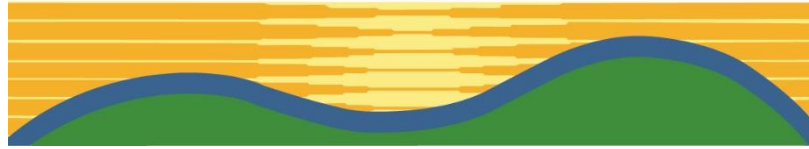


MITCHELL SHIRE COUNCIL



**ORDINARY COUNCIL
MEETING
MINUTES**

MONDAY 20 FEBRUARY 2017

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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 FEBRUARY 2017**

THE MEETING OPENED: 7.00pm

COUNCILLORS PRESENT

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

OFFICERS PRESENT

Mr David Turnbull	Chief Executive Officer
Mr Laurie Ellis	Director Corporate Services
Ms Kellie Vise	Acting Director Sustainable Communities
Mr Jeff Saker	Director Engineering and Infrastructure
Ms Lidia Harding	Governance and Corporate Accountability Coordinator

1 GOVERNANCE DECLARATION

The declaration was read by Cr D. Lowe.

2 APOLOGIES AND LEAVE OF ABSENCE

No apologies were received.

3 DISCLOSURE OF CONFLICTS OF INTEREST

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

Cr D. Atkinson declared a direct conflict of interest in Item 7.3 Planning Permit Application PLP112/16 For Buildings & Works Including the Demolition of a Heritage Place, Construction of a Two Storey Commercial Building and a Reduction of Car Parking Requirements At 57-59 High Street, Wallan and Item 7.4 59 High Street - Interim and Permanent Heritage Controls and he holds shares in Norcen Financial Services P/L.

Cr B. Humm declared an indirect conflict of interest in Item 7.6 Planning Permit Application P306247/10.02 For Use of the land and recreation (simulated field and game shotgun target range) At 22 Tomlinsons Track, Willowmavin because his residential amenity is likely to be altered.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

MOVED: CR. B. CHISHOLM

SECONDED: CR. B. CORNISH

THAT the Minutes of the Ordinary Council Meeting held 12 December 2016 and the Special Council Meeting held 19 December 2016 and 6 February 2017, 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.

Cr F. Stevens presented a Certificate of Appreciation to Mr Roger Fuhrmeister.

7 SUSTAINABLE COMMUNITIES

7.1 PLANNING SCHEME AMENDMENT GC55 - BEVERIDGE CENTRAL PRECINCT STRUCTURE PLAN - FORMAL SUBMISSION TO EXHIBITION

Author: Sean Greer - Senior Strategic Planner

File No: PL/09/028

Attachments:

SUMMARY

The Victorian Planning Authority (VPA) has prepared and exhibited Planning Scheme Amendment GC55 to the *Mitchell Planning Scheme* and *Whittlesea Planning Scheme* which proposes to implement the Beveridge Central Precinct Structure Plan (PSP) which will facilitate future development.

The Amendment was placed on exhibition from 10 November 2016 until 12 December 2016. The VPA have consented to a submission being lodged after this date to allow Council's formal consideration.

It is recommended that Council forward a formal submission consistent with the attached draft submission (Attachment 3) to Planning Scheme Amendment GC55.

MOVED: CR. B. HUMM

SECONDED: CR. D. LOWE

THAT Council:

1. Formally lodge a submission to the Victorian Planning Authority regarding Amendment GC55 in accordance with the draft submission provided as Attachment 3.
2. Endorse the submission forming the basis of Council's presentation at an Independent Planning Panel should a hearing be required through the processing of Planning Scheme Amendment GC55.

CARRIED UNANIMOUSLY

PLANNING PERMIT APPLICATION PLP112/16 FOR BUILDINGS & WORKS INCLUDING THE DEMOLITION OF A HERITAGE PLACE, CONSTRUCTION OF A TWO STOREY COMMERCIAL BUILDING AND A REDUCTION OF CAR PARKING REQUIREMENTS AT 57-59 HIGH STREET, WALLAN (CONT.)

7.2 PLANNING PERMIT APPLICATION PLP060/16 FOR A STAGED RESIDENTIAL SUBDIVISION AT 57 MELBOURNE STREET, KILMORE

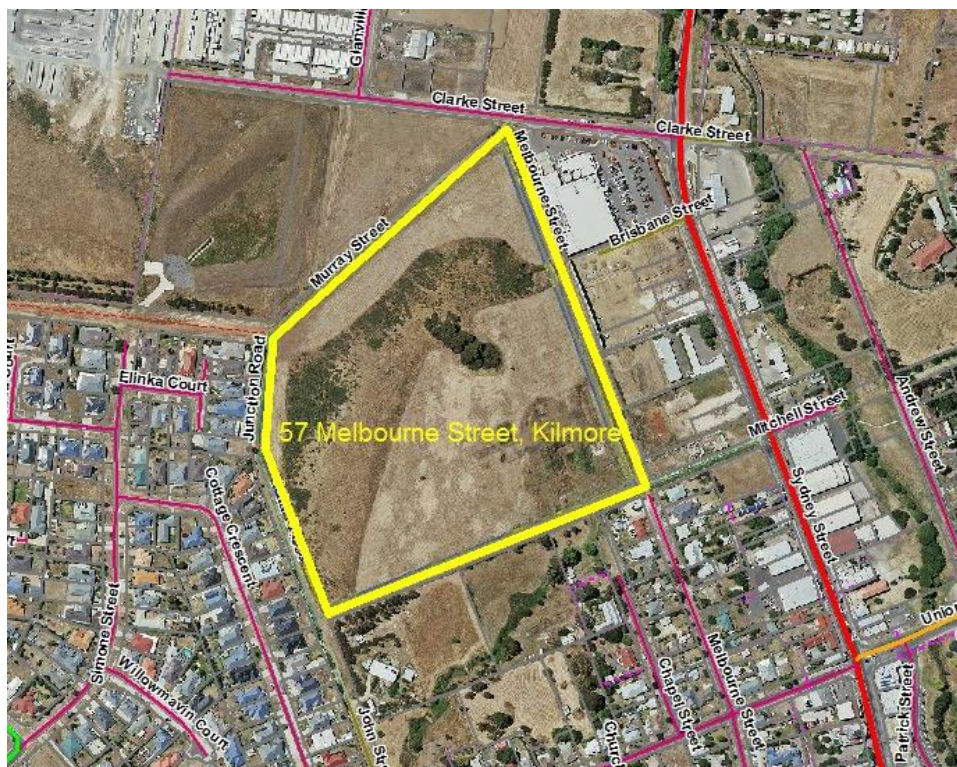
Author: Nathan Aikman - Senior Statutory Planner

File No: PLP060/16

- Attachments:**
1. Clause 56 Assessment Table
 2. Subdivision Plan

Property No.:	106475
Title Details:	Lot 1 on TP 512192V
Applicant:	Fratello Projects
Zoning:	General Residential Zone
Overlays:	No overlays affect the site
Objections Received:	Four (4)
Cultural Heritage Management Plan Required:	Yes. Approved
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 PLP112/16 FOR BUILDINGS & WORKS INCLUDING THE DEMOLITION OF A HERITAGE PLACE, CONSTRUCTION OF A TWO STOREY COMMERCIAL BUILDING AND A REDUCTION OF CAR PARKING REQUIREMENTS AT 57-59 HIGH STREET, WALLAN (CONT.)

SUMMARY

An application has been received for a 59 lot residential subdivision at 57 Melbourne Street, Kilmore. Each lot would be between 798 m² to 1679 m² in size and would be accessed via a newly constructed road from Murray Street to the north and John Street from the west in addition to the construction of part of Mitchell Street.

The application was referred to the relevant statutory authorities and internal Council departments, who have not objected to the proposal subject to a number of conditions.

Notification of the application was given to surrounding owners and occupiers. A total of four (4) objections were received with grounds relating to no provision of public open space, inappropriate design response with respect to heritage significance and topography of the site, inappropriate density of development for this part of Kilmore and concern that the subdivision will lead to significant traffic congestion.

Objection Number	Group/ Resident	Ground of Objection
1	Group	<ul style="list-style-type: none"> Proposal will detrimentally impact the prominence of the hilltop. Roads do not have regard to the topography of the site Pavement widths of roads are not wide enough
2	Resident (Local)	<ul style="list-style-type: none"> Impact on amenity as a consequence of the construction of a portion of Mitchell Street
3	Resident (Melbourne)	<ul style="list-style-type: none"> The rezoning of land has not occurred as envisaged in 1989 Panel Report Proposal will detrimentally impact the prominence of the hilltop. Heritage has not been appropriately considered Proposed subdivision impacts on existing road reserves Road names should include persons associated with the original brewery on the site Reinstatement of Mitchell Street bluestone drain should be considered Kilmore Heritage Study (1982) is not appropriately sited within the Mitchell Planning Scheme The Kilmore Structure Plan does not provide specific guidance regarding the site An amendment to include more heritage places within Kilmore is needed A report considering all matters of relevant referral authorities needs to be prepared.

The design, location and size of the proposed reserve is supported as this is deemed as the most appropriate way to conserve the heritage ruin by Heritage Victoria.

PLANNING PERMIT APPLICATION PLP112/16 FOR BUILDINGS & WORKS INCLUDING THE DEMOLITION OF A HERITAGE PLACE, CONSTRUCTION OF A TWO STOREY COMMERCIAL BUILDING AND A REDUCTION OF CAR PARKING REQUIREMENTS AT 57-59 HIGH STREET, WALLAN (CONT.)

MOVED: CR. D. ATKINSON

SECONDED: CR. F. STEVENS

THAT Council defer this item.

CARRIED

The vote resulted in as follows:

For:

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

Against:

CR. B. HUMM

Abstained:

PLANNING PERMIT APPLICATION PLP112/16 FOR BUILDINGS & WORKS INCLUDING THE DEMOLITION OF A HERITAGE PLACE, CONSTRUCTION OF A TWO STOREY COMMERCIAL BUILDING AND A REDUCTION OF CAR PARKING REQUIREMENTS AT 57-59 HIGH STREET, WALLAN (CONT.)

7.3 PLANNING PERMIT APPLICATION PLP112/16 FOR BUILDINGS & WORKS INCLUDING THE DEMOLITION OF A HERITAGE PLACE, CONSTRUCTION OF A TWO STOREY COMMERCIAL BUILDING AND A REDUCTION OF CAR PARKING REQUIREMENTS AT 57-59 HIGH STREET, WALLAN

Author: James McNulty - Statutory Planning Coordinator

File No: PLP112/16

Attachments: 1. PLP112/16 Advertised Plans

7.21pm Cr D. Atkinson left the meeting

Property No.:	112050 & 112051
Title Details:	Lot 1 LP082906
Applicant:	DCA Design
Zoning:	Commercial 1 Zone
Overlays:	Heritage Overlay – Interim Control HO342
Objections Received:	1 Objection 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



SUMMARY

The application is for demolition of an existing heritage property, construction of a two storey commercial building and a reduction of car parking requirements at 57-59 High

PLANNING PERMIT APPLICATION PLP112/16 FOR BUILDINGS & WORKS INCLUDING THE DEMOLITION OF A HERITAGE PLACE, CONSTRUCTION OF A TWO STOREY COMMERCIAL BUILDING AND A REDUCTION OF CAR PARKING REQUIREMENTS AT 57-59 HIGH STREET, WALLAN (CONT.)

Street in Wallan. The proposal includes retention and interpretation of heritage fabric on the site.

The application was advertised with one objection being received.

MOVED: CR. R. ELDRIDGE

SECONDED: CR. A. GOBLE

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Notice of Decision to issue a Planning Permit in respect of Application No. PLP112/16 for Buildings & Works Including the Demolition of a Heritage Place, Construction of a Two Storey Commercial Building and a Reduction of Car Parking Requirements at Lot 1 LP082906, known as 57-59 High Street, Wallan, subject to the following conditions:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the *advertised plans* but further modified to show:
 - a. Remove car parking indicated on adjoining site at 60 Wellington Street,
 - b. Provision of an existing conditions site plan and demolition plan,
 - c. Site plan which clearly delineates courtyard area to be retained in ownership of the property and area to be transferred to Council,
 - d. Site plans detailing that final design, finishes, colours, and levels of the proposed court yard to the front of the building to be agreed in writing with Council to match in with future public domain work in the area.
2. The development as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.
3. Prior to occupation of any tenancy, adequate vehicular access to the car parking area and the rear of the site must be provided which is designed to meet relevant Australian Standards, to the satisfaction of the Responsible Authority unless otherwise agreed in writing.

Section 173 Agreement

4. Before the development starts, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act 1987* and the agreement must be registered on the title/s to the land under Section 181 of the Act. The agreement must provide that:
 - a. The part of the subject site to the east of the proposed building and excluding the building entry courtyard must be transferred into the ownership of Council at no cost to Council (excluding administrative and subdivision costs),

PLANNING PERMIT APPLICATION PLP112/16 FOR BUILDINGS & WORKS INCLUDING THE DEMOLITION OF A HERITAGE PLACE, CONSTRUCTION OF A TWO STOREY COMMERCIAL BUILDING AND A REDUCTION OF CAR PARKING REQUIREMENTS AT 57-59 HIGH STREET, WALLAN (CONT.)

- b. Prior to the occupation of any of the tenancies all works within the land to be transferred to Council must be fully constructed and undertaken in accordance with the plans endorsed as part of this permit at no cost to Council,
- c. Unless with further approval the subject land must be developed in accordance with the plans endorsed under Planning Permit PLP112/16,
- d. The agreement will end upon all requirements of this agreement being satisfied.

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

Heritage Requirements

- 5. Before the development (including any demolition) starts, a fully detailed demolition method statement/conservation management plan must be submitted to and approved by the Responsible Authority. When approved, the statement/plan will be endorsed and will then form part of the permit. The demolition method statement/conservation management plan must be prepared by a suitably qualified person and must fully describe and clearly demonstrate that the construction methods to be used on land will ensure that the building fabric required to be retained on the endorsed plans will be safeguarded during and after the demolition process has occurred, to the satisfaction of the Responsible Authority.

General Requirements

- 6. A use must not detrimentally affect the amenity of the neighbourhood, including through 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, steam, soot, ash, dust, waste water, waste products, grit or oil.

All buildings and works must be maintained in good order and appearance 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;
 - c. hours of construction activity;
 - d. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil; and
 - e. presence of vermin.

to the satisfaction of the Responsible Authority.

PLANNING PERMIT APPLICATION PLP112/16 FOR BUILDINGS & WORKS INCLUDING THE DEMOLITION OF A HERITAGE PLACE, CONSTRUCTION OF A TWO STOREY COMMERCIAL BUILDING AND A REDUCTION OF CAR PARKING REQUIREMENTS AT 57-59 HIGH STREET, WALLAN (CONT.)

Access Requirements

8. Before the use starts, the permit holder must provide access to the development to an appropriate standard in accordance with Mitchell Shire Council's Standard Drawings to the satisfaction of the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority.
9. The internal common driveway must be constructed to a concrete finish with drainage provided to adequately drain the internal driveway to the satisfaction of the Responsible Authority.

Drainage Requirements

10. Before the use starts, the permit holder must construct at no cost to Council, drainage works between the proposed development and the Council nominated point of discharge to the satisfaction of the Responsible Authority.
11. The discharge of water from each of the proposed lots 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.
12. Before the use starts, the subject must be connected to an underground drainage system including an on-site detention system to control flows to pre-development levels and treat stormwater wholly within the boundaries of the subject land, to the satisfaction of the Responsible Authority.

Carpark Requirements

13. Before the use starts, the permit holder shall design and construct an impervious car park in accordance with the Mitchell Shire Planning Scheme and with AS/NZS 2890.1 and AS/NZS 2890.6 to the satisfaction of the Responsible Authority.

Fees and charges

14. Prior to the assessment of the detailed construction plans, the permit holder must pay a design checking for civil works fee as per the adopted Council fees and charges to the satisfaction of the Responsible Authority.

Construction Plan Requirements

15. Prior to the commencement of any works associated with the development, detailed construction plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The construction plans must be drawn to scale with dimensions and three copies must be provided. The plans must include:

PLANNING PERMIT APPLICATION PLP112/16 FOR BUILDINGS & WORKS INCLUDING THE DEMOLITION OF A HERITAGE PLACE, CONSTRUCTION OF A TWO STOREY COMMERCIAL BUILDING AND A REDUCTION OF CAR PARKING REQUIREMENTS AT 57-59 HIGH STREET, WALLAN (CONT.)

- a. Crossover details,
 - b. Driveway and car parking construction and drainage details including grades and indication of fall, and
 - c. Underground drainage details and supporting calculations.
16. Before the use starts, all works shown on the approved construction plans must be constructed or carried out in accordance with the plans to the satisfaction of the Responsible Authority.

Construction Management Plan

17. Prior to the commencement of any works associated with the development, a Construction Management Plan must be submitted to, and be to the satisfaction of the Responsible Authority. The Construction Management Plan must include details of:
- a. Working hours;
 - b. Haulage routes to the land;
 - c. Methods to contain dust, dirt and mud within the subject land, and the method and frequency of clean up procedures;
 - d. Sediment control;
 - e. A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced with construction activity.
 - f. Methods to ensure that all machinery brought onto the land is weed and pathogen free.
 - g. Methods to ensure that all machinery wash down, lay down and personnel rest areas are clearly fenced and located in disturbed areas wherever possible.
 - h. Methods to ensure that contractors working on the land are aware of the requirements of the Construction Management Plan and any other obligations of the planning permit
 - i. Provision of best practice erosion and sediment control techniques to protect any native flora and fauna.
 - j. Appropriate mechanisms for protecting environmental and heritage assets during the construction.
 - k. Methods to maintain access, including vehicular and pedestrian flow, in and around the site through the construction phase.

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

Reinstatement Requirements

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

PLANNING PERMIT APPLICATION PLP112/16 FOR BUILDINGS & WORKS INCLUDING THE DEMOLITION OF A HERITAGE PLACE, CONSTRUCTION OF A TWO STOREY COMMERCIAL BUILDING AND A REDUCTION OF CAR PARKING REQUIREMENTS AT 57-59 HIGH STREET, WALLAN (CONT.)

Permit Expiry

19. This permit will expire if one of the following circumstances applies:
- a. The development is not started within two years of the date of this permit.
 - b. The development is not completed within four years of the date of this permit.

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

<p>Note: Please note that this approval does not constitute a Building Permit, which is required to be obtained separately. Council's Building Services Unit can be contacted on 5734 6230 to assist.</p>
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CARRIED UNANIMOUSLY

7.4 59 HIGH STREET - INTERIM AND PERMANENT HERITAGE CONTROLS

Author: Andrea Meagher - Strategic Planner

File No: PL/13/053

Attachments: 1. Planning Scheme Amendment Documentation

SUMMARY

The purpose of this report is to advise Council of the status of the Amendment C115 & C116 and seek a formal resolution from Council to extend interim heritage controls at 59 High Street, Wallan.

Council resolved at its meeting on the 16 May 2016, to seek interim heritage protection for 59 High St, Wallan to allow for the heritage significance of the building to be considered when making a decision on a planning permit application. This approach ensured heritage matters would be given due consideration and would also have the added benefit of allowing the Wallan Town Centre Plan to be finalized while the heritage significance of the building remains intact. This approach would also prevent demolition of the building prior to heritage matters being properly considered.

The interim heritage controls approved under Amendment C115 expire on the 18 May 2017. In order to protect the heritage building from demolition, the extension of these interim controls is required. This will require Council to seek approval from the Minister to extend the current interim heritage controls until the end of 2017.

The extension of the interim heritage controls will enable the Council and the proponent adequate time to finalise negotiations associated with planning permit application PLP112/16. There have been ongoing negotiations with the proponent and it appears likely that an appropriate outcome can be reached.

With respect to the permanent heritage controls sought under Amendment C116, Council will need to apply for an exemption from Ministerial Direction No. 15 to enable Council time to consider the planning permit application, consider the submissions received and ensure a just and fair process.

59 HIGH STREET - INTERIM AND PERMANENT HERITAGE CONTROLS (CONT.)

MOVED: CR. B. HUMM

SECONDED: CR. R. ELDRIDGE

THAT Council:

1. Seek authorisation from the Minister for Planning prepare and approve a Planning Scheme Amendment in accordance with section 8(1)(b) and section 35(1) of the *Planning and Environment Act 1987*, to extend the interim heritage controls at 59 High Street, Wallan within a Heritage Overlay until 31 December 2017.
2. Request the Minister for Planning prepare and approve a Planning Scheme Amendment in accordance with section 8(1)(b) and section 35(1) of the *Planning and Environment Act 1987*, to extend the interim heritage controls at 59 High Street, Wallan within a Heritage Overlay.
3. Request that the Minister for Planning exercise his powers under section 20(4) of the *Planning and Environment Act 1987* by exempting the Planning Scheme Amendment to extend interim heritage controls from the requirements of sections 17, 18 and 19 of the *Planning and Environment Act 1987*.
4. Seek an exemption from the requirements of Ministerial Direction No. 15 for Amendment C116.

(refer **Attachment 1** for Amendment Documents)

CARRIED UNANIMOUSLY

7.29pm Cr D. Atkinson returned to the Council Chamber.

**7.5 NEW - VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS
AND ACTIVITIES CARRIED OUT UNDER DELEGATION**

Author: James McNulty - Statutory Planning Coordinator

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.

MOVED: CR. B. CORNISH

SECONDED: CR. D. LOWE

THAT the report on the Victorian Civil and Administrative Tribunal Hearings and Activities carried out under delegation be received and noted.

CARRIED UNANIMOUSLY

7.6 PLANNING PERMIT APPLICATION P306247/10.02 FOR USE OF THE LAND AND RECREATION (SIMULATED FIELD AND GAME SHOTGUN TARGET RANGE) AT 22 TOMLINSONS TRACK, WILLOWMAVIN

Author: *Mathew Mertuszka - Statutory Planner*

File No: *P306247/10.02*

Attachments: *Nil*

7.31pm Cr Humm left the meeting.

Property No.:	105267
Title Details:	(Crown Allotment 3, 4, 6, 8 and 14, Parish of Goldie)
Applicant:	Greenvale Field and Game Association Inc.
Zoning:	Farming Zone
Overlays:	Part Environmental Audit Overlay, Erosion Management Overlay, Salinity Management Overlay, Bushfire Management Overlay
Objections Received:	9
Cultural Heritage Management Plan Required:	No, the subject site is not found within an area of Aboriginal Cultural Heritage Significance therefore a CHMP is 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

PLANNING PERMIT APPLICATION P306247/10.02 FOR USE OF THE LAND AND RECREATION (SIMULATED FIELD AND GAME SHOTGUN TARGET RANGE) AT 22 TOMLINSONS TRACK, WILLOWMAVIN (CONT.)

SITE MAP



SUMMARY

This report recommends that Council issue a Notice of Decision to Amend Planning Permit P306247/10 to allow for an event that is scheduled to take place on the second Saturday of March each year on an ongoing annual basis between the hours of 9am and 6pm.

A total of 9 objections were received, one stand alone and 8 combined under a single submission. Summary of objector concerns are found in the table below.

The proposal has been assessed against the relevant provisions of the *Mitchell Planning Scheme* and it is considered acceptable to support the application subject to no further changes to the conditions of the permit apart from the proposed increase in allowable shoot hours on the second Saturday in March each year.

PLANNING PERMIT APPLICATION P306247/10.02 FOR USE OF THE LAND AND RECREATION (SIMULATED FIELD AND GAME SHOTGUN TARGET RANGE) AT 22 TOMLINSONS TRACK, WILLOWMAVIN (CONT.)

Objector	Grounds of objection
Resident 1	<ul style="list-style-type: none"> Objecting to the very existence of the club, increase in hours would add to the ambient noise and cause distress to local residents and animals
Residents (8 signatures on a joint submission)	<ul style="list-style-type: none"> Concerns (seeking clarification) whether the additional hours would constitute an additional shoot day under the permit. That the proposal would result in consecutive shoot days and intensify the use to an unacceptable standard.

MOVED: CR. B. CHISHOLM

SECONDED: CR. F. STEVENS

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolves that consideration and determination to amend Planning Permit Application P306247/10.02 for the use of the land for leisure and recreation (simulated field and game shotgun target range) at 22 Tomlinsons Track, Willomavin be deferred to enable further negotiation between the permit applicant, objectors and Council officers.

CARRIED

The vote resulted in as follows:

For:

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

Against:

CR. A. GOBLE
 CR. B. HUMM
 CR. D. LOWE
 CR. R. SANDERSON

Abstained:

7.46pm Cr Humm returned to the Council Chamber.

8 CORPORATE SERVICES

8.1 COUNCIL PLAN ANNUAL ACTION PLAN MID-YEAR REPORT 2016-2017

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

File No: *CM/15/004*

Attachments: 1. *Council Plan Annual Action Plan Mid-Year Report 2016-2017*

SUMMARY

The 2013-2017 Council Plan identifies five strategic objectives that describe how Council will work towards its vision for Mitchell Shire.

Each year, an Annual Action Plan sets out what Council will do that year to contribute to achieving the 2013-2017 Council Plan objectives.

The attached mid-year update summarises progress to date against the commitments set out in the 2016-2017 Annual Action Plan.

The mid-year report will be made available via Council's website. The full-year report is provided as part of Council's Annual Report each year.

MOVED: CR. D. LOWE

SECONDED: CR. R. ELDRIDGE

THAT Council endorses the Council Plan Annual Action Plan Mid-Year Report 2016-2017.

CARRIED UNANIMOUSLY

8.2 FINANCIAL REPORT FOR PERIOD ENDING 31 DECEMBER 2016

Author: *Hannah White - Management Accounting Coordinator*

File No: *FN/12/001-02*

Attachments: 1. *Q2 Finance Report for the 6 months ended 31 December 2016*

SUMMARY

This report along with the attachment allows Council to monitor its financial performance.

The quarter 2 forecast is a good result that will help improve our financial sustainability and has established a sound starting point for the 2017-2018 budget preparation process. Work is nearly completed to incorporate \$2M in savings in net operating costs

SMART STREET LIGHTING (CONT.)

to be transferred to capital, as identified in the 2017-20/18 Strategic Resource Plan (SRP).

The attached report represents the second budget review for the financial year and 6 months of business. Council's revised forecast underlying result is predicting a deficit of \$1.79M compared to the prior forecast deficit of \$3.29M. Overall there is a \$1.5M favourable change when comparing forecast to forecast and \$327K favourable when compared to the adopted budget.

A thorough review of all budgets was undertaken this quarter as the quarter 2 forecast review is relied upon to assist with the 2017-2018 Budget and SRP preparation.

The attached report contains further detail; however, some key operating items include:

- Delayed Strategic Planning expenditure due to revised timing of the expected completion of the structure plan works;
- Delayed income for Mandalay Community Centre from developer contributions into 2017-2018;
- Savings in employee costs due to several vacancies, partially offset by an increase to labour hire for backfill; and
- Reduction borrowing costs due to:
 - Deferral of Seymour Flood Levee borrowings to the 2017/2018 year;
 - Increased borrowings by \$400K resulting from Council's agreement to increase the purchase price of land in the south of the shire; and
 - Reduced Mandalay borrowings as they are no longer required due to successful state government grant.

Further to the above operating result, the capital works expenditure for the 6 months ended 31 December 2016 was \$6.74M. This represents 28% of the total works program (including new projects that have recently been added to the program as a result of successful funding applications).

Capital works expenditure generally increases as the financial year progresses following completion of the necessary procurement requirements and construction commences. Budgets will continue to be refined as the year further progresses.

The total capital works expenditure forecast for the year is \$24.12M, \$6.69M lower than the prior forecast. This is a result of projects being revised down to reflect completion in the 2017-2018 financial year, as well as additional expenditure.

SMART STREET LIGHTING (CONT.)

MOVED: CR. F. STEVENS

SECONDED: CR. B. HUMM

THAT Council note the contents of the Financial Report for the period ending 31 December 2016 and Attachment 1 – Q2 Finance Report for the 6 months ending 31 December 2016.

CARRIED UNANIMOUSLY

9 ENGINEERING AND INFRASTRUCTURE

9.1 SMART STREET LIGHTING

Author: *Tim Partridge - Manager Engineering & Asset Services*

File No: *ST/18/005*

Attachments: *1. Smart Lighting Attachment*

SUMMARY

This report considers the recent and ongoing advances in street lighting technology and the opportunities that are available to Council to continue to grow and maintain a sustainable street lighting network.

MOVED: CR. D. LOWE

SECONDED: CR. R. SANDERSON

THAT Council:

1. Note the recommendations in Attachment 1 of this report.
2. Continue to seek partnerships with other growth areas Councils and the Goulburn Broken Greenhouse Alliance (GBGA), for the funding and development of Street Lighting Guidelines for use in new residential developments having regard for the recommendations in Attachment 1 of this report.
3. Prepare a business case for the mass changeover of main road street lighting to 'future proofed' LED alternatives.
4. Include MEAC's recommendation that "Lighting options take into consideration impacts on pollinators and fauna."

CARRIED UNANIMOUSLY

9.2 SALE OF LAND IN HAMILTON STREET, BROADFORD TO COUNTRY FIRE AUTHORITY

Author: Teresa Hendy - Property Officer

File No: CP/05/032

Attachments: 1. 45-51 Hamilton Street
2. Plan of Subdivision

Reference: CM15/205

SUMMARY

This report follows on from a Council Report of 21 September 2015 which included the proposal for a two-lot subdivision and works at Council owned land located at 45-51 Hamilton Street Broadford. The subdivision and works were for preparing part of the land to be sold as a new lot to the Country Fire Authority to accommodate a new Broadford Fire Station. A copy of this report can be found at Attachment 1.

The earlier proposal as outlined above was supported and this report now seeks Council support to proceed with the sale of the land to the Country Fire Authority.

MOVED: CR. B. HUMM

SECONDED: CR. B. CHISHOLM

THAT Council:

1. Authorise the Chief Executive Officer and/or delegate to continue the necessary legislative processes required in accordance the *Local Government Act 1989* to enable the sale of the part of the land currently known as 45-51 Hamilton Street Broadford, as shown on Attachment 2, and which, with the completion of the subdivision will see the land to be sold more particularly identified as Lot 1 on Plan of Subdivision 545970Y.
2. Upon the completion of the processes required under the *Local Government Act 1989*, Authorise the Chief Executive Officer and/or delegate to commence the sale of the part of the land currently known as 45-51 Hamilton Street Broadford, as shown on Attachment A, and which, with the completion of the subdivision will see the land to be sold more particularly identified as Lot 1 on Plan of Subdivision 545970Y.
3. Authorise the signing and sealing of all forms and legal documentation required to complete the registration, sale and transfer of the part of the land currently known as 45-51 Hamilton Street Broadford, as shown on Attachment 3, and which, with the completion of the subdivision will see the land to be sold more particularly identified as Lot 1 on Plan of Subdivision 545970Y.

CARRIED UNANIMOUSLY

REVIEW OF THE NATIVE VEGETATION CLEARING REGULATIONS (CONT.)

9.3 REVIEW OF THE NATIVE VEGETATION CLEARING REGULATIONS

Author: *Elyse Kelly - Environment Coordinator*

File No: *PL/04/040*

Attachments: 1. *Review of Native Vegetation Clearing Regulations Information Sheet Jan. 2016*

Reference: *Item 9.2 - 16 May 2016*

SUMMARY

The Victorian Government has concluded its review of the Native Vegetation Clearing Regulations.

To implement the changes, an amendment is now proposed to the Victorian Planning System. Submissions are open until 8 March 2017.

In June 2016, Council made a submission on the review of the native vegetation clearing regulations, many of the matters raised in Council's submission have been incorporated into the final documents. These are available on the Engage Victoria website www.engage.vic.gov.au/native-vegetation-review.

This report presents a draft submission to the proposed amendments to the Victoria Planning Provisions for Council's consideration.

REVIEW OF THE NATIVE VEGETATION CLEARING REGULATIONS (CONT.)

MOVED: CR. A. GOBLE

SECONDED: CR. R. ELDRIDGE

THAT:

Council lodge a submission to the Proposed Amendments to the *Victoria Planning Provisions - Review of the Native Vegetation Clearing Regulations* by 8 March 2017, stating that, Mitchell Shire Council;

1. Endorses the proposed changes and specifically welcomes the:
 - Reintroduction of the three-step approach; *Avoid > Minimise > Offset*;
 - Removal of duplication and ambiguity in the planning provisions;
 - Clarification of exemptions for native vegetation clearing;
 - Ability to secure local sites for offset protection
 - Reintroduction of revegetation as an offset option;
 - Broadening of biodiversity values to include large trees; and
 - Improved mapping of biodiversity values.
2. Supports the ongoing improvements identified in the “*Outcomes report – Review of The Native Vegetation Clearing Regulations*”, specifically:
 - The provision of additional guidance and support for Council staff in accessing permits to remove native vegetation under the proposed new guidelines.
3. Identifies the need to:
 - Investigate the potential use Section 69 agreements under the *Conservation, Forests and Lands Act 1987* for offset protection;
 - Review the roadside vegetation agreements with the Department of Environment, Land, Water and Planning (DELWP) as soon as possible;
 - Request the State Government undertake an impact assessment of the resource implications on local government required to implement the reviewed regulations; and
 - Provide increased assistance to local government for enforcement and compliance activities relating to illegal native vegetation removal.
 - Notify and provide a copy of Mitchell Shire Council’s submission to local Members of Parliament

CARRIED UNANIMOUSLY

10 EXECUTIVE SERVICES AND GOVERNANCE

10.1 ASSEMBLY OF COUNCILLORS

Author: Lidia Harding - Governance and Corporate Accountability Coordinator

File No: CL/04/013-02

Attachments: 1. Assembly of Council Record

SUMMARY

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

MOVED: CR. B. CORNISH

SECONDED: CR. A. GOBLE

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

CARRIED UNANIMOUSLY

11 NOTICES OF MOTION

11.1 NOTICE OF MOTION: NO. 886 - WARD MEETINGS

Author: Councillor Fiona Stevens

File No: LL/06/012-02

Attachments: Nil

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 20 February 2017.

MOVED: CR. F. STEVENS

SECONDED: CR. A. GOBLE

THAT:

1. Council resurrect and put into practice Ward Consultation Forums.
2. Officers review the current Ward Consultation Forum Policy created 28 July 2014. Upon such review, Council then convey their requirements to Council staff for implementation.

CARRIED UNANIMOUSLY

Councillor comment

The newly elected Council acknowledge and taken on board the results of the Local Government Community Satisfaction Survey for Mitchell Shire Council – 2016 Research Report.

I propose this Notice of Motion to specifically address the concerns raised in that report regarding Council performance in the area of consultation and feedback. The results in this area were poor and unsatisfactory. This action is proposed with the intention and commitment to dramatically improve this area of service.

I along with the other Councillors will welcome the opportunity to meet face to face with those they represent to: demonstrate their genuine commitment to openness and transparency; to share information; to listen, and to work together for the benefit of all living and working within Mitchell Shire.

I encourage both Council and the Community to support, commit, participate and embrace the opportunities this process will offer.

Signed: _____

Cr Fiona Stevens

Date: 24/01/2017

11.2 NOTICE OF MOTION: NO. 887 - MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE CHAIR

Author: Councillor Bill Chisholm

File No: LL/06/012-02

Attachments: Nil

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 20 February 2017.

MOVED: CR. B. CHISHOLM

SECONDED: CR. R. ELDRIDGE

THAT Council, with reference to the State Government proposal to appoint paid officers to chair the Municipal Emergency Management Planning Committee (MEMPC):

1. Write to the State Government, the relevant Minister, and the Municipal Association of Victoria outlining the reasons why the position of the Chair of the Municipal Emergency Management Planning Committee (MEMPC) should remain as a Councillor. This Committee plays a pivotal role in making our communities safer.

Councillor Comment

It is extremely important to have public input on this Committee and the most logical and practical way to achieve this is that it will be chaired by a Councillor as is the current case. An effective way for the Committee to understand and reflect community views is for it to be chaired by a Councillor.

CARRIED UNANIMOUSLY

Signed: _____

Cr Bill Chisholm

Date: 7/02/2017

11.3 NOTICE OF MOTION: NO. 888 - ESTABLISHMENT OF A RURAL CHAMBER OF COMMERCE**Author:** *Councillor Bill Chisholm***File No:** *LL/06/012-02***Attachments:** *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 20 February 2017.

MOVED: CR. B. CHISHOLM**SECONDED:** CR. D. LOWE

THAT Council officers look to establishing a public meeting to gauge the level of support for the establishment of a Rural Chamber of Commerce.

Councillor Comment

It is particularly interesting to note the growing number of rural or small town based value adding rural enterprises. Council needs to facilitate a meeting and see what can result in bringing these innovative people together This is a chance to grow employment and innovation for our whole Shire.

CARRIED UNANIMOUSLY

Signed: _____

Cr Bill Chisholm

Date: 7 February 2017

11.4 NOTICE OF MOTION: NO. 889 - INSTALLATION OF A FENCE AT KILMORE EAST PLAYGROUND

Author: Councillor Annie Goble

File No: LL/06/012-02

Attachments: Nil

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 20 February 2017.

MOVED: CR. A. GOBLE

SECONDED: CR. B. CORNISH

THAT Council write to the State Government requesting that consideration be given to erecting a child proof fence around the Kilmore East Playground.

Councillor comment

The speed limit surrounding the Kilmore East Playground precinct is currently 80km/h which is quite high for an area which houses a popular community playground. The State Government should consider both funding the installation of suitable fencing at the playground to ensure children's safety and reduce the speed on this stretch of O'Gradys Road to 50km/h.

CARRIED UNANIMOUSLY

Signed: _____

Cr Annie Goble

Date: 8/02/2017

11.5 NOTICE OF MOTION: NO. 890 - GOULBURN VALLEY WATER - FUTURE SEWERAGE PLANS FOR KILMORE**Author:** *Councillor Bob Humm***File No:** *LL/06/012-02***Attachments:** *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 20 February 2017.

MOVED: CR. B. HUMM**SECONDED:** CR. D. ATKINSON

THAT officers arrange for Councillors to meet with Goulburn Valley Water regarding sewerage and grey water disposal provisions and improvements to support the future growth of Kilmore in accordance with the Kilmore Structure Plan.

CARRIED UNANIMOUSLY

Councillor Comment

This meeting is requested so that Councillors can understand what the planned future works are for Kilmore and what Goulburn Valley Water proposes to do regarding sewerage and grey water disposal provisions associated with the growth of Kilmore.

Signed: _____

Cr Bob Humm

Date: 8/02/2017

11.6 NOTICE OF MOTION: NO. 891 - REQUEST FOR MEETING WITH MINISTER FOR ROADS

Author: Councillor Bob Humm

File No: LL/06/012-02

Attachments: Nil

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 20 February 2017.

MOVED: CR. B. HUMM

SECONDED: CR. R. ELDRIDGE

THAT officers invite the Minister for Roads and Road Safety to meet with Mitchell Shire Councillors to discuss and provide an update on the progress of planning works for the Kilmore-Wallan by-pass project.

CARRIED UNANIMOUSLY

Councillor Comment

Owing to growing community concern regarding recent media announcements for the Kilmore-Wallan bypass and the apparent re-alignment of part of the bypass near the GV Sewerage Treatment Plant, a meeting is sought with the Minister for Roads and Road Safety to discuss these issues. The realignment of the bypass alignment would appear to contradict the recommendations made in the Minister for Planning's assessment of the EES Process which required the following:

'VicRoads and Goulburn Valley Water work together to refine the detailed design of the bypass in the vicinity of the Kilmore Wastewater Management Facility generally along the alignment proposed in the Environment Effects Statement. The design should explore reconfiguration or relocation of the plant with the view of achieving an efficient 'whole of government' resolution of the infrastructure needs of Kilmore.'

Signed: _____

Cr Bob Humm

Date: 8/02/2017

11.7 NOTICE OF MOTION: NO. 892 - FRACKING IN MITCHELL SHIRE**Author:** Councillor Bob Humm**File No:** LL/06/012-02**Attachments:** Nil

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 20 February 2017.

MOVED: CR. B. HUMM**SECONDED:** CR. F. STEVENS**THAT:**

1. Council officers prepare a report for consideration by Council as to the use of hydraulic fracking of water, sand and chemicals being injected into underground rock and water table to release gas or oil for profit in Mitchell Shire.
2. Council decide, after the receipt of the report, whether it wishes to determine a position on the use of the fracking.

LOST

The vote resulted in as follows:

For:

CR. A. GOBLE
CR. B. HUMM
CR. F. STEVENS

Against:

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

Abstained:**Councillor Comment**

This process has been considered at local landcare groups without any support on the process. The State Government does not support fracking.

Signed: _____

Cr Bob Humm

Date: 14/02/2017

NOTICE OF MOTION: NO. 892 - FRACKING IN MITCHELL SHIRE (CONT.)

MOVED: CR. B. HUMM

SECONDED: CR. B. CORNISH

Extension of Time

CARRIED UNANIMOUSLY

12 DELEGATES REPORTS

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

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

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

Attachments: *1. Councillor Delegate Report*

SUMMARY

This delegate's report provides an update on activities and deliberations of groups and associations for which Councillors are an appointed delegate for the period December 2016 to January 2017 and also other activities attended as a Council representative.

MOVED: CR. B. CORNISH

SECONDED: CR. A. GOBLE

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

15 CONFIDENTIAL BUSINESS

MOVED: CR. B. HUMM

SECONDED: CR. A. GOBLE

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

15.1 Confirmation of Minutes of previous Confidential Meeting

The meeting closed to the public at 8.32pm

15.2 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 March 2017 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7.00pm.

17 CLOSE OF MEETING

The meeting was declared closed at 8.36pm.

Confirmed this Monday, 20 March 2017

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Chairperson

Mayor, Cr Rhonda Sanderson