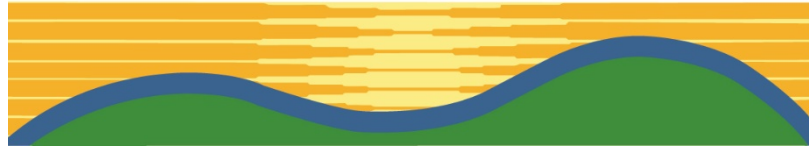


MITCHELL SHIRE COUNCIL



**ORDINARY COUNCIL
MEETING
MINUTES**

MONDAY 16 MARCH 2020

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	WELCOME AND GOVERNANCE DECLARATION	1
2	APOLOGIES AND LEAVE OF ABSENCE	1
3	DISCLOSURE OF CONFLICTS OF INTEREST	2
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	2
5	PETITIONS AND JOINT LETTERS	2
6	PRESENTATIONS	2
7	ADVOCACY AND COMMUNITY SERVICES	3
7.1	Setting of Infringement Penalty Amounts	3
7.2	Broadford State Motorcycle Sports Complex - Expansion Feasibility Study	4
7.3	Council Delegate Rail Freight Alliance	6
7.4	Pyalong Pine Plantation Recreation Reserve.....	7
7.5	Broadford Living and Learning Centre - Permanent Management	8
8	GOVERNANCE AND CORPORATE PERFORMANCE	9
8.1	Asset Management Policy	9
8.2	Wellington Street Units	10
8.3	Renaming of a Section Of Graves Street Kilmore	11
8.4	Australian Local Government Association - National General Assembly - Mitchell Shire Proposed Motions	12
8.5	Assembly of Council Record	13
8.6	Draft 2020-2021 Budget and Revised Strategic Resource Plan.....	14
9	DEVELOPMENT AND INFRASTRUCTURE	16
9.1	Planning Permit Application PLP108/19 For The Use Of The Land For Camping and Development of an Amenities Block At 85 Old Dairy Flat Road, HEATHCOTE SOUTH VIC 3523	16
9.2	Planning Permit Application PLP196/18 For Use & Development of the Land for a Resource Recovery Centre, including Earthworks, Vegetation Removal, Reduction of Car Parking, Alteration of Access to a Road Zone Category 1 &	

	Business Identification Signage at 470 Seymour Tooborac Road, Hilldene VIC 3660	23
9.3	Amended Planning Permit Application PLA302806/01 for the Landfill, Removal of Native Vegetation & Access at 470 Seymour Tooborac Road Hilldene 3660	34
9.4	Victorian Civil and Administrative Tribunal Hearings and Activities Carried Out Under Delegation	37
9.5	Draft Rural Land and Activities Review Community Consultation	38
9.6	Planning Scheme Amendment C139: Correction of Zone Anomalies - Consideration of Submissions	39
10	EXECUTIVE SERVICES	40
	Nil Reports	40
11	NOTICES OF MOTION.....	41
11.1	Notice of Motion: No. 975 - Cycling Consultative Forum	41
11.2	Notice of Motion: No. 976 - Councillor Delegates Reports	42
11.3	Notice of Motion: No. 977 - Family Violence	43
11.4	Notice of Motion: No. 978 - Pandemic Plan Update	44
11.5	Notice of Motion: No. 979 - Tooborac School Speed Control.....	45
11.6	Notice of Motion: No. 980 - Road Funding Financial Assistance Grants	46
11.7	Notice of Motion: No. 981 - Road Renewal and Maintenance.....	47
12	DELEGATES REPORTS.....	48
12.1	Delegate Report - Overview and Update on Activities and Delegate Deliberations	48
13	GENERAL BUSINESS.....	49
14	URGENT BUSINESS	49
15	CONFIDENTIAL BUSINESS.....	49
15.1	Confirmation of Minutes of previous Confidential Meeting	49
15.2	Lease of Council Land.....	49
15.3	Provision of Cleaning Services RFT 2019-42 - Northern Region Collaboration	49
15.4	Electrical Services Panel of Suppliers	49
15.5	Delegate Report - Audit Committee.....	49
15.6	Contract Extension - Contract Number 132198, Recyclables and Sorting Contract with VISY Paper Pty Ltd	49

15.7 Re-opening of Meeting to members of the public.....50

16 DATE OF NEXT MEETING51

17 CLOSE OF MEETING51

**MINUTES OF THE ORDINARY COUNCIL MEETING OF
THE MITCHELL SHIRE COUNCIL HELD AT MITCHELL
CIVIC CENTRE, 113 HIGH STREET BROADFORD ON
16 MARCH 2020**

THE MEETING OPENED: 7.02pm

COUNCILLORS PRESENT

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

Cr Fiona Stevens North Ward

Cr David Lowe South Ward (Chairperson)
Cr Bob Cornish South Ward

OFFICERS PRESENT

Ms Mary Agostino Acting Chief Executive Officer
Mr Laurie Ellis Director Governance and Corporate Performance
Mr Tim Partridge Acting 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. Atkinson.

2 APOLOGIES AND LEAVE OF ABSENCE

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. B. CORNISH

THAT the apology for this meeting received from Cr R. Sanderson, Cr R.

Eldridge, Cr. B Chisholm 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. B. CORNISH

SECONDED: CR. A. GOBLE

THAT the Minutes of the Ordinary Council Meeting held 17 February 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.

7 ADVOCACY AND COMMUNITY SERVICES

7.1 SETTING OF INFRINGEMENT PENALTY AMOUNTS

Author: Adam Evans - Acting Manager Liveable Communities

File No: LL/06/207

Attachments: Nil

SUMMARY

The Department of Transport recently revoked the *Road Safety (General) Regulations 2009*. As a result of the changes a new Council resolution is needed to set a new parking infringement amount for certain parking offence types known as "Green Signs".

Council has the ability to set the penalty at not more than 0.5 of a penalty unit (one (1) penalty unit = \$165.22) in accordance with section 87(4) of the *Road Safety Act 1986* (the Act). Under the Act, to set these penalty rates greater than 0.2 but no greater than 0.5, a Council Resolution is required.

On the 11 December 2006 Council resolved to set "Green Sign" parking infringement amounts to \$35 which was put in place until 30 June 2008 and that this fee would be reviewed as part of Council's budget program. Since July 2008, Council has been lawfully issuing penalties of \$35 which was then raised in 2009/2010 budget to \$50 and again in 2011/2012 budget to \$60.

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. B. CORNISH

GOBLE/CORNISH

THAT Council resolve pursuant to section 87(4) of the *Road Safety Act 1986* and any other power enabling it, to fix a penalty of \$80.00 for all parking infringements in contravention of a Regulation under the *Road Safety Act 1986* where the penalty prescribed in the Regulations is less than 0.5 penalty unit, effective from 1 July 2020.

CARRIED

The vote resulted in, as follows:

For:

CR. D. ATKINSON
CR. B. CORNISH
CR. A. GOBLE
CR. D. LOWE

Against:

CR. B. HUMM
CR. F. STEVENS

Abstained:

7.2 BROADFORD STATE MOTORCYCLE SPORTS COMPLEX - EXPANSION FEASIBILITY STUDY

Author: Chris Cheal - Economic Development Coordinator

File No: EC/10/002

Attachments:

1. *Broadford State Motorcycle Sports Complex - Expansion Feasibility Study (Final Version, Feb 2020)*
2. *Broadford SMSC EFS - Consultation Findings Summary Report (Feb 2020)*
3. *Broadford SMSC EFS - (Consultation Process) Submission Summary Table*

SUMMARY

A feasibility study has been prepared on the potential to expand the Broadford State Motorcycle Sports Complex including any associated developments with any expansion and the impacts it would have economically on Broadford and Mitchell Shire. Following community and stakeholder consultation in October 2019, the report has been updated and provides an overview of the completed expansion feasibility study and the results of the public and stakeholder consultation that took place in 2019 and reaches several conclusions.

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. F. STEVENS

THAT Council:

1. Acknowledge the efforts of all stakeholders, participants and landowners for their respective contributions towards the outcome and thank them for their involvement.
2. Acknowledge the concerns of the community particularly as they relate to noise.
3. That, prior to any expansion, Motorcycling Victoria undertake an independent noise assessment to ensure that an appropriate noise management plan is established for the potential expansion of the Broadford SMSC and make the findings public.
4. Note the findings and recommendations of the Broadford State Motorcycle Sports Complex – Expansion Feasibility Study, Masterplan, and Consultation Findings Summary Report.
5. Note that any expansion of the complex would require changes to the existing planning regime and permissions, which may consist of a Planning Scheme Amendment process, planning application process or both.
6. Authorise Council officers to continue discussions with Motorcycle

BROADFORD STATE MOTORCYCLE SPORTS COMPLEX - EXPANSION FEASIBILITY STUDY (CONT.)

Victoria as they seek to implement the findings of the Expansion Feasibility Study.

7. Seek feedback from the Victorian State Government in relation to the project and the next steps.

CARRIED UNANIMOUSLY

7.3 COUNCIL DELEGATE RAIL FREIGHT ALLIANCE

Author: *Damien Cocks - Manager Communications, Jobs and Investments*

File No: *TR/08/001-02*

Attachments: *Nil*

SUMMARY

The Rail Freight Alliance (RFA) is focused on increased rail mode share, providing improved rail connectivity within Victoria (and into neighbouring states) and working to ensure increased investment in Victoria's rail freight system in the future to support the efficient movement of freight across Australia. It is made up of Victorian rural, and regional and metropolitan Local Government Councils of which Mitchell Shire Council joined in February 2020. This now allows us to have a voice at the table at a time when the Shire is the State's fastest growing Local Government region. There is a strong advocacy for the development of the Beveridge Intermodal Freight Terminal (BIFT) and congestion is recognised as a key inhibitor of our Council's desire to see a healthy, connected and sustainable community.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. B. HUMM

THAT Council nominate Cr Bill Chisholm as a councillor delegate to the Rail Freight Alliance for the remainder of the 2020 Council term and then this appointment be added to the list of committee of appointments at the annual Statutory meeting.

CARRIED UNANIMOUSLY

7.4 PYALONG PINE PLANTATION RECREATION RESERVE

Author: Bryan McCarthy - Emergency Management and Recovery Coordinator
Sally MacDonald - Community Development Officer

File No: CR/01/083

Attachments: Nil

SUMMARY

This report is in response to requests from members of the Pyalong community concerned about the potential fire risk of vegetation (pine plantation) on the southern side of the Pyalong Recreation Reserve, situated on West Road, Pyalong.

Members of the community are concerned that the pine trees present a fire risk to their community and the Pyalong Primary School requesting Council undertake a fire risk assessment and reduction in the vegetation (removal of the pine trees) to reduce the threat to their community.

Country Fire Authority (CFA) conducted a fire risk assessment, which determined that removal of the pine trees is not necessary. However, work can be done to reduce ground level fuel and that will minimise the risk the pine trees may create.

This report outlines the actions taken to assess the fire risk and options to address the perceived fire risk of vegetation (pine plantation) at the Pyalong Recreation Reserve with the preferred option to reduce ground level fuel.

RECOMMENDATION**COUNCIL RESOLUTION**

MOVED: CR. B. HUMM

SECONDED: CR. B. CORNISH

THAT the motion be deferred.

CARRIED

A vote resulted in, as follows:

For:

CR. D. ATKINSON
CR. B. CORNISH
CR. A. GOBLE
CR. B. HUMM

Against:

CR. D. LOWE
CR. F. STEVENS

Abstained:

7.5 BROADFORD LIVING AND LEARNING CENTRE - PERMANENT MANAGEMENT

Author: Buffy Leadbeater - Coordinator Community Development/Youth Services

File No: CS/12/076

Attachments: 1. Request to Council BLLC Steering Committee
2. BLLC Program Analysis

SUMMARY

This report provides background to the Broadford Living and Learning Centre (BLLC) management, Neighbourhood House Coordination Program (NHCP) funding and the proposed endorsement of permanent management of the Centre and NHC Program.

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. F. STEVENS

THAT Council:

1. Award permanent management of Broadford Living and Learning Centre and Neighbourhood House Coordination Program to Mitchell Shire Council.
2. Thank the current Committee of Management for their work to date.

CARRIED UNANIMOUSLY

8 GOVERNANCE AND CORPORATE PERFORMANCE

8.1 ASSET MANAGEMENT POLICY

Author: Michael Freeman - Strategic Assets Coordinator

File No: CM/03/010

Attachments: 1. Draft Asset Management Policy 2020
2. Asset Management Policy (2015)

SUMMARY

This Asset Management Policy (Attachment 1) has been drafted to replace the previous policy adopted in 2015. The previous policy has been altered extensively to ensure the policy did not contain procedural matters therefore a track changes document has not been included. However, the policy adopted in 2015 (attachment 2) is attached along with the revised 2020 policy for comparative purposes.

This Policy is consistent with ‘best practice’ guidance provided by the International Public Works and Engineering Association (IPWEA) and will aim to meet all requirements of the International Standard ISO 55000.

Mitchell Shire Council manages a portfolio of assets with a current replacement value of \$603M.

Assets support a range of activities and have a life cycle; from construction / purchase through to decommissioning and sale. Asset Management can be defined as the coordinated activities of an organisation to realise value from assets over their lifecycle.

The Asset Management Policy sets out the high-level guidelines for implementing best practice asset management process through a structured framework that aligns with recognised international standards.

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. A. GOBLE

THAT Council endorse the draft Asset Management Policy 2020.

CARRIED UNANIMOUSLY

8.2 WELLINGTON STREET UNITS

Author: Michael Freeman - Strategic Assets Coordinator

File No: FN18/3830

Attachments: 1. Wellington St Units Map

SUMMARY

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

At the August 2019 Council meeting, Council agreed to give consideration to the sale of the units through an Expression of Interest (EOI) process to allow for full participation of the Community Housing sector in establishing these properties as long term social and affordable housing.

Council has received one offer through the EOI process from Rural Housing Network Ltd, a Registered Housing Association based in regional Victoria trading as BeyondHousing.

The offered price by BeyondHousing was \$200,000 for each unit; total \$400,000.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. B. CORNISH

THAT Council:

1. Accept the offer of \$200,000 per unit from Rural Housing Network Ltd, trading as BeyondHousing, to purchase Unit 2 and Unit 5, 49 Wellington Street Wallan.
2. Note that the legislative processes as required under section 189, section 82A and section 223 of the *Local Government Act 1989* have been completed in relation to the consideration of the sale of the land in Wellington Street, Wallan contained in Lot 2 PS743646 Volume 11646 Folio 768 (Unit 2) and Lot 5 PS743645 Volume 11646 Folio 771 (Unit 5).
3. Authorise the signing of all required forms and legal documentation to complete the sale and transfer of the Council owned land in Wellington Street contained in Volume 11646 Folio 768 and 771 to Rural Housing Network Ltd at the sale price submitted in their tender.

CARRIED UNANIMOUSLY

8.3 RENAMING OF A SECTION OF GRAVES STREET KILMORE

Author: Daniel Chafer - Revenue Coordinator

File No: ST/04/002-02

Attachments: 1. Doolans Lane Map

SUMMARY

A section of Graves Street, Kilmore from the intersection with Allen Street, Kilmore, continuing north to the conclusion of the road reserve near the Kilmore and Districts Hospital (approximately 235 meters), Attachment 1, has separate access from the majority of the street and has an undeveloped section of road that separates two developed areas. As a result, it is considered necessary to rename this section of Graves Street, Kilmore. The proposed name is Doolans Lane, Kilmore.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. B. HUMM

THAT Council:

1. Rename the section of Graves Street Kilmore that runs from the intersection of Allen Street Kilmore and continues north to the conclusion of the road reserve at the Kilmore and Districts Memorial Hospital to Doolans Lane, Kilmore.
2. Submit the recommendation for the agreed road name change to the Office of Geographic Place Names for registration in the *Victoria Government Gazette*.
3. On registration of the name change in the *Victoria Government Gazette* that a public notice is issued in local newspapers and relevant signage updated.

CARRIED UNANIMOUSLY

8.4 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - NATIONAL GENERAL ASSEMBLY - MITCHELL SHIRE PROPOSED MOTIONS

Author: Lidia Harding - Manager Governance & Corporate Accountability

File No: OR/04/001

Attachments: 1. National General Assembly Motions

SUMMARY

The Australian Local Government Association (ALGA) National General Assembly (NGA) is an annual opportunity for Councillors to inform themselves on current major policy issues and to contribute to national policy debate. This year the Assembly is being held in Canberra from 14 to 17 June 2020. The Assembly provides councils across Australia with the opportunity to submit motions regarding issues of both local and national importance for consideration and possible adoption and assists as a means of local government advocating to state and federal governments on issues of importance.

This year, Council will have the opportunity to submit motions based on the theme 'Working Together for Our Communities'. It reflects Local Government's ability and potential to influence the political agenda for the upcoming federal election. Motions are due by 27 March 2020.

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. F. STEVENS

THAT Council:

1. Endorse the motions (Attachment 1) to be presented to the National General Assembly regarding issues that face Mitchell Shire and that are also of National concern.
2. Approves interstate travel for Cr David Lowe and Cr David Atkinson to represent Council at the 2020 National General Assembly of Local Government in Canberra from 14 to 17 June 2020, noting the travel, accommodation and registration expenses will be met from the Mayor and Councillors budget.
3. Grant approval for the Mayor to use the Mayoral Vehicle for travel to Canberra.

CARRIED UNANIMOUSLY

8.5 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. B. HUMM

SECONDED: CR. B. CORNISH

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

CARRIED UNANIMOUSLY

ASSEMBLY OF COUNCIL RECORD (CONT.)

8.6 DRAFT 2020-2021 BUDGET AND REVISED STRATEGIC RESOURCE PLAN

Author: Nicole Maxwell - Manager Finance and Assets

File No: CM/05/013

Attachments: Nil

SUMMARY

Council's financial position has steadily improved following several years of focusing on rebuilding Council's financial capacity. This has included maintaining adequate cash reserves, increasing expenditure on the renewal of assets where possible, whilst also balancing the need for new and upgrade assets and seeking external grant funding.

Population growth is evident in both increased revenue and expenditure.

Some of the highlights included within the Draft 2020-2021 Budget and Strategic Resource Plan (SRP) are;

- Increased revenue and expenditure in relation to population growth and that of services as a consequence of growth,
- A \$24.28M Capital Works program (exclusive of carry forwards),
- An increase to 108.5% asset renewal funding in 2020-2021 (100% excluding carry forwards),
- Growth in expected operational and capital grants, and
- A positive Adjusted Underlying Surplus.

This report recommends that Council resolves to endorse the draft annual review of the SRP and draft 2020-2021 Budget for public input in accordance with Sections 126 and 127 of the *Local Government Act 1989 (the Act)*. Council is required to give public notice of these documents pursuant to Section 129 of the Act.

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. A. GOBLE

THAT Council resolves to endorse:

1. The revised Strategic Resource Plan 2021-2024 and Draft 2020-2021 Budget, – circulated separately and annexed to the Minutes, prepared by Council for the purposes of Sections 126(3) and 127(1) of the *Local Government Act 1989*.
2. The Chief Executive Officer be authorised to:
 - (a) Give public notice of the revised Strategic Resource Plan 2021-2024 and the Draft 2020-2021 Budget in accordance with Section 129(1) of the *Local Government Act 1989* noting the dates for public notice are from Thursday 26 March 2020 to

ASSEMBLY OF COUNCIL RECORD (CONT.)

Wednesday 22 April 2020.

- (b) Invite submissions on any proposal contained in the revised Strategic Resource Plan 2021-2024 or the Draft 2020-2021 Budget in accordance with Section 129(2) of the *Local Government Act 1989*.
- (c) Effect any minor administrative changes which may be required to the revised Strategic Resource Plan 2021-2024 or the Draft 2020-2021 Budget.

THAT Council resolves to note:

- 3. Submissions will be considered at a Hearings Committee meeting of Council to be held on Monday 4 May 2020 at 7.00pm in the Council Chamber, 113 High Street, Broadford.
- 4. Subject to changes to either document after consideration of all submissions, the revised Strategic Resource Plan 2021-2024 and the Draft 2020-2021 Budget will be presented for adoption as Council's Strategic Resource Plan 2021-2024 and Budget for 2020-2021, in accordance with Sections 126(3) and 130(1) of the *Local Government Act 1989*, at an Ordinary Meeting of Council to be held on Monday 22 June 2020 at 7.00pm in the Council Chamber, 113 High Street, Broadford.

An extension of speaking time was called by Cr F. Stevens.

CARRIED

For the extension of speaking time a vote resulted in, as follows:

For:	Against:	Abstained:
CR. D. ATKINSON	CR. B. HUMM	
CR. B. CORNISH		
CR. A. GOBLE		
CR. D. LOWE		
CR. F. STEVENS		

THE SUBSTANTIVE MOTION WAS CARRIED

A vote resulted in, as follows:

For:	Against:	Abstained:
CR. D. ATKINSON	CR. B. CORNISH	
CR. A. GOBLE		
CR. B. HUMM		
CR. D. LOWE		
CR. F. STEVENS		

9 DEVELOPMENT AND INFRASTRUCTURE

9.1 PLANNING PERMIT APPLICATION PLP108/19 FOR THE USE OF THE LAND FOR CAMPING AND DEVELOPMENT OF AN AMENITIES BLOCK AT 85 OLD DAIRY FLAT ROAD, HEATHCOTE SOUTH VIC 3523

Author: Sarah Tomlinson - Senior Statutory Planner

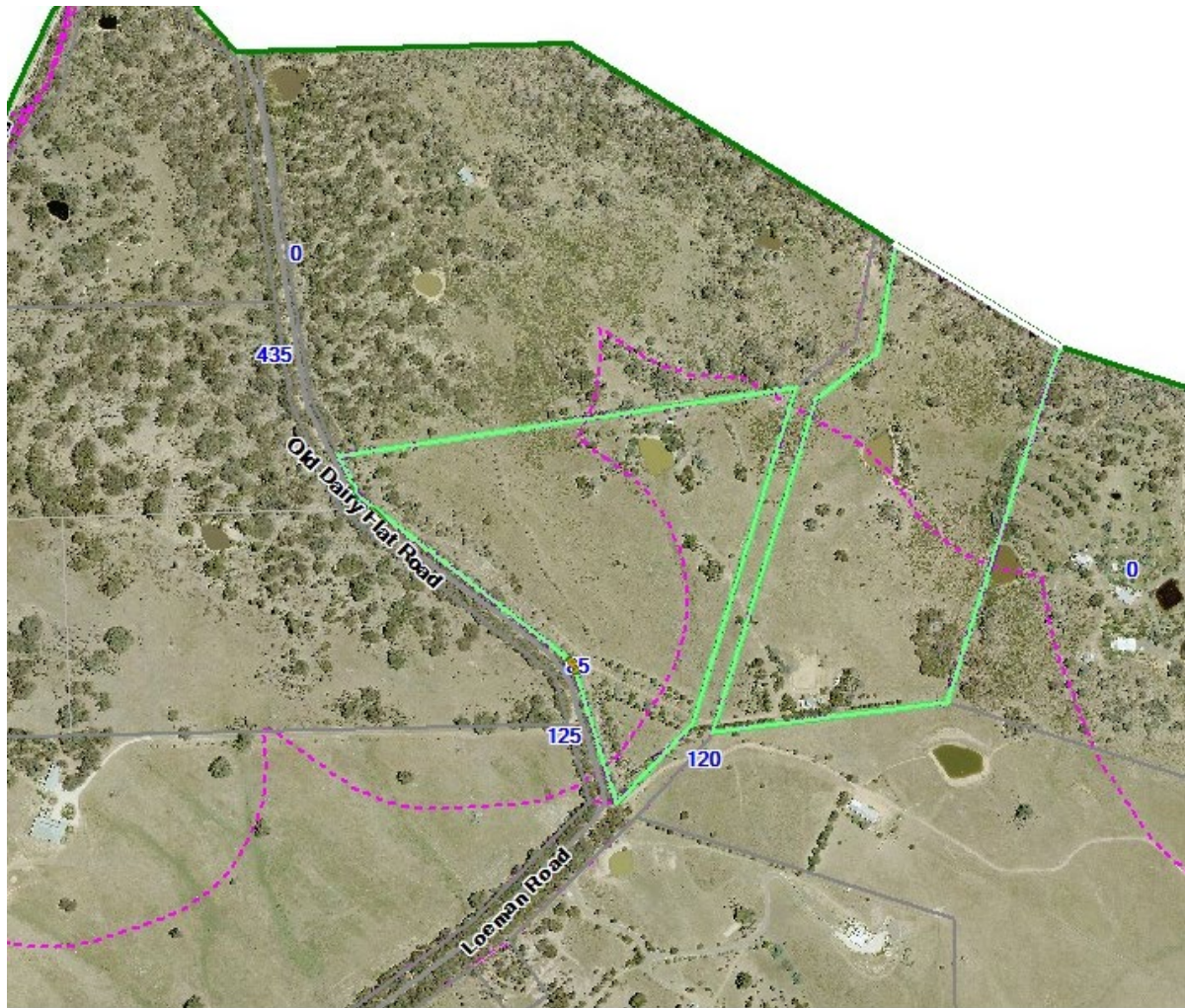
File No: PLP108/19

Attachments: 1. Site and Construction Plans
2. Advertising Map

Property No.:	114084
Title Details:	Lot 2 (two parts) on Plan of Subdivision 329302 Volume 10864 Folio 198
Applicant:	Plan it Rural
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay Environmental Significance Overlay (Schedule 2)
Objections Received:	Four objections received
Cultural Heritage Management Plan Required:	No, while a portion of the site is of Aboriginal Cultural Heritage Significance, no development is proposed within the affected area.
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

PLANNING PERMIT APPLICATION PLP108/19 FOR THE USE OF THE LAND FOR CAMPING AND DEVELOPMENT OF AN AMENITIES BLOCK AT 85 OLD DAIRY FLAT ROAD, HEATHCOTE SOUTH VIC 3523 (CONT.)

SITE MAP



SUMMARY

The application is seeking approval to use the land for the purpose of camping and development of an amenities block at 85 Old Dairy Flat Road, Heathcote South. The subject land is located within the Farming Zone and is affected by the Bushfire Management Overlay and the Environmental Significance Overlay (Schedule 2) to the Mitchell Shire Planning Scheme.

The application was advertised via letters to adjoining landowners and occupiers. A total of four objections have been received, at the time of writing this report.

The primary matters discussed later in this report are related to the detailed camping operations proposed, bushfire management and environmental impacts.

This report recommends that a Notice of Decision to grant a Planning Permit be issued for the proposal, as it is considered that the proposed use and development would have minimal impacts on the surrounding area with regard to views, land impacts, and would promote the retention of vegetation.

PLANNING PERMIT APPLICATION PLP108/19 FOR THE USE OF THE LAND FOR CAMPING AND DEVELOPMENT OF AN AMENITIES BLOCK AT 85 OLD DAIRY FLAT ROAD, HEATHCOTE SOUTH VIC 3523 (CONT.)

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

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 in respect of Application No. PLP108/19 for the use of the land for camping and development of an amenities block at Lot 2 (two parts) on Plan of Subdivision 329302 Volume 10864 Folio 198, known as 85 Old Dairy Flat Road Heathcote South, subject to the following conditions:

General Conditions

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

3. 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.
4. No amplified music, announcements or broadcasts are to be audible beyond the property boundary of the land.
5. 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.
6. All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
7. No more than 24 patrons may be permitted on the land at any one time unless otherwise agreed in writing by the Responsible Authority.
8. All external materials must be non-reflective and finished in natural colours or shades to the satisfaction of the Responsible Authority.

PLANNING PERMIT APPLICATION PLP108/19 FOR THE USE OF THE LAND FOR CAMPING AND DEVELOPMENT OF AN AMENITIES BLOCK AT 85 OLD DAIRY FLAT ROAD, HEATHCOTE SOUTH VIC 3523 (CONT.)

9. Before the use starts, the area(s) 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. paved with crushed rock or gravel of adequate thickness as necessary to prevent the formation of potholes and depressions according to the nature of the subgrade and vehicles which will use the areas
 - d. drained and maintained in a continuously usable condition

All 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.

Engineering Conditions

11. Prior to the use, the permit holder must upgrade the existing crossover to a rural standard in accordance with Mitchell Shire Council's adopted standards unless otherwise agreed in writing by the Responsible Authority, and to the satisfaction of the Responsible Authority.
12. Prior to the use:
 - a. The internal driveway must be constructed to an engineered finish with a minimum width of 3 metres and passing bays where appropriate at 100m intervals, with drainage provided to adequately drain the internal driveway to the nominated legal point of discharge;
 - b. The permit holder must provide suitable onsite parking designed in accordance with AS/NZS2890.1:2004 and AS/NZS2890.6:2004;
 - c. A traffic management plan prepared by a suitably qualified and experienced person for the vehicle movements to and from the site. The traffic management plan must provide for:
 - i. Proposed routes to and from the subject site;
 - ii. Expected vehicle movements to and from the site;
 - iii. Site access arrangements for vehicles;
 - iv. Measures proposed to mitigate traffic impacts resulting from the use;
 - v. Road signage including location type and size.

PLANNING PERMIT APPLICATION PLP108/19 FOR THE USE OF THE LAND FOR CAMPING AND DEVELOPMENT OF AN AMENITIES BLOCK AT 85 OLD DAIRY FLAT ROAD, HEATHCOTE SOUTH VIC 3523 (CONT.)

All to the satisfaction of the Responsible Authority

13. 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 the satisfaction of the Responsible Authority.

Country Fire Authority Conditions

14. Before the development is occupied or the use commences, a bushfire emergency plan (BEP) to the satisfaction of the Responsible Authority and CFA must be submitted to and endorsed by the Responsible Authority. The BEP must clearly describe the proposed emergency management arrangements and should address the following matters:
- a. Describe property and business details.
 - b. Identify the purpose of the BEP stating that the plan outlines procedures for:
 - i. Closure of premises on any day with a Fire Danger Rating of Code Red or Extreme.
 - ii. Evacuation (evacuation from the site to a designated safer off-site location).
 - iii. Shelter-in-place (remaining on-site in a designated building).
 - c. Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period and Include a Version Control Table.
 - d. Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire.
 - e. Outline organisation/position/contact details for emergency services personnel
 - f. Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.
 - g. Describe and show (include a map) the area to be monitored for potential bushfire activity.
 - h. Action Statements – trigger points for action
 - i. Prior to the Fire Danger Period
 - 1. Describe on-site training sessions and fire equipment checks.
 - 2. Identify maintenance of bushfire protection measures such as vegetation management.
 - ii. Closure of premise during forecast Fire Danger Rating of

PLANNING PERMIT APPLICATION PLP108/19 FOR THE USE OF THE LAND FOR CAMPING AND DEVELOPMENT OF AN AMENITIES BLOCK AT 85 OLD DAIRY FLAT ROAD, HEATHCOTE SOUTH VIC 3523 (CONT.)

Code Red & Extreme days

1. Outline guest notification procedures and details of premises closure (including timing of closure).

iii. Evacuation

1. Identify triggers for evacuation from site. For example, when evacuation is recommended by emergency services.
2. Details of the location/s of the offsite emergency assembly location.
3. Transport arrangements for staff and guests including details such as:
 - a. Number of vehicles required
 - b. Name of company providing transportation
 - c. Contact phone number for transport company
 - d. Time required before transportation is likely to be available
 - e. Estimated travelling time to destination
4. Actions after the bushfire emergency event.

iv. Shelter-in-place

1. Show the location and describe the type of shelter-in-place.
2. Triggers for commencing the shelter-in-place option.
3. Procedures for emergency assembly in the shelter-in-place building.

15. The use of the Camping Facilities approved under this permit must not operate after 10.00am on any day with a declared Fire Danger Rating of Code Red or Extreme.

Goulburn Murray Water Conditions

16. All wastewater from the development must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must be an EPA approved system, installed, operated and maintained in accordance with the relevant EPA Code of Practice and Certificate of Approval.
17. The wastewater disposal area must be located to the satisfaction of Council's Environmental Health Officer and must be:
 - a. At least 100 metres from any waterways;

PLANNING PERMIT APPLICATION PLP108/19 FOR THE USE OF THE LAND FOR CAMPING AND DEVELOPMENT OF AN AMENITIES BLOCK AT 85 OLD DAIRY FLAT ROAD, HEATHCOTE SOUTH VIC 3523 (CONT.)

- b. At least 40 metres from the nearest drainage line;
 - c. At least 60 metres from any dams;
 - d. At least 20 metres from any bores.
18. All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.
 19. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
 20. Any existing septic tank system and disposal area must be decommissioned once the new system is installed and operational. All wastewater from the development must be disposed of via connection to the new wastewater management system to the satisfaction of Council's Environmental Health Officer.
 21. No buildings and short stay accommodation (tents) are to be constructed within 30 metres of any waterway or on any drainage lines.
 22. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
 23. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible 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.
 24. No domestic animals (pets) are allowed within the site at any time.
 25. This permit will expire if one of the following circumstances applies:
 - a. The use and 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 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*.

CARRIED UNANIMOUSLY

9.2 PLANNING PERMIT APPLICATION PLP196/18 FOR USE & DEVELOPMENT OF THE LAND FOR A RESOURCE RECOVERY CENTRE, INCLUDING EARTHWORKS, VEGETATION REMOVAL, REDUCTION OF CAR PARKING, ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 & BUSINESS IDENTIFICATION SIGNAGE AT 470 SEYMOUR TOOBORAC ROAD, HILLDENE VIC 3660

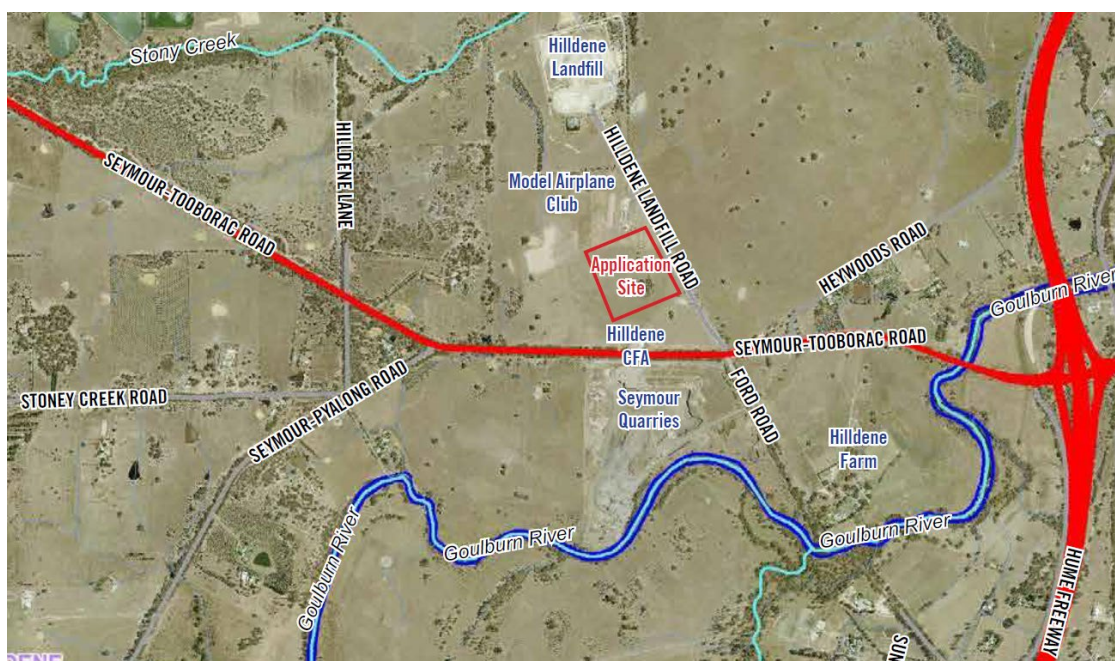
Author: Ricardo Ramos - Statutory Planning Coordinator

File No: PLP196/18

- Attachments:**
1. Planning Policy Framework
 2. Development Plans

Property No.:	104378
Title Details:	PT CA28 SEC3 V10766 F973
Applicant:	Mitchell Shire Council
Zoning:	Farming Zone (FZ)
Overlays:	Environmental Significance Overlay – Schedule 3
Objections Received:	One objection was received.
Cultural Heritage Management Plan Required:	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



PLANNING PERMIT APPLICATION PLP196/18 FOR USE & DEVELOPMENT OF THE LAND FOR A RESOURCE RECOVERY CENTRE, INCLUDING EARTHWORKS, VEGETATION REMOVAL, REDUCTION OF CAR PARKING, ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 & BUSINESS IDENTIFICATION SIGNAGE AT 470 SEYMOUR TOOBORAC ROAD, HILLDENE VIC 3660 (CONT.)

SUMMARY

Planning Permit application PLPL196/18 seeks approval for the use and development of the land at 470 Seymour Tooborac Road, Hilldene for a resource recovery centre, earthworks, vegetation removal, reduction of car parking, alteration of access to a Road Zone Category 1 and business identification signage.

This report recommends that Council issue a Notice of Decision to Grant a Planning Permit for the application. The application was advertised and received one objection.

Recommendation for approval is based on the application satisfying applicable planning policy, in that it provides for a new facility meeting the future waste and recycling needs of the community and is of a high-quality built form.

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 issue a Notice of Decision in respect of Application No. PLPL196/18 was for the use & development of the land for a resource recovery centre, earthworks, vegetation removal, reduction of car parking, alteration of access to a Road Zone Category 1 and business identification signage at 470 Seymour Tooborac Road, Hilldene Vic 3660, subject to the following conditions:

General Conditions

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) Details and location of signage which must prevent afterhours dumping.
2. 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:

PLANNING PERMIT APPLICATION PLP196/18 FOR USE & DEVELOPMENT OF THE LAND FOR A RESOURCE RECOVERY CENTRE, INCLUDING EARTHWORKS, VEGETATION REMOVAL, REDUCTION OF CAR PARKING, ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 & BUSINESS IDENTIFICATION SIGNAGE AT 470 SEYMOUR TOOBORAC ROAD, HILLDENE VIC 3660 (CONT.)

- a) the locations of all landscaping works to be provided on the land
 - b) the locations of any trees to be retained or removed from the land (including details of species and size)
 - c) a detailed schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant
 - d) details of the proposed surface finishes of pathways and driveways
 - e) details of the irrigation system to be used on land following completion of the landscaping works
3. The layout of the use(s), the development, vegetation removal and signage as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.
 4. 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.
 5. The floor levels as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.
 6. 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, waste water, waste products, grit or oil;
 - d) the presence of vermin; and
 - e) in any other way:to the satisfaction of the Responsible Authority.
 7. 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;

PLANNING PERMIT APPLICATION PLP196/18 FOR USE & DEVELOPMENT OF THE LAND FOR A RESOURCE RECOVERY CENTRE, INCLUDING EARTHWORKS, VEGETATION REMOVAL, REDUCTION OF CAR PARKING, ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 & BUSINESS IDENTIFICATION SIGNAGE AT 470 SEYMOUR TOOBORAC ROAD, HILLDENE VIC 3660 (CONT.)

- 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.

to the satisfaction of the Responsible Authority.

8. All security alarms must be of a silent type and be directly connected to a security service to the satisfaction of the Responsible Authority.
9. Provision must be made on the land for the storage and collection of waste and recyclables. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
10. 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.
11. Any materials or goods must be stored internal to the building or screened from public view to the satisfaction of the Responsible Authority.
12. Equipment, materials, goods or machinery must be stored internal to the building or screened from public view to the satisfaction of the Responsible Authority.
13. All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
14. The loading areas must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
15. External lighting must be designed, baffled and located so as to prevent any adverse effect from light spill on adjoining land to the satisfaction of the Responsible Authority.
16. The use must only operate between the hours of:
 - a) Operating times from 10am – 4pm, 6 days per week (closed on Tuesday and Good Friday, Christmas Day and New Years Day)

unless otherwise agreed in writing by the Responsible Authority.

17. All external materials must be non-reflective and finished in natural

PLANNING PERMIT APPLICATION PLP196/18 FOR USE & DEVELOPMENT OF THE LAND FOR A RESOURCE RECOVERY CENTRE, INCLUDING EARTHWORKS, VEGETATION REMOVAL, REDUCTION OF CAR PARKING, ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 & BUSINESS IDENTIFICATION SIGNAGE AT 470 SEYMOUR TOOBORAC ROAD, HILLDENE VIC 3660 (CONT.)

colours or shades to the satisfaction of the Responsible Authority.

18. All external materials, finishes and paint colours are to be to the satisfaction of the Responsible Authority.
19. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building unless otherwise agreed in writing by the Responsible Authority.
20. All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed from public view to the satisfaction of the Responsible Authority.
21. External lighting must be designed, baffled and located so as to prevent any adverse effect from light spill on adjoining land to the satisfaction of the Responsible Authority.

Vegetation Removal

22. 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.
23. In order to offset the removal of 0.120 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 0.021 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 0.08
 - d) 1 large tree
24. 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 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

PLANNING PERMIT APPLICATION PLP196/18 FOR USE & DEVELOPMENT OF THE LAND FOR A RESOURCE RECOVERY CENTRE, INCLUDING EARTHWORKS, VEGETATION REMOVAL, REDUCTION OF CAR PARKING, ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 & BUSINESS IDENTIFICATION SIGNAGE AT 470 SEYMOUR TOOBORAC ROAD, HILLDENE VIC 3660 (CONT.)

Register.

25. 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.
26. Prior to the commencement of any works, a Biosecurity Management Plan (addressing, not limited to, weed control and soil pathogens) is required to be submitted to and approved by the Responsible Authority prior to the commencement of works.
27. Prior to the commencement of any works, all noxious weeds, declared under the *Catchment and Land Protection Act 1994* (CaLP Act), located on the development site must be managed to control their growth and spread to the Satisfaction of the Responsible Authority.
28. Prior to the commencement of any works, a site-specific Flora and Fauna Management Plan, inclusive of (but not limited to) timber disposal/repurpose and fauna protection, will be required prior to the commencement of works and recommenced actions undertaken.
29. Before the works starts, tree protection fence(s) must be erected around the trees nominated for retention on the endorsed plans insert details of particular trees to be retained on land] 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 either 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.
30. 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.
31. All areas which may receive leachate from bins must be directed to sewer to the satisfaction of the Responsible Authority. All stormwater collection areas which have the potential to be contaminated by waste must be directed to sewer to prevent the pollution of surface waters to the satisfaction of the Responsible Authority.

Engineering

PLANNING PERMIT APPLICATION PLP196/18 FOR USE & DEVELOPMENT OF THE LAND FOR A RESOURCE RECOVERY CENTRE, INCLUDING EARTHWORKS, VEGETATION REMOVAL, REDUCTION OF CAR PARKING, ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 & BUSINESS IDENTIFICATION SIGNAGE AT 470 SEYMOUR TOOBORAC ROAD, HILLDENE VIC 3660 (CONT.)

32. Prior to the use commencing, unless otherwise agreed to in writing by the Responsible Authority:

- a) the permit holder must seal the accessway from Seymour-Toobarac Road in accordance with the Infrastructure Design Manual.
- b) the permit holder must provide rumble strips or a similar mechanism to control debris from vehicular movements leaving the site, to the satisfaction of the Responsible Authority.
- c) the permit holder must provide suitable onsite parking.
- d) the permit holder must provide suitable vehicle manoeuvrability that facilitates forward moving ingress and egress from the development site
- e) the internal driveway must be constructed to an engineered sealed finish with drainage provided to adequately drain the internal driveway to the nominated legal point of discharge.
- f) the permit holder must construct at no cost to Council, drainage works between each of the proposed development and the Council nominated point of discharge.

To the satisfaction of the Responsible Authority.

33. The discharge of water from each of 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 a nominated point of discharge to the satisfaction of the Responsible Authority.

34. 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) Underground drainage details and supporting calculations for flow, retention and treatment.

35. Unless otherwise agreed to by the responsible authority, before any works associated with the development start, management plans must be submitted to and deemed satisfactory by the Responsible Authority. The management plans will then be endorsed and form part of the planning permit. The required management plans are:

PLANNING PERMIT APPLICATION PLP196/18 FOR USE & DEVELOPMENT OF THE LAND FOR A RESOURCE RECOVERY CENTRE, INCLUDING EARTHWORKS, VEGETATION REMOVAL, REDUCTION OF CAR PARKING, ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 & BUSINESS IDENTIFICATION SIGNAGE AT 470 SEYMOUR TOOBORAC ROAD, HILLDENE VIC 3660 (CONT.)

- a) A Construction Management and Safety Plan to include the following:
- i. Working hours; and
 - ii. A traffic management plan for both vehicle and pedestrian movements including working hours and after-hours signage; and
 - iii. A liaison officer to contact by residents and the responsible authority; and
 - iv. Methods to contain dust and mud including clean up and control frequency; and
 - v. Details of sediment control; and
 - vi. Details to contain and control waste product runoff; and
 - vii. Details of stock pile areas, other proposed storage and a site office
 - viii. Detail of any required Tree Protection Zones.
- b) A Environmental Management Plan to include the following:
- i. Methods to contain dust, dirt and mud within the subject site, and the method and frequency of clean up procedures;
 - ii. Sediment control techniques to ensure that no mud, dirt, sand, soil, clay or stones are washed downstream;
 - iii. Stormwater management and water quality control procedures;
 - iv. Machinery wash down areas, clearly fenced and located in disturbed areas, which ensure that all machinery entering and exiting the land is weed and pathogen free;
 - v. Methods to ensure that contractors working on the land are aware of the requirements of the Environment Management Plan and any other obligations of the planning permit.
 - vi. The plan must show the limits of construction works, lay down and parking areas and 'no go zones'.
 - vii. The environmental management during and post development including future site operations is required to be submitted to and approved by the Responsible

PLANNING PERMIT APPLICATION PLP196/18 FOR USE & DEVELOPMENT OF THE LAND FOR A RESOURCE RECOVERY CENTRE, INCLUDING EARTHWORKS, VEGETATION REMOVAL, REDUCTION OF CAR PARKING, ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 & BUSINESS IDENTIFICATION SIGNAGE AT 470 SEYMOUR TOOBORAC ROAD, HILLDENE VIC 3660 (CONT.)

Authority prior to the commencement of works.

- c) A Traffic Management Plan including, but not limited to, the following:
- i. Proposed haulage routes to and from the subject land;
 - ii. Expected frequency of vehicle movements to and from the land;
 - iii. Site access arrangements for construction vehicles;
 - iv. Measures proposed to mitigate traffic impacts resulting from construction vehicles accessing the land.

36. Any road, footpath 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.

Environmental Health

37. All wastewater from development must be treated and contained within the property boundaries in accordance with the current EPA Code of Practice – Onsite Wastewater Management: Guidelines for Environmental Management, Australian Standards 1547 and Council requirements.

38. All wastewater from the proposed development must be discharged into the existing septic tank system or if need a new system to the satisfaction of Council.

Signage

39. No flashing, intermittent lighting or changing coloured lighting is permitted. The signs must be maintained in good condition to the satisfaction of the Responsible Authority.

EPA

40. There must be no emissions of noise and/or vibrations from the premises which are detrimental to either of the following:

- a) the environment in the area around the premises; and
- b) the wellbeing of persons and/or their property in the area around the premises.

41. Pollution control devices must be installed to prevent the discharge of waste to the environment and stormwater system.

PLANNING PERMIT APPLICATION PLP196/18 FOR USE & DEVELOPMENT OF THE LAND FOR A RESOURCE RECOVERY CENTRE, INCLUDING EARTHWORKS, VEGETATION REMOVAL, REDUCTION OF CAR PARKING, ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 & BUSINESS IDENTIFICATION SIGNAGE AT 470 SEYMOUR TOOBORAC ROAD, HILLDENE VIC 3660 (CONT.)

42. A secondary containment system must be provided for liquids which if spilled are likely to cause pollution or pose an environmental hazard.

Department of Transport

43. Prior to the commencement of:

- a) Any construction within the subject land, a functional layout plan generally in accordance with the TrafficGroup Plan (Dwg No. G26632-01-01, Dated: 21 June 2019) must be amended to the satisfaction of VicRoads to show (but not restricted to) the following:
 - i. For both directions of the arterial road:
 1. A CHR(S) right turn treatment in accordance with Austroads (2017) Guide to Road Design Part 4, Figure A29.
 2. A BAL left turn treatment in accordance with Austroads (2017) Guide to Road Design Part 4A, Figure 8.2.
 - ii. Flag Lighting;
 - iii. The access gate width of 6.0 metres (min);
 - iv. The swept path analysis of the largest design vehicle (with 0.5 metre clearances on both sides of the vehicle) and largest check vehicle (without clearances) and must not cross into any opposing direction of traffic; and
 - v. All existing, proposed or removed line marking, signage, services, vegetation, accesses (including the removal of all redundant access gates) etc.
- b) Use hereby approved by this permit, the following works must be undertaken to the satisfaction of and at no cost to VicRoads:
 - i. The BAL and CHR(S) turn treatments;
 - ii. Installation of flag lighting; and
 - iii. All other works as required by VicRoads.

44. Prior to the commencement of any works within the arterial road reserve and the approval of the detailed design, a Road Safety Audit must be undertaken in accordance with VicRoads' Road Safety Audit Policy. The audit findings and the consultant's responses to the findings must be provided to VicRoads for review and approval. Any mitigating

PLANNING PERMIT APPLICATION PLP196/18 FOR USE & DEVELOPMENT OF THE LAND FOR A RESOURCE RECOVERY CENTRE, INCLUDING EARTHWORKS, VEGETATION REMOVAL, REDUCTION OF CAR PARKING, ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 & BUSINESS IDENTIFICATION SIGNAGE AT 470 SEYMOUR TOOBORAC ROAD, HILLDENE VIC 3660 (CONT.)

works arising out of the audit must be carried out at no cost and to the satisfaction of VicRoads.

45. 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

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

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

CARRIED UNANIMOUSLY

9.3 AMENDED PLANNING PERMIT APPLICATION PLA302806/01 FOR THE LANDFILL, REMOVAL OF NATIVE VEGETATION & ACCESS AT 470 SEYMOUR TOOBORAC ROAD HILLDENE 3660

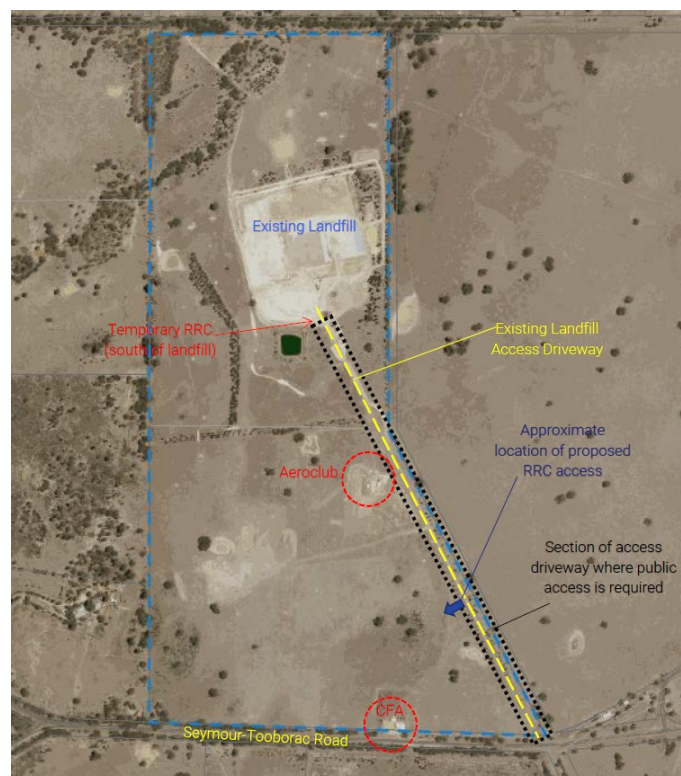
Author: Ricardo Ramos - Statutory Planning Coordinator

File No: PLA302806/01

- Attachments:**
1. Planning Permit Conditions
 2. Application Letter

Property No.:	104378
Title Details:	PT CA28 & CA29 SEC3 V10766 F973
Applicant:	Mitchell Shire Council
Zoning:	Farming Zone (FZ)
Overlays:	Environmental Significance Overlay – Schedule 3
Objections Received:	No objections were received.
Cultural Heritage Management Plan Required:	No
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

SITE MAP



AMENDED PLANNING PERMIT APPLICATION PLA302806/01 FOR THE LANDFILL, REMOVAL OF NATIVE VEGETATION & ACCESS AT 470 SEYMOUR TOOBORAC ROAD HILLDENE 3660 (CONT.)

SUMMARY

The existing Mitchell Shire landfill was granted planning approval in 2004. Specifically, VCAT issued an order on 25 March 2004 (P767/2002) which directed Council to issue a planning permit (P302806/01) that allows:

The construction and use of a landfill facility, the removal of native vegetation and access off the Seymour-Tooborac Road in accordance with the endorsed plans.

This proposal specifically relates to the amendment of Condition 8 to allow for public access to the subject site. This is considered the rectification of an anomaly in the existing permit in that restriction of access should have been to the landfill only, not the entire site.

Condition 8 of the Planning Permit currently reads (refer to underline word site):

Operating hours for the proposed use shall be between 7:00am to 5:00pm Monday to Friday; and 8:00am to 1:00pm Saturday. Access to the site shall be restricted to waste collection vehicles owned by Council or contractors' vehicles approved by Council for the purpose of waste collection.

The amendment sought under this permit will allow for public access to the subject site and proposed to read:

Operating hours for the proposed use shall be between 7:00am to 5:00pm Monday to Friday; and 8:00am to 1:00pm Saturday. Access to the landfill use on site shall be restricted to waste collection vehicles owned by Council or contractors' vehicles approved by Council for the purpose of waste collection.

The application was advertised and no objections were received. All relevant authorities have consented to the proposal. Therefore, it is recommended to issue an Amended Planning Permit to allow public access to the site.

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 an Amended Planning Permit in respect of Application No. P302806/01 for the construction and use of a landfill facility, the removal of native vegetation and access off the Seymour-Tooborac Road in accordance with the endorsed plans at PT CA28 & CA29 SEC3 V10766 F973, known at 470 Seymour-Tooborac Road, Hilldene subject to amend condition 8 from:

8. Operating hours for the proposed use shall be between 7:00am to 5:00pm Monday to Friday; and 8:00am to 1:00pm Saturday. Access to the site shall be restricted to waste collection vehicles owned by Council or contractors' vehicles approved by Council for the purpose of waste collection.

To

AMENDED PLANNING PERMIT APPLICATION PLA302806/01 FOR THE LANDFILL, REMOVAL OF NATIVE VEGETATION & ACCESS AT 470 SEYMOUR TOOBORAC ROAD HILLDENE 3660 (CONT.)

8. Operating hours for the proposed use shall be between 7:00am to 5:00pm Monday to Friday; and 8:00am to 1:00pm Saturday. Access to the landfill use on site shall be restricted to waste collection vehicles owned by Council or contractors' vehicles approved by Council for the purpose of waste collection.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

Extension of Time

MOVED: CR. B. CORNISH

SECONDED: CR. D. ATKINSON

CARRIED UNANIMOUSLY

9.4 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. F. STEVENS

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

CARRIED UNANIMOUSLY

9.5 DRAFT RURAL LAND AND ACTIVITIES REVIEW COMMUNITY CONSULTATION

Author: Justin Harding - Strategic Planner

File No: PL/09/170

Attachments: 1. DRAFT Rural Land and Activities Review
2. Rural Land and Activities Review Issues and Opportunities Consultation

SUMMARY

The purpose of this report is to seek Council endorsement to release the Draft Rural Land and Activities Review (Attachment 1) for public consultation. The public consultation will take place for a minimum period of six (6) weeks.

The Draft Rural Land and Activities Review (RLAR) seeks to provide a vision for the future of rural land within the Shire, which is primarily within the Farming Zone. The Draft RLAR also provides high-level strategic direction and guidance for future strategic planning for the small townships of Tallarook, Tooborac, Pyalong and Waterford Park.

The Draft RLAR has been informed by expert advice and community consultation. An Issues and Opportunities Paper was exhibited to the community and State authorities from 30 July 2019 to 9 September 2019. A Community Liaison Group was endorsed by Council at its Ordinary Council Meeting held 21 October 2019 to provide ongoing community input.

Feedback received during the consultation period of the Draft RLAR will help inform and guide the content of the Final Rural Land and Activities Review that will form the basis of a future Planning Scheme Amendment.

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. F. STEVENS

THAT Council:

1. Note and endorse the Draft Rural Land and Activities Review (Attachment 1) as suitable for consultation purposes.
2. Place the draft Rural Land and Activities Review on public consultation for a six (6) week period.

CARRIED UNANIMOUSLY

9.6 PLANNING SCHEME AMENDMENT C139: CORRECTION OF ZONE ANOMALIES - CONSIDERATION OF SUBMISSIONS

Author: Justin Harding - Strategic Planner

File No: PL/05/272

Attachments: 1. Amendment C139 Summary of Submissions

SUMMARY

Proposed Planning Scheme Amendment C139 seeks to correct zoning anomalies in Kilmore, Bylands and Wandong. The proposed zone corrections relate to public zones affecting private land or public land being incorrectly zoned.

Amendment C139 was placed on public exhibition between 27 September 2019 and 8 November 2019, in accordance with Council's resolution on 18 February 2019. Exhibition comprised a mailout to affected landowners, newspaper advertising and notice in the *Victoria Government Gazette*.

In total ten (10) submissions have been received. A summary of the submissions received, and officer response is provided at Attachment 1 to this report. Of the ten (10) submissions, eight (8) support the amendment and two (2) object.

Both objections pertain to the proposed rezoning of former railway land in Bylands from Public Use Zone 4 to Farming Zone. These submissions will need to be referred to an Independent Planning Panel as the matters raised in the submissions cannot be resolved.

It is recommended that Amendment C139 be referred to the Independent Planning Panel for review and consideration of unresolved submissions.

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. A. GOBLE

THAT the motion be deferred.

CARRIED UNANIMOUSLY

10 EXECUTIVE SERVICES

Nil Reports

11 NOTICES OF MOTION

11.1 NOTICE OF MOTION: NO. 975 - CYCLING CONSULTATIVE FORUM

Author: *Councillor Rhonda Sanderson*

File No: *TR/01/003*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 16 March 2020.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. F. STEVENS

THAT the motion be deferred.

CARRIED UNANIMOUSLY

11.2 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 16 March 2020.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. F. STEVENS

THAT the motion be deferred.

CARRIED UNANIMOUSLY

11.3 NOTICE OF MOTION: NO. 977 - FAMILY VIOLENCE

Author: *Councillor Rhonda Sanderson*

File No: *GT/01/034*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 16 March 2020.

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. A. GOBLE

THAT Council officers prepare a brief report to the April Ordinary Council meeting summarising actions Mitchell Shire Council is taking to assist our community to reduce the harm inflicted by family violence.

CARRIED UNANIMOUSLY

11.4 NOTICE OF MOTION: NO. 978 - PANDEMIC PLAN UPDATE

Author: *Councillor Rhonda Sanderson*

File No: *HE/03/004*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 16 March 2020.

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. F. STEVENS

THAT Council officers provide a briefing to Council regarding Mitchell Shire Council's Pandemic Plan (2018) and Business Continuity Plan in preparation for a potential COVID-19 outbreak.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

MOVED: CR. B. CORNISH

SECONDED: CR. B. HUMM

Extension of Time

CARRIED UNANIMOUSLY

11.5 NOTICE OF MOTION: NO. 979 - TOOBORAC SCHOOL SPEED CONTROL**Author:** *Councillor Bob Humm***File No:** *CR/01/065***Attachments:** *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 16 March 2020.

COUNCIL RESOLUTION**MOVED:** CR. B. HUMM**SECONDED:** CR. F. STEVENS

THAT Council write to VicRoads seeking consideration for variable school zone signage on Northern Highway Tooborac in the vicinity of the Tooborac Primary School.

CARRIED UNANIMOUSLY

11.6 NOTICE OF MOTION: NO. 980 - ROAD FUNDING FINANCIAL ASSISTANCE GRANTS

Author: *Councillor David Atkinson*

File No: *135.55.04-01*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 16 March 2020.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. A. GOBLE

THAT Council:

1. Write to the Commonwealth Minister for Regional Health, Regional Communications and Local Government requesting an increase in funding provided through the Financial Assistance Grants (FAGS) over the next few years in order to support Councils. It should be noted that an increase in the Financial Assistance Grants would support Councils to deliver a range of services including roads maintenance.
2. That the Honourable Damien Drum, Member for Nicholls and Rob Mitchell, Member for McEwen be sent a copy of the letter.
3. Prepare a Notice of Motion to the National General Assembly requesting that the Commonwealth Government increase funding provided through the Financial Assistance Grants for Local Government to support delivery of a range of services, including roads maintenance.

CARRIED UNANIMOUSLY

11.7 NOTICE OF MOTION: NO. 981 - ROAD RENEWAL AND MAINTENANCE

Author: *Councillor Bill Chisholm*

File No: *TR/01/003*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 16 March 2020.

This Notice of Motion was withdrawn.

MOTION

THAT Council officers prepare a report regarding how Council can implement the findings/recommendations of the Mitchell Shire Roads Sustainability Review (March 2018) and the Mitchell Shire Road Asset Management Report Part B.

The report should outline the Shire's commitment and strict timelines to manage the current financial gap and a realistic timeline to achieve a 100 percent breakeven point.

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. Councillor Delegate Report

SUMMARY

This delegate's report provides an update on activities and deliberations of groups and associations for which Councillors are an appointed delegate for the period February 2020 and also other activities attended as a Council representative.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. B. HUMM

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

CARRIED UNANIMOUSLY

13 GENERAL BUSINESS

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

14 URGENT BUSINESS

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

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. A. GOBLE

THAT the confidential urgent business item 15.7 Contract Extension - Contract Number 132198, Recyclables and Sorting Contract with VISY Paper Pty Ltd be submitted into the agenda for consideration.

CARRIED UNANIMOUSLY

15 CONFIDENTIAL BUSINESS

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. F. STEVENS

The meeting closed to the public at 8.56pm

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 Lease of Council Land

s89(2)(e) proposed developments.

15.3 Provision of Cleaning Services RFT 2019-42 - Northern Region Collaboration

s89(2)(d) contractual matters.

15.4 Electrical Services Panel of Suppliers

s89(2)(d) contractual matters.

15.5 Delegate Report - Audit Committee

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

15.6 Contract Extension - Contract Number 132198, Recyclables and

Sorting Contract with VISY Paper Pty Ltd

15.7 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 20 April 2020 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7.00pm.

17 CLOSE OF MEETING

The meeting was declared closed at 9.06pm.

Confirmed this Monday, 20 April 2020

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Chairperson
Mayor, Cr David Lowe