# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>ITEM</th>
<th>SUBJECT</th>
<th>PAGE NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>WELCOME AND GOVERNANCE DECLARATION</td>
<td>3</td>
</tr>
<tr>
<td>2</td>
<td>APOLOGIES AND LEAVE OF ABSENCE</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>DISCLOSURE OF CONFLICTS OF INTEREST</td>
<td>4</td>
</tr>
<tr>
<td>4</td>
<td>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</td>
<td>4</td>
</tr>
<tr>
<td>5</td>
<td>PETITIONS AND JOINT LETTERS</td>
<td>4</td>
</tr>
<tr>
<td>6</td>
<td>PRESENTATIONS</td>
<td>4</td>
</tr>
<tr>
<td>9.1</td>
<td>Seymour Flood Levee - Community Engagement and Survey Summary</td>
<td>7</td>
</tr>
<tr>
<td>9.3</td>
<td>Planning Permit Application PLP298/19 For Use and Development of the land as a Place of Assembly, alteration of access to a Road Zone – Category 1 and removal of native vegetation At 1755 Seymour Tooborac Road Glenaroua</td>
<td>8</td>
</tr>
<tr>
<td>7</td>
<td>ADVOCACY AND COMMUNITY SERVICES</td>
<td>21</td>
</tr>
<tr>
<td>7.1</td>
<td>Hidden Valley and Wallan District Men's Shed</td>
<td>21</td>
</tr>
<tr>
<td>8</td>
<td>GOVERNANCE AND CORPORATE PERFORMANCE</td>
<td>22</td>
</tr>
<tr>
<td>8.1</td>
<td>Consideration of Sale of Land at 5 O'Sullivan Road Seymour</td>
<td>22</td>
</tr>
<tr>
<td>8.2</td>
<td>Request for New Lease - 12 Moyle Street Seymour</td>
<td>23</td>
</tr>
<tr>
<td>8.3</td>
<td>Procurement Policy Review</td>
<td>24</td>
</tr>
<tr>
<td>8.4</td>
<td>Assembly of Council Record</td>
<td>25</td>
</tr>
<tr>
<td>9</td>
<td>DEVELOPMENT AND INFRASTRUCTURE</td>
<td>26</td>
</tr>
<tr>
<td>9.2</td>
<td>Water Infrastructure Review</td>
<td>26</td>
</tr>
<tr>
<td>9.4</td>
<td>Planning Permit Application PLP150/19 For the development of the land for multiple dwellings At 36 Victoria Street Seymour</td>
<td>27</td>
</tr>
<tr>
<td>9.5</td>
<td>Planning Permit Application PLP160/19 For Use and Development of the Land for a Store and Associated Earthworks At 165 Wallan Heights Road Wallan</td>
<td>34</td>
</tr>
<tr>
<td>9.6</td>
<td>Amended Planning Permit Application P306980/12.02 For Buildings and works comprising an office and retail development with associated reduction to the car parking</td>
<td></td>
</tr>
</tbody>
</table>
requirements and alteration of access to a road zone category
1 At 87 Sydney Street, Kilmore ....................................................... 39

9.7 Victorian Civil and Administrative Tribunal Hearings and
Activites Carried Out Under Delegation ........................................... 46

10 EXECUTIVE SERVICES ................................................................. 47
Nil Reports .......................................................................................... 47

11 NOTICES OF MOTION ................................................................. 48
11.1 Notice of Motion: No. 976 - Councillor Delegates Reports ........... 48

12 DELEGATES REPORTS ............................................................... 49
12.1 Delegate Report - Overview and Update on Activities and
Delegate Deliberations ..................................................................... 49

13 GENERAL BUSINESS ................................................................. 50

14 URGENT BUSINESS .................................................................... 50

15 CONFIDENTIAL BUSINESS ......................................................... 50
15.1 Confirmation of Minutes of previous Confidential Meeting .......... 50
15.2 Activating Ryans Creek, Kilmore .............................................. 50
15.3 Banking Tender ........................................................................ 50
15.4 CEO Recruitment and Appointment of Interim CEO .................. 50
15.5 Re-opening of Meeting to members of the public ...................... 50

16 DATE OF NEXT MEETING ............................................................ 51

17 CLOSE OF MEETING ................................................................. 51
THE MEETING OPENED: 7.05pm

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

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

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 D. Lowe.

2  APOLOGIES AND LEAVE OF ABSENCE

COUNCIL RESOLUTION
MOVED: CR. B. CHISHOLM
SECONDED: CR. B. HUMM
THAT the apology for this meeting received from CR. B. Cornish be accepted.

CARRIED UNANIMOUSLY

3 DISCLOSURE OF CONFLICTS OF INTEREST

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

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS
SECONDED: CR. A. GOBLE

THAT the Minutes of the Ordinary Council Meeting held 16 March 2020, as circulated, be confirmed.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS
SECONDED: CR. A. GOBLE

THAT the Minutes of the Special Council Meeting held 23 March 2020, as circulated, be confirmed.

CARRIED UNANIMOUSLY

5 PETITIONS AND JOINT LETTERS

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

6 PRESENTATIONS

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

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON
SECONDED: CR. F. STEVENS

THAT the following be brought forward for consideration:

- Item 13.1 Vale David Turnbull – Chief Executive Officer
• Item 13.2 Acknowledgement of COVID-19
• Item 9.1 Seymour Flood Levee - Community Engagement and Survey Summary
• Item 9.3 Planning Permit Application PLP298/19 For Use and Development of the land as a Place of Assembly, alteration of access to a Road Zone – Category 1 and removal of native vegetation At 1755 Seymour Tooborac Road Glenaroua

CARRIED UNANIMOUSLY

SUSPENSION OF STANDING ORDERS
MOVED: CR. R. SANDERSON
SECONDED: CR. B. CHISHOLM
THAT standing orders be suspended to consider Item 13.1 General Business Vale David Turnbull – Chief Executive Office and Item 13.2 Acknowledgement of COVID-19.

CARRIED UNANIMOUSLY

Standing orders were suspended at 7.09pm.

13.1 Vale David Turnbull – Chief Executive Officer

RECOMMENDATION
MOVED: CR. R. SANDERSON
SECONDED: CR. B. CHISHOLM

THAT Council acknowledge the loss of Mitchell Shire Council Chief Executive Officer, David Turnbull who passed away on 27 March 2020.

David served as Mitchell Shire Council’s Chief Executive Officer from May 2016 to March 2020. He dedicated over 40 years to local government and was a strong and supportive leader who will be greatly missed. He worked hard to make Mitchell Shire the best Shire it could be, always thinking strategically and letting others take credit for his achievements. As a Council we cannot thank him enough for his passion and guidance. He was a true gentleman.

CARRIED UNANIMOUSLY
13.2 Acknowledgement of COVID-19

RECOMMENDATION

MOVED: CR. B. CHISHOLM
SECONDED: CR. B. HUMM

THAT Council acknowledge and thank all those involved in front line duties during this current pandemic including:

- doctors and nurses
- those with face to face contact with the general public
- the general public for acceptance of the measures imposed to limit the spread of the virus
- Members of the Municipal Emergency Management Planning Committee (MEMPC) responsible for the Mitchell Shire Pandemic Plan. It is a very comprehensive document, and I would imagine have been of great assistance for those trying to grapple with the spread of this virus.

That said we are not through this pandemic, and there are many lessons we can all take on board, but those doing the work and taking the greatest risk, deserve every acknowledgment.

CARRIED UNANIMOUSLY

RESUMPTION OF STANDING ORDERS

MOVED: CR. R. SANDERSON
SECONDED: CR. D. ATKINSON

THAT Standing orders be resumed.

Resumption of Standing Orders

CARRIED UNANIMOUSLY

Standing orders recommenced at 7.31pm.
9.1 SEYMOUR FLOOD LEVEE - COMMUNITY ENGAGEMENT AND SURVEY SUMMARY

Author: Tim Partridge - Manager Engineering and Major Projects
File No: WW/11/004
Attachments: 1. Proposed Seymour Flood Levee - Community Consultation Report

SUMMARY
This report presents the findings of the independent community engagement process for the proposed Seymour Flood Levee.

In July 2019, Council resolved to appoint an independent community engagement consultant to engage the Seymour community about a proposed flood levee on the Goulburn River. Specifically, Council sought feedback to understand the level of community support for the flood levee and to gauge community views on the fairest way to fund the infrastructure project.

The engagement program also sought feedback specifically from landowners in the benefitting area to understand if they firstly, supported a flood levee and secondly, if they would be willing to help contribute funding through a Special Charge Scheme.

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE
SECONDED: CR. B. CHISHOLM

THAT Council:
1. Notes the Nation Partners report “Proposed Seymour Flood Levee - Community Consultation Report April 2020”.
2. Requests a further report be prepared for the June Council Meeting outlining all key issues for consideration to determine the most appropriate action required to resolve the Seymour flood levee project.

CARRIED UNANIMOUSLY
9.3 PLANNING PERMIT APPLICATION PLP298/19 FOR USE AND DEVELOPMENT OF THE LAND AS A PLACE OF ASSEMBLY, ALTERATION OF ACCESS TO A ROAD ZONE – CATEGORY 1 AND REMOVAL OF NATIVE VEGETATION AT 1755 SEYMOUR TOOBORAC ROAD GLENAROUSA

Author: Ricardo Ramos - Statutory Planning Coordinator

File No: PLP298/19

Attachments: 1. Advertising Map  
2. Planning Policy Framework  
3. Development Plans

<table>
<thead>
<tr>
<th>Property No.</th>
<th>122902</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title Details:</td>
<td>Crown Allotment 19C Parish of Puckapunyal Volume 09531 Folio 375</td>
</tr>
<tr>
<td>Applicant:</td>
<td>SPIIRE</td>
</tr>
<tr>
<td>Zoning:</td>
<td>Farming Zone</td>
</tr>
<tr>
<td>Overlays:</td>
<td>Bushfire Management Overlay (partial)</td>
</tr>
<tr>
<td>Objections Received:</td>
<td>27 submissions received - 16 objections and 11 support letters received</td>
</tr>
<tr>
<td>Cultural Heritage Management Plan Required:</td>
<td>No, the subject site is not located within an area of Aboriginal cultural heritage sensitivity</td>
</tr>
<tr>
<td>Officer Declaration of Conflict of Interest:</td>
<td>No officers involved in the preparation of this report have any direct or indirect interest in this matter</td>
</tr>
</tbody>
</table>

SITE MAP
SUMMARY

The subject site is located at 1755 Seymour Tooborac Road, Glenaroua. The site is subject to the Farming Zone, is affected by the Bushfire Management Overlay and adjacent to a Road Zone Category 1.

The application is seeking approval for three festivals per calendar year, one in March/April and two consecutive festivals in September/October, which will consist of four days per event (a total of twelve days per annum). A maximum number of 5,000 patrons is proposed at any one festival.

The festivals will run from Thursday to Sunday and be held in Autumn and Spring, exact dates are not proposed. This is to provide flexibility around local community activities, weather and local authority requirements such as the CFA.

The festivals will be focused on wellness and include workshops such as presentations, group discussions and classes. In terms of music, there is a silent disco proposed and evening concerts (noise is proposed to cease between 11:50pm and 7:00am), with no music or sound allowed. The sale and consumption of alcohol is not permitted at the events.

The application was advertised extensively by sending notices to adjoining properties. To date 27 submissions have been received, 16 submissions objecting to the application and 11 submissions supporting the application.

This report recommends the issuing of a Notice of Decision to issue the planning permit subject to conditions. Conditions include a limit on the use for five years to establish if the use can be conducted without impacting the amenity of the area at which point further permissions can be sought to continue the use as appropriate.
COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON
SECONDED: CR. F. STEVENS

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 permit in respect of application No. PLP298/19 for use and development of the land as a place of assembly, alteration of access to a Road Zone Category 1 and removal of native vegetation at Crown Allotment 19C Parish of Puckapunyal Volume 09531 Folio 375, known as at 1755 Seymour Tooborac Road, Glenaroua, 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 an electronic copy must be provided. The plans must be generally in accordance with the application plans but further modified to show:
   a. Removal of the accessway from Seymour-Tooborac Road to Gate D.
   b. All permanent structures be re-designed so they do not appear as shipping containers and must be cladded and in a colour to blend with the surrounding environment.
   c. Land Management Plan.

General Conditions

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

3. The extent of vegetation to be removed, as shown on the endorsed plans and documents must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.

4. The use and/or development 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, wastewater,
waste products, grit or oil;

d. the presence of vermin; and

e. in any other way.

to the satisfaction of the Responsible Authority.

5. Construction activities 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. 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;

e. presence of vermin; and

f. in any other way.

g. to the satisfaction of the Responsible Authority.

6. Car spaces, access lanes and driveways must always be kept available for these purposes and maintained to the satisfaction of the Responsible Authority.

7. The discharge of water from the land 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 discharged to an approved outlet in a street or to an underground pipe drain to the satisfaction of the Responsible Authority.

8. Stormwater works must be provided on the subject land to prevent overland flows onto adjacent properties.

9. 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.

10. All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

11. All lighting must be designed, baffled and located to prevent any adverse effect from light spill on adjoining land to the satisfaction of the Responsible Authority.

12. At all times during the operation of the use, there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of
13. The manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victoria Police and/or to take action on his/her behalf in accordance with a direction by such officer.

14. If the festival falls on an extreme or code red rated fire danger, the festival will be cancelled.

15. Before the use commences the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 and the agreement must be registered on the title/s to the land under Section 181 of the Act. The agreement must provide that:

   a. The land must be continually managed in accordance with the actions and requirements of the land management plan, unless otherwise agreed in writing by the Responsible Authority

   b. Should the land cease to be managed in accordance with a land management plan approved by the Responsible Authority, the use must cease.

   c. The owner of the land must acknowledge the agricultural activity occurring on surrounding farmland, the potential amenity impacts associated with the farming use and note that the level of amenity expected in the farming zone will not be the same as experienced in a residential area

   The owner must pay the reasonable costs for the preparation, execution and registration of the Section 173 Agreement.

   Before the use commences, a copy of the Titles Office registration number (dealing number) for the Section 173 Agreement must be provided to Council as proof of registration.

**Hours of Operation**

16. Unless otherwise agreed in writing the festival is only permitted to operate on a maximum of three occasions per calendar year and only within March, April, September and/or October. The responsible authority must be notified in writing at least three months prior to any permitted event occurring.

17. Except with the written consent of the Responsible Authority, the use may operate only between the hours of:

   a. Thursday: 10:00am to 10:00pm;

   b. Friday: 7:30am to 11:50pm;

   c. Saturday: 7:30am to 11:50pm; and
d. Sunday: 7:30am to 5:55pm.

**Amplified Music**

18. Except with the written consent of the Responsible Authority, amplified music must occur between the hours of:
   a. Thursday: 10:00am – 2:00pm (sound check only) and 4:00pm – 10:00pm;
   b. Friday: 10:00am – 11:50pm;
   c. Saturday: 12:00pm – 11:50pm;
   d. Sunday: 12:00pm – 5:55pm.

**Noise Conditions**

19. Noise emissions from the subject premises, must comply with the relevant State Environment Protection Policy at all times with permissible noise levels determined from those policies to the satisfaction of the Responsible Authority.

20. Noise monitoring of each festival must be undertaken by a suitably qualified acoustic engineer, at the cost of the operator, at a minimum of five surrounding residential properties, locations to be agreed in writing with Council, to ensure compliance music permitted hours under this permit and State Environment Protection Policy.

**Pre-Festival Conditions**

21. No less than thirty (30) days prior to the first day of each festival;
   a. The permit holder must provide notification to all lots within 3 kilometres from the lot boundaries of the subject site advising of the dates, times, contact information for emergency services and managers name, including contact details.
   b. Agreement in writing with Responsible Authority the noise monitoring locations.

22. No less than sixty (60) days prior to the first day of each festival, the permit holder must submit to the Responsible Authority:
   a. The following plans, generally in accordance with the plans submitted and updated to the relevant event:
      i. Waste Management Plan.
      v. Fire Management Plan.


b. Written confirmation of the festival dates, including approval from the CFA.

c. Written confirmation from the adjoining landowner at 120 Bridle Track, Glenaroua, for the use of emergency access.

d. The names and contact details of the festival director, head management staff and all external service providers including medical support staff for the festival.

e. An environmental management plan must be submitted to the satisfaction of the Responsible Authority. Plan is to include the following;

i. Sediment control techniques to ensure that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the storm water drainage system, waterways, roads, streets or reserves;

ii. Methods to control erosion and the flow of water to nominated points of discharge;

iii. Methods to prevent and manage illegal dumping on the land;

iv. Methods to ensure that only EPA clean fill material is imported/exported to and from the site;

v. Location of and details of the Tree Protection Zones around the trees to be retained as shown on the endorsed plans;

vi. Methods for weed and pathogen management;

vii. Designated machinery wash down and storage location;

viii. Methods to protect Environmental fauna and flora;

ix. Methods to control spill and storage of hazardous chemicals;

x. Methods identify, report, and protect the discovery of archaeological and or heritage objects;

xi. Methods to ensure earthwork disturbed areas will have adequate vegetation cover after a period of 6 weeks of absence; and

xii. Methods to ensure that the festival organisers that are on the land are aware of the requirements of the all Management Plans and any other obligations of the planning permit.

f. The internal traffic management for the use must be in accordance with the following requirements:

i. The car parking of all vehicles must be confined to the
festival boundary within the designated parking areas on the endorsed plan.

ii. Parking attendants must be present at all times to ensure free flowing traffic movements within the site and that all access/egress at the site is in a forward movement.

iii. Onsite parking must be generally in accordance with the relevant Standards.

To the satisfaction of the Responsible Authority.

23. A traffic management plan prepared by a suitably qualified and experienced person for vehicle movements to and from the site 60 days prior to the start of the festival, to the satisfaction of the Responsible Authority. The traffic management plan must provide for:

a. Proposed routes to and from the subject site;

b. Expected vehicle movements to and from the site;

c. Site access arrangements for vehicles;

d. Measures proposed to mitigate traffic impacts resulting from the use;

e. Road signage including location type and size.

Festival Requirements

24. For each festival, the following is required:

a. A public address system must be installed throughout the site to advise patrons of any emergency on the site.

b. No more than 3500 patrons and staff may be permitted on the land at any one time.

c. No campfires or cooking within camping area are permitted during the operation of the festival.

d. No fireworks, including pyrotechnics are permitted during the operation of the festival.

e. No domestic animals are allowed at the festival.

f. Fencing constructed along the permit boundary.

unless otherwise agreed in writing by the Responsible Authority.

Post-Festival Conditions

25. Following each festival:

a. The participants (excluding staff) must vacate the property by
5:00pm on the day immediately after the festival occurs.

b. All temporary structures erected on the site, including signage and waste must be removed from the site no later than two weeks after completion of a festival.

c. A Noise Impact Assessment Report must be submitted to the Responsible Authority no later than 30 days after each festival, the report must address results of noise monitoring required by noise monitoring condition (condition 20).

d. Within four (4) weeks of an festival concluding, a post festival review report must be supplied to Council which provides details of an overall analysis of the festival including persons evicted, any festivals involving intoxication/drug/violence, use of the CFA, Victoria Police, Ambulance Victoria, noise complaints received, actions taken to these complaints and the final response.

To the satisfaction of the Responsible Authority.

Environmental Health

26. Management of wastewater for the proposed activity must be in accordance with EPA requirements. The applicant must submit a Pathways Application to the EPA for assessment of the management of wastewater and comply with any requirements set by the EPA.

27. No buildings or works shall occur over any part of the approved waste disposal system including the septic tank in accordance with the requirements of the Environment Protection Act 1970, the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).

Environment

28. In order to offset the removal of 0.031 hectares of native vegetation and 1 scattered tree, approved as part of this permit, the permit holder must provide a native vegetation offset that meets the following requirements, and is in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. The offsets must:

a. A general offset of 0.023 general habitat units

b. Be located, preferably within the Mitchell Shire or failing this the Goulburn Broken Catchment boundary.

c. With a minimum strategic biodiversity score of at least 0.424

29. Before any native vegetation is removed, evidence that an offset has been secured and meets the requirement of the permit must be provided to the satisfaction of the Responsible Authority. Offset evidence can be either:
a. A security agreement for the offset site or sites, including a 10-year offset management plan

b. A credit register extract from the Native Vegetation Credit Register.

30. Every year after the offset has been secured (except for offsets on the native vegetation credit register), the permit holder must provide notification to the Responsible Authority of the management actions undertaken towards the implementation of the offset management plan for a period of ten years. An offset site condition statement, including photographs must be included in this notification to the satisfaction of the Responsible Authority.

31. Any metal fence posts (star pickets) must have yellow caps on the top.

32. All construction of stages, placement of temporary infrastructure such as portable toilets etc must be set back at least 15 metres from existing trees on the property.

Management Plan Requirements

33. No less than sixty (60) days prior to the start of each festival, to the satisfaction of the Responsible Authority an environmental management plan must be submitted to the satisfaction of the Responsible Authority. Plan is to include the following;

a. Sediment control techniques to ensure that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the storm water drainage system, waterways, roads, streets or reserves;

b. Methods to control erosion and the flow of water to nominated points of discharge;

c. Methods to prevent and manage illegal dumping on the land;

d. Methods to ensure that only EPA clean fill material is imported/exported to and from the site;

e. Location of and details of the Tree Protection Zones around the trees to be retained as shown on the endorsed plans;

f. Methods for weed and pathogen management;

g. Designated machinery wash down and storage location;

h. Methods to protect Environmental fauna and flora;

i. Methods to control spill and storage of hazardous chemicals;

j. Methods identify, report, and protect the discovery of archaeological and or heritage objects;

k. Methods to ensure earthwork disturbed areas will have adequate vegetation cover after a period of 6 weeks of absence; and

l. Methods to ensure that the festival organisers that are on the land
are aware of the requirements of the all Management Plans and any other obligations of the planning permit.

Traffic Management Requirements

34. The internal traffic management for the use must be in accordance with the following requirements 60 days prior to the start of the festival, to the satisfaction of the Responsible Authority.
   a. The car parking of all vehicles must be confined to the festival boundary within the designated parking areas on the endorsed plan.
   b. Parking attendants must be present at all times to ensure free flowing traffic movements within the site and that all access/egress at the site is in a forward movement.
   c. Onsite parking must be generally in accordance with the relevant Standards.

35. A traffic management plan prepared by a suitably qualified and experienced person for vehicle movements to and from the site 60 days prior to the start of the festival, to the satisfaction of the Responsible Authority. The traffic management plan must provide for:
   a. Proposed routes to and from the subject site;
   b. Expected vehicle movements to and from the site;
   c. Site access arrangements for vehicles;
   d. Measures proposed to mitigate traffic impacts resulting from the use;
   e. Road signage including location type and size.
   f. The approved traffic management plan must be implemented for all festivals operated under this use.

Reinstatement Requirements

36. Any road, footpath and/or other infrastructure damaged as a result of the festival (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.

Department of Transport

37. Prior to the commencement of any works hereby approved by this permit, the following works must be undertaken to the satisfaction of and at no cost to VicRoads:
a. The existing unsealed crossover must be sealed and constructed generally in accordance with VicRoads’ standard drawing SD2066 but be at a full width of 15 metres. The seal of the crossover must commence from the arterial road and extend to the boundary of the private property/road reserve.

b. The splitter island must extend toward the arterial road and must have a Keep Left sign (code: R2-3(L), B size) at each end facing opposite from each other.

c. No entry signs (code: R2-4, B size) must be installed on both sides of each access points facing in following directions:
   i. At the entry access, located within the subject land, facing away from the arterial road; and
   ii. At the egress, located nearer to the end of the extended splitter island within that arterial road reserve and facing toward the arterial road.

38. Prior to the commencement of the development hereby approved by this permit commences use for every event:

   a. A Traffic Management Plan must be prepared by a VicRoads pre-qualified consultant, to be submitted and approved by VicRoads; and
   b. Memorandum of Authorisation for this event must be obtained from VicRoads.

CFA Conditions

Buildings and Works - Bushfire Management Plan endorsed

39. The Bushfire Management Plan (prepared by SPIIRE, drawing no.s 306331-V1-BMP (ECC Building) & 306331-V1-BMP (Stage), dated 24/10/2019) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

Mandatory condition to Clause 44.06-5 – Building and works

40. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Festival / Event Emergency Management / Fire Management Plans
41. No less than sixty (60) days prior to any event being held on the site, a comprehensive Emergency Management Plan (encompassing a customised Fire Management Plan) must be submitted to CFA for review.

42. The Emergency Management Plan and Fire Management Plan must be of a satisfactory standard no less than 5 working days from the start of the bump in process for the event and once approved, will form part of the endorsed plans for which the event must be conducted in accordance with.

Permit Expiry

43. This permit will expire 18 months after the date of issue of the permit.

*CARRIED UNANIMOUSLY*
7 ADVOCACY AND COMMUNITY SERVICES

7.1 HIDDEN VALLEY AND WALLAN DISTRICT MEN'S SHED

Author: Buffy Leadbeater - Coordinator Community Development/Youth Services

File No: CS/12/085

Attachments: 1. Men’s Shed collateral wrap up

SUMMARY
Mitchell Shire Council has undertaken extensive community consultation investigating the support for the construction of a Men's Shed facility located at the Village Green Reserve, 238 Hidden Valley Blvd, Hidden Valley.

A men's shed is a community-based, not for profit and non-commercial organisation that is accessible to all men. The primary activity is to provide a safe and friendly environment where men can work on meaningful projects at their own pace in the company of other men. A major objective is to advance the wellbeing and health of participants.

Consultation conducted in February 2020 indicates strong support for the construction of a Men's Shed facility at 238 Hidden Valley Blvd, Hidden Valley. This construction is based on the successful application for the Men’s Shed to the annual DHHS Men’s Shed Funding round.

RECOMMENDATION

MOVED: CR. B. HUMM

SECONDED: CR. R. ELDRIDGE

THAT Council:

1. Support the Hidden Valley and Wallan District Men’s Shed application for the DHHS Men’s Shed grant.
2. Resolve to provide a lease arrangement to the HVaWD on the property at number 238 Hidden Valley Boulevard, Hidden Valley for the purpose of the construction of a Men’s Shed facility.

Resulted in a vote as follows

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

CARRIED ON THE CASTING VOTE OF THE MAYOR
8 GOVERNANCE AND CORPORATE PERFORMANCE

8.1 CONSIDERATION OF SALE OF LAND AT 5 O’SULLIVAN ROAD SEYMOUR

Author: Teresa Hendy - Property Officer
File No: 100959
Attachments: 1. Title Information
2. Title Plan
3. Locality Plan
4. Unauthorised Access

SUMMARY

This report seeks Council’s consideration to sell a small parcel of vacant land at 5 O’Sullivan Road, Seymour by private treaty through an appointed agent. The land is titled as a reserve; however, it has never been developed or used by Council for public open space and is too small to meet public open space requirements.

At the Ordinary Council meeting on 20 July 2015, support was given to the sale of this reserve in O’Sullivan Road. At that time, a neighbouring property owner had expressed their interest in purchasing the land, however they subsequently changed their mind and the sale did not proceed.

At the Ordinary Council meeting on 20 March 2017, a report recommended the sale of the land by private treaty on the open market, however the meeting resolution did not support the sale at that time.

It is recommended that the property again be considered for sale as there is no requirement for current or future use by Council. The sale would reduce Council’s associated risks. Proceeds of the sale could be utilised to purchase public open space land or other public open space projects within Seymour.

COUNCIL RESOLUTION

MOVED: CR. B. CHISHOLM
SECONDED: CR. D. ATKINSON

THAT Council defer any decision relating to the sale of the Council reserve at 5 O’Sullivan Road, Seymour until the former Seymour Primary School site which adjoins the reserve is developed.

Resulted in a vote as follows

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

CARRIED
8.2 REQUEST FOR NEW LEASE - 12 MOYLE STREET SEYMOUR

Author: Teresa Hendy - Property Officer

File No: CP/07/051

Attachments: 1. 12 Moyle Street Locality Plan
2. 12 Moyle Street Lease Area

SUMMARY

This report provides a brief history regarding the occupation of Council’s building at 12 Moyle Street, Seymour and the recently received request from the Lessee, Goulburn Valley Health, to enter into a new 12-month lease for the term of 1 July 2020 until 30 June 2021.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. F. STEVENS

THAT Council:

1. Authorise the giving of Public Notice under sections 190 and 82(A)2 of the Local Government Act 1989 to advertise the intention to enter into a lease for the premise at 12 Moyle Street, Seymour with Goulburn Valley Health for a term of 12 months, being from 1 July 2020 until 30 June 2021, with the option of one further term of 12 months from 1 July 2021 to 30 June 2022.


3. Hear submitters at a future meeting of the Community Questions and Hearing Committee.

CARRIED UNANIMOUSLY
8.3 PROCUREMENT POLICY REVIEW

Author: Laurie Ellis - Director Governance and Corporate Performance
File No: CT/08/001
Attachments: Nil

SUMMARY
This report recommends that Council adopt a revision to the Mitchell Shire Council Procurement Policy as a temporary measure during the state of emergency related to COVID-19. This measure is necessary to enable minor works and services to be procured where it is not possible to obtain 3 quotes due to business shutdowns.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON
SECONDED: CR. A. GOBLE

THAT Council:
1. Endorse an amendment to the Procurement Policy to extend the limit for officers being required to obtain 3 quotes from $5,000 to $10,000 due to COVID-19 restrictions for an initial period of five months.
2. Officers undertake a review of this extension at the end of the six-month period.

CARRIED UNANIMOUSLY
8.4 ASSEMBLY OF COUNCIL RECORD

Author: Lidia Harding - Manager Governance & Corporate Accountability
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. B. CHISHOLM

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

CARRIED UNANIMOUSLY
9 DEVELOPMENT AND INFRASTRUCTURE

9.2 WATER INFRASTRUCTURE REVIEW

Author: Paul Simpson - Manager Operations and Parks

File No: WW/08/001-02

Attachments: Nil

SUMMARY

This report responds to Notice of Motion No. 933 relating to stand alone water supply infrastructure.

The report outlines the existing conditions of the Shire’s rural water supply infrastructure, community engagement results regarding their current use, and current Council actions.

The report recommends to note the actions taken and communicate with those Shire residents that participated in the survey to ensure they are made aware of these actions taken by Council in response to their feedback.

RECOMMENDATION

MOVED: CR. B. CHISHOLM

SECONDED: CR. B. HUMM

THAT Council:

1. Note the actions taken in relation to upgrading and maintaining of existing rural water supply infrastructure including;
   a) The renewal of the Seymour - Goulburn Park and Whitegate Road, High Gate water supply infrastructure; and
   b) Write to the Honorable Lisa Neville, Minister for Police and Emergency Services seeking further support and assistance to maintain these important community assets.

2. Communicate to all who participated in the Rural Water Supply community survey thanking them for their participation and advising them of the current actions Council has taken.

3. Officers provide advice to the wider community through social media and print media of the actions taken by Council regarding the Shire’s rural water supply infrastructure.

4. Fully acknowledge the detailed submissions received from both the Country Fire Association (CFA) management and a number of local CFA, Fire brigades on the important issue of Community Water Points (namely standpipes, tanks and bores.) The importance of upgrading this current infrastructure is regarded by them as being extremely important, especially in the changing climatic conditions, and the recent fire history of Mitchell Shire.

CARRIED UNANIMOUSLY
9.4 PLANNING PERMIT APPLICATION PLP150/19 FOR THE DEVELOPMENT OF THE LAND FOR MULTIPLE DWELLINGS AT 36 VICTORIA STREET SEYMOUR

Author: Rees May - Statutory Planner
File No: PLP150/19
Attachments: 1. Planning Policy Framework  
2. Plans  
3. Advertising Area

<table>
<thead>
<tr>
<th>Property No.: 122731</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title Details: Lot 1 on Plan of Subdivision 737784B (Volume 11570 Folio 109)</td>
</tr>
<tr>
<td>Applicant: T.M. Mitchell Holdings</td>
</tr>
<tr>
<td>Zoning: General Residential Zone – Schedule 1</td>
</tr>
<tr>
<td>Overlays: Land Subject to Inundation Overlay, Heritage Overlay – Schedule 308 and Design and Development Overlay – Schedule 9</td>
</tr>
<tr>
<td>Objections Received: Three objections have been received.</td>
</tr>
<tr>
<td>Cultural Heritage Management Plan Required: No. The subject site is not identified as being located within an area of Cultural Heritage Significance.</td>
</tr>
<tr>
<td>Officer Declaration of Conflict of Interest: No officers involved in the preparation of this report have any direct or indirect interest in this matter</td>
</tr>
</tbody>
</table>

SITE MAP

[Site Map Image]
PLANNING PERMIT APPLICATION PLP150/19 FOR THE DEVELOPMENT OF THE LAND FOR MULTIPLE DWELLINGS AT 36 VICTORIA STREET SEYMOUR (CONT.)

SUMMARY

Council has received an application to construct seven dwellings on a lot at 36 Victoria Street, Seymour. The subject site has an overall area of 1,630 square metres. The site is zoned General Residential Zone and is affected by the Land Subject to Inundation Overlay, Heritage Overlay and Design and Development Overlay.

The application was advertised by sending letters to adjoining landowners and occupiers and placing a notice on the site. A total of three objections have been received. Given the residential zoning, access to services and the site’s location within walking distance of the Seymour Town Centre, public transport, schools, and parks, this provides for an appropriate context to increase residential densities.

The proposal demonstrates compliance with the relevant policies and provisions of the Mitchell Planning Scheme. It is therefore recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

RECOMMENDATION

MOVED: CR. R. SANDERSON
SECONDED: CR. A. GOBLE

THAT Council having complied with the relevant Sections of the Planning and Environment Act 1987, resolve to issue a Notice of Decision to Grant a Planning Permit in respect of Application No. PLP150/19 for the development of the land for multiple dwellings at Lot 1 on Plan of Subdivision 737784B (Volume 11570 Folio 109), known as 36 Victoria Street, Seymour, subject to the following conditions:

1. Before the development 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 an electronic copy must be provided. The plans must be generally in accordance with the advertised plans but further modified to show:

   a) Removal of bin collection location from the overall site plan.
   b) Access in accordance with Clause 55.03-9, access objective – Standard B14.
   c) An amended design with six dwellings on the lot.
   d) A detached built form with a maximum of three dwellings per structure and a landscaped divide between the structures.
   e) Detailed landscape plans for the development with a particular focus on an appropriate interface to the industrial buildings to the north.
   f) Demonstrated compliance with Clause 55.04.6, overlooking
objective – Standard B22.

g) Provision of at least two visitor car parking spaces within the development.

General

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

3. Construction activities 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) 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;
   e) presence of vermin; and
   f) in any other way.

4. All external materials finishes and paint colours are to be to the satisfaction of the Responsible Authority.

5. All new walls on or facing the boundary of an adjoining property must be cleaned and finished to the satisfaction of the Responsible Authority.

6. All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed from public view to the satisfaction of the Responsible Authority.

7. 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.

Landscaping conditions

8. 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 an electronic copy must be provided. The landscape plan must show:

   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)
Ordinary Council Meeting Minutes 20 April 2020

Planning Permit Application PLP150/19 for the Development of the Land for Multiple Dwellings at 36 Victoria Street 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
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

9. Before the dwellings are occupied, 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.

10. Before the works start, tree protection fencing must be erected around the tree (one large native tree) nominated for retention on the endorsed plans to define a Tree Protection Zone. The Tree Protection Zone must be erected at a radius of 12 times the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk. The fence must be constructed of chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence(s) must remain in place until the completion of the development unless otherwise agreed in writing by the Responsible Authority.

11. No vehicular or pedestrian access, trenching, storage of materials or equipment or soil excavation is to occur within the Tree Protection Zone unless otherwise agreed in writing by the Responsible Authority.

Engineering conditions

General Requirements

12. Unless otherwise agreed to in writing by the Responsible Authority, prior to the issue of Occupancy Permit for the relevant development, the permit holder must formalise Victoria Street to include a cul de sac to a residential standard in accordance with the requirements under the Infrastructure Design Manual and to the satisfaction of the Responsible Authority. Specific details include:

a) Road pavement widening;
b) Kerb and channel;
c) Underground drainage connecting existing road reserve drainage into an approved outlet system;
d) Underground conduits for all service utilities;
e) Appropriate intersection treatment and traffic management measures, demonstrating adequate sight distances and stopping distances;
Access Requirements

13. Unless otherwise agreed to in writing by the Responsible Authority, prior to the issue of Occupancy Permit, the permit holder must:

   a. provide suitable onsite parking.
   b. provide suitable vehicle manoeuvrability that facilitates forward moving ingress and egress from the development site.
   c. bin storage within the development and a collection area outside of the development clear of any road or footpath.
   d. construct the vehicle crossings accessing the site to an industrial standard in accordance with the Infrastructure Design Manual.
   e. the internal common driveway must be constructed to an engineered sealed finish with a minimum width of 3 metres with drainage provided to adequately drain the internal driveway to the nominated legal point of discharge.
   f. construct at no cost to Council, drainage works between each of the proposed dwellings and the Council nominated point of discharge.
   g. the discharge of water from each of the proposed dwelling 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 discharged to an approved outlet in a street or to an underground pipe drain.
   h. the development 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.

14. The underground drains for each lot shall be wholly contained within the boundary pertaining to that lot. The outfall and retention system shall be located in or under the common property and shall not cross under or be located within any of the lots, all to the satisfaction of the Responsible Authority.

Civil Construction Plan Requirements

15. 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) Flooding and Overland flow details;
b) Minimum Finished Floor Levels (FFL) of dwellings with 300mm freeboard from 1 in 100 ARI flood levels as advised by GBCMA with contours;
c) Cul de sac details;
d) Crossover details;
e) Public lighting details;
f) Driveway construction and drainage details including driveway grades and indication of fall; and,
g) Underground drainage details and supporting calculations for flow, retention and treatment.

Construction Management Plans

16. Prior to any works being undertaken, a Construction Management Plan must be submitted to, and be to the satisfaction of the Responsible Authority. The Construction Management Plan will then be endorsed and form part of the planning permit. The Construction Management Plan must include details of:

a) Working hours; and
b) A traffic management plan for both vehicle and pedestrian movements including working hours and after-hours signage; and
c) A liaison officer to contact by residents and the responsible authority; and
d) Methods to contain dust and mud including clean up and control frequency; and
e) Details of sediment control; and
f) Details to contain and control waste product runoff; and
g) Details of stockpile areas, other proposed storage and a site office

Fees and charges

17. Prior to the approval of the detailed construction 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 Responsible Authority.

Reinstatement Requirements

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.
Goulburn Broken Catchment Management conditions

19. The finished floor level of the proposed complex (seven residential dwelling) must be constructed at least 300 millimetres above the 100-year ARI flood level of 139.85 metres AHD, i.e. 140.05 metres AHD; and

20. The driveway to serve each of the units must be set at least to 139.5 metres AHD and extend to Chittick Street.

Permit expiry

21. 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.

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.

Resulted in a vote as follows

For: CR. D. ATKINSON, CR. B. CHISHOLM, CR. R. ELDRIDGE, CR. A. GOBLE, CR. B. HUMM, CR. R. SANDERSON

Against: CR. D. LOWE, CR. F. STEVENS

CARRIED
9.5 PLANNING PERMIT APPLICATION PLP160/19 FOR USE AND DEVELOPMENT OF THE LAND FOR A STORE AND ASSOCIATED EARTHWORKS AT 165 WALLAN HEIGHTS ROAD WALLAN

Author: Enes Bilgic - Statutory Planner
File No: PLP160/19
Attachments: 1. Historic Aerial Images
              2. Planning Policy Framework
              3. Map of Advertising Area
              4. Site Photos
              5. Plans for Assessment
Reference: PLP160/19

| Property No.: | 110080 |
| Title Details: | Lot 1 on PS 091946 Volume 08888 Folio 475 |
| Applicant: | T & C Developments Pty Ltd |
| Zoning: | Farming Zone – Schedule 1 |
| Overlays: | Bushfire Management Overlay – Schedule 1 |
| | Vegetation Protection Overlay – Schedule 1 |
| | Erosion Management Overlay – Schedule 1 |
| Objections Received: | Yes, two objections received |
| Cultural Heritage Management Plan Required: | No, not required |
| 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
SUMMARY

The application is a result of enforcement action by Council Officers.

The planning application is for use and development of the land for a store and associated earthworks at 165 Wallan Heights Road Wallan. The site is zoned Farming and affected by the Bushfire Management, Vegetation Protection and Erosion Management Overlays.

The application was advertised via letters to adjoining landowners and occupier, receiving a total of two objections.

The primary matters of objection were related to the appropriateness of a store and potential amenity impacts that may be caused by the proposal.

The report recommends that a Notice of Decision to Grant a Planning Permit be issued for the proposal, as it generally in accordance with the Mitchell Shire Planning Scheme.

The application is being heard before Council as it was called in.

RECOMMENDATION

MOVED: CR. A. GOBLE
SECONDED: CR. R. SANDERSON
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 permit in respect of Application No. PLP160/19 for use and development of the land for a store and associated earthworks at Lot 1 on Plan Subdivision 091946 Volume 08888 Folio 475, known as 165 Wallan Heights Road Wallan, subject to the following conditions:

General

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

2. No more than two (2) work vehicles associated with the owner’s business are allowed on the site.

3. The use and development 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, wastewater, waste products, grit or oil;
   d) the presence of vermin; and
   e) in any other way.

   to the satisfaction of the Responsible Authority.

4. Any materials or goods must be stored internal to the building or screened from public view to the satisfaction of the Responsible Authority.

5. The store must only be used for the storage of agricultural goods, machinery or vehicles associated with the owners business, it must not be used for human habitation or the storage of domestic goods and must not contain facilities that could be used for cooking, eating or sleeping.

6. All external materials must be non-reflective and finished in natural colours or shades to the satisfaction of the Responsible Authority.

7. Before the use starts building is occupied, the area set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

   a) fully constructed;
b) properly formed to such levels that may be used in accordance with the plans;

c) surfaced with an all-weather surface or seal coat (as appropriate);

d) drained and maintained in a continuously usable condition.

all to the satisfaction of the Responsible Authority.

8. 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.

9. All works must be undertaken in compliance with the recommendations of the report prepared by ‘Saunders Engineering Construction and Associates, titled EROSION MANAGEMENT ASSESSMENT EARTHWORK CONSTRUCTION & WORKS 165 WALLAN HEIGHTS WALLAN, dated 11 November 2018, Re: T11-9’, submitted with the application, to the satisfaction of the Responsible Authority.

Engineering

10. All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised and maintained until grass coverage is established, to the satisfaction of the Responsible Authority.

11. The discharge of water from the development must be controlled around its limits to prevent any discharge onto any adjacent property other than by means of an approved drainage system discharged in a controlled manner whereby the area of impervious is intercepted through a rubble pit with a volume calculated by the ratio of 1 cubic metre per 100 square metres of impervious area to the satisfaction of the Responsible Authority.

12. 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.

CFA

13. The Bushfire Management Plan prepared by T & C Development Services Pty Ltd, Job Ref 18053, Revision 02, dated 20th March 2020 must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.
14. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the Responsible Authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Permit Expiry

15. 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.

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 Planning and Environment Act 1987.

Resulted in a vote as follows:

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

Against: CR. R. ELDRIDGE
          CR. D. LOWE

CARRIED
9.6 AMENDED PLANNING PERMIT APPLICATION P306980/12.02 FOR BUILDINGS AND WORKS COMPRISING AN OFFICE AND RETAIL DEVELOPMENT WITH ASSOCIATED REDUCTION TO THE CAR PARKING REQUIREMENTS AND ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 87 SYDNEY STREET, KILMORE.

Author: Fawaaz Price - Statutory Planner

File No: P306980/12.02

Attachments: 1. Advertising Map
2. Relevant Planning Policy Framework

Property No.: 125218
Title Details: Lot 3 on Plan of Subdivision 418515L.
Applicant: Walter Mott
Zoning: Commercial 1 Zone
Overlays: Design and Development – Schedule 4
Objections Received: Five objections were received.
Cultural Heritage Management Plan Required: No, the subject site is not located within an area designated as culturally sensitive therefore, a CHMP was not required.
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

Image 1. Aerial of 87 Sydney Street, Kilmore. (Source Exponare Mapping GIS (2019))
AMENDED PLANNING PERMIT APPLICATION P306980/12.02 FOR BUILDINGS AND WORKS COMPRISING AN OFFICE AND RETAIL DEVELOPMENT WITH ASSOCIATED REDUCTION TO THE CAR PARKING REQUIREMENTS AND ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 87 SYDNEY STREET, KILMORE. (CONT.)

SUMMARY

The application is seeking to amend the current planning permit that allows for buildings and works comprising an office and retail development with associated reduction to the standard car parking requirements and alteration to a Road Zone, Category 1 at 87 Sydney Street, Kilmore.

The subject site is located within the Commercial 1 Zone and is affected by a Design and Development Overlay – Schedule 4 to the Mitchell Shire Planning Scheme.

The application was advertised via letters to adjoining landowners and occupiers. A total of five objections have been received at the time of writing this report requiring the matter to be reported to Council for decision.

The primary matters that are discussed later in this report are related to the proposed amendments to conditions relating to delivery hours and VicRoads within the existing planning permit.

This report recommends that a Notice of Decision to grant an Amended Planning Permit be issued to amend the conditions. It is considered that the proposed amendments would have a beneficial impact on business and minimal impact to the surrounding area.

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 Decision to Amend a Planning Permit in respect of Application No. P306980/12.02 for buildings and works comprising an office and retail development with associated reduction to the standard car parking requirements and alteration of access to a road zone, category 1 at Lot 3 on Plan of Subdivision 418515L, known as 87 Sydney Street, Kilmore, subject to the following conditions:

Amended Plans

1. Deleted.

Use of The Land

2. The development as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

3. The use of each tenancy must be in accordance with the use as shown on the endorsed plan, unless otherwise agreed in writing by the Responsible Authority.

Landscaping

4. Prior to the commencement of works, a landscaping plan must be submitted to and approved by the Responsible Authority. When
approved, the plan will be endorsed and then form part of the permit. The landscape plan must be drawn to scale with dimensions and three copies must be provided. The landscape plan must show:

a. The locations of all proposed trees, shrubs and groundcovers to be provided to the site; and

b. A detailed schedule of all proposed trees, shrubs and groundcovers to be provided to the site, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.

5. Prior to the use of the development hereby permitted, the landscaping works shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority.

6. All landscape works on the subject land are to be maintained, including that any dead, diseased or damaged plants are replaced, to the satisfaction of the Responsible Authority.

Advertising Signage

7. Unless otherwise agreed in writing by the Responsible Authority, advertising signage associated with the development may only be displayed in the areas marked for this purpose on the endorsed plans and where exceeding the minimum amount allowed at Clause 52.05 of the Mitchell Planning Scheme, a planning permit must be obtained.

Car Parking & Access

8. Prior to the use of the development hereby permitted, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

a. Constructed;

b. Properly formed to such levels that they can be used in accordance with the plans;

c. Sealed with a concrete or asphalt surface;

d. Drained;

e. Linemarked to indicate each car space, access lanes, turning areas and pedestrian path; and

f. Clearly marked to show the direction of traffic along access lanes and driveways;

To the satisfaction of the Responsible Authority

9. Car spaces, access lanes and driveways as shown on the endorsed
plans must be kept available for these purposes at all times.

**Site Management**

10. The buildings and works hereby permitted, including any construction activities associated with the development, must be managed to the satisfaction of the Responsible Authority 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. Appearance of any building, works or materials;
   c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil; and
   d. Presence of vermin;

to the satisfaction of the Responsible Authority.

11. Except for any areas nominated to contain landscaping on the endorsed landscape plan, all of the site not occupied by buildings must be sealed to the satisfaction of the Responsible Authority.

12. Any external lighting must be suitably baffled to prevent light spill or glare to any residential property, to the satisfaction of the Responsible Authority.

13. The finished floor level of all buildings must be constructed at least 300mm above 100-year ARI flood level, to the satisfaction of the Responsible Authority.

14. Unless otherwise agreed in writing by the Responsible Authority, deliveries to and from the site must only take place between the hours of:

   a) 7:00 am – 9:00 pm Monday to Friday; and
   b) 8:00 am – 6:00 pm Saturday and Sunday.
   c) One (1) delivery is permitted between 9:00 pm Monday and 7:00 am Tuesday for unit 3/87 Sydney Street, Kilmore, North Central Review Pty Ltd. Monday to Tuesday.

**Engineering & Infrastructure Department Conditions**

15. Deleted.


17. Deleted.

18. The discharge of water from the site 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 discharged to an approved outlet to the satisfaction of the Responsible Authority.

19. 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.

20. Prior to the use of the development hereby permitted, the permit holder must construct, at no cost to Council, drainage works between the subject land and the Council nominated point of discharge to the satisfaction of the Responsible Authority.

21. During construction period, no polluted and/or sediment laden run-off is to be discharged directly or indirectly into any drains or water courses to the satisfaction of Responsible Authorities.

22. Unless otherwise agreed in writing by the Responsible Authority, prior to the issue of the Certificate of Occupancy, the permit holder shall design and construct an impervious car park as per the relevant Australian standards to the satisfaction of the Responsible Authority.

23. Prior to the commencement of any works associated with the development, detailed construction plans 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 construction plans must be drawn to scale with dimensions and three copies must be provided. The plans must include:

a. Road pavement details and vehicular crossings;
b. Details of car parking areas;
c. Details of pedestrian paths, which must be compliant with the Disability Discrimination Act to the satisfaction of the Responsible Authority;
d. Details of underground drains;
e. Locations of underground conduits for water, gas, electricity, telephone etc;
f. Details of intersection and traffic calming measures, in accordance with any requirements of VicRoads; AND
g. High stability permanent survey marks.

24. Prior to the use of the development hereby permitted, all works as shown on the endorsed detailed construction plans must be carried out and completed to the satisfaction of the Responsible Authority.
25. The permit holder must reinstate any Council assets or infrastructure damaged as a result of any construction work associated with the development, to the satisfaction of the Responsible Authority.

26. Prior to the use of the development hereby permitted, the permit holder must submit the following to the satisfaction of the Responsible Authority:
   a. Deleted;
   b. ‘As constructed’ information for all works to become Council assets; AND
   c. Survey enhanced GIS data for drainage and road reserves constructed.

VicRoads Conditions

27. Right turn vehicular access to the subject land from the Northern Highway (Sydney Street) is not permitted between 8.00 am to 8.00 pm.

28. Prior to the development hereby approved by this permit commences use:


   b. The FLP must be amended by a VicRoads pre-qualified consultant, dated, scaled to show (but not limited to) the following:

      i. A No Right Turn sign (code R2-6(R)), B size) installed on the proposed centre median island. A supplementary sign (code: R9-1) must be installed under the No Right Turn sign stating the hours of 8 am to 8 pm.

      ii. The northern median island moved further north to accommodate right turn movement to and from the land.

      iii. The swept path analysis of the:

          1. Design vehicles, a B99 and B85 car entering/exiting respectively (and vice versa); and

          2. Check vehicle, an 8.8 metre service vehicle turning in all directions.

iv. The amendment of any on-street parking bays;

v. The proposed driveway access and crossover;
vi. All existing and proposed line marking, signs, services, vegetation etc; and
vii. Any disused vehicular crossover laybacks indicated for removal and the reinstatement to kerb and channel.

c. All road works must be constructed to the satisfaction of and at no cost to VicRoads.
d. All disused or redundant vehicle crossings must be removed, and the area reinstated to the satisfaction of and at no cost to VicRoads.

29. Prior to the commencement of any works in the Northern Highway road reserve, a signed Memorandum of Authorisation must be obtained from VicRoads permitting the installation of all Major Traffic Control items in accordance with the approved functional layout plans.

30. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).

Permit Expiry

31. This permit will expire if one of the following circumstances applies:

a. The development hereby permitted has not commenced within two years of the date of this permit; or
b. The development has not been completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

CARRIED UNANIMOUSLY
9.7 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION

Author: James McNulty - Manager Development Approvals
File No: CL/04/004
Attachments: Nil

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. R. SANDERSON
SECONDED: CR. B. HUMM

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. 976 - COUNCILLOR DELEGATES REPORTS

Author: Councillor Rhonda Sanderson
File No: CL/01/001-01
Attachments: Nil

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 20 April 2020.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON
SECONDED: CR. R. ELDRIDGE

THAT Council amend the instructions regarding Councillor Delegate Reports as follows:

1. Add to the end of part (a): ‘as per the list of Committee appointments at the annual Statutory Meeting’, and

2. Expand on part (b) by replacing it with ‘Other publicly advertised activities attended as an invited representative of Council’.

3. Further clarify the directions of what a report will not include by amending b) to read ‘Private activities, discussions or meetings with staff and/or community members.’

CARRIED UNANIMOUSLY
12 DELEGATES REPORTS

12.1 DELEGATE REPORT - OVERVIEW AND UPDATE ON ACTIVITIES AND DELEGATE DELIBERATIONS

Author: Lidia Harding - Manager Governance & Corporate Accountability
File No: CL/04/001-03
Attachments: 1. Councillors Delegates 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 March 2020 and also other activities attended as a Council representative.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON
SECONDED: CR. D. ATKINSON

THAT the Delegate's Report on Overview and Update on Activities and Delegate Deliberation by Councillors for March 2020 be received and noted.

CARRIED UNANIMOUSLY
13 GENERAL BUSINESS

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

13.1 Vale David Turnbull – Chief Executive Officer
This matter was dealt with earlier in the meeting

13.2 Acknowledgement of COVID-19
This matter was dealt with earlier in the meeting

14 URGENT BUSINESS

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

Nil.

15 CONFIDENTIAL BUSINESS

COUNCIL RESOLUTION

MOVED: CR. B. CHISHOLM
SECONDED: CR. F. STEVENS
Meeting closed to public at 8.52pm

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 Activating Ryans Creek, Kilmore
s89(2)(d) contractual matters.

15.3 Banking Tender
s89(2)(d) contractual matters.

15.4 CEO Recruitment and Appointment of Interim CEO
s89(2)(a) personnel matters.

15.5 Re-opening of Meeting to members of the public

CARRIED UNANIMOUSLY
16 DATE OF NEXT MEETING
The next Ordinary meeting of Council is scheduled to be held on Monday 18 May 2020 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7.00pm.

17 CLOSE OF MEETING
The meeting was declared closed at 9.25pm.

Confirmed this Monday, 18 May 2020

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Chairperson
Mayor, Cr David Lowe