
13. The loading areas must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
14. External lighting (including floodlighting to signage) must be designed, baffled and located so as to prevent any adverse effect from light spill on adjoining land to the satisfaction of the Responsible Authority.
15. All external materials, finishes and paint colours are to be to the satisfaction of the Responsible Authority.
16. All new walls on or facing the boundary of an adjoining property must be cleaned and finished to the satisfaction of the Responsible Authority.
17. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building unless otherwise agreed in writing by the Responsible Authority.
18. All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed from public view to the satisfaction of the Responsible Authority.
19. The advertising signs must be located wholly within the boundaries of the subject site.
20. No flashing, intermittent lighting or changing coloured lighting is permitted to the advertising signed.

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

21. The advertising signage must be maintained in good condition to the satisfaction of the Responsible Authority.

Heritage Requirements

22. Before the demolition of the existing structures starts, an archival quality annotated photographic study of the building must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must be prepared by a suitably qualified heritage professional and must include:
- a. Photographic documentation of each elevation of the building(s);
 - b. Photographic documentation of the interior of the building(s);
 - c. Photographic documentation of any significant architectural design features of the building (including the art deco sign at the front of the building and the roof line of the factory);
 - d. A statement prepared by an architectural historian describing and explaining both the design and construction of the building and the photographs.

Landscaping Requirements

23. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority 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. The landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions. The landscape plan must show:
- a. The locations of all landscaping works to be provided on the land, including but not limited to:
 - i. The provision of canopy trees (of an appropriate species) within the car parking area (minimum of one tree per four car parking spaces within tree diamonds);
 - ii. The provision of appropriate canopy street trees along the northern side of Anzac Avenue and the eastern side of Victoria Street adjacent to the subject site (species should be drought tolerant and low maintenance and be appropriately sized and located to avoid impacting on any existing and/or future services).
 - b. The locations of any trees to be retained or removed from the land (including details of species and size);

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

- c. 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 (species should be low maintenance and drought tolerant);
- d. Details of the proposed surface finishes of pathways and driveways;
- e. Details of the irrigation system to be used on the land following completion of the landscaping works.

24. Before the use starts, all landscaping works as shown on the endorsed plan(s) must be carried out and completed to the satisfaction of the Responsible Authority. When the landscaping works have been completed, written confirmation must be provided to the satisfaction of the Responsible Authority that landscaping of the land has been undertaken in accordance with the endorsed landscaping plans.

25. The landscaping is to be maintained for a period of 24 months including at least two full summer periods from practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaping areas are to be replaced to the satisfaction of the Responsible Authority.

26. Any weed infestations resulting from soil disturbance and/or the importation of sand, gravel or other material must be controlled during the construction period to ensure that there is no weed spread outside of the subject site to the satisfaction of the Responsible Authority.

Bicycle Parking Requirements

27. No fewer than 10 bicycle parking spaces must be provided on the land to the satisfaction of the Responsible Authority.

28. Bicycle access must at all times be clearly signed and marked to the satisfaction of the Responsible Authority.

Engineering

Access Requirements

29. Before the use starts, the permit holder must construct vehicle crossings to the development to an industrial standard in accordance with Mitchell Shire Council's Standard Drawings to the satisfaction of the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority.

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

30. The internal common driveway must be constructed to an appropriate finish with drainage provided to adequately drain the internal driveway to the satisfaction of the Responsible Authority.

Drainage Requirements

31. Before the use starts, the permit holder must construct, at no cost to Council, drainage works between the proposed development and the Council nominated point of discharge to the satisfaction of the Responsible Authority.
32. The discharge of water from the lot must be controlled around its limits to prevent any discharge onto any adjacent property or streets other than by means of an approved drainage system discharges to an approved outlet in a street or to an underground pipe drain to the satisfaction of the Responsible Authority.
33. Before the use starts, the subject site must be connected to an underground drainage system including an on-site detention system to control flows to pre-development levels and treat stormwater wholly within the boundaries of the subject land, to the satisfaction of the Responsible Authority.

Carpark Requirements

34. Before the use starts, the permit holder shall design and construct an impervious car park in accordance with the Mitchell Shire Planning Scheme and in general accordance with AS/NZS 2890.1 and AS/NZS 2890.6 to the satisfaction of the Responsible Authority.
35. Car spaces, access lanes and driveways must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
36. No fewer than 75 car parking spaces must be provided on the land to the satisfaction of the Responsible Authority.

Fees and charges

37. Unless otherwise agreed to in writing by the Responsible Authority, prior to the assessment of the detailed construction plans and landscaping plans, the permit holder must pay a design checking for civil works fee as per the adopted Council fees and charges to the satisfaction of the

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

Responsible Authority.

38. Unless otherwise agreed to in writing by the Responsible Authority, before the use starts, the permit holder must pay a supervision of civil works fee of 2.50% of the costs of assets handed over to Council for the development as per the adopted Council fees and charges to the satisfaction of the Responsible Authority.

Upgrade Requirements

39. Unless otherwise agreed to in writing by the Responsible Authority, before the use starts, the permit holder must upgrade Victoria Street pavement for the full frontage of the site to support truck and vehicle movements including asphalt wearing course in accordance with Mitchell Shire Council's Standards.

40. Unless otherwise agreed to in writing by the Responsible Authority, before the use starts, the permit holder must upgrade the intersection of Wimble Street and Victoria Street pavement to support truck turning movements including asphalt wearing course in accordance with Mitchell shire Council's Standards.

Construction Plan Requirements

41. Prior to the commencement of any works associated with the development, detailed construction plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The construction plans must be drawn to scale with dimensions and three copies must be provided. The plans must include:
- a. Road upgrade details;
 - b. Crossover details;
 - c. Driveway and car parking construction and drainage details including grades and indication of fall; and
 - d. Underground drainage details and supporting calculations.
42. Before the use starts, all works shown on the approved construction plans must be constructed or carried out in accordance with the plans to the satisfaction of the Responsible Authority.

Construction Management Plan

43. Prior to the commencement of any works associated with the

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

development, a Construction Management Plan must be submitted to, and be to the satisfaction of, the Responsible Authority. The Construction Management Plan must include details of:

- a. Working hours;
- b. Haulage routes to the land;
- c. Methods to contain dust, dirt and mud within the subject land, and the method and frequency of clean up procedures;
- d. Sediment control;
- e. A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced with construction activity;
- f. Methods to ensure the recommendations of any approved Cultural Heritage Management Plan applying to the land are carried out;
- g. Details of any required Tree Protection Zones;
- h. Methods to ensure that all machinery brought onto the land is weed and pathogen free;
- i. Methods to ensure that all machinery wash down, lay down and personnel rest areas are clearly fenced and located in disturbed areas wherever possible;
- j. Methods to ensure that contractors working on the land are aware of the requirements of the Construction Management Plan and any other obligations of the planning permit;
- k. Provision of best practice erosion and sediment control techniques to protect any native flora and fauna;
- l. Appropriate mechanisms for protecting environmental and heritage assets during the construction phase of the proposal.

All works must be undertaken in accordance with the approved Construction Management Plan to the satisfaction of the Responsible Authority.

As-Constructed Information

44. Before the use starts, the following must be submitted to the satisfaction of the Responsible Authority unless otherwise agreed in writing by the Responsible Authority:
 - a. A complete set of "as constructed plans" of site works in digital file format both PDF and AutoCAD. The AutoCAD digital files must have a layer naming convention to enable identification of Council assets listed;
 - b. A CCTV video recording and report of all constructed Council stormwater drains greater than 150mm diameter;

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

- c. A refundable maintenance bond of 5 per cent of the total cost of all infrastructure to be handed over to Council is to be held by Council for a minimum of twelve (12) months.

Reinstatement Requirements

45. Any road(s), footpath(s) and/or other infrastructure damaged as a result of the construction works (including but not limited to trenching and excavation for utility service connections, movement of vehicles and the likes), must be reinstated to the satisfaction of the Responsible Authority and at the cost of the permit holder.

VicRoads

46. Prior to any construction of the proposed development hereby approved by this permit commences, detailed design plans must be submitted to and approved by the Roads Corporation to show (but not be restricted to) the following:

- a. A swept path analysis of a simultaneous 19-metre-length, single articulated design vehicles, turning left from:
 - i. The Goulburn Valley Highway (GVH (Anzac Avenue)) into Oak Street; and
 - ii. Oak Street onto the GVH.

The above swept path must show 0.5 metre clearances on both sides of the design vehicle and the clearance must not encroach onto any opposing lane or beyond the invert of existing kerb.

Should the swept path clearance go beyond the invert of the existing kerb and channel, then the plan must show the new kerb return and any other alterations (e.g. DDA

compliant pads, etc.

- b. The swept path of a b double check vehicle turning left from Oak Street onto the GVH without going beyond the invert of the existing kerb and channel.
- c. A line marked splitter island on Oak Street.
- d. The Anzac Avenue crossover at 7.2 metres wide (min); and
- e. No stopping signs on Anzac Avenue from the east side of the new crossover to the west side of the intersection of Anzac Avenue/Victoria Street.

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

47. Prior to the development hereby approved by this permit commences use, all works required by the Roads Corporation approved detailed design plan must be undertaken to the satisfaction of and at no cost to the Roads Corporation.

Permit Expiry

48. This permit will expire if one of the following circumstances applies:
- a. The development is not started within two years of the date of this permit;
 - b. The development is not completed within four years of the date of this permit;
 - c. The use is not started within four years of the date of this permit; or
 - d. The use is discontinued for a period of two years.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

Notes:

Council Building Services:

Please note that this approval does not constitute a Building Permit. You should enquire with Council's Building Services Unit on 5734 6230 to determine if a building permit is required for this proposal.

Council Engineering Services:

A road-opening permit must be obtained from Council's Engineering Services Unit before any vehicle crossover is constructed.

A legal point of discharge must be obtained from Council's Engineering Services Unit before any drainage infrastructure is constructed.

A plan checking fee of 0.75 per cent of the cost of the works proposed on the engineering plan (including detailed landscaping plans) and a supervision fee of 2.5 per cent of the cost of constructing the works may be charged by Council and, if required, must be paid prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*.

VicRoads:

Separate 'detailed design' approval (fees and charges apply) and the specifications of these may be required under the *Road Management Act*. For

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

the purposes of this application the works will include provision of:

- Kerb and channel works;
- Line marking; and
- Any other works in the arterial road reserve.

Please forward details marked attention to Mark Simon on:

nr.mailbox@roads.vic.gov.au

Further information regarding VicRoads consent to work within the road reserve can be found on the VicRoads Website:

<https://www.vicroads.vic.gov.au/business-and-industry/design-and-management/working-within-the-road-reserve>

or by telephoning (03) 5434 5148.

The vote resulted in as follows:

For:

CR. D. ATKINSON
CR. B. CHISHOLM
CR. R. ELDRIDGE
CR. D. LOWE
CR. R. SANDERSON

Against:

CR. A. GOBLE
CR. B. HUMM
CR. F. STEVENS

Abstained:

CARRIED

8.15PM CR CORNISH RETURNED

9.2 PLANNING PERMIT APPLICATION PLP319/17 FOR REMOVAL OF NATIVE VEGETATION AT 175 NORTHERN HIGHWAY WALLAN

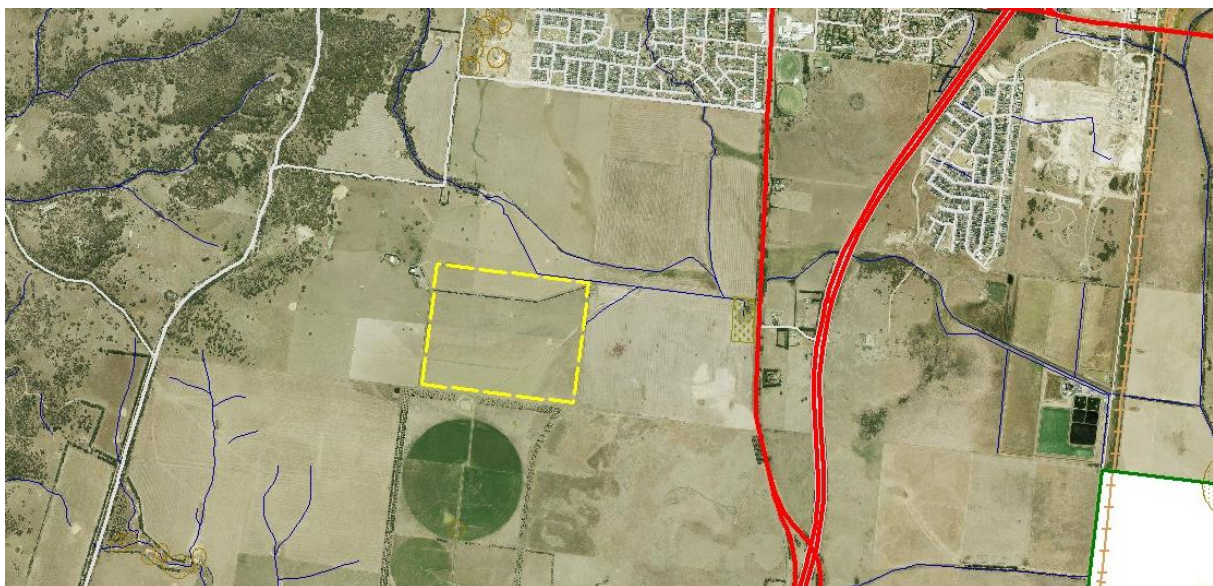
Author: *Holly Sawyer - Senior Statutory Planner*

File No: *PLP319/17*

- Attachments:**
1. *175 Northern Highway Wallan - Site Plan*
 2. *175 Northern Highway Wallan - Planning Policy Framework*
 3. *Wallan South PSP Vegetation Mapping*

Property No.:	110841
Title Details:	Portion 33A Parish of Wallan Wallan Volume 10685 Folio 331 Crown Allotment 31 Parish of Wallan Wallan Volume 10685 Folio 328
Applicant:	Crystal Creek Properties Pty Ltd
Zoning:	Farming Zone
Overlays:	None
Objections Received:	None
Cultural Heritage Management Plan Required:	No, the subject site is not located within an area of Aboriginal cultural heritage sensitivity
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

SITE MAP



PLANNING PERMIT APPLICATION PLP319/17 FOR REMOVAL OF NATIVE VEGETATION AT 175
NORTHERN HIGHWAY WALLAN (CONT.)

SUMMARY

The subject site consists of two allotments within a larger landholding to the south of the Wallan township. The subject lots are located within the Farming Zone and are not affected by any overlays. This site is located within the Wallan South Precinct Structure Plan (PSP) area.

The application is seeking approval to remove native vegetation consisting of 3.708 hectares of native grassland. The main considerations herein are in relation to the potential loss of biodiversity and meeting the objectives for avoiding and minimising vegetation loss.

The application was advertised via letters to the adjoining landowners to the south of the subject site. No objections were received.

It is recommended that on balance the application should be supported and that a planning permit be issued subject to a number of conditions.

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. D. LOWE

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a planning permit in respect of Application No. PLP319/17 for the removal of native vegetation at Portion 33A Parish of Wallan Wallan Volume 10685 Folio 331 and Crown Allotment 31 Parish of Wallan Wallan Volume 10685 Folio 328, known as 175 Northern Highway Wallan, subject to the following conditions:

General

1. The extent of vegetation to be removed as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.
2. Before any vegetation is removed, evidence must be provided to the Responsible Authority that all relevant approvals have been obtained pursuant to the requirements of the *Environment Protection and Biodiversity Conservation Act 1999*.
3. All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority.

Department of Environment, Land, Water and Planning

4. Before works start, the permit holder must advise all persons undertaking the vegetation removal/works on the land of all relevant conditions of this permit.

PLANNING PERMIT APPLICATION PLP319/17 FOR REMOVAL OF NATIVE VEGETATION AT 175
NORTHERN HIGHWAY WALLAN (CONT.)

5. In order to offset the removal of 3.708 hectares of native vegetation, approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements:
 - a. The offset must:
 - i. Contribute gain of 1.605 general habitats units.
 - ii. Be located within the Mitchell Shire Council or Port Phillip and Westernport Catchment Management Authority boundary.
 - iii. Have a strategic biodiversity score of at least 0.468.
6. Before any vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. Offset evidence can be either:
 - a. A security agreement, to the required standard, for the offset site or site, including a 10-year offset management plan.
 - b. A credit register extract from the Native Vegetation Credit Register.
7. Every year, for ten years, after the Responsible Authority has approved the offset management plan the applicant must provide notification to the Responsible Authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.

Note: This condition does not apply to offsets on the native vegetation credit register as these include monitoring requirements.

Vegetation to be retained

8. Before works start, a vegetation retention plan to the satisfaction of the Responsible Authority 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. The vegetation retention plan must be drawn to scale with dimensions and three copies must be provided. The vegetation retention plan must include:
 - a. Details of all native vegetation to be retained on the land (Portion 33A Parish of Wallan Wallan Volume 10685 Folio 331 and Crown Allotment 31 Parish of Wallan Wallan Volume 10685 Folio 328).
 - b. Details of measures to protect vegetation during construction.
 - c. Location of vegetation protection fencing.
9. Before works start, a native vegetation protection fence must be erected around all remnant patches of native vegetation to be retained on the land. The vegetation protection fencing must be constructed of orange parawebbing or similar robust material approved by the Responsible Authority and erected to a height of 1.5m above ground level around the vegetation to be retained and clearly signed *Vegetation Protection Zone* –

PLANNING PERMIT APPLICATION PLP319/17 FOR REMOVAL OF NATIVE VEGETATION AT 175
NORTHERN HIGHWAY WALLAN (CONT.)

No Entry on all sides, to the satisfaction of the Responsible Authority.

10. The vegetation protection fencing must be maintained in good condition to the satisfaction of the Responsible Authority. No vehicular or pedestrian access is to occur within the vegetation protection area unless otherwise agreed in writing by the Responsible Authority.

Permit Expiry

11. This permit will expire if one of the following circumstances applies:
- a. The works are not started within 12 months of the date of this permit;
or
 - b. The works are not completed within three months of the date the works started.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

CARRIED

The vote resulted in as follows:

For:

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

Against:

CR. A. GOBLE

Abstained:

9.3 PLANNING SCHEME AMENDMENT C130, REZONE OF 40 BUTLERS ROAD, KILMORE: CONSIDERATION OF PLANNING PANEL REPORT

Author: Paul Bezemer - Senior Strategic Planner

File No: PL/05/251

Attachments: 1. Planning Panel Report
2. Planning Scheme Amendment documents

SUMMARY

Planning Scheme Amendment C130 seeks to rezone 40 Butlers Road, Kilmore from Farming Zone (FZ) to General Residential Zone (GRZ) for residential purposes.

Following public exhibition of Amendment C130, Council considered submissions at its Ordinary Council Meeting held 18 March 2019 and resolved to refer the Amendment and unresolved submissions to an Independent Planning Panel.

The Independent Planning Panel Report has been received on 23 May 2019 which supports Amendment C130 (Attachment 1). The Panel recommends that Amendment C130 be adopted as exhibited.

In accordance with the *Planning and Environment Act 1987*, Council is now required to consider the Panel Report and the Panel's recommendation. This report provides a summary of the key matters considered and the recommendations of the Independent Planning Panel.

Following consideration of the Panel Report it is recommended that Council adopt Amendment C130 to the *Mitchell Planning Scheme*. This report also recommends that Council submit the adopted Amendment C130 to the Minister for Planning requesting approval.

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. A. GOBLE

THAT Council:

1. Pursuant to Section 29 of the *Planning and Environment Act 1987*, adopt Planning Scheme Amendment C130 to the *Mitchell Planning Scheme*.
2. Pursuant to Section 31 of the *Planning and Environment Act 1987*, forward the adopted Planning Scheme Amendment C130 to the Minister for Planning, requesting approval.

CARRIED UNANIMOUSLY

9.4 PLANNING SCHEME AMENDMENT C138 - REZONING OF LAND AT PART 49 EMILY STREET SEYMOUR AND PART 17 HIGH STREET SEYMOUR

Author: James Kirby - Senior Strategic Planner

File No: PL09/176

Attachments: Nil

SUMMARY

Planning Scheme Amendment C138 seeks to rezone part of the land at 49 Emily Street and 17 High Street, Seymour, from General Residential 1 Zone (GRZ1) to Commercial 2 Zone (C2Z). The subject site is on one land parcel being Lot 1 on PS 808421W.

The subject site is currently being used as a car dealership which has been operating for approximately 38 years. The rezoning will ensure the whole site is within the C2Z, unlike the current situation where a small portion of the site is included in the GRZ1 and 'car sales' is a prohibited use within the GRZ1 under the *Mitchell Planning Scheme*.

The rezoning request was lodged by Ellen Hogan & Associates in September 2018 on behalf of Neil Beer. Amendment C138 was placed on public exhibition between 22 March 2019 and 29 April 2019. No submissions were received.

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. R. SANDERSON

THAT Council:

1. Pursuant to Section 29 of *Planning and Environment Act 1987*, adopt Planning Scheme Amendment C138 to *Mitchell Planning Scheme*.
1. Pursuant to Section 31 of *Planning and Environment Act 1987*, submit the adopted Planning Scheme Amendment C138 to the Minister for Planning, requesting approval.

CARRIED UNANIMOUSLY

9.5 DELATITE ROAD, SEYMOUR - BRIDGE CONSTRUCTION OPTIONS AT WHITEHEADS CREEK

Author: Tim Partridge - Manager Engineering and Major Projects

File No: CR17/540

Attachments: 1. Upgrade Options Report

SUMMARY

This report summarises the preliminary investigations undertaken into upgrade options for the existing ford located over the Whiteheads Creek on Delatite Road in Seymour.

These preliminary investigations include a hydraulic assessment of four (4) upgrade options along with preliminary costings to assist Council in deciding what design standard to adopt for a future upgrade of the existing ford.

The report also makes a recommendation on the most favourable option based on the assessment results.

AMENDMENT

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. A. GOBLE

THAT Council: Adopt a 1 in 10-year flood design standard as the preferred standard for a future upgrade of the Delatite Road crossing and approaches of the Whiteheads Creek.

1. On timely completion of the detailed design for both vehicular and separate shared path crossing, thereby placing Council in a shovel ready position, relentlessly advocate to the State Government and all other potential avenues for funding with the intention to construct the upgrade of the Delatite Road crossing over the Whiteheads Creek.
2. Officers prior to the March 2020 Ordinary Council meeting present an update report on progress and funding status with a view to review and determine future funding options.

LOST

The vote resulted in as follows::

For:

CR. D. ATKINSON
CR. R. ELDRIDGE
CR. A. GOBLE
CR. F. STEVENS

Against:

CR. B. CHISHOLM
CR. B. CORNISH
CR. B. HUMM
CR. D. LOWE
CR. R. SANDERSON

Abstained:

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

COUNCIL RESOLUTION**MOVED:** CR. R. SANDERSON**SECONDED:** CR. D. LOWE**THAT** Council:

1. Adopt a 1 in 5-year flood design standard as the preferred design standard for a future upgrade of the Delatite Road crossing of the Whiteheads Creek.
2. Refers the detailed design of a new culvert structure over the Whiteheads Creek to the 2020-2021 Capital Works budget process for funding consideration.
3. Subject to the completion of a detailed design, refers the upgrade of the Delatite Road ford over the Whiteheads Creek to the 2021-2022 Capital Works budget process for funding consideration.

CARRIED and became the substantive motion

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. D. LOWE
CR. R. SANDERSON

Against:

CR. F. STEVENS

Abstained:**COUNCIL RESOLUTION****MOVED:** CR. R. SANDERSON**SECONDED:** CR. B. CORNISH**THAT** an extension of speaking time be granted.

CARRIED UNANIMOUSLY

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

9.6 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*

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. D. ATKINSON

SECONDED: CR. R. SANDERSON

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

Nil Reports

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 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 May 2019 and also other activities attended as a Council representative.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. B. HUMM

THAT the Delegate's Report on Overview and Update on Activities and Delegate Deliberation by Councillors for May 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. R. SANDERSON

SECONDED: CR. B. HUMM

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 8.48pm

15.1 Confirmation of Minutes of previous Confidential Meeting

15.2 Old Goulburn River Bridge Stabilisation Works - Contract Award

s89(2)(d) contractual matters.

15.3 Kilmore Creek Pedestrian Bridge Project - Design and Construct Contract Award

s89(2)(d) contractual matters.

15.4 Award of Contract No: 2018-56 for Tree Services Panel in collaboration with Whittlesea City Council

s89(2)(d) contractual matters.

15.5 Chief Executive Officer Annual Performance Review

s89(2)(a) personnel matters.

15.6 Re-opening of Meeting to members of the public

The meeting was re-opened to members of the public at 8.59pm.

16 DATE OF NEXT MEETING

The next Ordinary meeting of Council is scheduled to be held on Monday 15 July 2019 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7.00pm.

17 CLOSE OF MEETING

The meeting was declared closed at 8.59pm.

Confirmed this Monday, 15 July 2019

.....
Chairperson
Mayor, Cr Bill Chisholm