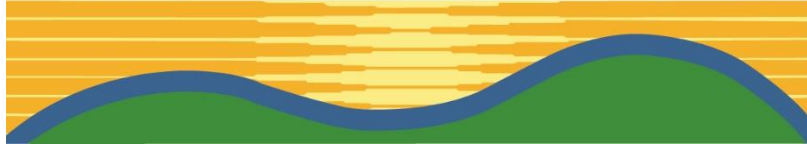


MITCHELL SHIRE COUNCIL



**ORDINARY COUNCIL
MEETING
MINUTES**

MONDAY 15 OCTOBER 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
15 OCTOBER 2018**

THE MEETING OPENED: 7.00pm

COUNCILLORS PRESENT

Cr Annie Goble Central Ward
Cr David Atkinson Central Ward
Cr Bob Humm Central Ward

Cr Bill Chisholm North Ward
Cr Rhonda Sanderson North Ward (Chairperson)
Cr Fiona Stevens North Ward

Cr David Lowe South Ward
Cr Rob Eldridge South Ward
Cr Bob Cornish South Ward

OFFICERS PRESENT

Mr David Turnbull Chief Executive Officer
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 the traditional owners of the Taungurung Nation and pay her respect to their Elders past and present, and its emerging and future leaders.

The declaration was read by Cr D. Atkinson

2 APOLOGIES AND LEAVE OF ABSENCE

No apologies were received.

3 DISCLOSURE OF CONFLICTS OF INTEREST

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

Cr B. Chisholm declared an indirect conflict of interest in Item 5 Petitions and Joint Letters as he and his spouse are signatory to the petition and his spouse works at the Tooborac Primary School part time.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. A. GOBLE

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

CARRIED

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. A. GOBLE

THAT the Minutes of the Special Council Meeting held 1 October 2018, as circulated, be confirmed.

CARRIED UNANIMOUSLY

5 PETITIONS AND JOINT LETTERS

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

7.03 pm Cr Chisholm left the meeting

Cr B. Humm tabled a petition with 95 signatories asking Council to repair the surface of the Tooborac Primary School carpark, form a gutter and drainage channels and make a safe and evenly surfaced footpath connecting the School to the town and the Neighbourhood Safer Place (Tooborac Mechanics Institute Hall).

7.04pm Cr Chisholm returned to the meeting

Cr F. Stevens tabled a petition with 270 signatories asking Council to replant the Manchurian Pear trees that were removed from the Goulburn Park in Seymour.

6 PRESENTATIONS

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

Nil

7 ADVOCACY AND COMMUNITY SERVICES

7.1 UPPER PLENTY MECHANICS INSTITUTE - 'THE SHACK'

Author: Lyn Morling - Recreation and Open Space Coordinator

File No: CP/10/011

Attachments: 1. Upper Plenty proposed boundaries

SUMMARY

The Upper Plenty Mechanics Institute Hall ('The Shack') was co-located with the Upper Plenty Primary School on land owned and managed by the Department of Education and Training (DET). The Shack building was owned by the Upper Plenty Mechanics Institute Hall Association Inc (The Association) but was destroyed by fire in 2015. The building cannot be replaced until some land tenure and other issues are resolved.

There is a proposal to excise part of the DET land, re-reserve its Crown land purpose, transfer it to the Department of Environment, Land, Water and Environment (DELWP) and for DELWP to appoint Mitchell Shire Council as Committee of Management under the *Crown Land (Reserves) Act 1978* (see Attachment 1). In turn, Mitchell Shire Council can elect to appoint a community-based Committee of Management operating under a Funding and Service Agreement with Council.

This report is seeking 'in principle' agreement for the proposals and, that subject to the Chief Executive Officer being satisfied with the negotiation outcomes, that the Chief Executive Officer be authorised to sign an interim licence agreement with the Department of Education and Training for Council's use of the DET land notated as CA XXX2 on Attachment 1.

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. B. CHISHOLM

THAT Council:

1. Agree in principle with the proposal for the Upper Plenty Mechanics Institute Hall ('The Shack'), when rebuilt, to become a Council-owned building operating on Council-managed Crown land.
2. Authorise Council officers to continue negotiations with the Department of Education and Training and the Department of Environment, Land, Water and Planning, VicRoads and the Upper Plenty Mechanics Institute Hall Inc to facilitate The Shack becoming a Council-owned building operating on Council-managed Crown land.
3. Agree in principle to appointing Upper Plenty Mechanics Institute Hall Association Inc becoming a Council-appointed Committee of Management operating under a Funding and Service Agreement to manage the rebuilt hall.

UPPER PLENTY MECHANICS INSTITUTE - 'THE SHACK' (CONT.)

4. Note that Councillors will be updated on continuing negotiations.
5. Authorise the Chief Executive Officer to sign, subject to being satisfied with the negotiation outcomes, a licence agreement with the Department of Education and Training for Council's use of the Department of Education and Training land notated as CA XXX2 on Attachment 1.

CARRIED UNANIMOUSLY

8 GOVERNANCE AND CORPORATE PERFORMANCE

8.1 MITCHELL SHIRE COUNCIL ANNUAL REPORT 2017-2018

Author: Ellen McComish - Corporate Reporting and Improvement Officer

File No: CM/20/015

Attachments: Nil

SUMMARY

The Annual Report for the past financial year has been prepared and forwarded to the Minister for Local Government in accordance with the provisions of section 133 of the *Local Government Act 1989* (Act).

Public notice of the preparation of the Annual Report and the certification of the Auditor-General has been given under the provisions of the Act and copies made available on Council's website. Copies will also be made available at our library and customer service centres.

The report is now presented for Council's consideration.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. R. ELDRIDGE

THAT Council considers the Annual Report for 2017-2018 and notes its completion, in accordance with the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*.

CARRIED UNANIMOUSLY

8.2 PROPOSED DECLARATION OF PUBLIC HIGHWAY - PART WANDONG AVENUE

Author: Teresa Hendy - Property Officer

File No: ST/01/001

Attachments: 1. Outline of the Road and the Land
2. Extension Beyond Southern Title Boundary

The northern section of Wandong Avenue adjacent to Rail Street is located on land which, on the Certificate of Title, is in private ownership forming part of a lot which is land left over from a 1903 subdivision. The land can be claimed by Council for public use for the purposes of a road.

The land under the constructed road vests in Council under legislation, however the ownership and management of the land on both sides of the road needs to be resolved to secure the land for future municipal and public use.

The transfer to Council ownership on title of the land currently vested in private ownership would provide opportunity for future road expansion and improvements, pedestrian infrastructure and would include land which has been developed for community use as part of the Wandong Community Hall.

This report aims to deal with the ongoing issues as outlined above and discusses the process through which the transfer could be achieved and the range of benefits of transferring the land to Council ownership.

COUNCIL RESOLUTION

MOVED: CR. D. LOWE

SECONDED: CR. B. CHISHOLM

THAT Council:

1. Propose to declare the northern section of Wandong Avenue, Wandong (adjacent to Rail Street), and as shown on Attachment 1 of this report, as a public highway.
2. Authorise the giving of Public Notice under Section 223 of the *Local Government Act 1989* of the intention to declare the section of Wandong Avenue, as shown on Attachment 1, a public highway under Section 204(1) of the *Local Government Act 1989*. The Public Notice would be published in a local newspaper and on Council's website.
3. In accordance with Section 223 of the *Local Government Act 1989*, receive written submissions and hear from submitters at a meeting of the Community Questions and Hearings Committee.

CARRIED UNANIMOUSLY

8.3 ASSEMBLY OF COUNCIL RECORD

Author: Lidia Harding - Governance & Corporate Accountability Coordinator

File No: CL/04/013-02

Attachments: 1. Assembly of Council Record

SUMMARY

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

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. B. CORNISH

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

CARRIED UNANIMOUSLY

9 DEVELOPMENT AND INFRASTRUCTURE

9.1 PLANNING PERMIT APPLICATION PLP018/18 FOR THE CREATION OF AN EASEMENT AT 585 LANCEFIELD TOOBORAC ROAD, NULLA VALE

Author: Mathew Mertuszka - Principal Planner

File No: PLP018/18

Attachments:

1. Site Context Plan
2. Proposed Creation of Easement Plan
3. Relevant Planning Policies

Property No.:	113531
Title Details:	Lot 1 on Title Plan 131350C
Applicant:	Chris Smith & Associates
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay Environmental Significance Overlay – Schedule 2
Objections Received:	Not Advertised
Cultural Heritage Management Plan Required:	No, not in an area of Aboriginal Cultural Heritage Significance
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

SITE MAP



PLANNING PERMIT APPLICATION PLP018/18 FOR THE CREATION OF AN EASEMENT AT 585 LANCEFIELD TOOBORAC ROAD, NULLA VALE (CONT.)

SUMMARY

The application is seeking to formalise an existing track through the creation of a carriageway easement pursuant to Clause 52.02 of the Mitchell Planning Scheme.

The purpose of the carriageway easement is to create legal access to an adjoining site used for sand extraction (within the Macedon Ranges Shire Council municipality) and will be implemented over an existing track providing access to this facility, which is located on land in common ownership. This application is made pursuant to Condition 3 on Macedon Ranges Permit No. PLN/2016/424 (issued under VCAT Order P1167/2017), requiring the creation of a carriageway easement on the subject land in favour of Lot 1 on TP599819L.

The proposed easement would be for the benefit of Lot 1 on TP599819L (currently owned by Beth-Eden Pty Ltd), burdening Lot 1 on TP131350C (the subject land; currently owned by Mentoring Investments Pty. Ltd.). Both companies are under common directorship, thus landholder consent for the access arrangement is automatic; so that it will prevail should ownership of either company or land holding change in the future.

As all affected land is within common ownership and subject to a previous public notification under the approval process of Macedon Ranges Planning Permit No. PLN/2016/424, the application for the creation of the carriageway easement was not publicly notified. The application does not require any internal or external referrals and requires consideration against Clause 52.02 of the Mitchell Planning Scheme.

It is noted that two other concurrent applications are being considered by Council (PLP012/17 and PLP013/17 for the use and development of the land for a conference centre and place of assembly). Both applications will be presented to Council for decision at a later stage.

It is recommended that Council resolve to issue a planning permit in respect of the application.

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. D. ATKINSON

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a planning permit in respect of Application No. PLP018/18 for the creation of a carriage way easement at Lot 1 on Title Plan 131350C, known as 585 Lancefield Tooborac Road, Nulla Vale, subject to the following conditions:

Conditions

1. The location of the easement as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. The permit will expire if the creation of the easement is not registered with the Land Titles Office within 12 months of the date of issue of this permit.

CARRIED UNANIMOUSLY

9.2 PLANNING PERMIT APPLICATION PLP033/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF A CARPARK, REMOVAL OF VEGETATION AND THE ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 1 ELIZABETH STREET SEYMOUR

Author: Mathew Mertuszka - Principal Planner

File No: PLP033/18

- Attachments:**
1. Relevant Planning Policies
 2. Existing and Proposed Plans
 3. Supporting Statement
 4. Trees marked for removal

Property No.:	100372 & 100373
Title Details:	Lots 1 & 2 on Plan of Subdivision 099148
Applicant:	Amelia Cloney (Round 6 Architects)
Zoning:	Commercial 1 Zone
Overlays:	Heritage Overlay – Schedule 156 Design and Development Overlay - Schedule 9 Floodway Overlay
Objections Received:	No objections received
Cultural Heritage Management Plan Required:	No, not in an area of Aboriginal Cultural Heritage Significance
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

SITE MAP



PLANNING PERMIT APPLICATION PLP033/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF A CARPARK, REMOVAL OF VEGETATION AND THE ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 1 ELIZABETH STREET SEYMOUR (CONT.)

SUMMARY

Council received a planning permit application (PLP033/18) proposing to upgrade and extend an existing carpark and remove vegetation associated with the Seymour Club located at 1-5 Elizabeth Street, Seymour.

The application proposes to increase the number of car parking spaces associated with the Seymour Club to cater for its existing members and usage. Application material states the vegetation removal is necessary to facilitate the increase in formalised car parking spaces.

The application was advertised by way of notifying adjoining property owners and occupiers by mail and the erection of a sign located on the premises. No objections were received following the advertising period. The application was discussed at the Council Delegate Committee owing to the vegetation removal and it was determined to present this matter to Council for decision.

This report recommends that Council resolve to Grant a Planning Permit subject to a number of conditions.

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. A. GOBLE

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Planning Permit in respect of Application No. PLP033/18 for Buildings and Works for the Construction of a Carpark, removal of Native Vegetation and the alteration of access to a road in a Road Zone Category 1 at 1 & 5 Elizabeth Street, Seymour, known as 1 & 5 Elizabeth Street, Seymour, subject to the following conditions:

Additional Plans

1. Before development starts, a detailed landscape and car parking 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:
 - a) the locations of all landscaping and car parking works to be provided on the land with the objective of retaining a significant amount of the existing lawn and landscaped area between the building and the south east corner of Tallarook Street and Elizabeth Street
 - 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,

PLANNING PERMIT APPLICATION PLP033/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF A CARPARK, REMOVAL OF VEGETATION AND THE ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 1 ELIZABETH STREET SEYMOUR (CONT.)

including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant

- d) seven (7) of the trees to be must have a minimum height of 5 metres at maturity
- e) details of the proposed surface finishes of pathways and driveways
- f) details of the irrigation system to be used on land following completion of the landscaping works

Landscaping requirements

- 2. Upon completion of the proposed car park works, 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.
- 3. 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.

Tree Protection Zones

- 4. Before the works start, tree protection fence(s) must be erected around the tree(s) nominated for retention on the endorsed 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 star pickets, 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.
- 5. 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.
- 6. Before works start, the permit holder must advise all persons undertaking the vegetation removal/works on land of all relevant conditions of this permit.

General

- 7. The development as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.
- 8. The location and details of the signs including their structures as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.
- 9. Construction activities must be managed so that the amenity of the area is not detrimentally affected through the:

PLANNING PERMIT APPLICATION PLP033/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF A CARPARK, REMOVAL OF VEGETATION AND THE ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 1 ELIZABETH STREET SEYMOUR (CONT.)

- 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, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil; and presence of vermin.

to the satisfaction of the Responsible Authority.

10. All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority.
11. The area shown on the approved layout plan as being set aside for landscaping must be landscaped and then maintained to the satisfaction of the Responsible Authority.

Engineering requirements

12. Before the use starts, the permit holder must construct a vehicle crossing to the development to an industrial standard in accordance with Mitchell Shire Council's Standard Drawings to the satisfaction of the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority.
13. The internal car park must be constructed to an appropriate finish with drainage provided to adequately drain the internal driveway to the satisfaction of the Responsible Authority.
14. Before the use starts, the permit holder must construct at no cost to Council, drainage works between the proposed development and the Council nominated point of discharge to the satisfaction of the Responsible Authority.
15. The discharge of water from the development 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.
16. Unless otherwise agreed to in writing by the Responsible Authority, before the use starts, the subject 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.
17. Unless otherwise agreed in writing by the Responsible Authority, the permit holder must confirm that the downstream outfall drainage can sufficiently cater for the additional stormwater runoff to the satisfaction of the Responsible Authority.

PLANNING PERMIT APPLICATION PLP033/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF A CARPARK, REMOVAL OF VEGETATION AND THE ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 1 ELIZABETH STREET SEYMOUR (CONT.)

18. Before the use starts, the permit holder shall design and construct an impervious car park in accordance with the Mitchell Shire Planning Scheme and with AS/NZS 2890.1 and AS/NZS 2890.6 to the satisfaction of the Responsible Authority.
19. Prior to the assessment 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.
20. Prior to the commencement of any works associated with the development, a Construction Management Plan must be submitted to, and be to the satisfaction of the Responsible Authority. The Construction Management Plan must include details of:
- a) Working hours;
 - b) Haulage routes to the land;
 - c) Methods to contain dust, dirt and mud within the subject land, and the method and frequency of clean up procedures;
 - d) Sediment control;
 - e) A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced with construction activity.
 - f) Methods to ensure the recommendations of any approved Cultural Heritage Management Plan applying to the land are carried out.
 - g) Detail of any required Tree Protection Zones.
 - h) Methods to ensure that all machinery brought onto the land is weed and pathogen free.
 - i) Methods to ensure that all machinery wash down, lay down and personnel rest areas are clearly fenced and located in disturbed areas wherever possible.
 - j) Methods to ensure that contractors working on the land are aware of the requirements of the Construction Management Plan and any other obligations of the planning permit
 - k) Provision of best practice erosion and sediment control techniques to protect any native flora and fauna.
 - l) Appropriate mechanisms for protecting environmental and heritage assets during the construction phase of the subdivision.

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

21. Before the use starts, all works shown on the approved construction plans

PLANNING PERMIT APPLICATION PLP033/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF A CARPARK, REMOVAL OF VEGETATION AND THE ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 1 ELIZABETH STREET SEYMOUR (CONT.)

must be constructed or carried out in accordance with the plans to the satisfaction of the Responsible Authority.

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

VicRoads Conditions

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

a) A functional layout plan (FLP) must be submitted by a VicRoads pre-qualified consultant for approval by VicRoads. The FLP must be drawn to scale with dimensions and copies must be provided. The FLP must be date stamped and annotated to show (but not limited to) the following:

i. The swept path analysis of a B99 vehicle turning left from Tallarook Street into the subject land whilst simultaneously a B85 design vehicle egresses turning left onto Tallarook Street (and vice versa).

The B99 design vehicle must have its clearances on both sides of the vehicle for both swept path analysis of entering and exiting Tallarook Street in accordance with AS2890.1:2004, Figure B3. The clearances must be clear of all driveway edges, obstructions and other vehicles.

The above swept path analysis shall form the basis of the widening (if any) required of the crossover.

ii. Two left pavement arrows shall be line marked on the subject land for vehicles seeking to egress onto the arterial road.

iii. A painted island shall be line marked on the crossover and driveway to delineate the left turn egress from the subject land onto Tallarook Street.

iv. Double barrier lines from Elizabeth Street to the northern property boundary.

A gap shall be left open in the double barrier lines to ensure right access in and out of Kings Park is retained.

v. Two (minimum) no right turn signs shall be installed south of the Tallarook Street (but north of Elizabeth) access facing south-east.

b) All works must be completed to the satisfaction of and at no cost to VicRoads.

Permit expiry

PLANNING PERMIT APPLICATION PLP033/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF A CARPARK, REMOVAL OF VEGETATION AND THE ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 1 ELIZABETH STREET SEYMOUR (CONT.)

24. This permit as it related to the buildings and works will expire if one of the following circumstances applies:

- a) The development including vegetation removal is not started within two years of the date of this permit.
- b) The development including vegetation removal 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*.

The vote resulted in as follows:

For:

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

Against:

CR. B. CHISHOLM

Abstained:

CARRIED

9.3 DEVELOPMENT PLAN APPLICATION PLI001/18 AT 45 AND 75 WILLOWMAVIN ROAD KILMORE

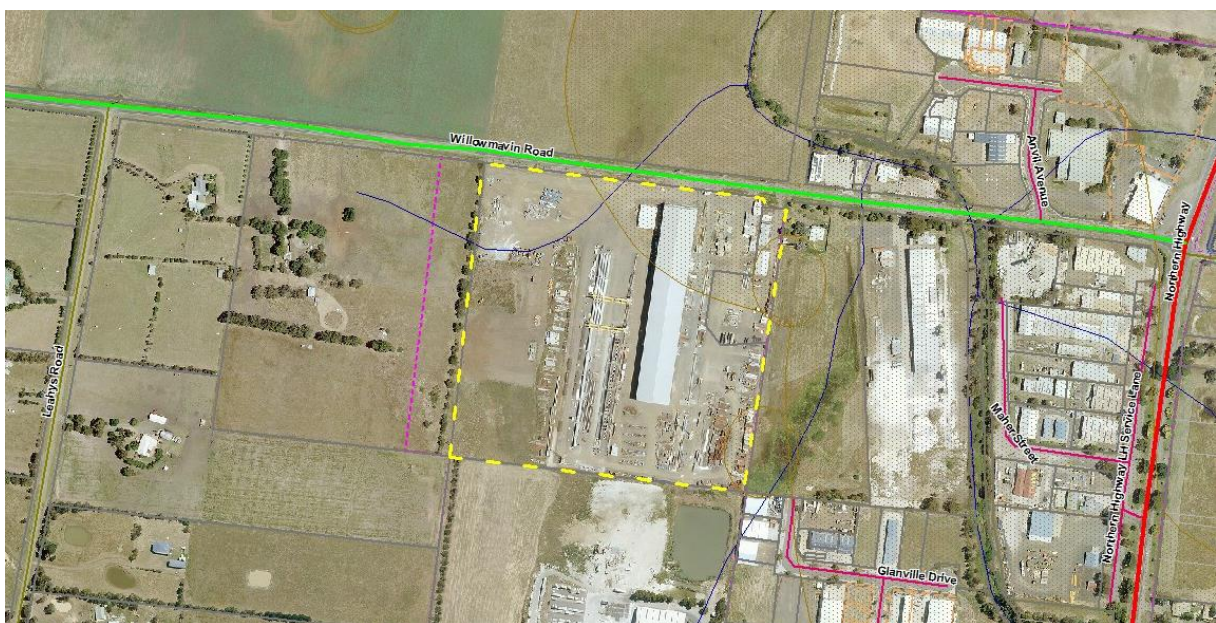
Author: Holly Sawyer - Senior Statutory Planner

File No: PLI001/18

- Attachments:**
1. The Development Plan
 2. Development Plan

Property No.:	105311 and 105310
Title Details:	Lot 1 on PS213762A Volume 09863 Folio 115 Lot 2 on PS213762A Volume 09863 Folio 116
Applicant:	SJE Consulting
Zoning:	Industrial 1 Zone Industrial 3 Zone
Overlays:	Development Plan Overlay – Schedule 12
Notification:	Yes, via letters to adjoining landowners and occupiers and a sign along Willowmavin Road
Objections Received:	None
Cultural Heritage Management Plan Required:	No, the site has been subject to significant ground disturbance
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

Council received an application for the approval of a Development Plan to enable the future subdivision and development of land at 45 and 75 Willowmavin Road, Kilmore (legally described as Lot 1 on PS213762A Volume 09863 Folio 115 and Lot 2 on PS213762A Volume 09863 Folio 116).

The application was publicly notified via letters to adjoining landowners and a sign fronting Willowmavin Road between 23 August and 10 September 2018. No submissions were received in relation to the proposed development plan.

The submitted development plan is considered to be appropriate and satisfies the requirements of Schedule 12 of the Development Plan Overlay as the proposed plan provides flexible subdivision options into the future and is in accordance with the strategic direction set out in the future Kilmore Structure Plan. The site is suitable for increased industrial development, with the proposed plan setting out an appropriate future road layout that will allow for connectivity to existing industrially zoned land to the south of the subject site.

Given that the proposed development plan satisfies the requirements of the DPO12, it is recommended that the submitted plan is supported and endorsed.

SITE AND SURROUNDSSubject Site Description

The subject site consists of two allotments (45 and 75 Willowmavin Road) that have frontages to Willowmavin Road, with the existing industrial area in the northern part of Kilmore. The site currently contains North-Vic Constructions, a large bridge manufacturing company.

The site contains a land area of approximately 10.5ha, with 75 Willowmavin Road covering most of that area. The site contains a number of existing industrial warehouses and sheds, with a large portion of the site used for hardstands. There is minimal vegetation found within the subject site, with no remnant native vegetation identified on the site. The topography of the site is relatively flat.

Surrounding Area

The surrounding area is predominately used for industrial purposes to the east and south of the site, with agricultural land found to the west. Industrially zoned land is characterised by warehouses and other industrial structures, with farming land being consistently cleared for grazing purposes.

Vegetation within the surrounding area is typically found along fence lines and for wind breaks, with most vegetation being exotic. Native vegetation can be found along the Kilmore Creek located approximately 230 metres to the west of the subject site.

Title/Restrictions/Agreements

There are no restrictive agreements or covenants on either title lot, although the lots do contain an easement along the length of the eastern boundary for the purpose of drainage and sewerage.

DEVELOPMENT PLAN APPLICATION PLI001/18 AT 45 AND 75 WILLOWMAVIN ROAD KILMORE (CONT.)

Planning Background

Council's electronic record system has revealed that the following planning related outcomes have been determined for the site:

- PLP147/17: Buildings and works associated with existing industrial use (concrete pad and gantry crane) – Issued.
- PLP188/16: Construction of buildings and works associated with the existing industry on the land – Issued.
- PLA302968/02: Workshop/Storage shed – Issued.
- P306554/11: Construction of a factory in association with an existing industry use (concrete article production) – Issued.
- PL6161/06: Earthworks – Issued.

PROPOSAL

The main points of the proposal are as follows:

- To facilitate further subdivision of the site for industrial purposes;
- The proposed plan seeks to provide a road connection north-south through the site to connect to Willowmavin Road in accordance with the adopted Kilmore Structure Plan;
- Streetscaping is proposed along the connector road, with details of the width of the road shown on the proposed industrial road section;
- A subdivision layout has been shown for the immediate future plans for the site, which would result in four lots (three smaller lots within the north-eastern corner of the site and the remainder of the lot being the balance lot);
- A sediment basin is proposed immediately east of the proposed road;
- Land subject to inundation in the Kilmore flood study has been notated in the south-eastern corner of the site.

PLANNING SCHEME PROVISIONS

Zoning

The subject site is located within the Industrial 1 Zone pursuant to Clause 33.01 and the Industrial 3 Zone pursuant to Clause 33.03 of the Mitchell Planning Scheme (Scheme).

Overlays

The subject site is affected by the Development Plan Overlay – Schedule 12 pursuant to Clause 43.03 of the Scheme.

PUBLIC NOTIFICATION (ADVERTISING)

The *Planning & Environment Act 1987* does not mandate any requirements for public exhibition of an application for a Development Plan.

DEVELOPMENT PLAN APPLICATION PLI001/18 AT 45 AND 75 WILLOWMAVIN ROAD KILMORE (CONT.)

However, informal advertising was carried out by mailing letters to surrounding properties and by placing a sign on the subject site (facing Willowmavin Road).

No objections were received in relation to the proposed development plan.

REFERRALS

The development plan was informally referred to Council's Engineering Services Unit and the Strategic Planning Unit. Required changes were made in relation to the proposed road layout, pedestrian and cyclist connectivity, open space, landscaping, drainage and consistency with the adopted Kilmore Structure Plan.

DISCUSSION

Development Plan Overlay – Schedule 12

Development Plan Overlay – Schedule 12 (DPO12) of the Mitchell Planning Scheme applies to the entire subject site, being 45 and 75 Willowmavin Road. The overlay also affects land to the south.

The submitted plan provides road connectivity to the south, which is also covered by this overlay. Screening of adjoining land uses is not required, given that all immediately adjoining land is industrially zoned, with a small area of Industrial 3 Zone between the subject site and the farming land to the west.

The proposed plan shows the current lot layout that the applicant is seeking to achieve in the short term, with the balance of the site open to further development in the future. The plan also includes a notation regarding an area of the site identified for flood risk, which is considered to be an appropriate notation to allow for future planning permit applications to consider any potential flooding risk to those future proposals in that section of the subject site.

The plan does not provide some of the requirements of the Development Plan Overlay – Schedule 12, including cycling connectivity and landscaping due to the lack of cycling connections within the surrounding area (which are naturally limited in industrial areas). Landscaping is also limited to streetscaping to ensure that there is opportunity for the entire site to be developed for industrial purposes, rather than setting aside open space which will only benefit a limited number of people.

CONCLUSION

Overall the proposal has strong policy support to approve the Development Plan. A number of the concerns raised during the referral process were addressed by the submission of the revised plan. Other issues regarding flooding risk can be dealt with by future planning permit applications which will be required prior to any development occurring on the site.

Therefore, it is officer's recommendation that the development plan be approved and endorsed.

DEVELOPMENT PLAN APPLICATION PLI001/18 AT 45 AND 75 WILLOWMAVIN ROAD KILMORE (CONT.)

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. D. ATKINSON

THAT Council having complied with the relevant sections of the *Planning and Environment Act 1987*, resolve to approve the Development Plan (Application No. PLI001/18) at 45 and 75 Willowmavin Road Kilmore (Lot 1 on PS213762A Volume 09863 Folio 115 and Lot 2 on PS213762A Volume 09863 Folio 116).

CARRIED UNANIMOUSLY

9.4 PROPOSED MITCHELL HERITAGE ADVISORY COMMITTEE MEMBERSHIP

Author: Sean Greer - Coordinator Strategic Planning

File No: HI/04/005

Attachments: Nil

SUMMARY

This report details the application process undertaken for the filling of positions on the Mitchell Heritage Advisory Committee (MHAC) for 2018-2020.

Seven (7) applications were received for the eight (8) vacancies. An evaluation process has been undertaken against the membership criteria within the Terms of Reference and this report recommends membership for the 2018-2020 Mitchell Heritage Advisory Committee.

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. R. ELDRIDGE

THAT Council:

1. Endorse the following individuals as members of the Mitchell Heritage Advisory Committee (MHAC):

- Melanie Anderson;
- Peter Wright;
- Kath Merlo;
- Rod Mackenzie;
- Melanie Burns;
- Isabelle Laming; and
- Caroline Killeen;

2. Write to members of the 2016-2018 Heritage Advisory Committee that are not returning to the Committee in 2018-2020 to thank them for their involvement and contribution.

CARRIED UNANIMOUSLY

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. CORNISH

SECONDED: CR. A. GOBLE

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

CARRIED UNANIMOUSLY

9.6 VCAT DECISION ON PROPOSED CLAY QUARRY AT 2330 EPPING-KILMORE ROAD, WALLAN

Author: David Turnbull - CEO

File No: PLP027-16-03

Attachments: 1. VCAT Decision

SUMMARY

An order has recently been received from the Victorian Civil and Administrative Tribunal in relation to a proposed clay quarry at 2330 Epping-Kilmore Road, Wallan. The order sets aside Council's decision to refuse a planning permit and directs that an approval be issued.

This is a disappointing decision for Council.

This report examines the impact and reasons for that decision and discusses some outcomes and recommendations to seek to prevent poor planning decisions in the future.

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. B. CORNISH

THAT Council:

1. Receive and note the content of this report and convey its disappointment in the decision to the Minister for Planning.
2. Make representations advocating for the accelerated delivery of important and necessary State and Federal level infrastructure upgrades as a result of the approval of the proposed clay quarry at 2330 Epping-Kilmore Road, Wallan.
3. Write to the Minister for Planning and Shadow Minister for Planning seeking changes to planning schemes for land within the Urban Growth Boundary preventing disruptive land uses, such as extractive industries, from locating within these precincts completely or at least, prior to an appropriate planning exercise to establish its appropriateness.
4. Advise local members of Parliament and candidates of the content of this report and recommendations.

CARRIED UNANIMOUSLY

10 EXECUTIVE SERVICES

Nil Reports

11 NOTICES OF MOTION

11.1 NOTICE OF MOTION: NO. 954 - STAND ALONE WATER SUPPLY INFRASTRUCTURE UPGRADES

Author: *Councillor Bill Chisholm*

File No: *GV/10/024*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 15 October 2018.

COUNCIL RESOLUTION

MOVED: CR. B. CHISHOLM

SECONDED: CR. R. ELDRIDGE

THAT Council:

1. Substantially increases its current efforts in advocating at all levels of Government but especially in the political realm for funding to upgrade stand-alone water supply infrastructure in this Shire.
2. Endeavours to obtain the views of especially the broader rural communities and to encourage their involvement in the advocacy efforts. This infrastructure is critical in the event of droughts and large fires, and currently there appears to be little conception of how important adequate water supplies are to people in a rural or even peri-urban environment.
3. Notes that this action be undertaken notwithstanding the report that is to be prepared under Notice of Motion 933 which addresses the longer-term sustainability including responsibilities for operating the infrastructure.
4. Notes that responses and feedback obtained as part of this current NOM 954 be noted and incorporated into the NOM 933 Report.

CARRIED UNANIMOUSLY

12 DELEGATES REPORTS

12.1 DELEGATE REPORT MITCHELL FIRE CONSULTATIVE FORUM (MFCF) OVERVIEW AND UPDATE

Author: *Bryan McCarthy - Emergency Management and Recovery Coordinator*

File No: *FP/01/009*

Attachments: *1. MFCF - Minutes of Meeting 01-08-2018*

SUMMARY

This Delegates Report provides an overview and summary of the Mitchell Fire Consultative Forum (MFCF) meeting held 1 August 2018.

Council representatives in attendance at the meeting included:

- Cr Bob Humm – Chair
- Municipal Fire Prevention Officer
- Municipal Emergency Resource Officer
- Emergency Management and Recovery Coordinator
- Advocacy and Community Services Administration Officer

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. B. CHISHOLM

THAT Council receive and note the Delegates report.

CARRIED UNANIMOUSLY

12.2 DELEGATE REPORT MUNICIPAL FIRE MANAGEMENT PLANNING COMMITTEE (MFMP) MEETING OVERVIEW AND UPDATE

Author: Bryan McCarthy - Emergency Management and Recovery Coordinator

File No: FP/01/004-02

Attachments: 1. MFMP Meeting Minutes - 15-08-2018

SUMMARY

This Delegates report provides an overview of the Municipal Fire Management Planning Committee (MFMP) and a summary of the discussions held at its meeting 15 August 2018

Council representatives in attendance at the meeting included:

- Cr Bob Humm – Chair
- Cr Bill Chisholm
- Municipal Fire Prevention Officer
- Emergency management & Recovery Coordinator
- MEMPC Administration Officer

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. B. CHISHOLM

THAT Council receive and note the Delegates report for the Municipal Fire Management Planning Committee meeting on 15 August 2018.

CARRIED UNANIMOUSLY

**12.3 DELEGATE REPORT MUNICIPAL EMERGENCY MANAGEMENT
PLANNING COMMITTEE (MEMPC) OVERVIEW AND UPDATE**

Author: Bryan McCarthy - Emergency Management and Recovery
Coordinator

File No: EM/05/012

Attachments: 1. MEMPC Meeting Minutes 29-08-2018

SUMMARY

This Delegates report provides an overview of the Municipal Emergency Management Planning Committee (MEMPC) and a summary of the discussions held at its meeting 29 August 2018.

Council representatives in attendance at the meeting included:

- Cr Bill Chisholm – Chair
- Municipal Emergency Resource Officer (MERO)
- Municipal Recovery Manager (MRM)
- Deputy Recovery Manager (Dep MRM)
- Municipal Fire Prevention Officer (MFPO)
- Communications Coordinator
- Emergency Management & Recovery Coordinator
- MEMPC Administration Officer

COUNCIL RESOLUTION

MOVED: CR. B. CHISHOLM

SECONDED: CR. B. HUMM

THAT Council receive and note the Delegates report for the Municipal Emergency Management Planning Committee meeting on 29 August 2018.

CARRIED UNANIMOUSLY

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

Author: Lidia Harding - Governance & Corporate Accountability Coordinator

File No: CL/04/001-03

Attachments: 1. Councillor Delegates Report

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 September 2018 and also other activities attended as a Council representative.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. D. LOWE

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

Nil

15 CONFIDENTIAL BUSINESS

COUNCIL RESOLUTION

MOVED: CR. B. CORNISH

SECONDED: CR. A. GOBLE

THAT in accordance with Section 89(2) of the *Local Government Act 1989*, Council resolves to close the meeting to members of the public to consider the following items which relate to matters specified under Section 89(2), as specified below.

The meeting closed to the public at 8.21pm

15.1 Confirmation of Minutes of previous Confidential Meeting

15.2 Delegate Report - Audit Committee

s89(2)(h) any other matter which the Council or special committee considers would prejudice the Council or any person.

15.3 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 19 November 2018 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7.00pm.

17 CLOSE OF MEETING

The meeting was declared closed at 8.25pm.

Confirmed this Monday, 19 November 2018

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Chairperson
Mayor, Cr Rhonda Sanderson