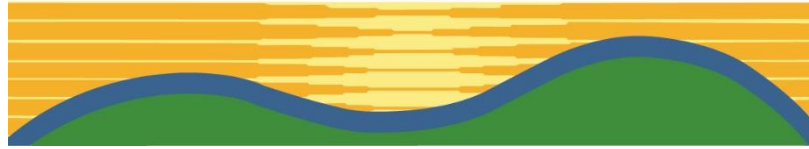


**MITCHELL SHIRE COUNCIL**



**ORDINARY COUNCIL  
MEETING  
MINUTES**

**MONDAY 20 AUGUST 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  
20 AUGUST 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

**OFFICERS PRESENT**

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

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**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 pays her respect to their Elders past and present, and its emerging and future leaders.*

The declaration was read by Cr B. Chisholm.

## 2 APOLOGIES AND LEAVE OF ABSENCE

### COUNCIL RESOLUTION

**MOVED:** CR. A. GOBLE

**SECONDED:** CR. D. ATKINSON

**THAT** the apology for this meeting received from Cr R. Eldridge and Cr B. Cornish be accepted.

**CARRIED UNANIMOUSLY**

## 3 DISCLOSURE OF CONFLICTS OF INTEREST

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

Mr David Turnbull declared a direct conflict of interest in Item 15.2 Chief Executive Officer Performance Review.

## 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### COUNCIL RESOLUTION

**MOVED:** CR. B. CHISHOLM

**SECONDED:** CR. D. LOWE

**THAT** the Minutes of the Ordinary Council Meeting held 16 July 2018, as circulated, be confirmed.

**CARRIED**

## 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 GOULBURN RIVER VALLEY TOURISM BOARD MEMBER NOMINATION

**Author:** Mary Agostino - Director, Advocacy and Community Services

**File No:** EC/05/027

**Attachments:** Nil

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#### SUMMARY

Mitchell Shire Council is one of four Councils (Greater Shepparton, Murrindindi and Strathbogie) who have signed a Memorandum of Understanding (MOU) with Goulburn River Valley Tourism (GRVT).

This report seeks a Councillor nomination to represent Mitchell Shire Council on the Goulburn River Valley Tourism (GRVT) Board, post the resignation of the Manager Active Communities.

#### COUNCIL RESOLUTION

**MOVED:** CR. F. STEVENS

**SECONDED:** CR. B. CHISHOLM

**THAT** Council appoint Cr Sanderson as the delegate to the Goulburn River Valley Tourism (GRVT) Board for the Memorandum of Understanding period.

**CARRIED UNANIMOUSLY**

## 8 GOVERNANCE AND CORPORATE PERFORMANCE

### 8.1 ROAD DISCONTINUANCE AND SALE - PART BEAUVIEW DRIVE WALLAN

**Author:** Teresa Hendy - Property Officer

**File No:** CP/05/039

**Attachments:**

1. Beauview Drive and Surrounds
2. Beauview Drive showing part requested for discontinuance and purchase.
3. 2008 Subdivision Plan showing northern road.

**Reference:** CM18/64

---

#### SUMMARY

In December 2017, a resident in Beauview Drive in Wallan expressed an interest in the purchase of a section of unused road reserve adjacent to their property.

A previous Council Report to the meeting of 16 April 2018, discussed the matters relating to the request and proposed that Public Notice for the consideration of part road discontinuance be given, with a view to the potential sale of the land within the discontinued section of road should the proposal be supported.

As resolved at the meeting of 16 April 2018, Public Notice has been given and submissions invited in relation to the proposal. This report discusses the outcome of the Public Notice, the consultation with Council departments and recommends that the status quo should remain at this time, and therefore the discontinuance of part of Beauview Drive Wallan no be proceeded with.

#### COUNCIL RESOLUTION

**MOVED:** CR. B. CHISHOLM

**SECONDED:** CR. D. ATKINSON

**THAT** Council:

1. Following the mandatory Public Notice and consultation process, not proceed with the discontinuance of part of Beauview Drive, Wallan as it may be required for future public use, and
2. Notify all parties of Council's decision to not continue with the discontinuance and sale of part of Beauview Drive, Wallan.

**CARRIED UNANIMOUSLY**



**8.2 REVIEW AND UPDATE OF FINANCE POLICIES**

**Author:** *Nicole Maxwell - Manager Finance and Assets*

**File No:** *CM/03/005*

**Attachments:** 1. *Cash Investment Policy*  
2. *Financial Reserves Policy*

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**SUMMARY**

The Finance and Assets team have a number of policies due for review and this report includes two policies which have been reviewed and attached.

**COUNCIL RESOLUTION**

**MOVED:** CR. D. ATKINSON

**SECONDED:** CR. B. CHISHOLM

**THAT** Council adopt the revised Cash Investment Policy and Financial Reserves Policy.

**CARRIED UNANIMOUSLY**

**8.3 COUNCIL PLAN 2017-2021 - ANNUAL ACTION PLAN 2018-2019**

**Author:** Ellen McComish - Corporate Reporting and Improvement Officer

**File No:** CM/15/008

**Attachments:** 1. Year 2 Action Plan

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**SUMMARY**

The 2017 – 2021 Council Plan was adopted by Council in July 2017. It establishes Council's overall strategic direction and priorities for the next four years. Council consulted extensively with the community in developing the Council Plan to ensure its strategic objectives and priority actions reflect the aspirations and needs of Mitchell Shire residents, both now and into the future.

Council has developed an Annual Action Plan for the second year of the Council Plan, identifying the actions that will be delivered to support the achievement of the strategic objectives which align with the approved budget for 2018-2019. Progress on the 2018-2019 Annual Action Plan will be reported every six months to Council and the community.

**COUNCIL RESOLUTION**

**MOVED:** CR. F. STEVENS

**SECONDED:** CR. A. GOBLE

**THAT** Council adopts the Council Plan Annual Action Plan for 2018-2019.

**CARRIED UNANIMOUSLY**

**8.4 ASSEMBLY OF COUNCIL RECORD**

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

**File No:** CL/04/013-02

**Attachments:** 1. Assembly of Council Record

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**SUMMARY**

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

**COUNCIL RESOLUTION**

**MOVED:** CR. D. ATKINSON

**SECONDED:** CR. A. GOBLE

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

**CARRIED UNANIMOUSLY**

**8.5 INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987**

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

**File No:** GV/06/016

**Attachments:** 1. *Instrument of Appointment and Authorisation*

---

**SUMMARY**

The *Local Government Act 1989* provides for the appointment of Authorised Officers for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

The Chief Executive Officer, by authority conferred by instrument of delegation from Council dated 16 October 2017, makes these appointments.

Under the *Planning and Environment Act 1987*, however, Authorised Officers can only be appointed by Council resolution as the Act prohibits delegation of the power to appoint Authorised Officers under the Act.

**COUNCIL RESOLUTION**

**MOVED:** CR. B. CHISHOLM

**SECONDED:** CR. D. LOWE

**THAT** in the exercise of the powers conferred by Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*, Mitchell Shire Council resolves that:

1. The member of Council staff referred to in the *Instrument of Appointment and Authorisation* at Attachment 1 be appointed and authorised as set out in the Instrument.
2. The *Instrument of Appointment and Authorisation* comes into force immediately after the common seal of Council is affixed to the Instrument, and remains in force until Council determines to vary or revoke it, or until the Authorised Officer ceases to be a member of Council staff.
3. The *Instrument of Appointment and Authorisation* be signed and sealed.

**CARRIED UNANIMOUSLY**

## 9 DEVELOPMENT AND INFRASTRUCTURE

### 9.1 AMENDMENT C123 - KILMORE AND WANDONG-HEATHCOTE JUNCTION STRUCTURE PLAN IMPLEMENTATION: CONSIDERATION OF PLANNING PANEL REPORT

**Author:** Justin Harding - Strategic Planner

**File No:** PL/05/216

**Attachments:**

1. Amendment C123 Panel Report - Under Separate Cover
2. Amendment C123 Documentation - Under Separate Cover
3. Kilmore and Wandong-Heathcote Junction Structure Plans and Supporting Strategies - Under Separate Cover
4. Amendment C123 Table of Changes - Under Separate Cover

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#### SUMMARY

Planning Scheme Amendment C123 seeks to implement the Kilmore and Wandong-Heathcote Junction Structure Plans and associated strategies into the *Mitchell Planning Scheme*. Following public exhibition of Amendment C123 Council considered submissions at its Ordinary Meeting held 19 February 2018 and resolved to refer the Amendment and all submissions to an Independent Planning Panel.

The role of the Independent Planning Panel is to consider all submissions received, the strategic merit of Amendment C123 and to provide a report of its findings and recommendations to Council and the Minister for Planning.

A Panel Report has now been received (Attachment 1) which supports Amendment C123, noting that *“both Structure Plans put in place a robust and realistic policy and statutory framework that will guide the future growth of both towns”* (Page 2). The Panel recommends that Amendment C123 be adopted, subject to minor technical changes.

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

Following consideration of the Panel Report it is recommended that Council adopt Amendment C123 to the *Mitchell Planning Scheme*, with changes in accordance with the Panel’s recommendations and generally in accordance with Attachments 2 and 3 to this report. This report also recommends that Council submit the adopted Amendment C123 to the Minister for Planning requesting approval.

AMENDMENT C123 - KILMORE AND WANDONG-HEATHCOTE JUNCTION STRUCTURE PLAN  
IMPLEMENTATION: CONSIDERATION OF PLANNING PANEL REPORT (CONT.)

**COUNCIL RESOLUTION**

**MOVED:** CR. B. HUMM

**SECONDED:** CR. A. GOBLE

**THAT** Council:

1. Pursuant to Section 29 of the *Planning and Environment Act 1987*, adopt Planning Scheme Amendment C123 to the *Mitchell Planning Scheme*, with changes generally in the form provided at Attachments 2 and 3.
2. Pursuant to Section 31 of the *Planning and Environment Act 1987*, forward the adopted Planning Scheme Amendment C123 to the Minister for Planning requesting approval.

**CARRIED UNANIMOUSLY**

## 9.2 PLANNING SCHEME AMENDMENT C128 - WALLAN TOWN CENTRE MASTERPLAN - CONSIDERATION OF SUBMISSIONS

**Author:** Simon Williams - Senior Strategic Planner

**File No:** PL/05/230

**Attachments:** 1. Planning Scheme Amendment C128 - Exhibition Documentation

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### SUMMARY

Planning Scheme Amendment C128 proposes to implement the *Wallan Town Centre Masterplan and Urban Design Framework Masterplan* as a reference document within the *Mitchell Planning Scheme*. The *Masterplan* is a key guiding document designed to shape the future development of the Wallan Town Centre. It also introduces two Design and Development Overlays, which will provide specific design and built form requirements for future development.

Amendment C128 was placed on public exhibition between 26 April 2018 and 25 May 2018 in accordance with Council's resolution on 18 September 2017. Exhibition comprised a mailout to all affected land owners, newspaper advertising, notice in the Victoria Government Gazette and two drop-in sessions.

A total of four submissions were received which either support and/or have not requested any changes to Amendment C128.

It is recommended that Council adopt Planning Scheme Amendment C128 as exhibited and is submitted to the Minister of Planning requesting approval generally in accordance with Attachment 1.

### COUNCIL RESOLUTION

**MOVED:** CR. D. LOWE

**SECONDED:** CR. B. HUMM

**THAT** Council:

1. Pursuant to Section 29 of the *Planning and Environment Act 1987*, adopt Planning Scheme Amendment C128 to the *Mitchell Planning Scheme* as exhibited.
2. Submit Mitchell Planning Scheme Amendment C128 to the Minister of Planning for approval in accordance with Section 31 of the *Planning and Environment Act 1987*.

**CARRIED UNANIMOUSLY**

**9.3 AMENDMENT TO PLANNING PERMIT APPLICATION PLP218/13.01 FOR A STAGED MULTI LOT SUBDIVISION, REMOVAL OF EASEMENTS AND REMOVAL OF NATIVE VEGETATION AT 85 RESERVOIR ROAD, BROADFORD**

**Author:** Mathew Mertuszka - Principal Planner

**File No:** PLP218/13.01

- Attachments:**
1. Existing approved plan
  2. Proposed plan of subdivision
  3. Relevant Planning Policies

**Rive**

|   |  |
|---|--|
| <b>Property No.:</b>                                | 114788   |
| <b>Title Details:</b>                               | Section 2 & Section 5 on PS513461  |
| <b>Applicant:</b>                                   | Lakeview Broadford Holdings Pty Ltd  |
| <b>Zoning:</b>                                      | General Residential Zone   |
| <b>Overlays:</b>                                    | None   |
| <b>Objections Received:</b>                         | Yes, four objections received  |
| <b>Cultural Heritage Management Plan Required:</b>  | No, not in an area of Aboriginal Cultural Heritage Significance  |
| <b>Officer Declaration of Conflict of Interest:</b> | No officers involved in the preparation of this report have any direct or indirect interest in this matter |

**SITE MAP**



Fig.1 (Aerial Image of the proposed subdivision amendment area)



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PLANNING SCHEME AMENDMENT C128 - WALLAN TOWN CENTRE MASTERPLAN - CONSIDERATION OF SUBMISSIONS (CONT.)

## SUMMARY

Council received an application to amend an existing planning permit (PLP218/13) which currently permits a 111 lot subdivision and removal of native vegetation at 85 Reservoir Road in Broadford. The amendment relates to part of the land only

The amendment proposes to increase lot yield by 40 lots providing a further range of lot sizes. The amendment does not propose any further removal of any vegetation.

The application was advertised, and four objections were received. Objections mainly related to the loss of amenity through the increase of traffic, fire safety, less open space for wildlife, devaluation of property and additional timing of construction works.

It is considered that the proposal has strong policy support by the State and Local Planning Policy Framework as outlined within the Mitchell Planning Scheme. It is also consistent with the purpose and decision guidelines of the General Residential Zone and the relevant particular and general provisions of the Scheme.

This report recommends that Council resolve to issue a Notice of Decision to Grant an Amended Planning Permit, subject to a number of conditions, for Planning Application PLP218/13.01.

## COUNCIL RESOLUTION

**MOVED:** CR. F. STEVENS

**SECONDED:** CR. B. CHISHOLM

**THAT** Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Notice of Refusal to Grant an Amended Planning Permit in respect of Application No. PLP218/13.01 for a staged multi lot subdivision and removal of native vegetation at 85 Reservoir Road, Broadford on the following grounds:

1. The proposal is inconsistent with Clauses 11.02-1S & 11.03-3S, 3 of the Mitchell Planning Scheme as the proposal:
  - a) will not strengthen and enhance the character and identities of towns within the region;
  - b) will not protect areas important to open space, landscapes and provide increased residential density in appropriate areas; and
  - c) fails to address established neighbourhood character and landscape considerations.
2. The proposal is inconsistent with Clause 13.02-1S of the Mitchell Planning Scheme as the proposal fails to prioritise the protection of human life over all other policy considerations.
3. The proposal is inconsistent with Clause 15.01-3S & 15.01-5S of the Mitchell Planning Scheme as the proposal:
  - a) Does not provide for a connected, safe subdivision layout that would

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PLANNING SCHEME AMENDMENT C128 - WALLAN TOWN CENTRE MASTERPLAN - CONSIDERATION OF SUBMISSIONS (CONT.)

- contribute to healthy neighbourhoods;
  - b) the proposed subdivision does not respect the pattern and urban structure of existing surrounding development;
4. The proposal is inconsistent with Clause 21.02-1 of the Mitchell Planning Scheme as the proposal fails to plan for the orderly development of existing settlements;
  5. The design of the proposed subdivision is not consistent with Standard C6 of Clause 56.03-5 (Neighbourhood Character Objective) as the proposed amended design does not respect the existing bushland character of the land and does not respond to and integrate with the surrounding urban environment.
  6. The proposal is inconsistent with the Decision Guidelines at Clause 65 of the Mitchell Planning Scheme and results in a poor planning outcome for the area.

**CARRIED UNANIMOUSLY**

**9.4 PLANNING PERMIT APPLICATION P307018/12.04 FOR USE AND DEVELOPMENT OF A RESTRICTED RECREATION FACILITY (OUTDOOR PISTOL RANGE) AT 420 STRATH CREEK ROAD, BROADFORD**

**Author:** *Mathew Mertuszka - Principal Planner*

**File No:** *P307018/12*

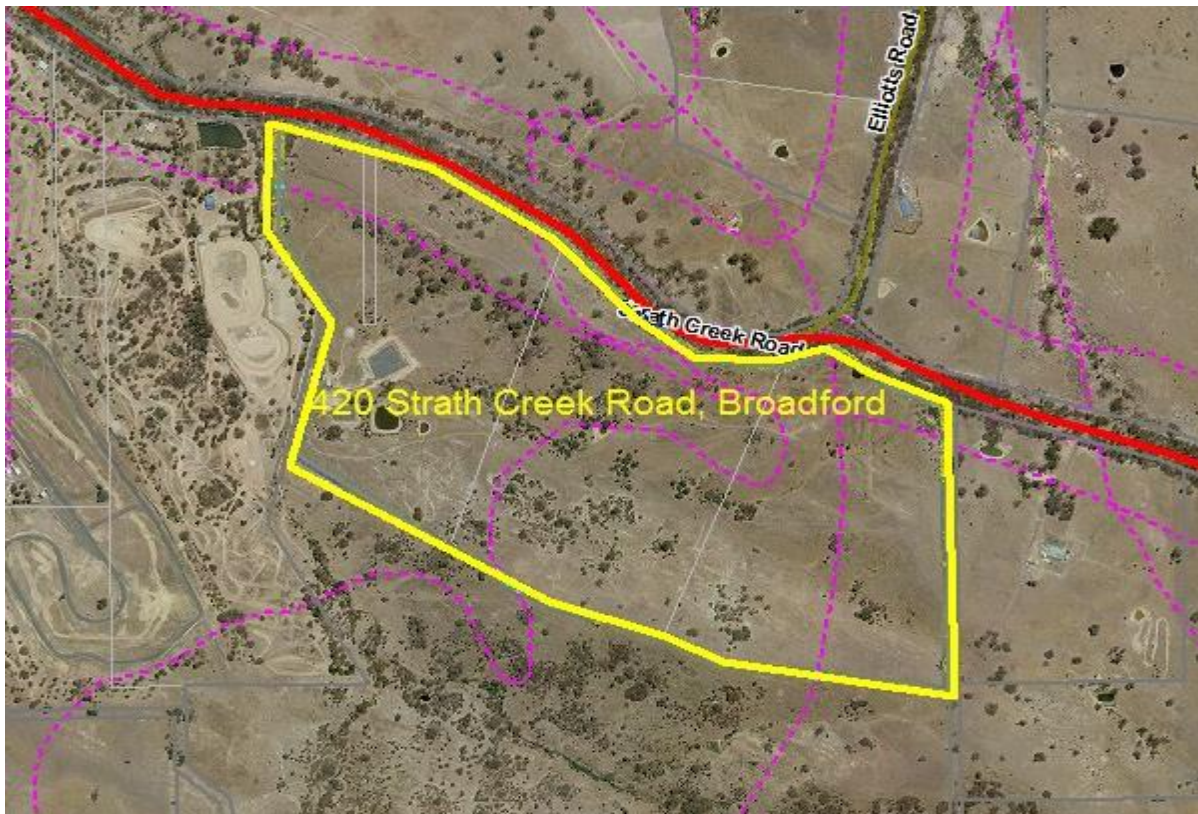
**Attachments:**

1. *EPA Publication 1508*
2. *Planning Scheme Provisions*
3. *Previously Endorsed Plans*

|   |   |
|---|---|
| <b>Property No.:</b>                                | 115911  |
| <b>Title Details:</b>                               | Lot 3 on LP122486   |
| <b>Applicant:</b>                                   | Bowden Planning   |
| <b>Zoning:</b>                                      | Farming Zone  |
| <b>Overlays:</b>                                    | Development Plan Overlay – Schedule 6<br>Erosion Management Overlay (part)<br>Vegetation Protection Overlay – Schedule 1 (part) |
| <b>Objections Received:</b>                         | Yes, one submission has been received   |
| <b>Cultural Heritage Management Plan Required:</b>  | No, Not within an area of Aboriginal Cultural Heritage Significance   |
| <b>Officer Declaration of Conflict of Interest:</b> | No officers involved in the preparation of this report have any direct or indirect interest in this matter                      |

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

## SITE MAP



## SUMMARY

The application is seeking approval to amend the existing permit which applies to the land, under Section 72 of the *Planning and Environment Act 1987*, to increase the permitted shoot times by 3 hours on a Sunday morning on four occasions in a calendar year.

The application was notified to all adjoining owners and occupiers. There was no formal requirement under the planning scheme to notify the application owing to the sites location within the Development Plan Overlay. One submission was received following the 2-week notification period by an adjoining property owner who raised concerns regarding the lack of consultation of future events by the pistol club and non compliance with EPA guidelines.

This report recommends that Council issue a Notice of Refusal to Grant an Amended Planning Permit for Application P307018/12.04. This report is required to come to Council as officers do not have delegation to refuse such an application.

## AMENDMENT

**MOVED:** CR. F. STEVENS

**SECONDED:** CR. A GOBLE

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

That Planning Permit Application P307018/12.04 For Use and Development of a Restricted Recreation Facility (Outdoor Pistol Range) at 420 Strath Creek Road, Broadford be deferred to afford the opportunity for the applicant to make further enquiries as to their ability and likelihood to secure State, National or similar major events. Once clarified to report back to Council for due consideration of their findings and amended permit requirements.

**LOST**

The vote resulted in as follows:

**For:**

CR. A. GOBLE  
CR. D. LOWE  
CR. F. STEVENS

**Against:**

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

**Abstained:**

**AMENDMENT**

**MOVED:** CR. D. ATKINSON

**SECONDED:** CR. B. CHISHOLM

**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. P307018 for Use and development of a restricted recreation facility (outdoor pistol range) at Lot 3 on LP122486, known as 420 Strath Creek Road, Broadford, subject to the following conditions:

1. Before the use or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show a site layout plan which includes the following:
  - a) A Tree Protection Zone in accordance with AS 4970 shown around the existing tree located to the north of Range 2. Range 2 must be sited so as all earthworks associated with the construction of the Range can be undertaken outside of this Tree Protection Zone.
  - b) The location of the accessway to be used to provide access to the site. The entire length of the accessway between Strath Creek Road and the subject land must be shown.
  - c) A minimum of two disabled car parking spaces provided on the site in accordance with AS/NZS 2890.6

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

Layout not altered

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

Shooting activities

3. All shooting activities are to be confined to Range 1 and Range 2 as shown on the endorsed plans and must not occur outside these areas to the satisfaction of the Responsible Authority.
4. Shooting may only occur on the land between 9am and 6pm Monday, Thursday, Friday and Saturday and between 12pm (noon) and 6pm on Sundays, except for 4 occasions on Sunday each year when shooting will be permitted from 9am to 6pm. Shooting must not occur on the following days:
  - a) Tuesdays, Wednesdays
  - b) On any day designated as a noise free day for the State Motorcycle Sports Complex located on the adjacent property.
  - c) At any time during the four week period that the State Motorcycle Sports Complex is closed during the Christmas/New Year period.
  - d) On days of Total Fire Ban, unless otherwise agreed in writing by the Responsible Authority.
  - e) Deleted
5. A maximum of 120 shooters are permitted on the site at any one time unless otherwise agreed in writing by the Responsible Authority.
6. Before the use starts, an Operational Management 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 operation of the use must conform to this endorsed plan. Three copies of the plan must be submitted. The plan must include:
  - a) Staffing and other arrangements which are designed to ensure the orderly operation of the use;
  - b) Staff communication arrangements;
  - c) Measures to manage patron behaviour including:
    - i. No deliberate interference with wildlife;
    - ii. Prohibition on alcohol and illicit drugs while engaged in the use;
    - iii. Limiting smoking to the clubroom area and not within the shooting ranges; and
    - iv. Ensuring shooting is only undertaken within the designated shooting ranges;
  - d) A mechanism to communicate the Operational Management Plan requirements for the pistol range to patrons and shooters attending the site.

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

7. On at least two occasions in any calendar year, the permit holder must cause to publish in the newspaper circulating in the district with the highest readership, a complete schedule of all shooting events to be conducted in the calendar year on the subject land.
8. No firearms, ammunition or other dangerous goods may be stored on the site.
9. The clubrooms shown on the endorsed plans must only be used in conjunction with the use of the shooting ranges and ancillary activities and may not be used for public events unrelated to the use hereby permitted, unless otherwise agreed in writing by the Responsible Authority.

#### Noise levels

10. Shooting events must be scheduled and managed to ensure that the noise levels associated with shooting activities comply with the Environment Protection Authority publication 'Noise from outdoor shooting ranges' (Publication 1508, October 2012), to the satisfaction of the Responsible Authority.
11. An Acoustic Report prepared by an independent acoustic engineer must be submitted to the Responsible Authority to its satisfaction within three months of the approved use commencing. The report must detail whether the noise levels associated with the use are in accordance with condition 10 above and the Environment Protection Authority 'Noise from outdoor shooting ranges' (Publication 1508, October 2012). If the noise levels exceed those permitted, the report must outline a program or measures to ameliorate or attenuate noise to ensure that the levels are met, to the satisfaction of the Responsible Authority. Shooting at the range must not continue until such time that the attenuation measures have been implemented. Thereafter, shooting activities must at all time accord with the recommendations of the report, to the satisfaction of the Responsible Authority.
12. Any public address system installed in association with the use hereby permitted must not be audible beyond the boundaries of the land.

#### Car parking and access

13. Prior to the occupation of any building hereby permitted, the areas set aside for the parking of vehicles as shown on the endorsed plans must be constructed and completed, adequately drained and marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
14. If the accessway shown on the endorsed plans is no longer available to be used to provide access to the subject land, the use must cease to operate until such time as alternative access arrangements to the site have been secured. Any

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

alternative access arrangements must be approved by the Responsible Authority before the use of the site may occur (or continue to occur).

#### Tree protection

15. Prior to the commencement of works, a tree protection fence must be erected around the trees located to the north of Range 2 to define a Tree Protection Zone in accordance with the requirements of AS 4970. The fence must be semi-permanent and constructed of high visibility barrier mesh and use securely installed posts that cannot be easily lifted or removed, unless otherwise agreed to in writing by the Responsible Authority. The tree protection fence must remain in place until the completion of works to the satisfaction of the Responsible Authority.
16. No vehicular or pedestrian access, trenching, storage of materials or equipment or soil excavation is to occur within the Tree Protection Zone without the prior written consent of the Responsible Authority.

#### Earthworks

17. At the completion of the building and works hereby permitted, all areas of disturbed ground must be stabilised and re-vegetated to the satisfaction of the Responsible Authority.
18. Works on the land shall be undertaken in accordance with EPA guideline No. 275 'Construction Techniques for Sediment Pollution Control,' to the satisfaction of the Responsible Authority.
19. Sediment and erosion control devices must remain in place until the vegetation planted to stabilise the site at the completion of the works hereby permitted is established to the satisfaction of the Responsible Authority.
20. Works must not impact on any overland flow paths from upstream properties to the satisfaction of the Responsible Authority.
21. Unless otherwise agreed in writing by the Responsible Authority, the site must be appropriately drained to ensure that the rate of flow or the discharge point of water from the site is not altered.
22. The earth berms at the end of each shooting range must be constructed using compacted earth and must not contain any rocks or debris to the satisfaction of the Responsible Authority.

#### Site Management

23. Before the use starts, a Soil Contamination Report must be prepared by a suitably qualified professional and submitted to the Responsible Authority. The Soil Contamination Report must include five (5) sample points across the site and document soil pH levels and lead contaminant levels across the site.



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

24. Within 2 years of the use starting (but not sooner than 12 months after the use starts), and every 2 years thereafter unless otherwise agreed in writing by the Responsible Authority, a Soil Contamination Report must be prepared by a suitably qualified professional and submitted to the Responsible Authority. The Soil Contamination Report must include five (5) sample points across the site and document:
  - a) The soil pH levels and soil lead levels across the site;
  - b) Details of whether soil pH levels and soil lead levels have increased as a result of shooting activities, based on the levels measured in the Soil Contamination Report undertaken prior to the commencement of the use;
  - c) Where either pH or soil lead levels exceed those previously measured on the site prior to the commencement of the use, a course of action to manage the risks and remediate contamination; and
  - d) Any impacts of introduced contaminants on any waterway and methods to remediate any such contamination.
25. Site clean-ups must be carried out at the end of each day's event to the satisfaction of the Responsible Authority.
26. The site must be managed to ensure that no contaminants enter the drainage system to the satisfaction of the Responsible Authority.
27. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
28. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
29. Bins must be located at the entrance to each shooting range for the purpose of collection of any waste generated by shooting activities and must be removed from the site and deposited at an approved location at the end of each event to the satisfaction of the Responsible Authority.
30. Waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
31. The use and development, including construction works, must be managed to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected, through the:
  - a) Transport of materials, goods or commodities to or from the land,
  - b) Appearance of any building, works or materials,
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil,
  - d) Presence of vermin.

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

### Fire prevention

32. The watertank shown on the endorsed plans must have a capacity of at least 10,000 litres and must be fitted with an approved CFA compatible fixture to the satisfaction of the Responsible Authority.
33. Prior to the any shooting activities occurring on the land, a Fire Prevention Plan developed in consultation with the Country Fire Authority (CFA) must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will form part of the permit. The plan must include (but is not limited to):
  - a) Details of site upkeep (including management of fuel loads) prior to and during the fire season;
  - b) How the operation of the use complies with CFA regulations and procedures;
  - c) Details of evacuation measures in the event of a fire; and
  - d) Specification that no shooting may occur on the land during days of Total Fire Ban.

### Engineering and Infrastructure Department requirements

34. The discharge of water from the site must be controlled around its limits to prevent any discharge onto any adjacent property or streets other than by means of an approved drainage system discharged to an approved outlet in a street or to an underground pipe drain to the satisfaction of the Responsible Authority.
35. The permit holder is required to construct, at no cost to Council, drainage works between the subject land and the Council nominated point of discharge to the satisfaction of the Responsible Authority.
36. Before the use starts, the permit holder shall design and construct a car park in accordance with AS/NZS 2890.1 and AS/NZS 2890.6 and to the satisfaction of the Responsible Authority.
37. Prior to the commencement of works, the permit holder must provide certification from a suitably qualified professional that the dam walls will be structurally sound after the earth berms surrounding the pistol ranges have been constructed, to the satisfaction of the Responsible Authority.
38. Before the use starts, the permit holder is required to provide certification from a suitably qualified professional that the cut and fill has been completed in accordance with the relevant to the satisfaction of the Responsible Authority.
39. Prior to commencement of works, detailed construction plans for the civil works associated with the development must be submitted to and approved by the Mitchell Shire Council. When approved, the plans will be endorsed and will then

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

form part of the permit. All works constructed or carried out on the land must be in accordance with the endorsed detailed construction plans and specifications and completed to the satisfaction of the Responsible Authority prior to the commencement of the use.

40. The permit holder must reinstate any Council assets or infrastructure damaged as a result of the construction works associated with the development, to the satisfaction of the Responsible Authority.
41. The permit holder must notify the Responsible Authority in writing at least 4 weeks prior to any shooting to occur on the 4 permitted extended Sunday shoot times in accordance with condition 4.

#### Permit expiry

42. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit; or
  - b) The development is not completed and the use commenced within four years of the date of this permit; or
  - c) The use, once commenced, ceases for a period of two or more years.

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

| Date of amendment | Brief description of amendment   |
|-------------------|--|
| 06/11/2014        | This permit has been amended as follows: <ul style="list-style-type: none"> <li>• Condition 22 &amp; 37 deleted.</li> <li>• New condition 41 added.</li> <li>• Old condition 41 renumbered as 42.</li> </ul>                           |
| 13/12/2017        | This permit has been amended as follows:<br><br>Vary Conditions 4 and 5 of the permit to enable additional use of the existing facility during the year, and to increase the number of shooters permitted on the site at any one time. |

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

|            |   |
|------------|---|
| 09/05/2018 | <p>The endorsed plans have been amended as follows:</p> <ul style="list-style-type: none"> <li>• Superseded site plan 1 out of 2 P307018/12 dated 28 July 2015 and endorse new site plan which includes the shipping containers and roof structures and five shade structures within Gun Ranges 1 &amp; 2 submitted to Council on 8 May 2018.</li> <li>• Endorsed shipping container and roof structure elevation plan submitted to Council 16 February 2018.</li> <li>• Endorsed shade shelters three (3) to be located in Range 1 and two (2) to be located within Range 2 elevation plan submitted to Council 8 May 2018.</li> </ul> |
| 20/08/2018 | <p>This permit has been amended as follows:</p> <ul style="list-style-type: none"> <li>• Condition 4 amended to include an increase in permitted shoot times to occur between 9am and 6pm on four Sundays within a calendar year.</li> <li>• New condition 41 added to the permit that requires the permit holder to notify the Responsible Authority four weeks prior to a shooting event to occur on a Sunday with increased hours.</li> <li>• Expiry condition renumbered to condition 42.</li> </ul>  |

**LOST**

The vote resulted in as follows:

**For:**

CR. D. ATKINSON  
CR. B. CHISHOLM  
CR. B. HUMM

**Against:**

CR. A. GOBLE  
CR. D. LOWE  
CR. R. SANDERSON  
CR. F. STEVENS

**Abstained:**

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

### COUNCIL RESOLUTION

**MOVED:** CR. D. LOWE

**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 Refusal to Grant an Amended Planning Permit in respect of Application No. P307018 for Use and development of a restricted recreation facility (outdoor pistol range) at Lot 3 on LP122486, known as 420 Strath Creek Road, Broadford, subject to the following grounds:

1. The proposal to increase the permitted operating hours under condition 4 of the permit is contrary to Environmental Protection Agency Guidelines for noise from outdoor shooting ranges (Publication number 1508 October 2012) and would result in an unacceptable amenity outcome for surrounding residence.
2. The proposal to increase the proposed operating hours would result in a disorderly planning outcome and inconsistent with Clause 65 of the Mitchell Planning Scheme (Decision Guidelines)

The **AMENDMENT** was **CARRIED** and became the substantive motion.

**For:**

CR. A. GOBLE  
CR. D. LOWE  
CR. R. SANDERSON  
CR. F. STEVENS

**Against:**

CR. D. ATKINSON  
CR. B. CHISHOLM  
CR. B. HUMM

**Abstained:**

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

## 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

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### 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. A. GOBLE

**SECONDED:** CR. D. LOWE

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

**CARRIED UNANIMOUSLY**

## **10 EXECUTIVE SERVICES**

Nil Reports

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NOTICE OF MOTION: NO. 948 - MULTIPLE ACCESS AND EGRESS POINTS FOR NEW DEVELOPMENTS (CONT.)

## 11 NOTICES OF MOTION

### 11.1 NOTICE OF MOTION: NO. 948 - MULTIPLE ACCESS AND EGRESS POINTS FOR NEW DEVELOPMENTS

**Author:** *Councillor Bill Chisholm*

**File No:** *ET/12/002*

**Attachments:** *Nil*

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I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 20 August 2018.

#### COUNCIL RESOLUTION

**MOVED:** CR. B. CHISHOLM

**SECONDED:** CR. A. GOBLE

**THAT** Officers prepare a report on:

- a) How NOM 807 from 20 April 2015 has been implemented into the Mitchell Shire Planning Scheme and planning practice in Mitchell Shire; and
- b) Ways in which the NOM can be incorporated into State Planning Policy as a general principle or to highlight/reinforce provisions already there.

**CARRIED UNANIMOUSLY**



**11.2 NOTICE OF MOTION: NO. 949 - ADVERTISING OF PLANNING MATTERS**

**Author:** *Councillor Rhonda Sanderson*

**File No:** *PLP187/17*

**Attachments:** *Nil*

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I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 20 August 2018.

**COUNCIL RESOLUTION**

**MOVED:** CR. B. HUMM

**SECONDED:** CR. F. STEVENS

**THAT** officers prepare a draft 'Guidelines for Advertising Planning Applications' for the October 2018 Council meeting for the purposes of providing direction to Officers in the exercise of their discretion. That draft guidelines include reference to:

- Circumstances by which 'material detriment' would be addressed
- The method and circumstance by which notification should occur including, but not limited to sign on land, notification by mail, advertising in locally circulating newspapers.

**CARRIED UNANIMOUSLY**

## 12 DELEGATES REPORTS

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

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

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

**Attachments:** 1. Councillor Delegate Report

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#### 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 July 2018 and also other activities attended as a Council representative.

#### COUNCIL RESOLUTION

**MOVED:** CR. F. STEVENS

**SECONDED:** CR. D. ATKINSON

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

**SECONDED:** CR. D. LOWE

**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 Chief Executive Officer Performance Review**

s89(2)(a) personnel matters.

**15.3 Re-opening of Meeting to members of the public**

**CARRIED UNANIMOUSLY**

The meeting re-opened to the public at 8.24pm.

**16 DATE OF NEXT MEETING**

The next Ordinary meeting of Council is scheduled to be held on Monday 17 September 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, 17 September 2018

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**Chairperson**  
**Mayor, Cr Rhonda Sanderson**