



STRATHBOGRIE SHIRE COUNCIL

**MINUTES OF THE MEETING OF THE STRATHBOGRIE SHIRE COUNCIL HELD,
VIRTUALLY, ON TUESDAY 16 MARCH 2021, COMMENCING AT 6.00 P.M.**

Chair: Chris Raeburn (Mayor) (Honeysuckle Creek Ward)

Councillors: Melanie Likos (Deputy Mayor) (Lake Nagambie Ward)
Laura Binks (Mount Wombat Ward)
Reg Dickinson (Lake Nagambie Ward)
Sally Hayes-Burke (Seven Creeks Ward)
Kristy Hourigan (Seven Creeks Ward)
Paul Murray (Hughes Creek Ward)

Officers: Julie Salomon Chief Executive Officer (CEO)
David Roff Director, Corporate Operations (DCO)
Amanda Tingay Director, Community and Planning (DCP)
Dawn Bray Executive Manager, Governance and Customer Service (EMGCS)
Kristin Favaloro Executive Manager, Communications and Engagement (EMCE)

1. Welcome
2. Acknowledgement of Traditional Land Owners
'I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present'
3. Apologies / Leave of Absence
Nil
4. Disclosure of Conflicts of Interest
 - Cr Hayes-Burke declared a Material Conflict of Interest under Section 128 of the Local Government Act 2020 in Item 9.7 (Planning Application No. P2017-121) due to the applicant being a long time family friend, and a General Conflict of Interest under Section 127 of the Local Government Act 2020 in Item 9.8 (Planning Application No. P2020-125) due to her parent's business being close to the site and her parent's lodging an objection.
 - Cr Hourigan declared a General Conflict of Interest under Section 127 of the Local Government Act 2020 in Item 9.2 (Planning Application No. P2020-140) due to a business relationship and friendship with the property owners.

The Mayor addressed the meeting on procedures for the conduct of the meeting

Until further notice, all meetings conducted by Strathbogie Shire Council will be held virtually and live streamed on our website at www.strathbogie.vic.gov.au.

This ensures we are meeting the Victorian Government's social distancing requirements to slow the spread of coronavirus (COVID-19) and help keep our communities safe.

We encourage all community members to watch the meeting online, given we have had to close the public gallery until further notice following legal advice around how to comply with COVID-19 social distancing rules.

Today Councillors and the Executive are abiding by the social distancing rules currently in force.

Due to relaxed Covid 19 restrictions, and the number of submitters we have for planning items to be considered in this meeting, we have permitted one submitter to enter the Conference Room at a time to make their verbal submission. This will be tightly managed by staff to ensure all current restrictions are complied with at all times.

I wanted to take the opportunity to outline that voting at today's meeting will be held by a show of hands.

All Councillors will raise their hands to vote for any motion.

If a Councillor has a conflict of interest in a matter, they will be asked to leave the meeting and no discussion on the matter will commence until we are sure they have done so.

Councillors will re-join the meeting after the matter has been considered and the vote concluded.

If we have technical difficulties during today's meeting, which means we are unable to broadcast to the public, we will adjourn the meeting for 15 minutes.

If the issue is not resolved after this time but we maintain a quorum of Councillors under our Local Law, we will continue the meeting.

If we cannot maintain a quorum, I will have to close the meeting and will call another Council meeting to consider the unfinished business on the agenda.

Thank you for joining us this evening.

5. Confirmation of Minutes of Previous Meetings
- Council Meeting Tuesday 16 February 2021

MOVED: DEPUTY MAYOR LIKOS
SECONDED: COUNCILLOR MURRAY

63-20/21 **CARRIED**

6. Petitions
Nil

7. Reports of Mayor and Councillors and Delegates

The Mayor provided the following update to the meeting

I wanted to start tonight by thanking all those who are sharing their thoughts and ideas at our Share Strathbogie sessions.

We have now been to Strathbogie, Nagambie and Avenel and we'll be at the Euroa Farmers Market this Saturday.

The feedback we have received has been fantastic. It's so important we hear from the community to inform the Community Vision, Council Plan, Financial Plan and our Budget.

The Strathbogie session identified its top infrastructure priorities as:

- Buildings and facilities;
- Roads, drains, bridges and footpaths, and;
- Waste management

While the Strathbogie session identified its top service priorities as:

- Climate Change;
- Roads, drains, bridges and footpaths, and;
- the Environment.

At the Nagambie session the top infrastructure priorities were:

- Building and facilities;
- Roads, drains, bridges and footpaths, and;
- Major facilities that promote tourism.

While Nagambie's top service priorities as:

- Roads, drains, bridges and footpaths;
- Supporting local business, and;
- Planning and development

At the Avenel session the top infrastructure priorities were:

- Waste Management;
- Buildings and facilities and;
- Aquatic facilities

While Avenel's top service priorities were:

- Climate Change;
- Environment, and;
- Parks and gardens

Council will also be offering the opportunity for the community to have their say online and will soon be calling for people to put up their hand to be part of its first ever Community Forum.



7. Reports of Mayor and Councillors and Delegates (cont.)

ARTC Update

Last week I wrote another letter to the Australian Rail Track Corporation (ARTC) CEO Mark Campbell advocating for better community engagement to decide the future design of the existing Anderson Street Overpass and Euroa Railway Precinct.

We are urged the ARTC take a step back in the process and implement an engagement process that will allow our community to reach a group decision on the future design on the Euroa Railway Precinct.

Our community is calling for ARTC to explore more design options. We are urging them to listen.

Procurement Policy

Finally, I want to address some concern in the community about Council not awarding work to local businesses.

At last month's Council meeting we endorsed several revisions to our Procurement Policy to strengthen the local content provisions.

Councillors voted unanimously to endorse the changes to the policy, which are designed to award more work to locals.

Council has increased the evaluation rating to mandate the local content and regional benefit, while also specifying that tenders and/or quotes will be awarded to local suppliers that are within five per cent of the highest scoring price offer.

I want to take this opportunity to say Council is working hard on supporting locals.

We have also committed to improving our communications and we are now advertising tenders on our social media channels, along with including information in our new community update column in the Euroa Gazette and Nagambie Community Voice and on our website.

Councillor Murray

- Attended Share Strathbogie session at Avenel market on Saturday
- Continuing sessions at the Daily Dose in Avenel on Fridays, and pleased to see people avail themselves of the opportunity to have a chat.
- Attended Avenel Active meeting on 10 March – attended by around 36 local people interested in the community. Discussions around renewable energy hub, community bus, town beautification works.



7. Reports of Mayor and Councillors and Delegates (cont.)

Councillor Dickinson

- Attended International Women's Day breakfast.
- Attended Scotch Mercantile rowing event (with Mayor) – presented trophies winning crews.
- Attended NOW Festival, held in conjunction with Nagambie market and Share Strathbogie community engagement opportunity.

Deputy Mayor Likos

Interviews with WIN TV and ABC News in relation to skate park to announce and confirm project commencing Thursday week, due for completion mid-June.

Councillor Binks

- Attended Share Strathbogie session in Strathbogie. Pleased with attendance and input from attendees – top priorities being buildings, facilities, roads, drains, bridges, footpaths, waste management, climate change, environment.
- Hosted International Women's Day event at Swanpool cinema on Monday 8 March, screening of 'Brazen Hussies' documentary.
- Attended Strathbogie Tableland Action Group AGM (Monday 15 March).

Councillor Hayes-Burke

- Provided update on ARTC matters.
- Attended EWG meeting, which appears to be the last meeting of the initial group.
- Attended a community consultation session with broader community involvement. Clear that community are keen for alternative to the bridge.
- Read excerpt from letter received from ARTC –
"ARTC acknowledges that the community has ongoing concerns about safety, connectivity, and functionality of any proposed solution. To this end ARTC will not progress any further development of a bridge solution and are committed to undertake further engagement with the community on a range of different solutions including an underpass."
- Share Strathbogie session at Euroa Farmers Market this Saturday 20 March 2021. Encouraging public and Seven Creeks Ward residents to attend and participate.

Cr Hourigan

- Reiterated the Share Strathbogie session at Euroa Farmers Market this Saturday 20 March 2021.

8. Public Question Time

Public Question Time will be conducted as per Rule 31 of Strathbogie Shire Council's Governance Rules. A copy of the required form for completion and lodgment, and associated Procedural Guidelines, are attached for information.

As the questions are a permanent public record and to meet the requirements of the Privacy and Data Protection Act 2014, only the initials of the person asking the question will be used together with a Council reference number.

6

8. Public Question Time (cont.)

The Chair invited the Chief Executive Officer to address the two questions received and provide responses.

Council Ref: DL: 05/2021

It is disappointing that a consultation meeting for the proposed Caravan Park at Kirwans Bridge has been scheduled for 17 March with many questions and also information still outstanding that objectors do not yet have access to. The 1108 objectors (plus another 310 that signed a petition) were also only given 7 or 8 business days notice and the meeting is also during working hours for most people. I understand there are Planning requirements that need to be met but is this good community engagement where all parties are treated equally, encouraged to attend to have their voice heard, given a reasonable amount of notice and have access to the same transparent information?

Response provided by the CEO

We're committed to making sure our community has every opportunity to learn more about this application.

The Planning and Environment Act 1987 specifies that notice be given in three ways:

- notice be given to owners and occupiers of adjoining land;*
- a sign can be placed on site, and*
- an advertisement in the local newspaper.*

Due to the size of the proposed development, Council officers provided more extensive notice than required under the Act.

We wrote to 93 nearby property owners and occupiers, an advertisement was placed in the Community Voice, two signs were requested to be placed on site, the application is on Council's website and a fact sheet prepared and made available to the public.

We also held an information session before Christmas to provide an alternative way for people to access the information.

After Christmas we held a further drop-in session, which provided opportunity for people to share their views with Councillors.

The next step in the process, before a decision is made by Council, is to invite submitters to a consultation meeting.

This coming meeting allows those who have made a submission to have their thoughts further heard by Councillors and officers should they wish. It is not for a decision, a decision on the application will be made at a Formal Council meeting in due course.

Further, with regards to accessing information, the Planning file is an open file, people can view the file however, the documents within the file cannot be copied or shared. We have already had interested community review the referral responses with a Council officer. This opportunity is available to those who seek to do same.

8. Public Question Time (cont.)

Response to Council Ref: DL: 05/2021 (cont.)

At tomorrow's meeting a copy of these responses will be available to view. Please note, to date Council's Planning department are still awaiting further information to enable DELWP and the GBCMA to make a formal position on the application namely matter relating to Native Vegetation and how the jetties and proposed boat ramp would be constructed. Additionally, Goulburn Murray Water are also yet to provide a response. These referral authorities responses are an important component for officers to make a complete assessment of the application to assist in their recommendation to Council.

I wish to assure you that Council has provided a number of opportunities for submitters to share their thoughts on this application and that information is available for the community to view.

Council Ref: JB: 06/2021

Excerpt from Council report – Item 10.2

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making. Staff have not yet undertaken any community engagement around this climate emergency declaration.

Community engagement was undertaken during the development of the Sustainable Strathbogie 2030 Strategy and engagement will be undertaken when goals are developed as part of Council's emissions reduction pledge.

Why have Councillors Dickinson and Hayes-Burke tabled the motion of declaring a Climate Emergency before undertaking community engagement?

Response provided by Cr Dickinson

We know there is some concern about this in our community about this Notice of Motion to declare a Climate Emergency.

Councillor Hayes and I want to let you know we are listening and we take this opportunity to explain why we believe leadership is needed on this issue.

The Climate Change is undeniable.

The global mean surface temperature of the Earth increased by around 0.9°C from 1880 to 2012. The rate of warming has been most rapid in the latter half of the 20th century.

Since the 1980s every decade has been warmer than other decades since 1850 and each successive decade has been warmer than the previous.

If action is not taken we will see significant impacts in our Shire.

This is not just about the present; it is about protecting the future for our children and their children.



8. Public Question Time (cont.)

Response provided by Cr Dickinson to Council Ref: JB: 06/2021 (cont.)

Increasing occurrences of extreme weather events will impact agriculture and tourism in our Shire.

Hotter and drier conditions will create a loss of habitat allowing pest plants and animals to out-compete the native species that we love so much in our region.

Increasing heat will impact our energy and infrastructure and increase air pollution and community health problems.

Vulnerable communities are at a greater risk of sickness and death due to an increasingly unsafe climate.

Now more than ever, it is important that we recognise that climate change presents an unprecedented challenge – globally and locally.

The planet's climate is changing, with dangerous heatwaves, droughts, storms, and flooding becoming more intense and destructive.

This motion will be addressed again later in the meeting.

Cr Hayes-Burke provided the following response to Council Ref: JB: 06/2021

The declaration of a Climate Emergency by Council demonstrates leadership in increasing awareness on the issue, identifying resources and instigating actions to mitigate against Climate Change.

We want to send a clear message to our community that we are serious about mitigating against the risks that climate change pose for the social, economic, and environmental prosperity of our community.

I would also like to take this opportunity to point out that as part of our Share Strathbogie sessions, that we are asking people to share their priorities on Council services.

Two of the three sessions we've recently held at Strathbogie and Avenel have listed Climate Change as their top service priority area.

As said earlier, we have read the comments on social media that deny Climate Change is an issue, we have heard the comments about a lack of community consultation.

Our Notice of Motion clearly states that we will work with the community to develop our priorities and action plan.

None of this changes the fact that our climate is changing, the impacts are catastrophic, and leadership is needed.



9. Officer Reports
10. Notices of Motion
11. Notices of Rescission
12. Urgent Business
13. Confidential Business

NEXT MEETING

The next Ordinary Meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday 20 April 2021, at the Euroa Community Conference Centre, commencing at 6.00 p.m.



REPORTS INDEX

		Page No.
9.	OFFICER REPORTS	
9.1	Planning Permit Application No. P2020-115 - Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie	1
9.2	Planning Application No. P2020-140 - Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239 Cowells Lane, Euroa	16
9.3	Planning Permit Application No. P2020-086 - Development of Land for a Four (4) Lot Staged Subdivision and Creation of Access ~ 12 Watson Street, Avenel	25
9.4	Planning Permit Application No. P2020-069 - Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell Street, Avenel	33
9.5	Planning Permit Application No. P2020-148 - Use and development of land for a dwelling ~ 1/58 Blayney Lane Nagambie	35
9.6	Planning Permit Application No. P2020-065 - Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook	39
9.7	Planning Permit Application No. P2017-121 - Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo	45
9.8	Planning Permit Application No. P2020-125 - Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa	55
9.9	Planning Applications Received and Planning Applications Determined - 1-28 February 2021	57
9.10	Sport and Recreation Victoria Funding Application – Council Co-Contribution for Projects	58
9.11	Advocacy Regarding Queensland Fruit Fly Control	59
9.12	Euroa Leash Free Area Declaration	60
9.13	Instruments of Appointment and Authorisation Update	61
9.14	Southern Aurora Memorial Mural – Application for Sponsorship	62
9.15	Reduction in Load Limit for Kirwans Bridge	63
9.16	Road Exchange – Un-named Road Reserve (Gilgai Farm)	65
9.17	Australian Rail Track Corporation (ARTC) Advocacy Call for Genuine Community Engagement and Funding for the development of a Railway Precinct Concept Plan	67
9.18	Tender for Contract No. 20/21-14: for Provision of House Protection Levee	69
9.19	Business Management System	70

10.	NOTICES OF MOTION	
10.1	Notice of Motion ~ Council Meeting - 16 March 2021 Climate Emergency Declaration - Lodged by Councillors Sally Hayes-Burke and Reg Dickinson (Notice of Motion Ref. No: 01/2021)	71
11.	NOTICES OF RESCISSION	72
	Nil	
12.	URGENT BUSINESS	72
	Nil	
13.	CONFIDENTIAL BUSINESS	72
	Nil	



9. OFFICER REPORTS

9.1 **Planning Permit Application No. P2020-115** **- Use and development of land for five (5) dwellings; five (5) lot subdivision** **and creation of an easement ~ 38 and 40 River Street, Nagambie**

Author: Principal Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for five dwellings and a five-lot subdivision, with the creation of an easement, at 38 and 40 River Street, Nagambie.
- The application was advertised, and six (6) objections were received. The objections raised issues related to character of the area, overdevelopment of the site and impact on infrastructure.
- The application is being heard before the Council due to the unresolved objections.
- The application has been assessed within the 60-day statutory time frame.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework, the General Residential Zone, the Floodway Overlay and the Land Subject to Inundation Overlay.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

APPLICATION DETAILS

Application is for:	Use and development of land for five (5) dwellings; Five (5) lot subdivision; Creation of easement.
Applicant's/Owner's Name:	Tess Coates, Spiire
Date Received:	14 September 2020 Further information was requested on 13 October 2020 in relation to the objections. This was received on 2 February 2021.
Statutory Days:	42
Application Number:	P2020-115
Planner: Name, title & department	Melissa Crane Principal Planner Planning and Investment Department
Land/Address:	Lot 1 on Plan of Subdivision 86248, Certificate of Title Volume 08806 Folio 636 and Lot 2 on Plan of Subdivision 86248, Certificate of Title Volume 08812 Folio 618 Known as 38 and 40 River Street, Nagambie VIC 3608
Zoning:	General Residential Zone
Overlays:	Floodway Overlay, Land Subject to Inundation Overlay
Is a CHMP required?	No, not in an area of sensitivity.

4

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

Is it within an Open Potable Catchment Area?	No, not in an open potable catchment area.
Under what clause(s) is a permit required? (include description)	<p>Clause 32.08, General Residential Zone – Planning permit required to use the land for 5 dwellings.</p> <p>Clause 32.08, General Residential Zone – Planning permit required for buildings and works associated with section 2 use.</p> <p>Clause 32.08, General Residential Zone – Planning permit required for subdivision.</p> <p>Clause 44.03, Floodway Overlay – Planning permit required for buildings and works.</p> <p>Clause 44.03, Floodway Overlay – Planning permit required for subdivision.</p> <p>Clause 44.04, Land Subject to Inundation Overlay - Planning permit required for buildings and works.</p> <p>Clause 44.04, Land Subject to Inundation Overlay - Planning permit required for Subdivision.</p> <p>Clause 52.02, Easements, Restrictions and Reserves – Planning permit required to create an easement.</p>
Restrictive covenants on the title?	No
Current use and development:	Residential/accommodation.

One objector addressed the meeting, and a statement from another objector was read out by the Mayor.

Two representatives of the applicant/s addressed the meeting.

MOVED: COUNCILLOR HAYES-BURKE
SECONDED: COUNCILLOR MURRAY

That Council:

Having caused notice of Planning Application No. P2020-115 to be given under section 52 of the Planning and Environment Act 1987 and having considered all matters required under Section 60 Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 32.08 General Residential Zone, 44.03 Floodway Overlay and 44.04 Land Subject to Inundation Overlay of the Strathbogie Planning Scheme in respect of the land known Lot 1 on Plan of Subdivision 86248, Certificate of Title Volume 08806 Folio 636 and Lot 2 on Plan of Subdivision 86248, Certificate of Title Volume 08812 Folio 618, 38-40 River Street, Nagambie VIC 3608, for the Use and Development of land for five dwellings, five lot subdivision and creation of easement in accordance with endorsed plans, subject to the following conditions:

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

Endorsed Plans

- 1. The subdivision must be generally in accordance with the endorsed plans. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.***
- 2. The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.***
- 3. In the event that the subdivision is not completed, prior to the commencement of use of the dwellings both lots (38 and 40 River Street, Nagambie) must be consolidated.***

Section 173

- 4. Prior to the issue of a Statement of Compliance a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:***
 - (a) A building exclusion zone, as shown on the endorsed plan and in accordance with Goulburn Murray Water Condition (39).***
 - (b) If the development is not completed prior to the issue of a statement of compliance:***
 - i. The development of the five dwellings hereby permitted must be undertaken in accordance with the endorsed plan.***
 - (c) For the ongoing management of the dwellings hereby permitted:***
 - i. The on-site detention for stormwater for the future dwellings will each be designed by a qualified drainage engineer and must be approved by the Council prior to construction. A copy of each of the approved plans will be held by Council for future reference.***
 - ii. The stormwater system must incorporate principles of Water Sensitive Urban design and be designed so that the rate of storm water runoff from the development must not be more than the rate of runoff from the site prior to the development, all to the satisfaction of the Responsible Authority. The drainage system must be designed in accordance with the requirements of Clause 19 of the IDM "On-site Detention Systems". The on-site storage size for the development must be in accordance with Table 13. The allowable discharge rate to Council drains shall be the lesser of; a) that which is outlined in Table 13 and b) the remaining capacity of the existing pipe (clause 19.3.1 of the Infrastructure Design Manual).***

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

- iii. *A default allowable discharge rate of 25 l/s/ha may be used in lieu of calculations to determine the remaining capacity of the existing drainage network www.designmanual.com.au.*
- iv. *Each on-site detention stormwater system must be constructed either prior to, or currently with, the construction of any dwelling on the specified lots. Each on-site detention stormwater system on the specified lots must be completed prior to connection to Council's drainage system and be constructed in accordance with the approved design plans.*
- v. *The owner will maintain, and not modify without prior Council written approval, each on-site detention system and will allow each on-site stormwater detention system to be inspected by a duly appointed officer of the Council at mutually agreed times.*
- vi. *The Owner will pay for all the costs associated with the construction and maintenance of each on-site detention system.*

The Section 173 Agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be recorded on the folio of the Register to the subject land pursuant to Section 181 of the Planning and Environment Act 1987.

Fencing:

- 5. *Prior to the issue of a Statement of Compliance for the subdivision, for the subdivision, or the commencement of use for the dwellings (whichever comes first), the existing fencing located approximately 10m from the western boundary of the allotment on the public land must be removed to the satisfaction of the responsible authority.*
- 6. *Prior to the issue of a Statement of Compliance for the subdivision, or the commencement of use for the dwellings (whichever comes first), the permit holder must fence, at its own cost, the boundary of the allotment abutting the public land, in accordance with the endorsed plans. Apart from the sections identified for 1.8m high fencing, this fencing must be of an open style to the satisfaction of the Responsible Authority. For the sections of fencing that are 1.8m high, they must be constructed from natural products and be sympathetic and respect the public land.*

Muted Tones:

- 7. *The external cladding of the proposed buildings, including the roof, must be constructed of materials in good order and condition and be of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.*

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

Landscaping

8. *Prior to the issue of a Statement of Compliance for the subdivision, or the commencement of use for the dwellings (whichever comes first), the area set aside for landscaping, as shown on the endorsed plan, must be planted in accordance with that plan. This area must then be maintained to the satisfaction of the Responsible Authority and must not be used for any other purpose except with the prior written approval of the Responsible Authority.*

Engineering Plans and requirements

9. *Prior to the certification of the subdivision, plans must be submitted for the approval of 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, electronic version (AutoCAD format) must be provided. The plans must be generally in accordance with the plans submitted with the application modified to show: -*
- (a) All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements.*
 - (b) Road Reserve, carriageway and verge widths*
 - (c) Dimensioned common/shared access and parking bays.*
 - (d) A common area set aside for rubbish and mail collection, where required.*
 - (e) Drainage design.*
 - (f) Other information relevant to the land such as dams, wells, filled land, creeks and natural water courses etc*
10. *Prior to the commencement of works, including demolition and excavation, a Construction Management Plan must be submitted to and endorsed by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must provide details of the following:*
- (a) Hours for construction activity in accordance with any other condition of this Permit;*
 - (b) Measures to control noise, dust, water and sediment laden runoff;*
 - (c) Measures to inform adjacent residents of work schedules, etc.*
 - (d) Measures relating to removal of hazardous or dangerous material from the site, where applicable.*
 - (e) A plan showing the location of parking areas for construction and sub- contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors / tradespersons upon completion of such areas, without delay;*

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

- (f) *A Traffic Management Plan showing truck routes to and from the site;*
 - (g) *Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;*
 - (h) *A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site.*
 - (i) *Measures to ensure that sub-contractors / tradespersons operating on the site are aware of the contents of the Construction Management Plan;*
 - (j) *Contact details of key construction site staff;*
 - (k) *A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on Council road reserves; and*
 - (l) *Any other relevant matters.*
11. *Prior to the commencement of works, a Site Environment Management Plan (SEMP), must be submitted to and approved by the responsible authority and, where relevant, other authorities. When approved, the plan will be endorsed and form part of this planning permit.*
12. *Prior to the issue of a Statement of Compliance for the subdivision, or the commencement of use for the dwellings (whichever comes first), the permit holder must design and construct a footpath in accordance with standards outlined within the Infrastructure Design Manual, to the satisfaction of the Responsible Authority. The footpath must be designed and constructed for the entire frontage of the subject site to the top of the court bowl.*
13. *Prior to the commencement of works, construction plans for all proposed roadways and pathways must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will form a part of the permit. The plans must be drawn to scale with dimensions via an electronic copy (AutoCAD format) provided. The plans must show:*
- (a) *The road reserve, carriageway and verge widths*
 - (b) *All infrastructure including drainage, concrete footpath, kerb and channel, public lighting and utility services*
 - (c) *Vehicle crossing for each lot*
 - (d) *Street tree locations*
 - (e) *All surface details*
 - (f) *Proposed court bowl (if required)*
 - (g) *All relevant road signage and line marking*
 - (h) *Speed limit signs as appropriate.*

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

14. The final design parameters for the roadways and pathways must be based on Council's Infrastructure Design Manual (IDM) as modified from time to time, all to the satisfaction of the Responsible Authority. All works shall conform to plans and specifications prepared by a qualified engineer at Owner's expense and approved by the Responsible authority. A list of specific details and requirements are as follows: -

- (a) Pram crossings must be provided at all intersections to the satisfaction of the responsible authority.**
 - (b) Include in the design plans recommendations resulting from any required Traffic Impact Assessment.**
 - (c) Provide temporary turnaround areas for roads terminated at stage boundaries. The size must be sufficient to turn service and emergency vehicles around without reversing. A minimum of 250mm depth of approved crushed rock material is required.**
 - (d) A pavement design must be submitted for the entire road network by a suitably qualified engineer in accordance with clause 12.7 of the IDM. Irrespective of such design a minimum pavement depth of 250mm must be provided in an approved material. Council requires that the pavement wearing course be in accordance with Clause 12.7.16.**
 - (e) Design of roads and footpath must be accessible to people with disabilities and include tactile ground surface indicators, and kerb ramps required for the safe movement of people with disabilities as per relevant Australian Standards.**
 - (f) The Vehicle crossings to the subject allotments from the road must be constructed at a location and of a size and standard satisfactory to the Responsible Authority.**
 - (g) Subsoil drainage installed for all kerb and channel.**
- 15. Prior to the commencement of works or prior to the plan of subdivision being certified under the Subdivision Act 1988, (whichever comes first) a properly prepared drainage discharge plan with computations 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 information submitted must show the details listed in the council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual. The information and plans must include:**
- (a) details of how the works on the land are to be drained and/or retarded.**
 - (b) computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority**
 - (c) independent drainage for each lot (for subdivisions only)**
 - (d) location of the overland flow paths within the development**

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

- (e) *underground pipe drains conveying stormwater to the legal point of discharge for each allotment*
- (f) *measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;*
- (g) *documentation demonstrating approval from the relevant authority for the legal point of discharge.*
- (h) *the details of the incorporation of water sensitive urban design in accordance with clause 20.3.1 of the Infrastructure Design Manual.*
- (i) *maintenance schedules for treatment elements.*

Street numbering

16. *Prior to the Certification of each stage of the subdivision or prior to the occupation of the dwellings (whichever comes first), the owner must complete and duly sign a Statutory Declaration agreeing to the Allocation of Street numbers.*

Bonds and fees

17. *Prior to the issue of statement of compliance for the subdivision, a maintenance bond to the value of 5% of the actual cost of road and drainage works must be paid to the Responsible Authority. In the event that the subdivision does not proceed, upon completion of works, a 50% maintenance bond of the actual cost must be paid to the Responsible Authority.*
18. *Prior to the issue of a statement of compliance payment must be made to the Responsible Authority of a supervision fee up to 2.5% of the actual cost of roads and drainage works, the amount to be determined by the Responsible Authority (the permit holder must submit a copy of the road and drainage Construction Contract Schedule, for verification of the amount by Council.*
19. *Prior to the issue of a statement of compliance payment must be made to the Responsible Authority of an engineering design checking fee of up to 0.75% of the value of documented works, the amount to be determined by the Responsible Authority.*

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

Engineering Works:

- 20. Prior to the commencement of works, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, streetlights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit.***
- 21. Prior to the issue of a Statement of Compliance all works constructed or carried out must be in accordance with the approved plans to the satisfaction of the Responsible Authority.***
- 22. Prior to the issue of a Statement of Compliance or use of the dwellings (whichever comes first), public street lighting must be provided to streets, footpaths and public open spaces designed in accordance with relevant Australian Standards relevant Council Policy, the IDM and to the satisfaction of the responsible Authority (category P4 unless otherwise directed).***
- 23. Prior to the issue of a Statement of Compliance all internal street names and speed limit signs must be erected.***
- 24. Prior to the issue of Statement of Compliance for the subdivision the permit holder must obtain a vehicle crossing permit from the responsible authority for each lot and construct the vehicle crossing in accordance with the requirements. Standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree.***
- Any new, relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. Final location of vehicle crossing must be approved by Responsible Authority via vehicle crossing permit. Refer to Clause 12.9.1 "Urban Vehicle Crossings" of the Infrastructure Design Manual. Where there is no existing kerb and channel in the street refer to standard drawing SD255.***

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

Site Management:

- 25. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority and must be carried out in accordance with the following EPA guidelines and policies: -**
- (a) Environmental Guidelines for Major Construction Sites (EPA publication No. 480, December 1985); and**
 - (b) Construction Techniques for Sedimentation Pollution Control (EPA publication No. 275, May 1991).**
- 26. In the event of mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, appropriate measures must be implemented to minimise the problem to the satisfaction of the Responsible Authority.**
- 27. The earthworks and lot filling must be as per the guidelines specified in Council's Infrastructure Design Manual, to the satisfaction of the Responsible Authority.**
- 28. The approved SEMP must be implemented to the satisfaction of the Responsible Authority.**

General Amenity:

- 29. The amenity of the area must not be detrimentally affected by the use, through the: -**
- (a) Appearance of any building, works or materials;**
 - (b) Transport of materials, goods or commodities to or from the land;**
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;**
 - (d) Presence of vermin, and;**
 - (e) Others as appropriate.**
- 30. The site shall at all times be kept in a neat and tidy condition to the satisfaction of the Responsible Authority. Any litter shall be immediately removed from the site and surrounding area at the direction of the Responsible Authority.**

Public Open Space

- 31. Pursuant to Section 18 of the Subdivision Act 1988, the applicant must pay to the Responsible Authority a sum equivalent to 5% of the site value of all land in the subdivision for Public Open Space. This payment shall be made prior to the issue of a Statement of Compliance and may be adjusted in accordance with Section 19 of the Subdivision Act 1988.**

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

Telecommunications

32. The owner of the land must enter into an agreement with:

- **A telecommunications network or service provider for the provision of telecommunications services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
- **A suitably qualified person for the provision of fibre ready telecommunications facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

33. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- **A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
- **A suitable qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Telecommunications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

AusNet Electricity Services Pty Ltd

34. The applicant must –

- (a) **Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.**
- (b) **Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.**

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

Goulburn Broken Catchment Management Authority

- 35. The finished floor level of the proposed five townhouses must be constructed at least 300 millimetres above the general surrounding ground level.**

Goulburn Valley Water

- 36. Prior to the issue of a statement of compliance, the permit holder must arrange:**

- (a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;**
- (b) Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;**
- (c) Provision of separate water supply meters to each tenement within the development, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation;**
- (d) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation;**
- (e) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;**
- (f) Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;**
- (g) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.**
- (h) All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;**

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

- (i) Disconnection and Relocation of any existing house connection drain, and each allotment to be independently and directly connected to a sewer main of the Goulburn Valley Region Water Corporation;*
- (j) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;*
- (k) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;*
- (l) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act 1988.*

Goulburn Murray Water

- 37. All works within the subdivision must be done in accordance with EPA Publication 960 "Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites", September 2004.*
- 38. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1) (a) of the Subdivision Act.*
- 39. The Plan of Subdivision must show building exclusion zones to prevent future buildings from being located within 30 metres of the full supply level of Goulburn Weir (124.24 m AHD).*
- 40. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of Goulburn Valley Water.*
- 41. All stormwater discharged from the site must be directed to Council's legal point of discharge. All stormwater must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.*

Country Fire Authority

42. Hydrants

Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

- (a) *Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.*

Note –CFA’s requirements for identification of hydrants are specified in ‘Identification of Street Hydrants for Firefighting Purposes’ available under publications on the CFA web site (www.cfa.vic.gov.au).

Expiry

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

- (a) *the subdivision is not started (Certification) within two (2) years of the date of this permit;*
- (b) *the subdivision is not completed (Statement of Compliance) within five (5) years of the date of Certification under the Subdivision Act 1988.*
- (c) *the approved development does not start within 2 years of the date of this permit; and*
- (d) *the approved development is not completed within 4 years of the date of this permit.*
- (e) *the approved use is not commenced within two years of the completion of the development.*

The Responsible Authority may extend the periods referred to if a request is made in writing:

- *before the permit expires; or*
- *within six months afterwards if the use or development has not yet started; or*
- *within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.*

Planning Notes:

- *This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.*
- *This Permit does not authorise the removal of any native vegetation including for access. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.*



- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

- ***This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.***

64-20/21 **CARRIED**



9.2 Planning Application No. P2020-140
- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa

6.50 p.m.

Cr Hourigan left the meeting.

Author: Town Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for a two (2) lot subdivision (house lot excision) and the use and development of the land for a dwelling.
- The site has an area of 24.98 hectares.
- The site is in the Farming Zone and is affected in part by both the Land Subject to Inundation Overlay and the Floodway Overlay.
- The application was referred internally to Council's Asset Services and Environmental Health Departments who have consented to the proposal, subject to conditions.
- The application was referred externally to the Goulburn Broken Catchment Management Authority who has consented to the proposal subject to conditions regarding the floor height of the dwelling.
- The application was referred to APA who consent to the proposal.
- An assessment against the Farming Zone, Floodway Overlay and Land Subject to Inundation Overlay Decision Guidelines and State and Local Policies indicates the proposal is consistent with these provisions of the Strathbogrie Planning Scheme.
- The application was advertised to adjoining landowners and one (1) objection has been received.
- The application is being presented to Council as the proposal is for the development of a dwelling less than 80 hectares.
- The application has been assessed outside the 60-day statutory time period due to the Christmas Holiday Period, an objection was received, and the decision was deferred.
- The application was before Council on the 19th January 2021 and was deferred to enable Councillors to give consideration to the objection received on the day.
- It is recommended Council resolve to issue a notice of decision to grant a permit in accordance with the Officer's recommendation.

Application is for:	Two (2) Lot Subdivision and the Use and Development of the land for a dwelling and shed.
Applicant's/Owner's Name:	Troy Spencer Planography Pty Ltd
Date Received:	27 October 2020 Application Received 29 October 2020 Fee Paid
Statutory Days:	138
Application Number:	P2020-140
Planner: Name, title & department	Trish Hall Town Planner Planning and Investment Department

9.2 Planning Application No. P2020-140
- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa (cont.)

Land/Address:	Lot 2 Plan of Subdivision 94006, Certificate of Title Volume 8917 Folio 633, 239 Cowells Lane, Euroa VIC 3666
Zoning:	Farming Zone
Overlays:	Land Subject to Inundation Overlay (Part) Floodway Overlay (Part)
Is a CHMP required?	No The subject site is not within a Culturally Sensitive Area.
Is it within an Open Potable Catchment Area?	No The subject site is not within an Open Potable Water Catchment Area
Under what clause(s) is a permit required?	Clause 35.07-1 Use and development of land for a dwelling on a small lot in the Farming Zone. Clause 35.07-2 Use of land for a dwelling in the Farming Zone Clause 35.07-3 Subdivision in the Farming Zone Clause 35.07-4 Buildings and works in the Farming Zone Clause 44.01-2 Building and works in the Land Subject to Inundation Overlay Clause 44.01-3 Subdivision in the Land Subject to Inundation Overlay Clause 44.03-3 Subdivision in the Floodway Overlay
Restrictive covenants on the title?	Nil
Current use and development:	Agriculture and Dwelling

MOVED: DEPUTY MAYOR LIKOS
SECONDED: COUNCILLOR MURRAY

That Council:

Having caused notice of Planning Application No. P2020-140 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 35.07-1 Use and development of land for a dwelling on a small lot in the Farming Zone, Clause 35.07-2 Use of land for a dwelling in the Farming Zone, Clause 35.07-3 Subdivision in the Farming Zone, Clause 35.07-4 Buildings and works in the Farming Zone, Clause 44.01-2 Building and works in the Land Subject to Inundation Overlay, Clause 44.01-3 Subdivision in the Land Subject to Inundation Overlay, Clause 44.03-3 Subdivision in the Floodway Overlay of the Strathbogie Planning Scheme in respect of the land known as Lot 2 Plan of Subdivision 94006, Certificate of Title Volume 8917 Folio 633, 239 Cowells Lane, Euroa VIC 3666, for the Subdivision of land into two (2) lots and the use and development of the land for a dwelling in accordance with endorsed plans, subject to the following conditions:

- 9.2 Planning Application No. P2020-140
- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa (cont.)

Endorsed Plans:

1. *The development must be sited and constructed in accordance with the endorsed plans. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.*

Amended Plans:

2. *Before the development hereby permitted 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 this permit. The plans must be generally in accordance with the application but modified to include:*
 - a) *Setback distances of proposed shed from two boundaries.*
3. *Before the development hereby permitted starts, additional 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 this permit. The plans must show:*
 - b) *Floor and elevation plans of proposed shed*
 - c) *List of materials.*

Section 173 Agreement

4. *Prior to the commencement of use, the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority. Such agreement shall:*
 - a) *Prevent subdivision, including house lot excision which increases the number of lots.*
 - b) *Recognise surrounding agricultural land uses.*

A memorandum of the agreement is to be entered on title and the cost of the preparation and execution of the agreement and entry on the title is to be paid by the owner.

Environmental Health Conditions:

5. *Prior to installation/alterations works commencing on the septic tank system, a Permit to Install/Alter must be obtained from Council.*
6. *All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Act 1970 and the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016) and the Responsible Authority.*
7. *All wastewater shall be disposed of within the curtilage of the land and sufficient area shall be kept available for the purpose of wastewater disposal to the satisfaction of the Responsible Authority.*

9.2 Planning Application No. P2020-140
- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa (cont.)

8. *No wastewater shall drain directly or indirectly onto an adjoining property, street or any watercourse or drain to the satisfaction of the Responsible Authority.*
9. *All wastewater and liquid are to be contained and treated on site by an approved septic tank system or equivalent. The system must be at least 300 metres from potable water supply. The system must be at least 60 metres from any watercourse and/or dam (non-potable water supply) for primary sewage and 30 metres for secondary sewage, on the subject or neighbouring properties, and must meet the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).*
10. *No buildings or works shall occur over any part of the approved waste disposal system including the septic tank in accordance with the requirements of the Environment Protection Act 1970, the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).*

Engineering Conditions:

Rural Vehicle Crossing Location

11. *Prior to the commencement of works on site, any new, relocated, alteration or replacement of required vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. The final location of the crossing is to be approved by the Responsible Authority via a Vehicle Crossing Permit. Reference should be made to Clause 12.9.2 "Rural Vehicle Crossings" of the Infrastructure Design Manual. Refer to standard drawing SD255 for small vehicles or SD265 for large vehicles.*
12. *The vehicular crossing shall have satisfactory clearance to any power or Telecommunications pole, manhole cover or marker, or street tree and have a minimum of 50mm of gravel from the shoulder to the property boundary.*

Internal Access Roads

13. *Prior to the commencement of the issue of Statement of Compliance and the Certificate of Occupancy all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority. Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4 metres.*

- 9.2 Planning Application No. P2020-140
- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa (cont.)

Rural Drainage - Works

- 14. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.***
- 15. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority and must be carried out in accordance with the Construction Techniques for Sedimentation Pollution Control (EPA publication No. 275, May 1991).***
- 16. Prior to the commencement of any works, the design parameters for any defined watercourse crossing(s), both structural and hydraulic design, shall be approved by the Responsible Authority (GBCMA – Works on Waterways Permit).***

Council's Assets

- 17. Before the development starts or subdivision works commences, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, streetlights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit.***

Subdivision Conditions

- 18. Prior to the certification of plans under the Subdivision Act 1988, the landowner must complete and duly sign a Statutory Declaration agreeing to the Allocation of Street Numbers.***
- 19. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.***
- 20. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.***

- 9.2 Planning Application No. P2020-140
- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa (cont.)

21. Prior to the issue of a Statement of Compliance, the owner of the land must enter into an agreement with:

- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
- b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

22. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
- b) A suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Telecommunications and Media Authority, unless the applicant can demonstrate that the land is in an area where National Broadband Network will not be provided by optical fibre.**

23. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Dwelling Conditions

24. Access to the dwelling approved by this permit must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.

25. The dwelling approved by this permit must be connected to a reticulated sewerage system or if not available, the wastewater must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

26. The dwelling approved by this permit must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.

4

- 9.2 Planning Application No. P2020-140
- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa (cont.)

- 27. The dwelling approved by this permit must be connected to a reticulated electricity supply or have an alternative energy source.*
- 28. The use of the land for a dwelling must be used in conjunction with an agricultural pursuit on the subject site and in accordance with the endorsed Whole Farm Plan.*
- 29. The use and development must be sited and constructed in accordance with the endorsed plans. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.*
- 30. The external cladding of the proposed buildings, including the roof, must be constructed of materials in good order and condition and be of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.*
- 31. The amenity of the area must not be detrimentally affected by the use, through the:*
- (a) Appearance of any building, works or materials;*
 - (b) Transport of materials, goods or commodities to or from the land;*
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;*
 - (d) Presence of vermin, and;*
 - (e) Others as appropriate.*

Goulburn Broken Catchment Management Authority

- 32. The finished floor level of the proposed dwelling must be constructed the higher level of:*
- a. at least 300mm above the 100-year ARI Flood level of 166.6 metres AHD, i.e. 166.9 metres AHD, or*
 - b. at least 300mm above the general surround surface level.*
- 33. This permit will expire if one of the following circumstances applies:*
- (a) The development is not started within two (2) years of the date of this Permit,*
 - (b) The development is not completed within four (4) years of the date of this Permit.*
 - (c) the subdivision is not started (Certification) within two (2) years of the date of this permit;*
 - (d) the subdivision is not completed (Statement of Compliance) within five (5) years of the date of Certification under the Subdivision Act 1988.*

9.2 Planning Application No. P2020-140
- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa (cont.)

The Responsible Authority may extend the periods referred to if a request is made in writing:

- *before the permit expires; or*
- *within six months afterwards if the use or development has not yet started; or*
- *within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.*

Planning Notes:

- *This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.*
- *This Permit does not authorise the removal of any native vegetation including for access. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.*
- *A Land Capability Assessment may be required and should be undertaken by a suitability qualified person. The Responsible Authority reserves the right to accept, reject or amend the recommendations of an LCA report.*
- *This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.*

Environmental Health:

- *The property is located near Sevens Creek and Castle Creek. Therefore, the property has been identified as a Medium Risk Area (Minor Catchment Area).*
- *A High-Risk Template - Land Capability Assessment must be provided for this proposal to determine if wastewater can be contained on site before any further comment can be made by the Environmental Health Unit. The land is affected by Flood Overlay (FO) and Land Subject to Inundation Overlay (LSIO).*
- *The floor plan shows a study room that could be closed off with a door and may need to be included as a bedroom for the purposes of calculating the minimum daily domestic flow rates.*

Goulburn Broken Catchment Management Authority:

- *The Authority's best estimate of the 100-year ARI Flood Level for the above-mentioned property ranges from 165.8 metres AHD in the north western corner to 167.0 metres AHD in the south eastern corner.*
- *The best estimate of the 100-year ARI flood level at the site of the proposed dwelling is 166.6 metres AHD, which was established from Euroa Post Flood Mapping and Intelligence Project (2015).*

9.2 Planning Application No. P2020-140
- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa (cont.)

- ***Please note that the 100-year ARI flood is not the maximum possible flood. There is always a possibility that a larger in height and extent, than the 100-year ARI flood may occur in the future.***

65-20/21 **CARRIED**

6.54 p.m.

Cr Hourigan returned to the meeting.

9.3 Planning Permit Application No. P2020-086
– Development of Land for a Four (4) Lot Staged Subdivision and Creation of Access ~ 12 Watson Street, Avenel

Author: Principal Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for a four-lot staged subdivision at 12 Watson Street Avenel.
- The application was advertised, and two (2) objections were received. The objections raised issues related to native vegetation, character of the area and impact on infrastructure.
- The application is being heard before the Council due to the unresolved objections.
- The original application was received by Council in July 2020. The application was amended in December 2020 as a result of objections to change the layout. The application was amended again in January 2021 to include staging of the development.
- The amended application has been assessed within the 60-day statutory timeframe.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework and the Township Zone.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

APPLICATION DETAILS

Application is for:	Development of land for a four (4) lot subdivision (2 lots into 4); Creation of Access
Applicant's/Owner's Name:	Cameron Ross
Date Received:	21 July 2020 Application amended on 3 December 2020 to change the layout. Application amended on 29 January 2021 to make minor changes to dimensions and include staging.
Statutory Days:	46
Application Number:	P2020-086
Planner: Name, title & department	Melissa Crane Principal Planner Planning and Investment Department
Land/Address:	Land in Plan of Consolidation 172185A, Certification of title Volume 09935 Folio 283 and Land in Plan of Consolidation 172186X, Certificate of title Volume 09935 Folio 284, Parish of Avenel 12 Watson Street, Avenel VIC 3664
Zoning:	Township Zone, adjacent to Road Zone Category 1
Overlays:	No Overlays

9.3 Planning Permit Application No. P2020-086
– Development of Land for a Four (4) Lot Staged Subdivision and Creation of
Access ~ 12 Watson Street, Avenel

Is a CHMP required?	No, not in an area of cultural sensitivity.
Is it within an Open Potable Catchment Area?	No, not in an open potable catchment area.
Under what clause(s) is a permit required? (include description)	Clause 32.05, Township Zone – Permit required for subdivision Clause 52.29, Land Adjacent to Road Zone Category 1 - Permit required for subdivision
Restrictive covenants on the title?	No
Current use and development:	Residential/accommodation

One objector addressed the meeting on behalf of herself and another objector.

MOVED: COUNCILLOR MURRAY
SECONDED: COUNCILLOR HOURIGAN

That Council:

Having caused notice of Planning Application No. P2020-086 to be given under section 52 of the Planning and Environment Act 1987 and having considered all matters required under Section 60 Planning and Environment Act 1987, decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 32.05 Township Zone and Clause 52.29, Land Adjacent to a Road Zone Category 1 of the Strathbogrie Planning Scheme in respect of the land known as Land in Plan of Consolidation 172185A, Certification of title Volume 09935 Folio 283 and Land in Plan of Consolidation 172186X, Certificate of title Volume 09935 Folio 284 Parish of Avenel, 12 Watson Street, Avenel VIC 3664, for the Development of land for a four (4) Lot Staged Subdivision (2 lots into 4) and Creation of Access, in accordance with endorsed plans subject to the following conditions:

Endorsed Plans

- 1. The subdivision must be generally in accordance with the endorsed plans. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.***

Section 173

- 2. Prior to the issue of a Statement of Compliance a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:***
 - a. The on-site detention for stormwater for the future dwellings will each be designed by a qualified drainage engineer and must be approved by the Council prior to construction. A copy of each of the approved plans will be held by Council for future reference.***

9.3 Planning Permit Application No. P2020-086
– Development of Land for a Four (4) Lot Staged Subdivision and Creation of
Access ~ 12 Watson Street, Avenel

- b. The stormwater system must incorporate principles of Water Sensitive Urban design and be designed so that the rate of storm water runoff from the development must not be more than the rate of runoff from the site prior to the development, all to the satisfaction of the Responsible Authority. The drainage system must be designed in accordance with the requirements of Clause 19 of the Infrastructure Design Manual (IDM) "On-site Detention Systems". The on-site storage size for the development must be in accordance with Table 13. The allowable discharge rate to Council drains shall be the lesser of; a) that which is outlined in Table 13 and b) the remaining capacity of the existing pipe (clause 19.3.1 of the IDM).*
- c. A default allowable discharge rate of 25 l/s/ha may be used in lieu of calculations to determine the remaining capacity of the existing drainage network.*
www.designmanual.com.au
- d. Each on-site detention stormwater system must be constructed either prior to, or currently with, the construction of any dwelling on the specified lots. Each on-site detention stormwater system on the specified lots must be completed prior to connection to Council's drainage system and be constructed in accordance with the approved design plans.*
- e. The owner will maintain, and not modify without prior Council written approval, each on-site detention system and will allow each on-site stormwater detention system to be inspected by a duly appointed officer of the Council at mutually agreed times.*
- f. The Owner will pay for all the costs associated with the construction and maintenance of each on-site detention system.*

The Section 173 Agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be recorded on the folio of the Register to the subject land pursuant to Section 181 of the Planning and Environment Act 1987.

Removal of shed

- 3. Prior to the issue of a statement of compliance for Stage 2, the shed on proposed Lot 4 must be removed to the satisfaction of the Responsible Authority.*

- 9.3 Planning Permit Application No. P2020-086
– Development of Land for a Four (4) Lot Staged Subdivision and Creation of
Access ~ 12 Watson Street, Avenel

Engineering

4. *Prior to the issue of statement of compliance for the subdivision the permit holder must obtain a vehicle crossing permit from the responsible authority for each lot and construct the vehicle crossing in accordance with the requirements. Standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree.*

Any new, relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. Final location of vehicle crossing must be approved by Responsible Authority via vehicle crossing permit. Refer to Clause 12.9.1 "Urban Vehicle Crossings" of the Infrastructure Design Manual. Where there is no existing kerb and channel in the street refer to standard drawing SD255.

5. *All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/ Goulburn Murray Water. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.*
6. *A qualified engineer is to prepare Stormwater Impact Assessment Report [SIAR] and/ or Stormwater Management Assessment Report [SMAR] in accordance with the requirements of clause 11 of the Infrastructure Design Manual.*
7. *Before any of the development starts or before the plan of subdivision is certified under the Subdivision Act 1988, a properly prepared drainage discharge plan with computations 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 information submitted must show the details listed in the council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual. The information and plans must include:*
- a. *details of how the works on the land are to be drained and/or retarded.*
 - b. *computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority*
 - c. *independent drainage for each lot (for subdivisions only)*

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9.3 Planning Permit Application No. P2020-086
– Development of Land for a Four (4) Lot Staged Subdivision and Creation of
Access ~ 12 Watson Street, Avenel

- d. location of the overland flow paths within the development*
 - e. underground pipe drains conveying stormwater to the legal point of discharge for each allotment*
 - f. measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;*
 - g. documentation demonstrating approval from the relevant authority for the legal point of discharge.*
 - h. the details of the incorporation of water sensitive urban design in accordance with clause 20.3.1 of the Infrastructure Design Manual.*
 - i. maintenance schedules for treatment elements.*
8. *Prior to the issue of a Statement of Compliance all works constructed or carried out in accordance with the plans endorsed under this permit.*
9. *Prior to the issue of Statement of Compliance for the subdivision the Applicant/ Owner must construct underground drainage pipe connections from the development to the existing pits and/or existing pipeline and continue the existing 300mm diameter pipeline along Livingstone Street to a position to be agreed to with Councils Engineers, and appropriately backfill to the natural surface level.*
10. *Prior to the commencement of works, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit.*

Telecommunications

11. *The owner of the land must enter into an agreement with:*

- A telecommunications network or service provider for the provision of telecommunications services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and*

9.3 Planning Permit Application No. P2020-086
– Development of Land for a Four (4) Lot Staged Subdivision and Creation of
Access ~ 12 Watson Street, Avenel

- *A suitably qualified person for the provision of fibre ready telecommunications facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

12. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- *A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and*
- *A suitable qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Telecommunications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

AusNet Electricity Services Pty Ltd

13. The applicant must –

- Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.*
- Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.*

Transport for Victoria

14. Only one access will be permitted from the subject land to the Livingstone Street as shown on the plan appended to the application.

15. Prior to the release of a Statement of Compliance, the access must be constructed and sealed to the satisfaction of the Responsible Authority and at no cost to Head, Transport for Victoria.

- 9.3 Planning Permit Application No. P2020-086
– Development of Land for a Four (4) Lot Staged Subdivision and Creation of
Access ~ 12 Watson Street, Avenel

Goulburn Valley Water

16. Prior to the issue of a Statement of Compliance, the permit holder must arrange:

- a. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;**
- b. Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation;**
- c. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;**
- d. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;**
- e. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;**
- f. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;**
- g. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act 1988.**

Expiry

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

- (a) the subdivision is not started (Certification) within two (2) years of the date of this permit;**
- b) the subdivision is not completed (Statement of Compliance) within five(5) years of the date of Certification under the Subdivision Act 1988.**

9.3 Planning Permit Application No. P2020-086
– Development of Land for a Four (4) Lot Staged Subdivision and Creation of
Access ~ 12 Watson Street, Avenel

The Responsible Authority may extend the periods referred to if a request is made in writing:

- ***before the permit expires; or***
- ***within six months afterwards if the use or development has not yet started; or***
- ***within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.***

Planning Notes:

- ***This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.***
- ***This Permit does not authorise the removal of any native vegetation including for access. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.***
- ***This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.***

66-20/21 **CARRIED**

**9.4 Planning Permit Application No. P2020-069
– Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell
Street, Avenel**

Author: Principal Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for an eleven (11) lot subdivision and removal of native vegetation (1 tree) within the Township Zone, at 30-38 Hovell Street, Avenel.
- The application was advertised, and seven (7) objections were received with one objection later being withdrawn. The objections raised issues related to character of the area and impact on infrastructure. Further information can be read within the Public Notification and Engagement section of this report.
- The application is being heard before the Council due to the unresolved objections.
- The application has not been assessed within the 60-day statutory time frame due to the Christmas period and agenda timeframes.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework, the Township Zone and the Airport Environs Overlay.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

APPLICATION DETAILS

Application is for:	Development of land for an eleven (11) lot subdivision; Removal of native vegetation (1 tree)
Applicant's/Owner's Name:	Mark Tomkinson, Land Development Consulting Pty Ltd
Date Received:	12 June 2020 Further information provided on 9 September 2020.
Statutory Days:	98
Application Number:	P2020-069
Planner: Name, title & department	Melissa Crane Principal Planner Planning and Investment Department
Land/Address:	Crown Allotment 7, Section A, Parish of Avenel, Certificate of Title Volume 10139 Folio 994 30-38 Hovell Street, Avenel VIC 3664
Zoning:	Township Zone
Overlays:	Airport Environs Overlay
Is a CHMP required?	No, not in an area of cultural sensitivity.
Is it within an Open Potable Catchment Area?	No, not in an open potable catchment area.
Under what clause(s) is a permit required? (include description)	Clause 32.05, Township Zone – Planning permit required for subdivision. Clause 45.02, Airport Environs Overlay – Planning permit required for subdivision.

9.4 Planning Permit Application No. P2020-069
– Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell Street,
Avenel (cont.)

Restrictive covenants on the title?	No
Current use and development:	Residential/accommodation

Two objectors addressed the meeting, and a statement from another objector was read out by the Mayor.

The applicant addressed the meeting.

MOVED: COUNCILLOR MURRAY
SECONDED: DEPUTY MAYOR LIKOS

That Council:

Having caused notice of Planning Application No. P2020-069 to be given under section 52 of the Planning and Environment Act 1987 and having considered all matters required under Section 60 Planning and Environment Act 1987 decides to issue a Refusal to Grant a Permit under the provisions of Clause 32.05 Township Zone and 45.02, Airport Environs Overlay of the Strathbogie Planning Scheme in respect of the land known Crown Allotment 7, Section A, Parish of Avenel, Certificate of Title Volume 10139 Folio 994, 30-38 Hovell Street, Avenel VIC 3664, for the Development of land for a eleven (11) Lot Subdivision on the following grounds:

- 1. The proposal is not in accordance with Clause 15.01-5S, Neighbourhood Character as it does not respond to the preferred character of the area.***
- 2. The proposal is not in accordance with Clause 21.03-1, Avenel, as it does not reflect the low density layout of the township.***
- 3. The density of the subdivision fails to meet Clause 56.03-5 - Neighbourhood Character Objective, as it does not respect the character of the existing neighbourhood.***
- 4. The proposal constitutes an overdevelopment of the site.***
- 5. The proposal would result in a detrimental effect on the amenity of the neighbourhood.***

67-20/21 **CARRIED**

9.5 Planning Permit Application No. P2020-148
- Use and development of land for a dwelling ~ 1/58 Blayney Lane Nagambie

Author: Principal Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for a dwelling, at 1/58 Blayney Lane, Nagambie.
- The application was advertised, and one (1) objection was received. The objection raised issues related to character of the area and overdevelopment of the site.
- The application is being heard before the Council due to the unresolved objection.
- The application has been assessed within the 60-day statutory time frame.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework and the Commercial 1 Zone.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

APPLICATION DETAILS

Application is for:	Use and development of land for a dwelling
Applicant's/Owner's Name:	Lee Stovold
Date Received:	12 November 2020
Statutory Days:	55
Application Number:	P2020-148
Planner: Name, title & department	Melissa Crane Principal Planner Planning and Investment Department
Land/Address:	Lot 1 on Plan of Subdivision 823636 Certificate of Title Volume 12232 Folio 599 1/58 Blayney Lane, Nagambie VIC 3608
Zoning:	Commercial 1 Zone
Overlays:	No Overlay
Is a CHMP required?	No, not in an area of sensitivity.
Is it within an Open Potable Catchment Area?	No, not in an open potable catchment area.
Under what clause(s) is a permit required? (include description)	Clause 34.01, Commercial 1 Zone – Permit required for accommodation if the frontage at ground floor level is more than 2 metres. Clause 34.01, Commercial 1 Zone - Permit required for buildings and works associated with a section 2 use.
Restrictive covenants on the title?	No
Current use and development:	Vacant

- 9.5 Planning Permit Application No. P2020-148
- Use and development of land for a dwelling ~ 1/58 Blayney Lane Nagambie (cont.)

MOVED: COUNCILLOR HOURIGAN
SECONDED: COUNCILLOR BINKS

That Council:

Having caused notice of Planning Application No. P2020-148 to be given under section 52 of the Planning and Environment Act 1987 and having considered all matters required under Section 60 Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 34.01 Commercial 1 Zone, 44.03 of the Strathbogie Planning Scheme in respect of the land known Lot 1 on Plan of Subdivision 823636 Certificate of Title Volume 12232 Folio 599, 1/58 Blayney Lane, Nagambie VIC 3608, for the Use and Development of land for a dwelling in accordance with endorsed plans, subject to the following conditions:

Endorsed Plans

- 1. The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.***

Muted Tones:

- 2. The external cladding of the proposed buildings, including the roof, must be constructed of materials in good order and condition and be of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.***

Engineering:

- 3. Before the use begins and/or the building(s) is/are occupied vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Responsible Authority, and shall comply with the following:***
 - a. standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed and replaced with concrete (kerb and channel);***
 - b. any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense;***
 - c. crossings shall be at least 9 metres apart.***

9.5 Planning Permit Application No. P2020-148
- Use and development of land for a dwelling ~ 1/58 Blayney Lane Nagambie (cont.)

4. *All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/ Goulburn Murray Water. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system or Lake Nagambie.*
5. *Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb& channel, trees, nature strip etc), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.*
6. *Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.*

General Amenity:

7. *The amenity of the area must not be detrimentally affected by the use, through the: -*
 - a. *Appearance of any building, works or materials*
 - b. *Transport of materials, goods or commodities to or from the land;*
 - c. *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;*
 - d. *Presence of vermin, and;*
 - e. *Others as appropriate.*
8. *The site shall at all times be kept in a neat and tidy condition to the satisfaction of the Responsible Authority. Any litter shall be immediately removed from the site and surrounding area at the direction of the Responsible Authority.*

Expiry

9. *This permit will expire if one of the following circumstances applies:*
 - (a) *the approved development does not start within 2 years of the date of this permit; and*
 - (b) *the approved development is not completed within 4 years of the date of this permit.*
 - (c) *the approved use is not commenced within two years of the completion of the development.*

9.5 Planning Permit Application No. P2020-148
- Use and development of land for a dwelling ~ 1/58 Blayney Lane Nagambie (cont.)

The Responsible Authority may extend the periods referred to if a request is made in writing:

- ***before the permit expires; or***
- ***within six months afterwards if the use or development has not yet started; or***
- ***within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.***

Planning Notes:

- ***This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.***
- ***This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.***

68-20/21 **CARRIED**

9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook

Author: Principal Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for a dwelling at 437 Creek Junction Road, Kithbrook.
- The application was advertised and no objections were received.
- The application is being heard before the Council due to dwelling being on a small lot in the Farming Zone.
- The application has not been assessed within the 60-day statutory time frame due to the Christmas period and agenda timeframes.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework, the Farming Zone and the Erosion Management Overlay.
- It is recommended that Council resolve to Grant a Permit in accordance with the Officer's recommendation.

APPLICATION DETAILS

Application is for:	Use and development of land for a dwelling
Applicant's/Owner's Name:	Troy Spencer
Date Received:	28 May 2020
Statutory Days:	77
Application Number:	P2020-065
Planner: Name, title & department	Melissa Crane Principal Planner Planning and Investment Department
Land/Address:	Crown Allotment 10 Section C, Parish of Marraweeny, Certificate of title Volume 03147 Folio 571 437 Creek Junction Road, Kithbrook VIC 3666
Zoning:	Farming Zone
Overlays:	Erosion Management Overlay
Is a CHMP required?	No, not in an area of sensitivity.
Is it within an Open Potable Catchment Area?	Yes, application referred to Goulburn Murray Water.
Under what clause(s) is a permit required? (include description)	Clause 35.07, Farming Zone – planning permit required to use the land for a dwelling on a lot of less than 40 hectares Clause 35.07, Farming Zone – planning permit required for buildings and works associated with a section 2 use; planning permit required for buildings and works less than 100m from a waterway Clause 44.01, Erosion Management Overlay – Planning permit required for buildings and works.
Restrictive covenants on the title?	No
Current use and development:	Agriculture

- 9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

MOVED: COUNCILLOR BINKS

SECONDED: COUNCILLOR HAYES-BURKE

That Council:

Having caused notice of Planning Application No. P2020-065 to be given under section 52 of the Planning and Environment Act 1987 and having considered all matters required under Section 60 Planning and Environment Act 1987, decides to grant a planning permit under the provisions of Clause 35.07 Farming Zone and 44.01, Erosion Management Overlay of the Strathbogrie Planning Scheme in respect of the land known Crown Allotment 10 Section C, Parish of Marraweeny, Certificate of title Volume 03147 Folio 571, 437 Creek Junction Road, Kithbrook VIC 3666, for the use and development of land for a dwelling in accordance with endorsed plans subject to the following conditions:

Endorsed Plans

1. *The use and development must be sited and constructed in accordance with the endorsed plans. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.*

Section 173

2. *Prior to the issue of a Statement of Compliance a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:*
 - a. *Prevent subdivision of the land so as to excise the approved dwelling.*
 - b. *Require that the use of the land for a dwelling must be undertaken in accordance with an agricultural use of the property in accordance with the Whole Farm Plan endorsed as part of this permit.*
 - c. *The Owner acknowledges and accepts that the possibility of nuisance from adjoining or nearby agricultural operations may occur. The possible off site impacts include but are not limited to dust, noise, odour, waste, vibration, soot, smoke or the presence of vermin, from animal husbandry, animal waste, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation.*

The Section 173 Agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be recorded on the folio of the Register to the subject land pursuant to Section 181 of the Planning and Environment Act 1987

Cottage

3. *Within three (3) months of the commencement of use of the dwelling, the cottage as shown on the endorsed plans will be altered to remove all facilities that allow it to be used for accommodation to the satisfaction of the Responsible Authority.*



- 9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

Environmental Health:

4. *Prior to installation works commencing on the septic tank system, a Permit to Install must be obtained from Council.*
5. *All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Act 1970 and the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016) and the Responsible Authority. All wastewater shall be disposed of within the curtilage of the land and sufficient area shall be kept available for the purpose of wastewater disposal to the satisfaction of the Responsible Authority. No wastewater shall drain directly or indirectly onto an adjoining property, street or any watercourse or drain to the satisfaction of the Responsible Authority.*
6. *All wastewater and liquid are to be contained and treated on site by an approved septic tank system or equivalent. The system must be at least 300 metres from potable water supply. The system must be at least 60 metres from any watercourse and/or dam (non-potable water supply) for primary sewage and 30 metres for secondary sewage, on the subject or neighbouring properties, and must meet the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).*
7. *No buildings or works shall occur over any part of the approved waste disposal system including the septic tank in accordance with the requirements of the Environment Protection Act 1970, the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).*

Engineering Conditions:

8. *Prior to the commencement of works on site, any new, relocated, alteration or replacement of required vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. The final location of the crossing is to be approved by the Responsible Authority via a Vehicle Crossing Permit. Reference should be made to Clause 12.9.2 "Rural Vehicle Crossings" of the Infrastructure Design Manual. Refer to standard drawing SD255 for small vehicles or SD265 for large vehicles.*
9. *Prior to the commencement of the use all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority. Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4 metres.*

9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

10. *All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.*
11. *Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.*
12. *Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb and channel, trees, nature strip etc), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.*

Infrastructure Provision

13. *Fire Fighting Water Supply*
Prior to the commencement of use associated with the dwelling hereby permitted, the permit holder must provide 10,000 litres of effective water supply for firefighting purposes which meets the following requirements:
 - a. *Be stored in an above ground water tank constructed of concrete or metal.*
 - b. *Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.*
 - c. *Include a separate outlet for occupant use.*
 - d. *Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.*
 - e. *Be located within 60 metres of the outer edge of the approved building.*
 - f. *The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.*
 - g. *Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64-millimetre CFA 3 thread per inch male fitting).*
 - h. *Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling)*

Access

14. *Prior to the commencement of use associated with the dwelling hereby permitted, the permit holder must provide access for firefighting purposes which meets the following requirements*
 - a. *All weather construction.*
 - b. *A load limit of at least 15 tonnes.*



9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

- c. *Provide a minimum trafficable width of 3.5 metres*
 - d. *Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.*
 - e. *Curves must have a minimum inner radius of 10m.*
 - f. *The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.*
 - g. *Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.*
15. *The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.*
16. *The dwelling must be connected to a reticulated electricity supply of have an alternative energy source*

General

17. *The external cladding of the proposed buildings, including the roof, must be constructed of materials in good order and condition and be of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.*
18. *The amenity of the area must not be detrimentally affected by the use, through the:*
- a. *Appearance of any building, works or materials;*
 - b. *Transport of materials, goods or commodities to or from the land;*
 - c. *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;*
 - d. *Presence of vermin, and;*
 - e. *Others as appropriate.*

Goulburn Murray Water

19. *All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).*
20. *All wastewater from the dwelling must be treated and disposed of using an approved system. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.*
21. *The wastewater disposal area must be located at least: 100 metres from any waterways, 40 metres from any drainage lines, 60 metres from any dams, and 20 metres from any bores.*

4

9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

22. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.

23. No buildings are to be located within 30 metres of any waterways.

Expiry

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

- a. The development is not started within two (2) years of the date of this Permit,**
- b. The development is not completed within four (4) years of the date of this Permit.**
- c. The use commenced within two (2) years of the completion of the development.**

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or**
- within six months afterwards if the use or development has not yet started; or**
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.**

Planning Notes:

- This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.**
- This Permit does not authorise the removal of any native vegetation including for access. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.**
- Any works on a waterway may need a "Works on Waterway Permit" from the Goulburn Broken Catchment Management Authority**

Environmental Health:

- A Land Capability Assessment will be required and should be undertaken by a suitability qualified person. The Responsible Authority reserves the right to accept, reject or amend the recommendations of an LCA report.**

Engineering:

- This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.**

9.7 Planning Permit Application No. P2017-121

- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo

7.42 p.m.

Cr Hayes-Burke left the meeting

Author: Principal Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for the use and development of land for additional group accommodation, with supporting management infrastructure and a shelter and shearing shed at 1208 Reedy Lake Road, Whroo.
- The application was originally submitted in November 2017, with more accommodation and a proposal to have events on the site (including music festivals).
- After meetings with the permit applicant, the proposal was amended on 9 December 2020 to be for the additional group accommodation and supporting facilities as currently proposed.
- The original application was advertised, and two (2) objections were received. The amended proposal was also notified, and both original objections remained as initially submitted. The objections raised issues related to potential conflict of use with farming activities.
- The application is being heard before the Council due to the unresolved objections.
- The application has been assessed within the 60-day statutory time frame since the amended proposal was submitted.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework, the Farming Zone and the Bushfire Management Overlay.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

APPLICATION DETAILS

Application is for:	Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building, one administration and accommodation building), Managers residence and multipurpose shed, Development of land for field side shelter and shearing shed.
Applicant's/Owner's Name:	Sam McCardel
Date Received:	01 November 2017 Amended application received on 9 December 2020. Further information requested on 7 January 2021. Further information supplied on 29 January 2021.
Statutory Days:	35
Application Number:	P2017-121
Planner: Name, title & department	Melissa Crane Principal Planner Planning and Investment Department

6

9.7 Planning Permit Application No. P2017-121

- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

Land/Address:	Lot 1 on Plan of Subdivision 625373Y, Certificate of Title Volume 11156, Folio 277, Lot 2 on Plan of Subdivision 625373Y, Certificate of Title Volume 11156, Folio 278, Lot 3 on Plan of Subdivision 625373Y, Certificate of Title Volume 11156 Folio 279 and Lot 4 on Plan of Subdivision 625373Y, Certificate of title Volume 11156 Folio 280 1208 Reedy Lake Road, Whroo VIC 3612
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay
Is a CHMP required?	No, CHMP not required as works are not in an area of sensitivity.
Is it within an Open Potable Catchment Area?	No, not in an open potable catchment area.
Under what clause(s) is a permit required? (include description)	Clause 35.07, Farming Zone – Planning permit required for group accommodation. Clause 35.07, Farming Zone – Buildings and works associated with Section 2 use. Clause 44.04, Bushfire Management Overlay – Buildings and works associated with accommodation.
Restrictive covenants on the title?	No
Current use and development:	Leisure and recreation

The applicant addressed the meeting.

MOVED: COUNCILLOR HOURIGAN
SECONDED: COUNCILLOR MURRAY

That Council:

Having caused notice of Planning Application No. P2017-121 to be given under section 52 of the Planning and Environment Act 1987 and having considered all matters required under Section 60 Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 35.07 Farming Zone and 44.04, Bushfire Management Overlay of the Strathbogie Planning Scheme in respect of the land known Lot 1 on Plan of Subdivision 625373Y, Certificate of Title Volume 11156, Folio 277, Lot 2 on Plan of Subdivision 625373Y, Certificate of Title Volume 11156, Folio 278, Lot 3 on Plan of Subdivision 625373Y, Certificate of Title Volume 11156 Folio 279 and Lot 4 on Plan of Subdivision 625373Y, Certificate of title Volume 11156 Folio 280, 1208 Reedy Lake Road, Whroo VIC 3612, for the use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building, one administration and accommodation building), Manager's residence and multipurpose shed, Development of land for field side shelter and shearing shed in accordance with endorsed plans, subject to the following conditions:

9.7 Planning Permit Application No. P2017-121

- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

Plans:

- 1. *The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.***

Consolidation or Section 173 Agreement:

- 2. *Prior to the commencement of any works on site, one of the following must be undertaken to the satisfaction of the responsible authority:***
 - a. *Either, Lot 1 on Plan of Subdivision 625373Y, Certificate of Title Volume 11156, Folio 277, Lot 2 on Plan of Subdivision 625373Y, Certificate of Title Volume 11156, Folio 278, Lot 3 on Plan of Subdivision 625373Y, Certificate of Title Volume 11156 Folio 279 and Lot 4 on Plan of Subdivision 625373Y, Certificate of title Volume 11156 Folio 280, must be consolidated into one title to the satisfaction of the responsible authority.***
 - b. *Or, a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:***
 - i. *Should any of the lots be sold separately, the group accommodation hereby permitted must cease, and the buildings removed or given consent to be used in a manner in accordance with the Strathbogie Planning Scheme.***

The Section 173 Agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be recorded on the folio of the Register to the subject land pursuant to Section 181 of the Planning and Environment Act 1987.

Prior to the commencement of use, the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority. Such agreement shall ensure the following:

- c. *The owner acknowledges and accepts that the possibility of nuisance from adjoining or nearby agricultural operations may occur. The possible off-site impacts include, but are not limited to, dust, noise, odour, waste, vibration, soot, smoke, or the presence of vermin from animal husbandry, animal waste, spray drift, agricultural machine use, pumps, trucks and associated hours of operation.***

- 9.7 Planning Permit Application No. P2017-121
- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

Environmental Health:

- 3. All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Act 1970 and the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016) and the Responsible Authority. All wastewater shall be disposed of within the curtilage of the land and sufficient area shall be kept available for the purpose of wastewater disposal to the satisfaction of the Responsible Authority. No wastewater shall drain directly or indirectly onto an adjoining property, street or any watercourse or drain to the satisfaction of the Responsible Authority.***
- 4. If the existing septic system (S2013-171) cannot effectively treat and contain wastewater on-site due to the increased wastewater load, the septic system and disposal area must be upgraded in accordance with the requirements of the Environment Protection Act 1970 and to the satisfaction of the Responsible Authority.***
- 5. Air-conditioning and other plant and equipment installed on the subject building(s) shall be so positioned and baffled so that noise disturbance is minimised, to the satisfaction of the Responsible Authority.***
- 6. Animal wastes on the property must be treated or dispersed in such a manner to ensure that:***
 - a. Offensive odours are reduced to a minimum; and***
 - b. The wastes are not a nuisance as described in the Public Health and Well Being Act 2008 and are contained within the boundaries of the site to the satisfaction of the Responsible Authority.***
- 7. No buildings or works shall occur over any part of the approved waste disposal system including the septic tank in accordance with the requirements of the Environment Protection Act 1970, the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).***

Engineering:

- 8. Prior to the commencement of the use all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority. Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4 metres.***

9.7 Planning Permit Application No. P2017-121

- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

9. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.

10. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority and must be carried out in accordance with the Construction Techniques for Sedimentation Pollution Control (EPA publication No. 275, May 1991)

11. Prior to the commencement of any works, the design parameters for any defined watercourse crossing(s), both structural and hydraulic design, shall be approved by the Responsible Authority (GBCMA – Works on Waterways Permit).

12. Before the development starts or subdivision works commences, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit.

Patrons:

13. The maximum number of people to be accommodated away from their place of residence at any one time is 76, unless with prior written approval from the Responsible Authority.

14. Only people staying away from their normal place of residence are to be accommodated with the group accommodation buildings hereby permitted.

Muted tones:

15. The external cladding of the proposed buildings, including the roof, must be constructed of materials in good order and condition and be of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.

Amenity:

16. Noise from the site must comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

- 9.7 Planning Permit Application No. P2017-121
- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

- 17. The emission of noise from the property including the surrounding environment and carpark areas either during or immediately after the hours permitted, must not cause annoyance to persons beyond the site.***
- 18. All refuse and rubbish associated with the use allowed must be removed from the area at least once weekly, and more often if required by the Responsible Authority.***
- 19. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.***
- 20. The amenity of the area must not be detrimentally affected by the use, through the:***
- (a) Appearance of any building, works or materials;***
 - (b) Transport of materials, goods or commodities to or from the land;***
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;***
 - (d) Presence of vermin, and***
 - (e) Others as appropriate.***
- 21. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.***

Goulburn Broken Catchment Management Authority

- 22. The finished floor level of the proposed group accommodation (RT-01, RT-02, RT-03, RT-04 & RT-05) and manager residence must be constructed at least 300 millimetres above the general surrounding ground level, or higher level deemed necessary by the responsible authority.***

Department of Environment, Land, Water and Planning

- 23. All construction works adjacent to areas of native vegetation must be done in accordance with AS4970-2009, Protection of Trees on Development Sites.***

9.7 Planning Permit Application No. P2017-121

- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

24. Before works start, tree protection fence(s) must be erected around areas of native vegetation adjacent to construction works. The fences will provide an obvious physical barrier to help protect tree roots, trunks and limbs from damage. The Tree Protection Zone (TPZ) fence must be erected at a radius of 12 times the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk. The tree protection fence(s) must remain in place until the completion of the works unless otherwise agreed in writing by the Responsible Authority.

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

Country Fire Authority:

26. Bushfire Management Plan

Before the development starts, an amended Bushfire Management Plan (BMP) which is generally in accordance with BMP prepared by Dawson Planning Services Pty Ltd, dated 28th November 2020 must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire protection measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

a. Defendable Space

Show an area of defendable space for a distance of 32m around the proposed building/or to the property boundary where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- **Grass must be short cropped and maintained during the declared fire danger period.**
- **All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.**
- **Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.**
- **Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.**
- **Shrubs must not be located under the canopy of trees.**
- **Individual and clumps of shrubs must not exceed 5sq. metres in area and must be separated by at least 5 metres.**
- **Trees must not overhang or touch any elements of the building.**

9.7 Planning Permit Application No. P2017-121

- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

- *The canopy of trees must be separated by at least 5 metres.*
- *There must be a clearance of at least 2 metres between the lowest tree branches and ground level.*

b. Construction Standard

Nominate a minimum Bushfire Attack Level of BAL – 29 that the building (RT-05) will be designed and constructed.

c. Water Supply

- *Show 10,000 litres of effective water supply for fire fighting purposes which meets the following requirements:*
- *Be stored in an above ground water tank constructed of concrete or metal.*
- *Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.*
- *Include a separate outlet for occupant use.*
- *Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.*
- *Be located within 60 metres of the outer edge of the approved building.*
- *The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.*
- *Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).*
- *Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling)*

d. Access

Show the access for fire fighting purposes which meets the following requirements:

- *All weather construction.*
- *A load limit of at least 15 tonnes.*
- *Provide a minimum trafficable width of 3.5 metres*
- *Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.*
- *Curves must have a minimum inner radius of 10m.*
- *The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.*
- *Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.*

9.7 Planning Permit Application No. P2017-121

- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

- ***Incorporate a turning area for fire fighting vehicles close to the building by one of the following:***
 - ***A turning circle with a minimum radius of eight metres.***
 - ***A driveway encircling the dwelling***
 - ***The provision of vehicle turning heads – such as a T or Y head – which meets the specification of Austroad Design for an 8.8 metre Service Vehicle.***

27. Premises Closure

The use of the Group Accommodation Building (excluding the caretaker/manager occupation) approved under this permit must not operate after 10.00am on any day of Total Fire Ban for the Northern County TFB District.

28. Bushfire Emergency Plan

Before the development is occupied or the use commences, a bushfire emergency plan (BEP) must be prepared. The BEP must clearly describe the emergency management arrangements that will be implemented to reduce the risk of bushfire and should address the following matters: Describe property and business details.

- a. Identify the purpose of the BEP stating that the plan outlines procedures for:***
 - i. Closure of premises on any day of Total Fire Ban for the Northern Country TFB District (excluding caretaker/manager occupation).***
 - ii. Evacuation (evacuation from the site to a designated safer off-site location).***
 - iii. Shelter-in-place (remaining on-site in a designated building).***
- b. Review of the BEP***
 - i. Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period.***
 - ii. Include a Version Control Table.***
- c. Roles & Responsibilities***
 - i. Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire and the triggers for acting. For example, when the facility will be closed and the circumstances under which guests and patrons will shelter in place or evacuate.***

- 9.7 Planning Permit Application No. P2017-121
- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

d. Emergency contact details.

e. Bushfire monitoring procedures

- i. Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.***
- ii. Describe and show (include a map) the area to be monitored for potential bushfire activity.***

Expiry

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

- a. The development hereby permitted for at least one building is not started within two (2) years of the date of this Permit,***
- b. The development for each additional building hereby permitted is not completed within four (4) years of the commencement of works on the previous building.***
- c. The use of each building commenced within two (2) years of the completion of the development of that building.***

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or***
- within six months afterwards if the use or development has not yet started; or***
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.***

Planning Notes:

Environmental Health:

- Under the provisions of the Public Health and Wellbeing Regulations 2020, an accommodation business will need to apply to be registered with its local council. The application must include a plan of the premises, drawn to a scale of not less than 1:100, and showing the proposed use of each room.***

70-20/21

CARRIED

9.8 Planning Permit Application No. P2020-125
- Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa

Author: Town Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for the use of land for a Transfer Station and associated signage at 30 Boundary Road North, Euroa VIC 3666.
- Existing infrastructure is located on site.
- The application was advertised, and six (6) objections were received. Further detail is contained within this report.
- As a result of consultation with objectors, two (2) objections have been withdrawn. The application is being heard before the Council due to four (4) outstanding objections.
- The application has not been assessed within the 60-day statutory timeframe due to the Christmas period, agenda timeframes and consultation with objectors and applicant.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework, the Industrial 1 Zone, Floodway Overlay and the Land Subject to Inundation Overlay.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

APPLICATION DETAILS

Application is for:	Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage.
Applicant's/Owner's Name:	Jarrod Chilcott
Date Received:	29 September 2020 Application Received. 01 October 2020 Application Paid. 9 November 2020 Further Information. 19 November 2020 request to include collection and transfer of cars in proposal.
Statutory Days:	92 days
Application Number:	P2020-125
Planner: Name, title & department	Trish Hall Town Planner Planning and Investment Department
Land/Address:	Lot 3 on Plan of Subdivision 411986G, Certificate of Title Volume 10391 Folio 101 30 Boundary Road North, Euroa VIC 3666
Zoning:	Industrial 1 Zone
Overlays:	Land Subject to Inundation Overlay (Part) Floodway Overlay (Part)



- 9.8 Planning Permit Application No. P2020-125
- Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa (cont.)

Is a CHMP required?	No The subject site is not within a Culturally Sensitive Area.
Is it within an Open Potable Catchment Area?	No The subject site is not within an Open Potable Catchment Area.
Under what clause(s) is a permit required? (include description)	Clause 33.01-1 Section 2 use in the Industrial 1 Zone Clause 52.05-2 Signage
Restrictive covenants on the title?	No
Current use and development:	Vacant

One objector addressed the meeting.

The applicant/s addressed the meeting.

MOVED: COUNCILLOR MURRAY
SECONDED: DEPUTY MAYOR LIKOS

That consideration of this application be deferred until Council can receive reports from the applicant with regard to the generation of noise by the proposed use, and to enable the applicants and objectors to negotiate a satisfactory working arrangement for further consideration by Council.

71-20/21 **CARRIED**

8.24 p.m.
Cr Hayes-Burke returned to the meeting

9.9 Planning Applications Received and Planning Applications Determined
- 1 to 28 February 2021

Responsible Officer: Manager Planning and Investment

Listings of Planning Applications Received (Attachment 1) and Planning Applications Determined (Attachment 2) for the period 1 to 28 February 2021 are provided for information.

It is noted that, in this period, there were nine planning applications received, and fourteen planning applications determined, during this period.

MOVED: COUNCILLOR MURRAY
SECONDED: COUNCILLOR BINKS

That the report be noted.

72-20/21 CARRIED

9.10 Sport and Recreation Victoria Funding Application – Council Co-Contribution for Projects

Author: Manager Tourism and Community Services

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

Released on the 9th February 2021, the Local Sports Infrastructure Fund (LSIF) is delivered by Sport and Recreation Victoria and is a state-wide competitive Victoria Government program that provides a range of grant opportunities across five funding streams:

1. Better Indoor Stadiums
2. Female Friendly Facilities
3. Community Sports Lighting
4. Facilities for Active Seniors
5. Scoreboards and Fixed Equipment.

Council Officers have reviewed the priority projects within the community against the specified criteria of the five funding streams to determine 'shovel ready' projects for inclusion within a funding application – due on 22 March 2021. The following projects have been identified as appropriate for this funding round of the LSIF:

- a) Upgrade to Lighting at Nagambie Recreation Reserve; and
- b) Redevelopment of old tennis courts into two additional netball courts – Longwood Recreation Reserve.

***MOVED: COUNCILLOR DICKINSON
SECONDED: COUNCILLOR MURRAY***

That Council provisionally allocate a Council co-contribution of funds from the Council Budget pending the successful outcome of the application to the 2021 Local Sports Infrastructure Fund for the following projects:

- a) ***\$100,000 - Upgrade to Lighting at Nagambie Recreation Reserve (playing field and netball courts); and***
- b) ***\$140,000 - Redevelopment of old tennis courts into two additional netball courts – Longwood Recreation Reserve.***

73-20/21 CARRIED

14

9.11 Advocacy Regarding Queensland Fruit Fly Control

Author: Economic Development and Projects Coordinator

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

Queensland fruit fly has become a significant problem for horticulture in the Goulburn Valley area.

The current fruit fly education and eradication programme expires on 30 June 2021.

At this stage, the State government has not committed to providing further funding to enable the continuation of the program.

It is anticipated that fruit fly infestations will become more common in the absence of a fully funded eradication programme causing significant impacts on commercial fruit and vegetable crops.

Strathbogrie Shire is a member of the governing council off the Goulburn Murray Valley (GMV) Regional Fruit Fly Group which operates under the "No flies on us" banner. Key partners within the group are: Agriculture Victoria, Fruit Growers Victoria, Cobram and District Fruit Growers Association, Shire of Campaspe, Greater Shepparton City Council, Strathbogrie Shire, Moira Shire and Berrigan Shire.

This group has been successful in lowering the incidence of fruit fly infestation across the region as well as educating residents and community groups about fruit fly control. The group is seeking assistance in advocating for further funding from the Victorian Government to allow it to continue operating into the future.

***MOVED: COUNCILLOR DICKINSON
SECONDED: DEPUTY MAYOR LIKOS***

That Council:

- 1. Write to the Hon Mary Anne Thomas Minister for Agriculture and Minister for Regional Development seeking her urgent attention and support on this matter and request state government funding for the continuation of the current fruit fly education and eradication program that is due to expire on 30 June 2021; and***
- 2. Write to our local Members of Parliament seeking their support for advocacy for ongoing funding for this program.***

74-20/21 CARRIED

4

9.12 Euroa Leash Free Area Declaration

Author: Director Corporate Services

EXECUTIVE SUMMARY

This report proposes formal declaration of a leash free area at the Euroa Showgrounds to allow dog owners to exercise their animals without the need for them to be on a leash but subject to effective control. The report also outlines rules that will apply to the area.

When properly established and managed, Off-Leash Areas represent a valuable asset providing physical and mental health to the community derived from physical exercise, social interaction and pet kinship.

MOVED: DEPUTY MAYOR LIKOS
SECONDED: COUNCILLOR HAYES-BURKE

1. ***That Council declare the area identified on the attached plan to be a leash free area as provided for in Council's Community Local Law;***
2. ***That rules for the operation of the park be approved; and***
3. ***That a public information campaign be undertaken to raise awareness of the facility.***

75-20/21 **CARRIED**



9.13 Instruments of Appointment and Authorisation Update

Author: Director Corporate Operations

Responsible Director: Director Corporate Operations

EXECUTIVE SUMMARY

Following recent appointments to vacant positions several changes are required to be made to the following instruments:

- S11 Instrument of Appointment and Authorisation,
- S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*).

The amended authorisations, once approved by Council, will remain in force until the next Delegations and Authorisations update is prepared or following staff position title change/s, and / or staff changes.

**MOVED: COUNCILLOR HOURIGAN
SECONDED: DEPUTY MAYOR LIKOS**

That in the exercise of the powers conferred by section 224 of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (S11) and instrument of appointment and authorization (Planning and Environment Act 1997) (the instrument), Strathbogie Shire Council (Council) resolves that –

- 1. The members of Council staff referred to in the instruments be appointed and authorised as set out in the instruments.***
- 2. The instruments come into force immediately the common seal of Council is affixed to the instruments and remains in force until Council determines to vary or revoke it.***
- 3. The instruments be signed and sealed by Council under the Strathbogie Shire Council Local Law No. 1 – Use of the Common Seal.***

76-20/21 CARRIED

9.14 Southern Aurora Memorial Mural – Application for Sponsorship

Author: Manager Tourism and Community Services

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

The Southern Aurora Memorial Committee originally applied for a RE3 COVID Response Community Grant in Round 1, however a component of the overall project that they submitted their application for did not align with this particular grant funding.

It was recommended to the committee by Council Officers that they change the scope of their funding application and apply for sponsorship funding from the Arts and Culture budget allocation of Council.

The Southern Aurora Memorial Committee have requested funding support of \$5,000 to paint a mural relating to the Southern Aurora crash on an existing fence bordering the Memorial Gardens in Violet Town.

The Arts and Culture budget of Council currently has \$15,000 remaining for this financial year.

***MOVED: COUNCILLOR DICKINSON
SECONDED: COUNCILLOR BINKS***

That Council approve the request for \$5,000 in sponsorship from the Arts and Culture budget for the Southern Aurora Memorial Mural project which will result in positive community, tourism and economic benefit to both the township of Violet Town and the Strathbogie Shire as a whole.

77-20/21 CARRIED

9.15 Reduction in Load Limit for Kirwans Bridge

Author: Manager Asset Planning

Responsible Director: Director Community & Planning

EXECUTIVE SUMMARY

In 2020 Council undertook a detailed inspection and assessment of the load carrying capacity of Kirwans Bridge crossing the Goulburn River. The structure was found to be in poor condition and there are several outstanding maintenance items that require rectification.

The bridge currently has a 6-tonne load limit as well as a 20 km/h speed limit and the load limit analysis has indicated that the bridge is not capable of supporting typical Country Fire Fighting (CFA) type fire fighting vehicles.

Given the deteriorating condition of the bridge, it is proposed that a 3-tonne load limit be imposed and that the existing 20 km/h speed limit be continued to maintain the integrity of the structure.

To support the implementation of the reduced tonne limit a staged communications approach will be enacted. The first stage of this plan is broad communications. It is informing the CFA, the community, the public and stakeholders that the bridge's load limit is being reduced and why. This will require open, honest and clear communications so the community understands the decision to reduce the load limit is not one that has been taken lightly, but is essential.

The next stage of this plan will be the engagement phase. In this stage we will seek community and stakeholders views on the future of the bridge to ensure Council understands this important feedback. Please note: a communications plan has been developed for stage one, with stage two in progress.

A 3-tonne limit will restrict the ability of numerous vehicle types and combinations from utilising Kirwans Bridge, many vehicles would be required to travel around western side of Lake Nagambie utilising Kettles Road (sealed), Reedy Lake Road (gravel for 0.23km) Weir Road (gravel for 2.47km), Nagambie/Rushworth Road (sealed) and Vickers Road (sealed) to reach the township of Nagambie. To support the increase in traffic volume from approximately 100 vehicles per day to over 500 vehicle per day, it is also proposed that Council seal the gravel pavements along this route once funding has become secured.

The ability for ambulances (under flashing lights) to traverse Kirwans Bridge shall remain.

9.15 Reduction in Load Limit for Kirwans Bridge (cont.)

MOVED: DEPUTY MAYOR LIKOS
SECONDED: COUNCILLOR DICKINSON

That Council:

- 1. Impose a 3-tonne gross load limit for Kirwans Bridge and continue the existing 20 km/h speed limit, under section 132(2)(j) of the Road Management Act 2004.***
- 2. Write to the CFA to formally advise of the change to the gross load limit.***
- 3. Seal Weir Road between Nagambie/Rushworth Road and Hudson Road, continuing along Reedy Lake Road to Kettels Road, subject to securing Government funding.***
- 4. Undertake community engagement to seek community and stakeholder views on the future of the bridge and propose to establish a working group to assist in this process.***
- 5. Install cameras to monitor the usage of the bridge.***

78-20/21 CARRIED

9.16 Road Exchange – Un-named Road Reserve (Gilgai Farm)

Author: Manager Asset Planning

Responsible Director: Director Community & Planning

EXECUTIVE SUMMARY

Council approval is sought to commence proceedings to deviate a road for a road reserve adjacent to the un-named road within 4316 Heathcote-Nagambie Road, Gilgai Farm (the Property) for Lots 3 and 8 on Title Plan TP 009233Q, as shown on Attachment 1.

A road exchange will then be undertaken for private property in the western part of Lot 8 - TP 009233Q un-named road, as shown on Attachment 2.

In exchange for the western part of Lot 8 - TP 009233Q as shown on Attachment 2, to realign the unused road reserve with the physical track, the eastern part of the Property adjacent to Lot 3 - TP 009233Q, as shown on Attachment 1, will revert to private property for the construction of staff accommodation. The un-named road (Road) traverses through the Property. The Road is used by Department of Environment, Land, Water and Planning (DELWP), Goulburn Murray Water (GM-W) and is open to members of the public to access the Goulburn River.

The new *Local Government Act 2020* is being introduced gradually over four tranches. At the time of writing this report, the provisions of the *Local Government Act 1989* remain in place in relation to council powers over roads. Further, the requirements for the proposal to be advertised to the public for a period of 28 days and allow written submissions to be lodged under section 223 of the Act still remain in place.

MOVED: COUNCILLOR DICKINSON
SECONDED: COUNCILLOR BINKS

That Council:

1. ***Determines under the powers of section 206 and clause (2) Schedule 10 of the Local Government Act 1989 that the road reserve to Lot 3 - TP 009233Q is not required for public access or any future public use.***
2. ***Resolve to advertise its intention to deviate part of the road reserve adjacent to Lot 3 - TP 009233Q in the eastern section of the private property, pursuant to Section 206 of the Local Government Act 1989.***
3. ***Authorise Council officers to place a public notice of the proposed road deviation and the road exchange in local newspapers and to obtain the consent of the Minister for Energy, Environment and Climate Change administering the Land Act 1958 via the Department of Environment, Land, Water and Planning in accordance with sections 206, 207a and section 223(a) of the Local Government Act 1989;***

9.16 Road Exchange – Un-named Road Reserve (Gilgai Farm) (cont.)

RECOMMENDATION (cont.)

- 4. Appoints a Committee comprising the whole of Council with a quorum of five Councillors, to hear and consider any written public submission received in relation to the proposed road exchange in accordance with section 223(b) of the Local Government Act 1989.**
- 5. Nominates 6th April at 1:00pm as the date and time for the Committee to consider any written, or hear any verbal submissions in support of written submissions, in accordance with section 223(b) of the Local Government Act 1989.**
- 6. Proceeds to publish a notice in the Government Gazette and all relevant documentation surrounding the exchange to be lodged with the Registrar of Title if no submissions are received on the proposed road exchange.**
- 7. Be provided with a report outlining a recommendation from the Committee hearing for presentation at the next available Council meeting for its consideration, should any submissions be received regarding the proposed road exchange in accordance with section 223(c) of the Local Government Act 1989.**
- 8. Following the advertising period, if no public submissions are received –**
 - (a) authorise officers to undertake the exchange of road reserve adjacent to Lot 3 - TP 009233Q for part of Lot 8 on TP 009233Q with the owner of 4316 Heathcote-Nagambie Road,**
 - (b) require the owner to install signage advising that the road will remain open for public access, with all costs in parts (a) and (b) to be borne by the owner.**

79-20/21

CARRIED

9.17 Australian Rail Track Corporation (ARTC) Advocacy Call for Genuine Community Engagement and Funding for the development of a Railway Precinct Concept Plan

Responsible Director: Director Community & Planning

EXECUTIVE SUMMARY

The Commonwealth Government's Inland Rail Project lead by the Australian Rail Track Corporation (ARTC) has a clear aim of getting more freight on rail. To support this vision, in Victoria as part of the Tottenham to Albury project, work will be undertaken along the existing rail corridor throughout North East Victoria.

More specifically in Euroa, there is not adequate clearance under the Anderson Street Bridge and new infrastructure will be required to safely allow for double-stacked carriage trains. This large investment also supports the opportunity to take a holistic view of the station precinct more broadly by developing a Railway Precinct Concept Design.

The development of a Euroa Railway Precinct Concept Design would conceptualise and itemise the potential redevelopment of the Euroa rail precinct to provide greater connectivity and accessibility, and a visionary approach to the area. To enable Council to undertake this important piece of work, external financial assistance is required. It is recommended that letters be sent to local State Government Members of Parliament requesting the provision of financial assistance to enable Council to develop a Euroa Rail Precinct Concept Design in partnership with the community that will better inform the ARTC design process.

Further, the ARTC is currently seeking feedback on the Urban Design Framework for the Euroa Station Precinct. The Urban Design Framework is a key strategic document that sets a long term integrated design vision to guide the future use and development of an area. Community sessions were undertaken on the 9th and 10th of March. There was minimal notice provided to the community and key stakeholders publicly advising of these sessions. This inadequate notice period raises considerable concern for Council and the community that the ARTC is not genuine in their community engagement approaches. In addition, we seek a commitment from the ARTC that they provide evidenced based options to enable the community to make informed decisions.

To enable a thorough engagement process by the ARTC, Council seeks an extension to the current community consultation period by offering additional sessions with reasonable notice.



- 9.17 Australian Rail Track Corporation (ARTC) Advocacy Call for Genuine Community Engagement and Funding for the development of a Railway Precinct Concept Plan (cont.)

MOVED: COUNCILLOR HAYES-BURKE

SECONDED: COUNCILLOR MURRAY

That Council:

- 1. Write to the following State Government Members of Parliament requesting the provision of financial assistance to enable Council to develop a Euroa Railway Precinct Concept in partnership with the community:***
 - Ms Steph Ryan Member for Euroa***
 - Mr Mark Gepp Member for Northern Victoria***
 - The Hon. Wendy Lovell Member for Northern Victoria***
 - Ms Tania Maxwell Member for Northern Victoria***
 - Mr Tim Quilty Member for Northern Victoria***
 - The Hon. Jaclyn Symes Member for Northern Victoria.***
- 2. Note the letter written to the Australian Rail Track Corporation Ltd advocating for genuine engagement of the Urban Design Framework by extending the timelines for the community consultation and by offering additional sessions with reasonable notice.***
- 3. Note that the Australian Rail Track Corporation Ltd Urban Design Framework does not provide any further context or assurance to community.***
- 4. Continue to advocate for best practice engagement by taking a step back in the process and implementing a deliberative engagement process using evidence based design options that will allow the community to reach a group decision on the future design of the Euroa Railway Precinct.***

80-20/21

CARRIED

9.18 Tender for Contract No. 20/21-14: for Provision of House Protection Levee

Author: Manager Asset Planning

Responsible Director: Community & Planning

EXECUTIVE SUMMARY

Council undertook a public tender process for Contract 20/21-14 – Provision of a House Protection Levee at 183 Euroa Main Road, Euroa commencing on 29 May 2020.

At tender closing 25 June 2020 two (2) tenders were received. The two tenders have been assessed, with one tender being deemed as non-conforming. A preferred tenderer was determined, however pricing was outside of original budget range, and instructions were sought from Council as to how to proceed.

A report titled Continuation of the Castle Creek Flood Mitigation Project was published in Council Meeting dated 15 December 2020. As a result of this report, Council resolved that -

1. *Agree that the House Protection Levee activity is to be completed under this grant funding,*
2. *Negotiate with the preferred tenderer to identify cost savings for this project in an effort to undertake the required work within the current budget allocation and in this financial year', and*
3. *If substantial savings cannot be achieved without undermining the intended outcomes, to allocate the required expenditure within the 2021/2022 Council Budget to complete the works.*

As a result of the Council resolutions, Council Officers were unable to negotiate a price reduction with the preferred tenderer. A financial budget review was conducted and additional budget has been identified from savings within the Major Culvert Renewal Program to support the House Protection Levee Project.

This report recommends that Council proceed with awarding Contract 20/21-14 – Provision of House Protection Levee Project to the preferred tenderer for a total amount of \$246,817 excluding GST.

***MOVED: COUNCILLOR MURRAY
SECONDED: DEPUTY MAYOR LIKOS***

That Council:

1. ***Awards the tender received from BroMCC Civil Pty Ltd of 13 Foy Street Euroa 3666 for Contract 20/21-14 – Provision of House Protection Levee Project for a total amount of \$246,817 excluding GST;***
2. ***Authorises the Chief Executive Officer to execute the Contract by signing and affixing with the Common Seal of Strathbogie Shire Council; and***
3. ***Authorise officers to advise the unsuccessful tenderers.***

81-20/21 **CARRIED**

9.19 **Business Management System**

The March 2021 Business Management System Report includes reports as follows:-

- Building Department – February 2021 Statistics
- Planning Department – Planning Application Approvals – Development Cost (Capital Improved Value) - February. 2021
- Customer Enquiry Analysis Report – Report for February 2021
- Waste Management Reporting ~ Year to Date – February 2021
- Actioning of Council Reports Resolutions – Council Meeting 16 February 2021
- Outstanding Actions of Council Resolutions to 28 February 2021
- Review of Council Policies and Adoption of new Policies – February 2021
- Records of Council Briefings / Meetings

By reporting on a monthly basis, Council can effectively manage any risks that may arise. The Business Management System will also incorporate Council's corporate goals and objectives.

MOVED: COUNCILLOR BINKS
SECONDED: COUNCILLOR HAYES-BURKE

That the report be noted.

82-20/21 CARRIED

10. NOTICES OF MOTION

10.1 Notice of Motion ~ Council Meeting - 16 March 2021 Climate Emergency Declaration - Lodged by Councillors Sally Hayes-Burke and Reg Dickinson (Notice of Motion Ref. No: 01/2021)

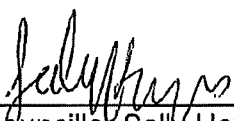
Significant climate change events such as the millennial and current drought, severe frosts, storms, extreme heat, and rainfall events directly impact our community, health and economy. Transformational change is needed across our society and economy to reduce our carbon emissions and resource adaptation to living in an unstable climate.

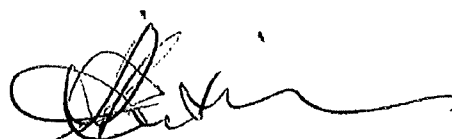
This Notice of Motion recommends the declaration of a Climate Emergency. By declaring a Climate Emergency, we are acknowledging the significant impact the climate will have on the livability and viability of our shire. We are also positioning ourselves to demonstrate strong leadership to our community and begin mitigating and adapting to the changing climate.

MOVED: COUNCILLOR HAYES-BURKE
SECONDED: COUNCILLOR DICKINSON

That this Notice of Motion be deferred to the next Council meeting.

83-20/21 ***CARRIED***


Councillor Sally Hayes-Burke


Councillor Reg Dickinson

Date : 9 / 2 / 2021

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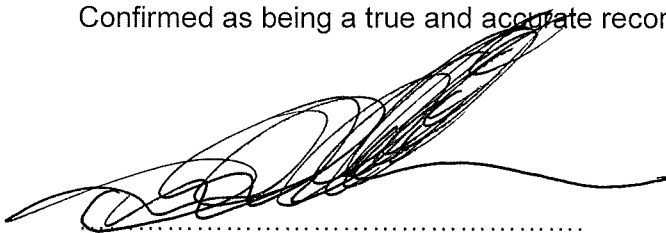
11. NOTICES OF RESCISSION
Nil
12. URGENT BUSINESS
Nil
13. CONFIDENTIAL BUSINESS
Nil

NEXT MEETING

The next Ordinary Meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday 20 April 2021, at the Euroa Community Conference Centre, commencing at 6.00 p.m.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 9.20 P.M.

Confirmed as being a true and accurate record of the Meeting



Chair

20/4/21
Date

