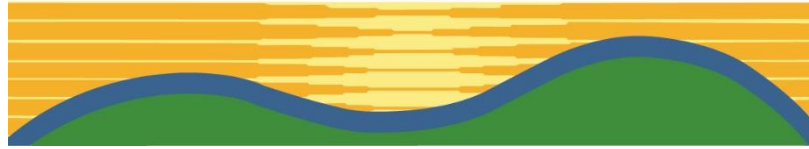


MITCHELL SHIRE COUNCIL



**ORDINARY COUNCIL
MEETING
MINUTES**

MONDAY 25 JUNE 2018

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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
25 JUNE 2018**

THE MEETING OPENED: 7.00pm

COUNCILLORS PRESENT

Cr David Atkinson	Central Ward	
Cr Bob Humm	Central Ward	
Cr Bill Chisholm	North Ward	
Cr Rhonda Sanderson	North Ward	(Chairperson)
Cr Fiona Stevens	North Ward	
Cr David Lowe	South Ward	
Cr Rob Eldridge	South Ward	
Cr Bob Cornish	South Ward	

OFFICERS PRESENT

Mr David Turnbull	Chief Executive Officer
Mr Laurie Ellis	Director Governance and Corporate Performance
Ms Mary Agostino	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 that the meeting is being held on the traditional lands of the Taungurung people, acknowledging them as the Traditional Owners and paying respect to their Elders, past and present, and any Elders from other communities who may be here today.

The declaration was read by Cr. D Lowe

MITCHELL SHIRE COUNCIL VOLUNTEER POLICY (CONT.)

2 APOLOGIES AND LEAVE OF ABSENCE

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. B. CORNISH

THAT the apology for this meeting received from Cr A. Goble be accepted.

CARRIED UNANIMOUSLY

3 DISCLOSURE OF CONFLICTS OF INTEREST

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

D. Turnbull (CEO) declared an indirect interest by a conflicting duty in Item 8.1 Adoption of the 2018-2019 Budget and Strategic Resource Plan 2019-2022 in relation to a submission received by Wallan Football Netball Club seeking financial assistance for a range of upgrades at Greenhill. His sons partner is Deputy Director Coaching at the club.

Cr B. Humm declared an indirect interest in Item 9.4 Planning Permit Application PLP332/17 For use of the land for caravan repair storage facility At 10 Stotts Road Wandong because of a conflicting duty.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. B. HUMM

THAT the Minutes of the Ordinary Council Meeting held 21 May 2018, as circulated, be confirmed.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. B. HUMM

THAT the Minutes of the Ordinary Council Meeting held 12 June 2018, as circulated, be confirmed.

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

MITCHELL SHIRE COUNCIL VOLUNTEER POLICY (CONT.)

7 ADVOCACY AND COMMUNITY SERVICES

7.1 MITCHELL SHIRE COUNCIL VOLUNTEER POLICY

Author: *Katie Camilleri - Community Development Officer
Jaala Freer - Health and Wellbeing Officer*

File No: *CS/12/064*

Attachments: *1. Volunteer Policy*

SUMMARY

The Volunteer Policy demonstrates Mitchell Shire Council's commitment to and management of Council's volunteers throughout all departments. The purpose of the policy is to ensure that Council volunteers are valued, acknowledged, managed and supported in accordance with Volunteering Australia's National Standards for Volunteer Involvement (2015). The Volunteer Policy is supported by a Volunteer Procedure to ensure an integrated, whole of Council approach to strengthen volunteering practices within Council.

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. D. LOWE

THAT Council adopts the Volunteer Policy.

CARRIED UNANIMOUSLY

7.2 MPHWP YEAR 1 ACHIEVEMENTS AND YEAR 2 ACTION PLAN

Author: Jaala Freer - Health and Wellbeing Officer

File No: CS/20/003

Attachments: 1. MPHWP Year Two Annual Action Plan 2018-2019
2. MPHWP Year 1 Traffic Light Check In

SUMMARY

The Mitchell Shire Municipal Public Health and Wellbeing Plan (MPHWP) 2017-2021 was adopted by Council in August 2017, followed by the adoption of the Year One Annual Action Plan in September 2017.

This report provides an update on the achievements for the MPHWP Year One Annual Action Plan as well as presenting initiatives for the Year Two Annual Action Plan (2018-2019). The aim is to ensure increased opportunities are available shire-wide to continue to improve the health and wellbeing of the Mitchell community.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. R. ELDRIDGE

THAT Council:

1. Note the achievements of the Year One (1) Action Plan (2017-2018), and;
2. Adopt the Mitchell Shire Municipal Public Health and Wellbeing Plan Year Two (2) Action Plan (2018-2019).

CARRIED UNANIMOUSLY

7.3 2018 GROWING SUBURBS FUND GRANT APPLICATIONS

Author: Kellie Vise - Manager Active Communities

File No: GF04/150

Attachments: 1. 2018 Growing Suburbs Fund Candidate List

SUMMARY

The State Government recently announced it is investing \$50 million in 2018/19 through the Growing Suburbs Fund to continue to contribute to the timely delivery of critical community infrastructure in Melbourne's interface council areas. Council has been invited to apply for funding under the program for priority projects.

Council has identified several priority projects for submission to the Growing Suburbs Fund which align with Council's strategic priorities and are eligible for funding under the program guidelines.

The priority projects aim to bring forward the delivery of critical community infrastructure needs across the Shire and deliver projects which support community connection and deliver critical social, recreation and economic benefits to residents.

COUNCIL RESOLUTION**AMENDMENT**

MOVED: CR. B. HUMM

SECONDED: CR. F. STEVENS

THAT Council endorses the project priorities for submission and enable council officers to progress the agreed projects for submission to the Growing Suburbs Fund with the inclusion of the Pavilion Concept Plans developed through Consultations of the user Groups of the J.J. Clancy Reserve.

LOST ON THE CASTING VOTE OF THE MAYOR FOR THE STATUS QUO

The vote resulted in as follows:

For:

CR. D. ATKINSON
CR. B. CHISHOLM
CR. B. HUMM
CR. F. STEVENS

Against:

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

Abstained:

2018 GROWING SUBURBS FUND GRANT APPLICATIONS (CONT.)

COUNCIL RESOLUTION

MOVED: CR. B. CORNISH

SECONDED: CR. R. ELDRIDGE

THAT Council endorses the project priorities for submission and enable council officers to progress the agreed projects for submission to the Growing Suburbs Fund.

The vote resulted in as follows:

For:

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

Against:

CR. B. HUMM

Abstained:

CARRIED

8 GOVERNANCE AND CORPORATE PERFORMANCE

8.1 ADOPTION OF THE 2018-2019 BUDGET AND STRATEGIC RESOURCE PLAN 2019-2022

Author: Nicole Maxwell - Manager Finance and Assets

File No: FN/09/022

Attachments: 1. Summary of budget submissions 2018-2019

The Chief Executive Officer: D Turnbull left the Meeting 7.15PM

SUMMARY

This report presents the 2018-2019 Budget and Strategic Resource Plan 2019-2022 (SRP) for adoption.

The 2018-2019 Proposed Budget and Draft Strategic Resource Plan 2019-2022 were endorsed by Council on 16 April 2018. 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 2018-2019 Budget and outline the submission process. The submission period ended on 23 May 2018 and a total of twenty-three submissions were received. Eleven submitters elected to be heard by Council at a Special Hearings Committee held on Monday 4 June 2018.

Council, having considered public submissions and other information contained in this report in relation to the 2018-2019 Proposed Budget and Draft Strategic Resource Plan 2019-2022, must resolve to:

- Adopt the 2018-2019 Budget and the Strategic Resource Plan 2019-2022 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 2018-2019 BUDGET AND STRATEGIC RESOURCE PLAN 2019-2022 (CONT.)

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. B. CHISHOLM

THAT Council:

1. Adopt the Strategic Resource Plan 2019-2022 as the final Adopted Strategic Resource Plan of Council for the 2019-2022 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 2018-2019 as the final Adopted Budget of Council for the 2018-2019 financial year, (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*.
3. Makes copies of the 2018-2019 Adopted Budget and Strategic Resource Plan 2019-2022 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 2018-2019 Annual Budget and Strategic Resource Plan 2019-22 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 2018-2019 Budget and/or Strategic Resource Plan 2019-2022 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 \$42,694k (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 2.25% rate increase and 6.9% Garbage charge increase outlined in the 2017-2018 Budget, which is made up of the following:
 - a) General Rates * \$30.952M
 - b) Garbage Charges * \$5.539M
 - c) Municipal Charges \$6.203M
 - d) Total Rates and Charges \$42.694M* 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 2018-2019 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 2018-2019 year as follows:
 - o General Land: 0.3169
 - o Vacant Land: 0.6338
 - o Vacant Commercial or Industrial Land: 0.7289

ADOPTION OF THE 2018-2019 BUDGET AND STRATEGIC RESOURCE PLAN 2019-2022 (CONT.)

- Rural Agricultural Land (40ha-100ha): 0.2852
 - Rural Agricultural Land (greater than 100ha): 0.2535
 - Subdivisional Land: 0.6338
8. Declares a Municipal Charge of \$313.00 in respect of the 2018-2019 financial year.
9. Declares:
- a) Garbage charge (full service) of \$342.00
 - b) Garbage charge (extra service) of \$215.00
 - c) Recycling Charge (extra service) of \$127.00
10. Authorises the Chief Executive Officer to effect minor administrative and wording changes to the 2018-2019 Annual Budget and Strategic Resource Plan 2019-2022 documents, which may be required.

The vote resulted in as follows:

For:

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

Against:

CR. B. CORNISH
CR. B. HUMM

Abstained:

CARRIED

8.2 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. D. ATKINSON

SECONDED: CR. B. CORNISH

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

CARRIED UNANIMOUSLY

8.3 APPOINTMENT OF COUNCILLOR REPRESENTATIVE TO MITCHELL HONBETSU SISTER CITY ASSOCIATION INC

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

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

Attachments: *Nil*

SUMMARY

Mitchell Shire Council has a sister city arrangement with Honbetsu in Japan. Mitchell Honbetsu Sister City Association underpins this arrangement and manages all of the activities on an annual basis. Cr Goble sits on this Association and attends the meetings, but has never officially been appointed to the Association by Council. This report formalises this arrangement.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. B. HUMM

THAT Council:

1. Appoint an ongoing delegate to the Mitchell Honbetsu Sister City Association on an annual basis.
2. Appoint Cr Goble to the Mitchell Honbetsu Sister City Association for the 2017-2018 Council year.

CARRIED UNANIMOUSLY

8.4 INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987

Author: Lidia Harding - Governance & Corporate Accountability Coordinator

File No: GV/06/016

Attachments: 1. *Instrument of Appointment and 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. B. HUMM

SECONDED: CR. D. LOWE

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. Each *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. Each *Instrument of Appointment and Authorisation* be signed and sealed.

CARRIED UNANIMOUSLY

9 DEVELOPMENT AND INFRASTRUCTURE

9.1 BROADFORD STRUCTURE PLAN COMMUNITY LIAISON GROUP MEMBERSHIP

Author: *James Kirby - Senior Strategic Planner*

File No: *PL/09/166*

Attachments: 1. *Broadford Structure Plan Community Liaison Group Terms of Reference*

SUMMARY

This report details the public advertising and application process undertaken for the filling of vacant positions on the Broadford Structure Plan Community Liaison Group (BSPCLG).

Fifteen (15) applications were received by the 30 April 2018 closing date. Two late submissions were received since then. An evaluation process has been undertaken and this report recommends membership for the BSPCLG.

The BSPCLG will meet key milestones throughout the preparation of the Broadford Structure Plan which is anticipated to occur over the next 12-18 months.

BROADFORD STRUCTURE PLAN COMMUNITY LIAISON GROUP MEMBERSHIP (CONT.)

COUNCIL RESOLUTION

AMENDMENT

MOVED: CR. F. STEVENS

SECONDED: CR. B.HUMM

THAT Council:

1. Accept all nominations received as members of the Broadford Structure Plan Community Liaison Group being;
 1. Maria Hungerford (Transport)
 2. Barbara Radford (Love in Action group/social)
 3. Angela Warren (Growth and Economic Prosperity)
 4. Brian O'Dwyer (Environment, Health and Education)
 5. John Patterson (Heritage, Infrastructure and Education)
 6. Brian Howley (Community, Health and Education)
 7. Lisa Haigh (Sports and Events)
 8. Chris Spencer (Commerce and Growth)
 9. Mark Dossor (Commerce)
 10. Audrey Flannery (Youth Issues)
 11. Fiona Deppeler (Community, health and pony club)
 12. Paul Dunbar (Sport, transport, commerce and health)
 13. Ash Chapman (Local business and sports)
 14. Glenn Shearer (Sports)
 15. John Fleming (General interest)
 16. Ian Fleming (General interest)
 17. Jason Slade (Sport and transport)
 18. Ian (John) Dempsey (Rotary Club)
2. Modify the Terms of Reference by removing the limit on members for the Community Liaison Group.

The vote resulted in as follows:

For:

CR. D. ATKINSON
CR. B. HUMM
CR. F. STEVENS

Against:

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

Abstained:

LOST

BROADFORD STRUCTURE PLAN COMMUNITY LIAISON GROUP MEMBERSHIP (CONT.)

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

THAT Council endorses the following individuals as members of the Broadford Structure Plan Community Liaison Group (*area of interest in brackets*);

1. Maria Hungerford (*Transport*)
2. Barbara Radford (*Love in Action group/social*)
3. Angela Warren (*Growth and Economic Prosperity*)
4. Brian O'Dwyer (*Environment, Health and Education*)
5. John Patterson (*Heritage, Infrastructure and Education*)
6. Brian Howley (*Community, Health and Education*)
7. Lisa Haigh (*Sports and Events*)
8. Chris Spencer (*Commerce and Growth*)
9. Mark Dossor (*Commerce*)
10. Audrey Flannery (*Youth Issues*)

The vote resulted in as follows:

For:

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

Against:

CR. B. HUMM
CR. F. STEVENS

Abstained:

CARRIED

9.2 PLANNING PERMIT APPLICATION PLP335/17 THE USE OF THE LAND FOR A RESPITE AND RECOVERY CENTRE AND ASSOCIATED ACCOMMODATION AT 8150 GOULBURN VALLEY HIGHWAY TRAWOOL

Author: Mathew Mertuszka - Principal Planner

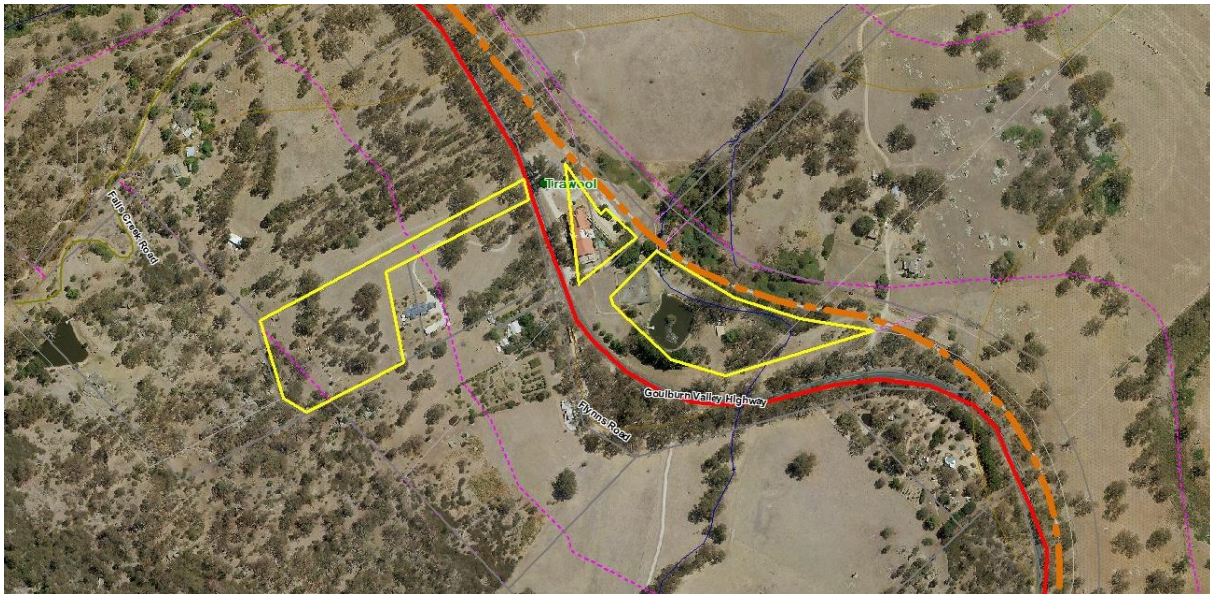
File No: PLP335/17

Attachments: 1. Proposal Summary
2. State and Local Planning Policy Framework (relevant policies)

Property No.:	104690
Title Details:	Lot 1 on Plan of Subdivision 527772F Volume 10821 Folio 752 Lots 1 and 2 on Plan of Subdivision 172752Y Volume 09242 Folio 573
Applicant:	Frank Kruize Consulting
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay Significant Landscape Overlay – Schedule 2 Erosion Management Overlay
Objections Received:	52 objections received at the time of writing this report
Cultural Heritage Management Plan Required:	No, the subject site is found outside of land identified as being 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

PLANNING PERMIT APPLICATION PLP335/17 THE USE OF THE LAND FOR A RESPITE AND RECOVERY CENTRE AND ASSOCIATED ACCOMMODATION AT 8150 GOULBURN VALLEY HIGHWAY TRAWOOL (CONT.)

SITE MAP



SUMMARY

The application is seeking approval for the use of the land for a Respite and Recovery Centre and associated accommodation. The land is located within the Farming Zone and is affected by the Bushfire Management Overlay, Significant Landscape Overlay – Schedule 2 and the Erosion Management Overlay of the Mitchell Planning Scheme.

The application was advertised by mail to adjoining landowners and occupiers with a total of 52 objections being received at the time of writing this report.

The matters discussed later in this report are related to the use of the land, rural amenity, tourism, and effluent treatment.

This report recommends that a Notice of Decision to Issue a Planning Permit be issued for the proposed use of the land subject to appropriate conditions.

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. B. CHISHOLM

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 Permit in respect of Application No. PLP335/17 for a use of the land for a respite and recovery centre and associated accommodation at Lot 1 on Plan of Subdivision 527772F Volume 10821 Folio 752 and Lots 1 and 2 on Plan of Subdivision 172752Y Volume 09242 Folio 573, for the following reasons:

PLANNING PERMIT APPLICATION PLP335/17 THE USE OF THE LAND FOR A RESPITE AND RECOVERY CENTRE AND ASSOCIATED ACCOMMODATION AT 8150 GOULBURN VALLEY HIGHWAY TRAWOOL (CONT.)

1. The proposal is inconsistent with Clause 15.01-5 of the Mitchell Planning Scheme as the development will not result in a development that integrates appropriately with the existing character of the surrounding neighbourhood.
2. The proposal is inconsistent with Clause 21.11-7 of the Mitchell Planning Scheme as development will not result in a development that integrates appropriately with the existing character of the surrounding neighbourhood.
3. Approval of the use will not represent proper and orderly planning pursuant to Clause 65 of the Mitchell Planning Scheme.
4. The information and plans submitted in support of application do not demonstrate that the use will be conducted in a way that does not cause unreasonable impact on the amenity on the area.
5. Approval of the use will lead to unacceptable safety and security concerns for patrons and staff of the use and users of the Great Victorian Rail Trail (GVRT).
6. The proposal is inconsistent with Clause 21.08-3 (Tourism) as the proposed use is at odds with Council's vision to encourage uses that promote and assist local tourist attractions and visitation.

;

The vote resulted in as follows:

For:

CR. D. ATKINSON
CR. B. CHISHOLM
CR. B. HUMM
CR. R. SANDERSON

Against:

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

Abstained:

CARRIED on casting vote of the Mayor

9.3 PLANNING PERMIT APPLICATION PLP328/17 FOR CONSTRUCTION OF 6 DWELLINGS AT 9 EDEN PLACE WALLAN

Author: Mathew Mertuszka - Principal Planner

File No: PLP328/17

- Attachments:**
1. Copy of plans
 2. Relevant planning policies

Property No.:	109439
Title Details:	Lot 2 on Plan of Subdivision 205924V
Applicant:	Nicci Foster (CS Town Planning Services PL)
Zoning:	General Residential Zone – Schedule 1 (GRZ1)
Overlays:	Development Plan Overlay – Schedule 15 (DPO15)
Objections Received:	Yes, two objections have been received
Cultural Heritage Management Plan Required:	No, not within an area covered by Aboriginal Cultural Heritage Significance
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

SITE MAP



PLANNING PERMIT APPLICATION PLP328/17 FOR CONSTRUCTION OF 6 DWELLINGS AT 9 EDEN PLACE WALLAN (CONT.)

SUMMARY

This report recommends that Council resolve to issue a Notice of Refusal to Grant a Planning Permit for Planning Application PLP328/17, which proposes to construct 6 dwellings at 9 Eden Place Wallan.

The application was advertised and two objections were received mostly on the grounds of safety, bin collection, storm water, servicing, fencing, construction management, increased traffic, overlooking, topographical constraints and unacceptable amenity outcome.

It is considered that the proposal is at odds with the Mitchell Shire Council Planning Scheme particularly the lack of consistency with the Development Plan Overlay – Schedule 15 and would result in a disorderly planning outcome.

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. R. ELDRIDGE

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Notice of Refusal to Grant a Planning Permit in respect of Application No. PLP328/17 for the Construction of 6 dwellings on a lot at Lot 2 on Plan of Subdivision 205924V, known as 9 Eden Place, Wallan, subject to the following reasons:

1. The proposal will prejudice the desired outcomes of the recent Planning Scheme Amendment C108 by failing to provide adequate justification as to why the submission of a Development Plan is not required prior to the lodgement of a planning permit application, pursuant to Clause 43.04-1.
2. The proposal does not demonstrate a coordinated development outcome for the entire residential infill area covered by the Development Plan Overlay – Schedule 15 found in section 4.0 to the schedule of Clause 43.03.
3. The absence of lodging a Development Plan for the entire development area will result in a disorderly planning outcome for the area.

CARRIED UNANIMOUSLY

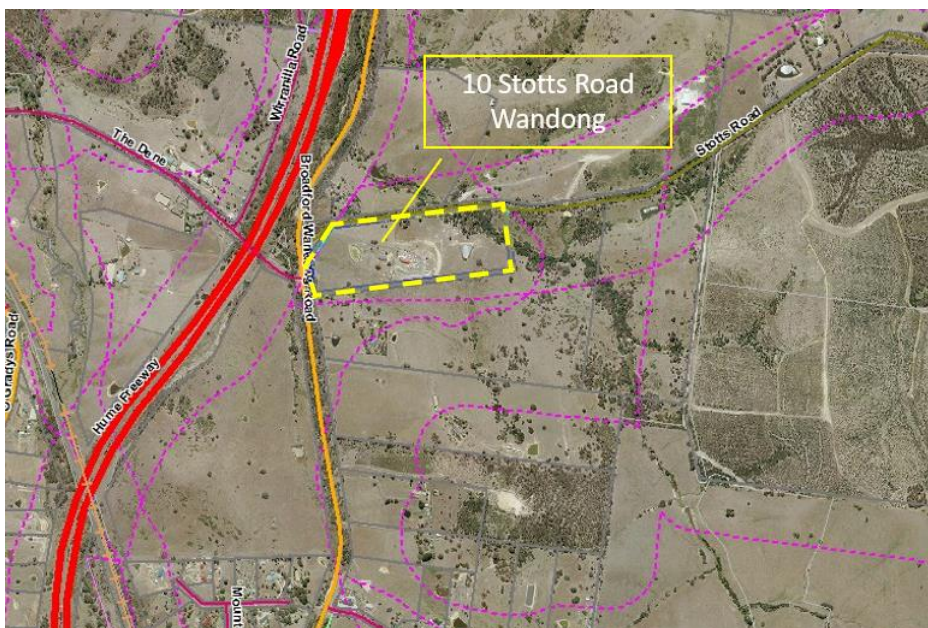
9.4 PLANNING PERMIT APPLICATION PLP332/17 FOR USE OF THE LAND FOR CARAVAN REPAIR STORAGE FACILITY AT 10 STOTTS ROAD WANDONG

Author: Amy King - Statutory Planner
File No: PLP332/17
Attachments: 1. Site Plan
 2. State and Local Planning Policy

8.02pm Cr B. Humm left the meeting

Property No.:	108724
Title Details:	Lot 1 on PS113729 (Volume 09082 / Folio 289)
Applicant:	10 Stotts Road, Wandong
Zoning:	Farming Zone
Overlays:	Vegetation Protection Overlay – Schedule 1, Vegetation Protection Overlay – Schedule 2.
Objections Received:	3 objections received
Cultural Heritage Management Plan Required:	No
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

SITE MAP



PLANNING PERMIT APPLICATION PLP332/17 FOR USE OF THE LAND FOR CARAVAN REPAIR STORAGE FACILITY AT 10 STOTTS ROAD WANDONG (CONT.)

SUMMARY

The application seeks approval for the use of the land for a caravan repair storage facility. The land is affected by the Farming Zone, Vegetation Protection Overlay – Schedule 1 and Vegetation Protection Overlay – Schedule 2.

The application is retrospective in nature and has resulted from a planning enforcement investigation.

The application was advertised to the adjoining land owners and a total of three objections were received.

The matters discussed later in this report are related to the intended use and amenity impacts.

This report recommends that a Notice of Decision to issue a Planning Permit be issued for the proposed use, subject to conditions.

COUNCIL RESOLUTION

MOVED: CR. B. CORNISH

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. PLP332/17 or the use of the land for a caravan repair storage facility at Volume 09082 / Folio 289, known as 10 Stotts Road, Wandong subject to the following conditions:

Amended plans

1. Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but further modified to show:
 - (a) A notation that the access will be maintained to a standard that is able to accommodate fire fighting vehicles.
 - (b) Details of the location of a static water supply (minimum of 10,000 litres) for firefighting purposes.
 - (c) The hard stand area marked to demonstrate that a maximum of 25 caravans will be stored within the area, with individual spaces shown.
 - (d) A notation that no caravans are to be stored outside the hard stand area.
 - (e) Landscaping in accordance with condition 19.

General

2. The layout of the uses as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.

PLANNING PERMIT APPLICATION PLP332/17 FOR USE OF THE LAND FOR CARAVAN REPAIR STORAGE FACILITY AT 10 STOTTS ROAD WANDONG (CONT.)

Use

3. The use must be managed so that the amenity of the area is not detrimentally affected though the:
 - (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any buildings, works or materials;
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, reflection or glare, steam, soot, ash, dust, waste and storm water, waste products, grit or oil;
 - (d) the presence of vermin; and
 - (e) in any other way.to the satisfaction of the Responsible Authority.
4. 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.
5. Any materials or goods must be stored internal to the building or screened from public view to the satisfaction of the Responsible Authority.
6. All waste material not required for further onsite processing must be regularly removed from the land. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.
7. Equipment, materials, goods or machinery must be stored internal to the building or screened from public view to the satisfaction of the Responsible Authority.
8. All repairs must be conducted internal to the building to the satisfaction of the Responsible Authority.
9. No more than 25 caravans may be stored on the land at any one time unless otherwise agreed in writing by the Responsible Authority.
10. The caravans must be stored entirely within the hard-stand area as shown on the endorsed plans at all times, unless otherwise agreed in writing by the Responsible Authority. No caravans are to be stored outside the hard-stand area.

PLANNING PERMIT APPLICATION PLP332/17 FOR USE OF THE LAND FOR CARAVAN REPAIR STORAGE FACILITY AT 10 STOTTS ROAD WANDONG (CONT.)

11. All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
12. The use must only operate between the hours of 9:00 – 5:00pm Monday – Sunday, unless otherwise agreed in writing by the Responsible Authority.
13. No more than 2 persons may be present on the land for the purpose of conducting the repair and storage service unless otherwise agreed in writing by the Responsible Authority.
14. All flammable materials must be stored within the shed structure, to the satisfaction of the Responsible Authority.
15. All waste material not required for further onsite processing must be regularly removed from the land. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority
16. Before the use starts, the permit holder must construct a vehicle crossing to a rural 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.
17. Before the use starts, the site must be drained to the satisfaction of the Responsible Authority.
18. 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.

Landscaping

19. Before 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 and three copies must be provided. The landscape plan must show:

PLANNING PERMIT APPLICATION PLP332/17 FOR USE OF THE LAND FOR CARAVAN REPAIR STORAGE FACILITY AT 10 STOTTS ROAD WANDONG (CONT.)

- (a) the locations of all landscaping works to be provided on the land
 - (b) the locations of any trees to be retained or removed from the land (including details of species and size)
 - (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
 - (d) details of the proposed surface finishes of pathways and driveways
 - (e) details of the irrigation system to be used on land following completion of the landscaping works
 - (f) The provision of native vegetation screening (3 rows, 3m apart) along the perimeter of the proposed use
 - (g) Details of interim screening solutions until vegetation matures to a sufficient size to screen views of the use.
20. Before the use commences, all landscaping works as shown on the endorsed plan 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.
21. All landscaping works as shown on the endorsed plans must be maintained, including that any dead, diseased or damaged plants are to be replaced, to the satisfaction of the Responsible Authority.

Permit expiry

22. This permit will expire if one of the following circumstances applies:
- (a) The use is not started within two years of the date of this permit.
 - (b) 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 *Planning and Environment Act 1987*.

The vote resulted in as follows:

For:

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

Against:

CR. R. ELDRIDGE

Abstained:

CARRIED

Cr B. Humm returned at 8.09pm

9.5 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. B. HUMM

SECONDED: CR. B. CORNISH

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. 948 - INVASIVE WEEDS

Author: *Councillor Bill Chisholm*

File No: *ET/02/010-03*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 25 June 2018.

COUNCIL RESOLUTION

MOVED: CR. B. CHISHOLM

SECONDED: CR. B. CORNISH

THAT Council officers organise a round table to look at ways of addressing the rapidly growing problem of invasive weeds in the Shire. Those invited should include local Members of Parliament, Council representatives, officers from CMA and South West Goulburn Landcare Alliance, local Landcare groups and other Government agencies who have infrastructure effected by various weeds.

The vote resulted in as follows:

For:

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

Against:

CR. R. ELDRIDGE
CR. F. STEVENS

Abstained:

CARRIED

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 2018 and also other activities attended as a Council representative.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. B. HUMM

THAT the Delegate's Report on Overview and Update on Activities and Delegate Deliberation by Councillors for May 2018 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.

COUNCIL RESOLUTION

MOVED: CR. B. CHISHOLM

SECONDED: CR. B. HUMM

THAT the confidential urgent business item 15.3 Contract Variation - Contract Number 132198, Recyclables, Acceptance and Sorting with Visy Paper Pty Ltd be submitted into the agenda for consideration.

CARRIED UNANIMOUSLY

15 CONFIDENTIAL BUSINESS

COUNCIL RESOLUTION

MOVED: CR. B. CHISHOLM

SECONDED: CR. B. HUMM

The meeting closed to the public at 8.28pm

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.

15.1 Confirmation of Minutes of previous Confidential Meeting

15.2 RFT 132478 Oval Maintenance contract

s89(2)(d) contractual matters.

15.3 Urgent Business Item Contract Variation - Contract Number 132198, Recyclables, Acceptance and Sorting with Visy Paper Pty Ltd

s89(2)(d) contractual matters.

15.4 Re-opening of Meeting to members of the public

The meeting opened to the public at 8.35pm

CARRIED UNANIMOUSLY

16 DATE OF NEXT MEETING

The next Ordinary meeting of Council is scheduled to be held on Monday 16 July 2018 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7.00pm.

17 CLOSE OF MEETING

The meeting was declared closed at 8.35pm.

Confirmed this Monday, 16 July 2018

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Chairperson
Mayor, Cr Rhonda Sanderson