



STRATHBOGIE SHIRE COUNCIL

NOTICE IS HEREBY GIVEN THAT A MEETING OF THE STRATHBOGIE SHIRE COUNCIL WILL BE HELD VIRTUALLY ON TUESDAY 19 JULY 2022, COMMENCING AT 6.00 PM

Chair:	Laura Binks (Mayor)	<i>(Mount Wombat Ward)</i>
Councillors:	David Andrews	<i>(Lake Nagambie Ward)</i>
	Reg Dickinson	<i>(Lake Nagambie Ward)</i>
	Sally Hayes-Burke	<i>(Seven Creeks Ward)</i>
	Kristy Hourigan	<i>(Seven Creeks Ward)</i>
	Paul Murray	<i>(Hughes Creek Ward)</i>
	Chris Raeburn	<i>(Honeysuckle Creek Ward)</i>
Officers:	Julie Salomon	Chief Executive Officer (CEO)
	Amanda Tingay	Director, Community and Planning (DCP)
	Dawn Bray	Director, People and Governance (DPG)
	Bruce Rowley	Acting Director, Sustainable Infrastructure (ADSI)
	Kristin Favaloro	Executive Manager, Communications and Engagement (EMCE)

Please note: This meeting will be conducted virtually by Strathbogie Shire Council and live streamed on our website at www.strathbogie.vic.gov.au. This ensures we are meeting the Victorian Government's current advice relating to the wearing of masks indoors and working from home recommendations.

Questions for the Ordinary Council Meeting can still be submitted, and will be read out by the Mayor during the Public Question Time component of the meeting and responded to in the usual way by Councillors and/or Officers. **Questions must be submitted by 12 noon on Tuesday 19 July 2022** by emailing info@strathbogie.vic.gov.au

1. Welcome
2. Acknowledgement of Traditional Land Owners

We acknowledge the Traditional Custodians of the places we live, work and play. We recognise and respect the enduring relationship they have with their lands and waters, and we pay respects to the Elders past, present and emerging. Today we are meeting on the lands of the Taungurung peoples of the Eastern Kulin nation, whose sovereignty here has never been ceded.
3. Apologies / Leave of Absence
4. Disclosure of Conflicts of Interest
5. Confirmation of Minutes of Previous Meetings

RECOMMENDATION

1. ***That the Minutes of the Council meeting held on Tuesday 21 June 2022 be confirmed.***
2. ***That the Minutes of the Extraordinary Council meeting held on Tuesday 28 June 2022 be confirmed.***

6. Petitions
7. Reports of Mayor and Councillors and Delegates
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.

9. Officer Reports
 - 9.1 Strategic and Statutory
 - 9.2 Community
 - 9.3 Infrastructure
 - 9.4 Corporate
 - 9.5 Governance and Customer Service
 - 9.6 Executive
10. Notices of Motion
11. Notices of Rescission
12. Urgent Business
13. Confidential Business

Julie Salomon
CHIEF EXECUTIVE OFFICER

15 July 2022

NEXT MEETING

The next monthly Meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday 16 August 2022, at the Euroa Community Conference Centre, commencing at 6.00 pm



Public Question Time Form Ordinary Council Meeting

Council Ref: / 2022

Strathbogie Shire Council has allocated a time for the public to ask questions in the business of an Ordinary Meeting of the Council.

How to ask a question:

Questions submitted to Council must be:

- (a) in writing, state the name, address and telephone number of the person submitting the question and generally be on this form, approved by Council; and
- (b) submitted to Council in person or electronically.

The Chair may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read. Please refer to the back of this form for procedural guidelines.

Question/s: (please print clearly with a maximum of 25 words)

1.....
.....
.....
.....
.....

2.....
.....
.....
.....
.....

Name:

Address:

Telephone Number:

Signature: (signature not required if submitted by email)

Date of Ordinary Council Meeting:

Privacy Declaration: Personal information is collected on this form to allow Council to undertake follow-up / response and to confirm identity for future reference where necessary. The questioner's initials only, together with a question reference number, will be included in Council's Minutes. Council Minutes are a public document which will be published on Council's Website and are available for public scrutiny at any time. Other personal details included on this form will not be included in the Minutes and will be kept for Council reference only, unless disclosure is required for law enforcement purposes or under any other statutory requirement

Public Question Time – as per Rule 31 of the Strathbogie Shire Council Governance Rules

31. QUESTION TIME

- 31.1 There must be a public question time at every Council meeting fixed under Rule 19 to enable members of the public to submit questions to Council.
- 31.2 Sub-Rule 31.1 does not apply during any:
- 31.2.1 period when a meeting is closed to members of the public in accordance with section 66(2) of the Act; or
- 31.2.2 election period.
- 31.3 Public question time will not exceed 30 minutes in duration.
- 31.4 Questions submitted to Council must meet all of the following:
- (a) be in writing and state the name and address of the person submitting the question;
- (b) be generally be in a form approved or permitted by Council; and
- (c) be lodged either by delivery to Council's main office, or electronically at the prescribed email address prior to 12 noon on the day of the Council meeting.
- 31.5 No person may submit more than two questions at any one meeting.
- 31.6 If a person has submitted two questions to a meeting, the second question may:
- 31.6.1 at the discretion of the Chair, be deferred until all other persons who have asked a question have had their questions asked and answered; or
- 31.6.2 not be asked if the time allotted for public question time has expired and Council has not resolved to extend the time allocated for public questions.
- 31.7 If the person who has submitted the question is not present at the meeting the Chair, or a member of Council staff nominated by the Chair, will read out the question on the person's behalf if the person has elected not to participate in the meeting either by way of the live streaming software or by teleconference.
- 31.8 A question may be disallowed by the Chair if the Chair determines that it:
- (a) relates to a matter outside the duties, functions and powers of Council;
- (b) Is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- (c) deals with a subject matter already answered;
- (d) is aimed at embarrassing a Councillor or a member of Council staff;
- (e) relates to personnel matters;
- (f) relates to the personal hardship of any resident or ratepayer;
- (g) relates to industrial matters;
- (h) relates to contractual matters;
- (i) relates to proposed developments;
- (j) relates to legal advice;
- (k) relates to matters affecting the security of Council property; or
- (l) relates to any other matter which Council considers would prejudice Council or any person.
- 31.9 Any question which has been disallowed by the Chair must be made available to any other Councillor upon request.
- 31.10 All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors for the purposes of clarification.
- 31.11 Like questions may be grouped together and a single answer provided.
- 31.12 The Chair may nominate a Councillor or the Chief Executive Officer to respond to a question.
- 31.13 A Councillor or the Chief Executive Officer may require a question to be put on notice. If a question is put on notice, a written copy of the answer will be sent to the person who asked the question within five (5) working days and the answer included in the following Council meeting's agenda.
- 31.14 A Councillor or the Chief Executive Officer may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or Chief Executive Officer (as the case may be) must state briefly the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.

REPORTS INDEX

		Page No.
9.	OFFICER REPORTS	
9.1	Strategic and Statutory Planning	
9.1.1	Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666	1
9.1.2	Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608	25
9.1.3	Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608	52
9.1.4	Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608	79
9.1.5	Planning Permit Application No. P2021-231: Use and Development for a Cellar Door; and Liquor License ~ 54 Longwood-Mansfield Road, Longwood East VIC 3666	104
9.1.6	Planning Permit Application No. P2021-170: Use and Development of land for a distillery and associated sales; Use and Development for a manager's dwelling; Use and Development for group accommodation; Liquor License; Business Identification Signage ~ 1890 Euroa-Strathbogrie Road, Kithbrook VIC 3666	115
9.1.7	Planning Applications Received and Planning Applications Determined - 1 to 30 June 2022	132
9.2	Community	
9.2.1	Australian Rail Track Corporation (ARTC) Advocacy	138
9.2.2	Mangalore Freight Intermodal Advocacy	142
9.3	Infrastructure	
9.3.1	Contract Variation – Contract No. 20/21-65: Harrys Creek and Bonnie Doon Roads Intersection Realignment	147
9.3.2	Tender for Contract No. 21/22-23: Rehabilitation of the Violet Town Landfill – Construction Works	152
9.3.3	Contract Variation – Contract No. 21/22-05: Major Culverts Renewal Program	160
9.3.4	Contract Variation – Contract No. 21-22-45: Streetscape Renewal Program - Euroa	165

9.4	Corporate	
9.4.1	Advocacy for Regional Waste Collaboration	170
9.5	Governance and Customer Service	
9.5.1	Update of Instrument of Delegation S5 – Council to the Chief Executive Officer	175
9.5.2	Chief Executive Officer Contract Extension	187
9.5.2	Monthly Performance Report	190
9.6	Executive	
10.	NOTICES OF MOTION	
10.1	Notice of Motion – Council Meeting Tuesday 19 July 2022 Councillor Laura Binks' Report on attendance at the Australian Local Government Association 2022 National General Assembly 'Partners in Progress' Lodged by Councillor Laura Binks (Mayor) (<i>Notice of Motion Ref. No: 03/2022</i>)	208
11.	NOTICES OF RESCISSION	222
12.	URGENT BUSINESS	222
13.	CONFIDENTIAL BUSINESS	222
	Confidential Appendices	
	APPENDICES DEEMED CONFIDENTIAL IN ACCORDANCE WITH SECTION 66(2)(A) AND PART 1, CLAUSE 3 OF THE LOCAL GOVERNMENT ACT 2020 (g) private commercial information, being information provided by a business, commercial or financial undertaking that— (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage	
	Appendix 1: Tender Evaluation for Contract No. 21/22-23: Rehabilitation of the Violet Town Landfill - Construction Works	

9. OFFICER REPORTS

9.1 STRATEGIC AND STATUTORY PLANNING

9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666

Author: Town Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for the use of land for Thirteen (13) Lot Subdivision at Certificate of Title Volume 11627 Folio 974 Crown Allotment 6 Section 53A, 42 Bury Street, Euroa VIC 3666.
- The application was advertised, and one (1) objection was received. Further detail is contained within this report.
- The application has not been assessed within the 60-day statutory timeframe due and objection being received and the need to come to a Council Meeting for a decision.
- The proposal meets the objectives of the Municipal Planning Strategy, Planning Policy Framework, the General Residential Zone, and 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.

RECOMMENDATION

That Council

Having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Issue a Notice of Decision under the provisions of Clause 32.08-3 (Subdivision), Clause 44.04-3 (Subdivision), Clause 52.17 (Proposed lots less than 0.4 Hectares, which creates a Site Area exemption) of the Strathbogrie Planning Scheme in respect of the land known as Certificate of Title Volume 11627 Folio 974 Crown Allotment 6 Section 53A, Certificate of Title Volume 03668 Folio 495 Crown Allotment 7 Section 53A 42 Bury Street, Euroa VIC 3666, for the Thirteen (13) Lot Subdivision, in accordance with endorsed plans, subject to the following conditions:

Endorsed Plan Subdivision:

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

9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666 (cont.)

Engineering Conditions:

2. *Prior to the Certification under the Subdivision Act 1988, any easements for the purpose of draining lots to the legal point of discharge or ensuring continued vehicle access is maintained must be created.*

Construction Management Plan

3. *Prior to the commencement of works, including any demolition and excavation, and Certification being issued, a Construction Management Plan must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the Plan has been approved by the Responsible Authority. The plan must be in accordance with the IDM and 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, litter, water and sediment laden runoff;*
 - c) *Measures to inform adjacent residents of work schedules;*
 - 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;*
 - f) *Contact details of key construction site staff;*
 - g) *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;*
 - h) *Any other relevant matters.*

Traffic Management Plan

4. *Prior to the commencement of works, and Certification being issued, a Traffic Management Plan must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the Plan has been approved by the Responsible Authority. The plan must be in accordance with the IDM and provide details of the following:*
 - a) *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;*
 - b) *A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;*
 - c) *Measures to ensure that sub-constructors / tradespersons operating on the site are aware of the contents of the Construction Management Plan;*
 - d) *Any other relevant matters.*

9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666 (cont.)

Stormwater Management Plan

5. Prior to works commencing and Certification being issued, a properly prepared Stormwater Management Plan with an Overland Flow Analysis, with computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. 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) how all storm-water deposited upon, and transferred through, the developed site during a minor 20% AEP rainfall event is collected and conveyed by underground pipes to a legal point of discharge nominated by the Responsible Authority;**
- b) how all storm-water runoff originating from, or currently flowing through, the developed site in a major 1% AEP rainfall event is collected and conveyed by secure overland and/or underground flood pathways to a legal point of discharge identified by the Responsible Authority;**
- c) computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority;**
- d) independent drainage for each lot (for subdivisions only);**
- e) location of the overland flow paths within the development;**
- f) each proposed lot having a stormwater property drain inlet point, constructed in underground pipes extending from the legal point of discharge to within its property boundary**
- g) 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;**
- h) a maximum discharge rate from the site is to be determined by computation to the satisfaction of the Responsible Authority;**
- i) documentation demonstrating approval from the relevant authority for the legal point of discharge;**
- j) all roof water from buildings and surface water from hard paved areas will be collected and conveyed to a Legal Point of Discharge so as to prevent stormwater nuisance to adjoining land.**
- k) that the development makes provision for upstream stormwater inflows**

Prior to the issue of Statement of Compliance for the plan of subdivision the drainage detailed in the approved Drainage Discharge Plan must be constructed to the satisfaction of the Responsible Authority. All works are subject to a twelve month liability period.

6. Prior to the issue of a Statement of Compliance, all drainage infrastructure as shown on the approved drainage plan must be constructed in accordance with plans and specifications approved by the Responsible Authority.

9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666 (cont.)

- 7. Prior to the commencement of works and Certification being issued, final construction plans for all proposed roadways and pathways must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions, be in accordance with the IDM and must show: -**
 - a) All bearings, distances, levels, street names, lot numbers, lots sizes, reserves and easements;**
 - b) The road reserve, carriageway and verge widths;**
 - c) All infrastructure including drainage, concrete footpath, kerb and channel, public lighting and utility services;**
 - d) Vehicle crossing for each lot;**
 - e) Street tree locations;**
 - f) The protection and retention of all trees within the road reserve;**
 - g) All surface details;**
 - h) All relevant road signage and line marking**
 - i) Speed limit signs as appropriate and**
 - j) any CFA requirements including hydrants.**
- 8. 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) 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.**
 - d) 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.**
 - e) Subsoil drainage installed for all kerb and channel.**
- 9. Prior to certification of the plan of subdivision the owner must complete and duly sign a Statutory Declaration agreeing to the allocation of street numbers.**
- 10. Prior to the issue of Statement of Compliance of the plan of subdivision, the owner must display street numbers for each lot which clearly identifies the address of each lot to the satisfaction of the Responsible Authority.**

9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666 (cont.)

- 11. Prior to the issue of Statement of Compliance, the subdivider must construct/provide vehicle crossing to each and every lot and/or reserves within the subdivision development in accordance with Council's Infrastructure Design Manual. Alternatively, vehicle crossings are not required to be constructed where mountable (SM2-M) kerb and channel is used.**

Landscaping

- 12. Prior to the issue of Statement of Compliance, the subdivider must provide Street trees as shown on the Endorsed Plan(s) and must include the planting of one (1) MATURE (2 – 3 metres high) street tree per lot (of an approved species and location), or to such higher standards by agreement and must be selected and planted by a qualified Horticulturist / Arborist. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with council's Infrastructure Design Manual standards and /or any approved landscaping management plans as appropriate.**
- 13. Street trees must be maintained for a period of twenty four months, or until the subdivider can demonstrate that the plantings have become established from the date of acceptance of the works, to the satisfaction of the responsible authority. Any dead, dying or diseased trees are to be replaced within twenty four (24) months of the date of acceptance of the works.**
- 14. Prior to the works commencing / Certification being issued, a detailed landscape plan, for the whole of the site, must be prepared and implemented. The detailed landscape plan must be to the satisfaction of the responsible authority and must be submitted and assessed against the construction plans by the responsible authority. The landscape plan must be drawn to scale with dimensions and must show:**
- a) Detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.**
 - b) Soil quality and planting techniques in median or verge tree planting zones along arterial roads (including service road nature strips) that will support full growth of medium to large trees.**
- 15. Prior to the issue of a Statement of Compliance all nature strips and public open space must be seeded and fertilised and grass must be established.**
- 16. Prior to the issue of a Statement of Compliance all landscaping works (including street trees) shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority. The time of planting can be coordinated with Council to increase the survival rate of the street trees.**

9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666 (cont.)

17. The landscaping shown on the endorsed plans including street trees must be maintained for a period of twenty four months from the date of practical completion of the works to the satisfaction of the responsible authority. Formative pruning must be undertaken to the satisfaction of the Responsible Authority after twelve months. Any dead, diseased or damaged plants are to be replaced as needed. Refer to Clause 24 of the Infrastructure Design Manual.

Fencing

18. Prior to issue of SOC the common boundary with 34 Bury Street & 5 Elgin Ave must be fenced to the satisfaction of the Responsible Authority.

Engineering Plans

19. Before issuing the Statement of Compliance all works constructed or carried out must be in accordance with all approved plans and completed to the satisfaction of the Responsible Authority.

20. Prior to issuing the Statement of Compliance for the subdivision the owner or developer must submit the following –

- a) An assets statement for each street.**
- b) 'As Constructed' information for the entire work in each development and stage, detailing information as listed in the Infrastructure Design Manual.**
- c) A certified plan showing the extent and depth of fill in excess of 300mm placed on any of the allotments.**
- d) 'As Constructed' drainage information provided in D Spec format to Council's satisfaction.**

Road Upgrading

21. Prior to the issue of Statement of Compliance, the developer must upgrade Elgin Avenue, Campbell Street and Bury Street (and any other road upgrade requirements as agreed to with the Responsible Authority) in accordance with plans and specifications submitted to and approved by the responsible authority. Specific details are as follows:

- a) fully sealed pavement with kerb and channel and vehicular crossings;**
- b) footpaths and/or shared pedestrian/bicycle paths along Elgin Avenue;**
- c) underground drainage;**
- d) street trees;**
- e) indented car parking along Campbell Street and Bury Street;**
- f) underground conduits for water, gas, electricity and telephone;**
- g) appropriate intersection and traffic measures;**
- h) appropriate street lighting and signage;**
- i) high stability permanent survey marks;**
- j) any CFA requirements including hydrants.**

9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666 (cont.)

Street Lighting

- 22. Prior to the issue of a Statement of Compliance, 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).**

Signage

- 23. Prior to the issue of a Statement of Compliance any street names and speed limit signs as agreed to with the Responsible Authority must be erected.**

Site Management During Construction

- 24. 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: -**
- **Environmental Guidelines for Major Construction Sites (EPA publication No. 480, December 19985); and**
 - **Construction Techniques for Sedimentation Pollution Control (EPA publication No. 275, May 1991).**
- 25. 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.**
- 26. The permit holder shall ensure that dust suppression is undertaken in the form of constant water spraying or other natural based proprietary dust suppressant to ensure that dust caused by vehicles moving along the access road and/or within the site does not cause a nuisance to surrounding properties to the satisfaction of the Responsible Authority. The development shall not have an adverse impact on existing or future air quality.**
- 27. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.**
- 28. 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.**
- 29. 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.**

9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666 (cont.)

Engineering fees for maintenance bond and supervision

- 30. 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.***
- 31. Prior to the issue of Statement of Compliance for the subdivision, a maintenance bond to the value of 5% of the actual total construction cost for road and drainage works must be paid to the Responsible Authority.***
- 32. 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 total construction cost for 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).***

Council's Assets

- 33. Before 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.***

***On Site Stormwater Management for Future Development
Section 173 Agreement***

- 34. Prior to the issue of Statement of Compliance, a Section 173 Agreement must be entered into that provides for the following requirements (a to f):***
- 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.***
 - 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 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).***

9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666 (cont.)

- 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.***

Ausnet:

35. The Plan of Subdivision submitted for certification must be referred to Ausnet Electricity Services PTY LTD in accordance with Section 8 of the Subdivision Act 1988.

36. The applicant must –

- ***Enter in an agreement with Ausnet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.***
- ***Enter into an agreement with Ausnet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.***
- ***Enter into an agreement with Ausnet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by Ausnet Electricity Services Pty Ltd.***
- ***Provide easements satisfactory to Ausnet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "Ausnet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing Ausnet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.***
- ***Obtain for the use of Ausnet Electricity Services Pty Ltd any other easement required to service the lots.***
- ***Adjust the position of any existing Ausnet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.***
- ***Set aside on the plan of subdivision Reserves for the use of Ausnet Electricity Services Pty Ltd for electric substations.***

9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666 (cont.)

- *Provide survey plans for any electric substations required by Ausnet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. Ausnet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.*
- *Provide to Ausnet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.*
- *Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by Ausnet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.*
- *Ensure that all necessary auditing is completed to the satisfaction of Ausnet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.*

Native Vegetation Conditions:

37. The total area of native vegetation permitted to be removed is 0.142 hectares within location category 1. This is comprised of:

- *Two (2) patches of native vegetation with a total area of 0.009 hectares*
- *One (1) large scattered tree*
- *Two (2) small scattered trees*

Offset evidence

38. Prior to the commencement of works and Certification being issued, as per Application Requirement 9 of the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017) (Guidelines) the following is required:

- *An offset statement providing evidence that an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines (DELWP, 2017). A suitable statement includes evidence that the required offset:*
 - *is available to purchase from a third party, or*
 - *will be established as a new offset and has the agreement of the proposed offset provider, or*
 - *can be met by a first party offset.*

39. DELWP notes that prior to the commencement of works and Certification being issued, the applicant must provide evidence to Council that a compliant offset is available. Evidence of a third party offset is to be sort from either a native vegetation credit broker or results of a search for offset credits from the search tool on the Native Vegetation website.

9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666 (cont.)

Offsets

40. A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.

41. Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Environment, Land, Water and Planning at P&A.North@delwp.vic.gov.au.

Goulburn Valley Water:

42. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;

43. 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;

44. Provision of one water tapping per lot at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;

45. 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;

46. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;

47. 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;

48. 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;

49. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;

9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666 (cont.)

50. 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;

51. 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.

General Amenity:

52. The subdivision and building and works hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) transport of materials, goods or commodities to or from the land;**
- b) appearance of any building, works or materials;**
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
- d) presence of vermin; and**
- e) others as appropriate.**

53. 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.

Telecommunications:

54. 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.**

55. 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**

9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666 (cont.)

- *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.*

Subdivision Conditions:

56. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.

57. 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.

Referral Under Section 8 of the Subdivision Act 1988:

58. 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.

Public Open Space Contribution:

59. Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner must pay to the responsible authority five per cent of the site value of all the land in the subdivision.

The owners must advise Council, in writing, to undertake the property valuation and must pay the Council's reasonable costs and expenses to provide such a valuation for payment in lieu of the public open space contribution.

Removal / Decommissioning of Existing Dwelling / Buildings

60. The existing dwelling and all shedding must be removed prior to Statement of Compliance to the satisfaction the Responsible Authority. Evidence must be provided to council by way of a photograph or organising a site visit.

Permit Expiry:

Subdivision:

- 61. 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.*

9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666 (cont.)

The Responsible Authority may extend the time at part (a) if a request is made in writing before the permit expires or within six months afterwards.

Expiry of Permit – Native Vegetation:

62. This permit will expire if the native vegetation is not removed within two years of the issue of the permit and evidence of the offset provided for council's records.

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 creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.*
- 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 proposal has been assessed against Clause 32.08, Clause 44.04, Clause 52.17 and Clause 56.*
- The existing dwelling and shedding to be removed may require Building permission to Demolish.*

Ausnet Notes:

- It is recommended that, at an early date the applicant commences negotiations with Ausnet Electricity Services Pty Ltd for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).*
- Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.*
- Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.*

9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666 (cont.)

APA/APT Notes:

- ***APT does not require the plan to be forwarded under Section 8 of the Subdivision Act 1988, and consents to the issue of a Statement of Compliance at the appropriate time.***

Goulburn Broken Catchment Management Authority Notes:

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

Goulburn Valley Water Notes:

- ***Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the development. However as any future stages of the development will be connected to the Corporation's water supply and sewerage systems independently of this stage, the Corporation reserves the right to revise any conditions applicable to any subsequent stages lodged.***

End of Conditions

PURPOSE AND BACKGROUND

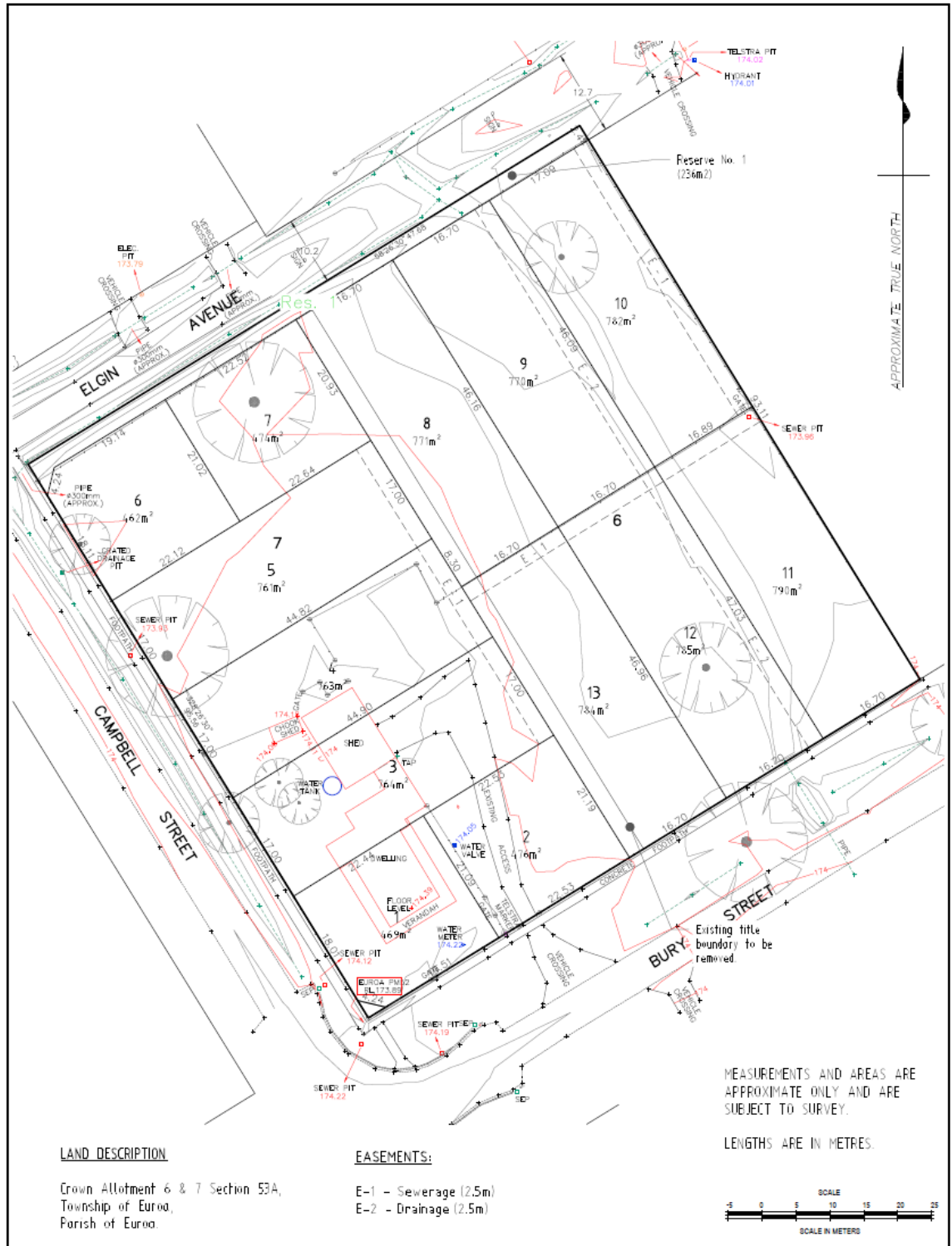
The application proposes a thirteen (13) lot subdivision at 42 Bury Street, Euroa VIC 3666. Lots range from 462 square metres to 790 square metres.

The site is located within the south-western portion of the Euroa township. The land is within walking distance of the main commercial area, schools, childcare and medical facilities. It measures approximately 9132 square metres in area.

The site is in the General Residential Zone and Land Subject to Inundation Overlay. The proposal has gained consent from all referral authorities.

9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666 (cont.)

Proposed Plan of Subdivision.



9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666 (cont.)



There is an existing dwelling and shedding that is proposed to be removed from Crown Allotment 7.

The subject site is currently made up of two lots. The lots face generally north-south.

Crown Allotment 6 - 4595 square metres (Vacant, grassed paddock and treed)

Crown Allotment 7 - 4536 square metres (Dwelling, shedding, garden areas, grassed, access, internal driveway and treed)

The subject site is a corner block and is adjacent to Bury Street, Campbell Street and Elgin Avenue.

Elgin Avenue adjoins the northern boundary of the subject site. It is unsealed and is currently a no through road with a portion of the road reserve unmade.

Conditions will be included on any permit regarding drainage, footpaths and to construct Elgin Avenue in accordance with the IDM standards.

Native Vegetation Removal

The application does not propose to directly remove native vegetation as part of a proposed subdivision. However, the subject site measures more than 0.9 hectares. The proposal will create lots less than 0.4 hectares and therefore the Native vegetation on site is considered consequentially lost.

9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666 (cont.)

A Vegetation Quality Assessment has been carried out by the applicant and it has been determined the total area of native vegetation proposed to be lost totals 0.142 hectares within location category 1. This is comprised of:

- Two (2) patches of native vegetation with a total area of 0.009 hectares
- One (1) large scattered tree
- Two (2) small scattered trees



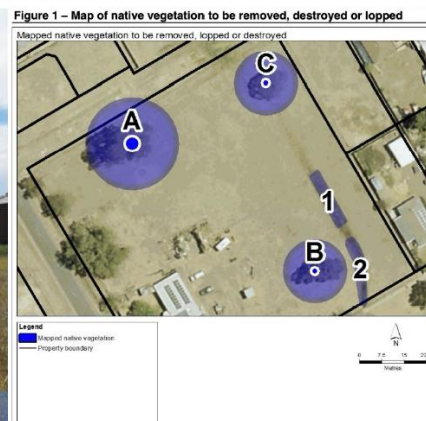
Facing east: Large *E. blakelyi* (no. 2); assumed lost.



Facing south: *E. blakelyi* (no. 3); assumed lost.



Facing north: *E. blakelyi* (no. 3); assumed lost.



9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666 (cont.)

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Council is a Responsible Authority under the Planning and Environment Act 1987 (the Act). In this role, Council administers the Strathbogie Planning Scheme (Planning Scheme) and, among other things, determines planning permit applications made for the use and development of land within the municipality.

Under delegated authority of Council, Council Officers determine some matters.

Any application that has received objections is heard before Council.

SUMMARY OF KEY ISSUES

The proposal has been assessed against Clause 56 and meets the relevant objectives and standards.

Euroa is recognised as being able to accommodate population growth. The site is located in the General Residential Zone and lends itself to future infill development.

The proposed lots vary from 462 square metres to 790 square metres. The existing lots in the area vary from 10116 square metres to 482 square metres and therefore this is considered in keeping with the character of the area. The application complies with Clause 56 requirements.

The land is in the Land Subject to Inundation Overlay. The application was referred to GBCMA. GBCMA have advised since the completion of the Euroa Water Management Scheme by Strathbogie Shire Council under the Water Act, 1989 (Castle Creek Town Levee) the above-mentioned site is now protected from a repeat of a 100-year ARI type flood. This has been confirmed with the Euroa Post Flood Mapping and Intelligence Study (Cardno, 2015).

The Strathbogie Shire Council in association with the Goulburn Broken Catchment Management Authority, is preparing to amend the flood related planning overlay controls based on the findings of the Euroa Post Flood Mapping and Intelligence Study. This amendment is known as Strathbogie Planning Scheme Amendment C052.

The abovementioned property will not be subject to flood overlay controls once the amendment is adopted.

The Goulburn Broken Catchment Management Authority advised that the finished floor level of any future proposed dwellings would need to be constructed at least 300 millimetres above the general surrounding ground level to safeguard against over-floor flooding associated with localised severe thunderstorms.

The land has an area of more than 0.9 hectares, proposed lots are less than 0.4 hectares. Clause 52.17 has been assessed. Consequential loss of Vegetation has been considered and addressed via Conditions and offset requirements as per DELWP recommendations.

9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666 (cont.)

The application has one objection in relation to footpaths, roads and gutters, drainage, water flow and any fill on the land, fencing and extra cars driving and parking.

These concerns have been addressed in this report and appropriate Conditions regarding construction will be included on any planning permit issued.

COMMUNITY ENGAGEMENT

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.

Individual applications consider these requirements through assessment phase of each application as per the *Planning and Environment Act 1987* and the provisions of the Strathbogie Planning Scheme. The application was advertised to adjacent and nearby owners and occupiers. The proposal was accessible on Council's website. The notice was carried out in accordance with the legislation and two objections have been received.

The Assessing Officer passed on the objection to the applicant, who responded to the objector. The officer also responded to the objector by supplying a copy of the IDM as requested. In addition, the objector was offered the opportunity to meet with the engineers and given a copy of draft Conditions.

The objection has not been withdrawn and the objector has been kept up to date as to the status of the proposal.

POLICY CONSIDERATIONS

Council Plans and Policies

There are no implications on the Council Plan or any Council Policies as a result of this decision.

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The state policies are considered in the *Planning Policy Framework* section (above) from the Strathbogie Planning Scheme.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

This application is being considered under Section 61 of the *Planning and Environment Act 1987*.

9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666 (cont.)

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This application is being heard by Council as the proposal has one objection. Hearing the application in the public meeting will allow all parties the opportunity to be heard by the councillors prior to a decision being made.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The proposal will provide for diversity in housing and potential increase in residents to become part of the existing community, supporting the local economy, the local schools and businesses.

Social

The proposal will provide for diversity in housing and potential increase in residents to become part of the existing community, supporting the local economy, the local schools and businesses.

Environmental

The application has been assessed against the relevant provisions of the *Planning and Environment Act 1987*. Consequential loss of Native vegetation has been appropriately considered. The site is within the Bushfire Prone Area and the risk is considered to be low given there is no identifying planning overlay to suggest a high bushfire risk.

The layout meets the requirements of Clause 56 for good solar access.

Climate change

The Strathbogie Planning Scheme has incorporated broader considerations on Climate Change, with the assessment that the proposal will not have an impact on climate change within the municipality, as all works will be required to comply with relevant legislation.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications with this proposal. The application is being assessed in accordance with relevant legislation, and all parties will be afforded all relevant rights of appeal at the Victorian Civil and Administrative Tribunal.

9.1.1 Planning Permit Application No. P2022-002: Thirteen (13) Lot Subdivision ~ 42 Bury Street, Euroa VIC 3666 (cont.)

CONCLUSION

After due assessment of all the relevant factors, it is considered appropriate to issue a Notice of Decision to grant a permit, subject to conditions, in accordance with the officer recommendation.

ATTACHMENTS

Attachment 1: Planning Officer Report (*separate document*)

Attachment 2: Plans for Endorsement (*separate document*)

Attachment 3: Subject Land Map

Attachment 4: Locality Map

ATTACHMENT 3:

Subject Land Map



[illegible]

9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608

Author: Town Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for a multi lot residential subdivision located to the south of Nagambie and resulting in at this current time, 36 lots with a main access created from High Street, and the required removal of native vegetation to the minimal extent. Removal of vegetation for the access to the land from High Street is exempted from a planning permit.
- The application was advertised and four objections were received. These are detailed in the officer report and engagement has been undertaken which is detailed in the Officer Report. No objections have been withdrawn.
- The application has not been assessed in the statutory timeframe due to the consideration of the objections and the need to bring the matter to Council for a decision.
- The proposal meets the objectives of the Municipal Planning Strategy and Planning Policy Framework, the Purpose of the Zone, and accords with the decision guidelines. When assessed against the decision guidelines of Clause 65 it is weighted in favour of support.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

RECOMMENDATION

That Council

Having caused notice of Planning Application No. P2021-005 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 the Strathbogie Planning Scheme in respect of the land known as (Lot 2 PS415618 V10384 F571 Parish of Tabilk) 196 High Street, Nagambie VIC 3608, for the Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network, and Removal of Native Vegetation in accordance with endorsed plans, subject to the following conditions:

Conditions:

Endorsed Plan Subdivision:

- 1. The subdivision must be carried out in accordance with the endorsed plans and permit. The endorsed plans or permit can only be altered or modified with the prior written consent of the Responsible Authority.***

9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

General Amenity:

2. *The subdivision, during construction, must be managed so that the amenity of the area or locality, in the opinion of the Responsible Authority, is not detrimentally affected, through the:*
 - a) *transport of materials, goods or commodities to or from the land;*
 - b) *appearance of any building, works or materials;*
 - c) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
 - d) *presence of vermin; and*
 - e) *others as appropriate.*

Telecommunications:

3. *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.*
4. *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.*

Referral Under Section 8 of the Subdivision Act 1988:

5. *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.*

9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

Public Open Space Contribution:

6. *Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner must pay to the responsible authority a sum, or land set aside, or a combination, equivalent to five per cent of the site value of all the land in the subdivision.*

The owners must advise Council, in writing, to undertake the property valuation and must pay the Council's reasonable costs and expenses to provide such a valuation for payment in lieu of the public open space contribution.

Road Names:

7. *Prior to Certification, road names for the proposed roads (and/or common property) must be submitted on a plan of subdivision to Council for approval. Road names must be in accordance with Naming Rules for Places in Victoria, Statutory Requirements for Naming Roads, Features and Localities 2016.*

Street Addressing:

8. *Prior to the Certification of the plan of subdivision, the owner must complete and duly sign a Statutory Declaration agreeing to the Allocation of Street numbers.*

Engineering:

Construction Management Plan

9. *Prior to the commencement of works, including demolition and excavation, and Certification being issued, a Construction Management Plan must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the Plan has been approved by the Responsible Authority. The plan must be in accordance with the IDM and 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, litter, water and sediment laden runoff;*
 - c) Measures to inform adjacent residents of work schedules;*
 - 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;*
 - f) Contact details of key construction site staff;*
 - g) 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;*
 - h) Any other relevant matters.*

9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

Traffic Management Plan

10. Prior to the commencement of works, and Certification being issued, a Traffic Management Plan must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the Plan has been approved by the Responsible Authority and the relevant Road Authority. The plan must be in accordance with the IDM and provide details of the following:

- a) 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;**
- b) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;**
- c) Measures to ensure that sub-contractors / tradespersons operating on the site are aware of the contents of the Construction Management Plan;**
- d) Access for all construction vehicles to be via the existing entry to the land and not via Penrose Street, unless otherwise agreed in writing.**
- e) Any other relevant matters.**

Stormwater Management Plan

11. Prior to works commencing and Certification being issued, a properly prepared Stormwater Management Plan with an Overland Flow Analysis, with computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. 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;**
- 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) a maximum discharge rate from the site is to be determined by computation to the satisfaction of the Responsible Authority;**
- h) documentation demonstrating approval from the relevant authority for the legal point of discharge;**

9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

- i) the details of the incorporation of water sensitive urban design in accordance with clause 20.3.1 of the Infrastructure Design Manual;*
- j) the contours of the land as shaped to cause drainage to the legal point of discharge;*
- k) the location, siting and design of any required retardation basin in accordance with the Infrastructure Design Manual and to the satisfaction of the Responsible Authority;*
- l) and*
- m) maintenance schedules for treatment elements.*

Prior to the issue of Statement of Compliance for the plan of subdivision the drainage detailed in the approved Drainage Discharge Plan must be constructed to the satisfaction of the Responsible Authority. All works are subject to a twelve month liability period.

Roads, Pathways and Common Access

- 12. Prior to the commencement of works and Certification being issued, final construction plans for all proposed roadways and pathways must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions, be in accordance with the IDM and must show: -**
- a) All bearings, distances, levels, street names, lot numbers, lots sizes, reserves and easements;**
 - b) The road reserve, carriageway and verge widths;**
 - c) All infrastructure including drainage, concrete footpath, kerb and channel, public lighting and utility services;**
 - d) Vehicle crossing for each lot;**
 - e) Street tree locations;**
 - f) All surface details;**
 - g) Proposed court bowls;**
 - h) All relevant road signage and line marking; and**
 - i) Speed limit signs as appropriate.**

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.**

9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

- 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.***

13. Prior to the issue of Statement of Compliance of the plan of subdivision, the owner must display street numbers for each lot which clearly identifies the address of each lot to the satisfaction of the Responsible Authority.

14. Prior to the issue of Statement of Compliance for the subdivision, vehicular crossings for each lot must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, and must comply with the following: -

- a) Standard concrete residential vehicular crossings, as per standard drawing SD240 of the Infrastructure Design Manual, must be constructed at right angles to the common access road to suit the proposed driveways, and tie in with the new 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 either combined or at least 9 metres apart.***
- d) The entrance to the common access must be in accordance with Councils current standard for industrial vehicle crossings with reference made to standard drawing SD250.***
- e) 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.***
- f) The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree.***

9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

- g) 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.***
- h) The developer must have obtained a vehicle crossing permit from the responsible authority for each lot and have constructed the vehicle crossing in accordance with the requirements.***

Landscaping

15. Prior to the works commencing / Certification being issued, a detailed landscape plan, for the whole of the site, must be prepared and implemented. The detailed landscape plan must be to the satisfaction of the responsible authority and must be submitted and assessed against the construction plans by the responsible authority. The landscape plan must be drawn to scale with dimensions and must show:

- a. A survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed.***
- b. Landscaping of any proposed retardation basin and its surrounds and other proposed public land within the subdivision.***
- c. Additional planting within the road reserve frontage of the land, as relevant.***
- d. Details of the boundary fencing for the lots backing onto and abutting any proposed retardation basin and other reserves that includes a range of fencing styles so as not to create a solid fencing treatment along these boundaries.***
- e. Details of fencing of any proposed retardation basin.***
- f. Provision of a gravel path, avoiding the removal of native vegetation, along the road reserve frontage of the land.***
- g. Vehicle access points for each lot in the subdivision.***
- h. Details of all pathways linking parts of the development including the surface finishes.***
- i. Detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.***
- j. The removal of all existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds,***
- k. All trees planted as part of the landscape works shall have a minimum height of 2.0 to 2.5m at the time of planting.***
- l. The supply and spread of sufficient topsoil and sub soil if required on the proposed areas of open space to provide a stable, free draining surface and hydro-seeding of proposed grass areas (including within the drainage reserve),***

9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

- m. Soil quality and planting techniques in median or verge tree planting zones along arterial roads (including service road nature strips) that will support full growth of medium to large trees.*
 - n. Mechanisms for the exclusion of vehicles,*
 - o. All proposed open space, streetscape embellishments such as installation of pathways, garden beds, seating, shelters, picnic facilities, boardwalks, tree planting, signage, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies (including within the drainage reserve).*
 - p. A planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number of size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified.*
- 16. Prior to the issue of a Statement of Compliance all nature strips and public open space must be seeded and fertilised and grass must be established.**
- 17. Prior to the issue of a Statement of Compliance all landscaping works (including street trees) shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority. The time of planting can be coordinated with Council to increase the survival rate of the street trees.**
- 18. The landscaping shown on the endorsed plans including street trees must be maintained for a period of twenty four months from the date of practical completion of the works to the satisfaction of the responsible authority. Formative pruning must be undertaken to the satisfaction of the Responsible Authority after twelve months. Any dead, diseased or damaged plants are to be replaced as needed. Refer to Clause 24 of the Infrastructure Design Manual.**

Fencing

- 19. Prior to issue of Statement of Compliance for the subdivision the developer or owner must fence at their own cost the boundary of the allotments abutting any areas to be reserved for public open space and with neighbouring properties in consultation with those neighbouring property owners. Such fencing for the reserve areas is to be constructed no higher than 1.5 metres without written consent from the Responsible Authority.**

Engineering Plans

- 20. Before issuing the Statement of Compliance all works constructed or carried out must be in accordance with all approved plans and completed to the satisfaction of the Responsible Authority.**

9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

21. Prior to issuing the Statement of Compliance for the subdivision or for each stage of the subdivision, the owner or developer must submit the following –

- a) An assets statement for each street.**
- b) ‘As Constructed’ information for the entire work in each development and stage, detailing information as listed in the Infrastructure Design Manual.**
- c) A certified plan showing the extent and depth of fill in excess of 300mm placed on any of the allotments.**
- d) ‘As Constructed’ drainage information provided in D Spec format to Council’s satisfaction.**

Road Construction

22. Prior to the issue of Statement of Compliance, the developer must construct in accordance with plans and specifications submitted to and approved by the responsible authority. Specific details are as follows:

- a) fully sealed pavement with kerb and channel and vehicular crossings(specify location);**
- b) footpaths and/or shared pedestrian/bicycle paths (specify location);**
- c) underground drainage;**
- d) street trees;**
- e) indented car parking and/or bus parking bays (specify location);**
- f) underground conduits for water, gas, electricity and telephone;**
- g) appropriate intersection and traffic measures;**
- h) appropriate street lighting and signage**
- i) high stability permanent survey marks.**

Street Lighting

23. Prior to the issue of a Statement of Compliance, 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).

Signage

24. Prior to the issue of a Statement of Compliance all internal street names and speed limit signs must be erected.

Site Management During Construction

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: -

- Environmental Guidelines for Major Construction Sites (EPA publication No. 480, December 19985); and**
- Construction Techniques for Sedimentation Pollution Control (EPA publication No. 275, May 1991).**

9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

- 26. In the event of mud, crushed rock or other debris being carried onto public roads, adjoining private properties, or footpaths, from the subject land, appropriate measures must be implemented to minimise the problem to the satisfaction of the Responsible Authority.***
- 27. The permit holder shall ensure that dust suppression is undertaken in the form of constant water spraying or other natural based proprietary dust suppressant to ensure that dust caused by vehicles moving along the access road and/or within the site does not cause a nuisance to surrounding properties to the satisfaction of the Responsible Authority. The development shall not have an adverse impact on existing or future air quality.***
- 28. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.***
- 29. 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.***
- 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.***

Engineering fees for maintenance bond and supervision

- 31. 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.***
- 32. Prior to the issue of Statement of Compliance for the subdivision, a maintenance bond to the value of 5% of the actual total construction cost for road and drainage works must be paid to the Responsible Authority.***
- 33. 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 total construction cost for 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).***

9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

Council's Assets

34. Before 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 Council's assets/Public infrastructure caused as a result of the development or use permitted by this permit.

**On Site Stormwater Management for Future Development
Section 173 Agreement**

35. Prior to the issue of Statement of Compliance, a Section 173 Agreement must be entered into that provides for the following requirements (a to f):

- 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.**
- 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 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.**

9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

- f) The Owner will pay for all the costs associated with the construction and maintenance of each on-site detention system.*

Country Fire Authority:

Hydrants

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

- 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.**
- b) 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 website (www.cfa.vic.gov.au).

Roads

37. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle 15 tonnes for the trafficable road width –

- a) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degrees) entry and exit angle.**
- b) Curves must have a minimum inner radius of 10 metres.**
- c) Minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5metres on each side and 4 metres above the access way.**
- d) Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.**

Department of Environment, Water, Land and Planning:

Notification of permit conditions

38. Before any works start, the permit holder must advise all persons undertaking the works on site, including native vegetation removal, of all relevant permit conditions and associated statutory requirements or approvals.

9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

Protection of retained vegetation

39. Before works start, a plan to the satisfaction of the Strathbogrie Shire identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during constructions, must be prepared and submitted to and approved by the responsible authority. When approved the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.

Except with the written consent of the Strathbogrie Shire, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development the following is prohibited –

- a) Vehicular or pedestrian access;**
- b) Trenching or soil excavation;**
- c) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;**
- d) Entry and exit pits for the provision of underground services; and**
- e) Any other actions or activities that may result in adverse impacts to retained vegetation.**

Native vegetation permitted to be removed, destroyed or lopped

40. The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.134 hectares of native vegetation comprised of –

- a) 1 scattered large tree.**
- b) 3 scattered small trees.**
- c) With a strategic biodiversity value of 0.100**

Native vegetation offsets

41. To offset the removal of 0.134 hectares of native vegetation, the permit holder must secure the following native vegetation offset in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) –

- a) A general offset of 0.051 general habitat units –**
 - I. Located within the Goulburn Broken Catchment Management boundary or Strathbogrie Shire municipal area;**
 - II. With a minimum strategic biodiversity value of at least 0.080.**

Before any native vegetation is removed evidence that the offset requirement by this permit has been secured must be provided to the satisfaction of Strathbogrie Shire. This evidence must be one or both of the following –

- a) An established first party offset site including a security agreement signed both parties, and a management plan detailing the 10 year management actions and ongoing management of the site; and/or**
- b) Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.**

9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

Where the offset includes a first party offset(s) the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement for a period of 10 consecutive years. After the tenth year the landowner must provide a report at the reasonable request of the statutory authority.

Goulburn Valley Water Corporation:

42. 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. (The works may include, but not be limited to the upsizing of existing water mains, construction of a water booster pumping station, storage or tanks and trunk mains);***
- (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; (The works may include, but not be limited to the construction of a sewerage pumping station, existing sewer augmentation works, downstream sewer augmentation works, rising mains, trunk mains and gravity mains);***
- (e) Reserves for sewerage pump stations to be in favour of Goulburn Valley Region Water Corporation. The reserve must be adequately sized to enable unrestricted access to the sewerage pump station for operation and maintenance purposes. The reserve must not be encumbered by any easements;***
- (f) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;***

9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

- (g) Pursuant to Section 36 of the Subdivision Act, if the Corporation considers that, for the economical and efficient subdivision and servicing of the land covered by the Application for Permit, it requires the owner of the land to acquire an easement over other land in the vicinity. That is any land not owned by the Developer through which a sewerage extension servicing the development is to be located, easement shall be created in favour of the Corporation;**
- (h) 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.**
- (i) 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.**
- (j) Downstream Water Supply network augmentation works are required.**

AusNet Electricity Services:

43. The Plan of Subdivision submitted for certification must be referred to AUSNET ELECTRICITY SERVICES PTY LTD in accordance with Section 8 of the Subdivision Act 1988.

44. The applicant must –

- Enter into an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.**
- Enter into agreement with AusNet Electricity Services Pty for the rearrangement of the existing electricity supply system.**
- Enter into an agreement with AusNet Electricity Services Pty for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty.**
- Provide easements satisfactory to AusNet Electricity Services Pty for the purpose of the Power Line in favour of AusNet Electricity Services Pty pursuant to Section 88 of the Electricity Industry Act 2000 where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty electric power lines for any new power lines required to service the lots on the endorsed plan and/or abutting land.**
- Obtain for the use of AusNet Electricity Services Pty any other easement required to service the lots.**
- Adjust the position of any existing AusNet Electricity Services Pty easement to accord with the position of the electricity line/s as determined by survey.**

9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

- *Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty for electric substations.*
- *Provide survey plans for any electric substations required by AusNet Electricity Services Pty and for associated power lines and cables and executes leases for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. AusNet Electricity Services Pty requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.*
- *Provide to AusNet Electricity Services Pty a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.*
- *Agree to provide alternative electricity supply to lot owners and / or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.*
- *Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty to allow the new network assets to be safely connected to the distribution network.*

Goulburn Broken Catchment Management Authority:

- 45. All proposed lots are flood free during a 100 year ARI (1% AEP) flood level (ie. the lots are elevated above the applicable 100 year ARI (1% AEP) flood level).*
- 46. Flood depths on all internal roads and accessways do not exceed 0.3 metres during a 100 year ARI (1% AEP) flood event.*
- 47. The proposed development does not result in adverse flood impacts on surrounding properties.*
- 48. An updated Flood Impact Assessment based on the revised plan of subdivision is to be provided to the Goulburn Broken CMA for its review and endorsement prior to the CMA issuing a Statement of Compliance.*

Department of Transport:

- 49. Only one access will be permitted from subject land to High Street as shown on the plan (project number -5583) appended to the application.*

9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

50. Prior to the certification of the plan of subdivision, a Functional Layout Plan must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the plans date stamped 04/05/22, Project No. – 5583 & Drawing number – 5583.01 but modified to show :

- a) Urban Auxiliary Right Turn (AUR) treatment and Urban Auxiliary Left Turn (AUL) treatment at the intersection of Subdivisional Road and High Street.**

51. Prior to the release of a Statement of Compliance the following roadworks must be completed at the intersection of Subdivisional Road and High Street to the satisfaction of and at no cost to the Head, Transport for Victoria:

- a) Urban Auxiliary Right Turn (AUR) treatment.**
- b) Urban Auxiliary Left Turn (AUL) treatment.**
- c) Any other works required.**

Expiry of Permit – Subdivision:

52. This permit will expire if:

- a) The plan of subdivision is not certified within two years from the date of this permit; or**
- b) The subdivision is not completed within five years from the date of certification of the plan of subdivision.**

The Responsible Authority may extend the time at part (a) if a request is made in writing before the permit expires or within six months afterwards

Expiry of Permit – Native Vegetation:

53. This permit will expire if the native vegetation is not removed within two years of the issue of the permit and evidence of the offset provided for council's records.

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.**

9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

Planning Notes

Goulburn Valley Water

- *Please note that based on Goulburn Valley Water standard for the purpose of water supply security a second connection point will potentially be required if the number of lots serviced exceeds 40 lots.*
- *Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the estate development. However, as any future stages of the development will be connected to the Corporation's water supply and sewerage systems independently of this stage, the Corporation reserves the right to revise any conditions applicable to any subsequent stages lodged.*

AusNet Electricity Services Pty

- *It is recommended that, at an early date the applicant commences negotiations with AusNet Electricity Services Pty for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).*
- *Arrangements for supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.*
- *Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.*

Goulburn Broken Catchment Management Authority

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

Country Fire Authority

- *CFA does not consent to the Certification of the Plan of Subdivision and Statement of Compliance for Subdivision at this stage.*
- *The current proposal shows a direct interface between the subdivision and adjacent grassland vegetation to the east which may result in high construction standards (Bushfire Attack Levels) and have implications for future development of the land depending on staging of this development and development occurring on the adjoining land.*
- *The siting and layout of the subdivision should consider the vegetation located on the surrounding land and avoid creating new development conflicts with the updated state bushfire planning policy contained at Clause 13.02 of the planning scheme.*
- *Additional information on bushfire planning provisions and the BPA can be found on the DELWP website <https://www.planning.vic.gov.au/bushfire-protection/building-in-bushfire-prone-areas>.*

9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

Department of Transport

- ***Separate ‘detailed design’ approval (fees and charges apply) and the specification of these are required under the Road Management Act. For the purpose of application the works will include provision of:***
 - ***Urban Auxiliary Right Turn (AUR) treatment.***
 - ***Urban Auxiliary Left Turn (AUL) treatment.***
 - ***Any other works in the arterial road reserve.***
- ***Please forward all details to nriw.ntheastern@roads.vic.gov.au . Further information regarding VicRoads consent to work within the road reserve can be found on the VicRoads website <https://www.vicroads.vic.gov.au/business-and-industry/design-and-management/working-within-the-road-reserve>***

End of Conditions

PURPOSE AND BACKGROUND

The applicant is seeking approval for a residential multi lot subdivision and vegetation removal with the creation of a main access from the Principal Road Network.

The site is located to the south of the township of Nagambie but within walking distance of the main commercial area.

This is currently proposed for 36 lots which range in size from 500 square metres to 1220 square metres.

The proposal has gained consent from all referral authorities.

The potential flood risk associated with the application has been considered and conditional consent has been gained from Goulburn Broken CMA.

This proposal is one of three under consideration at this time in the same locality.

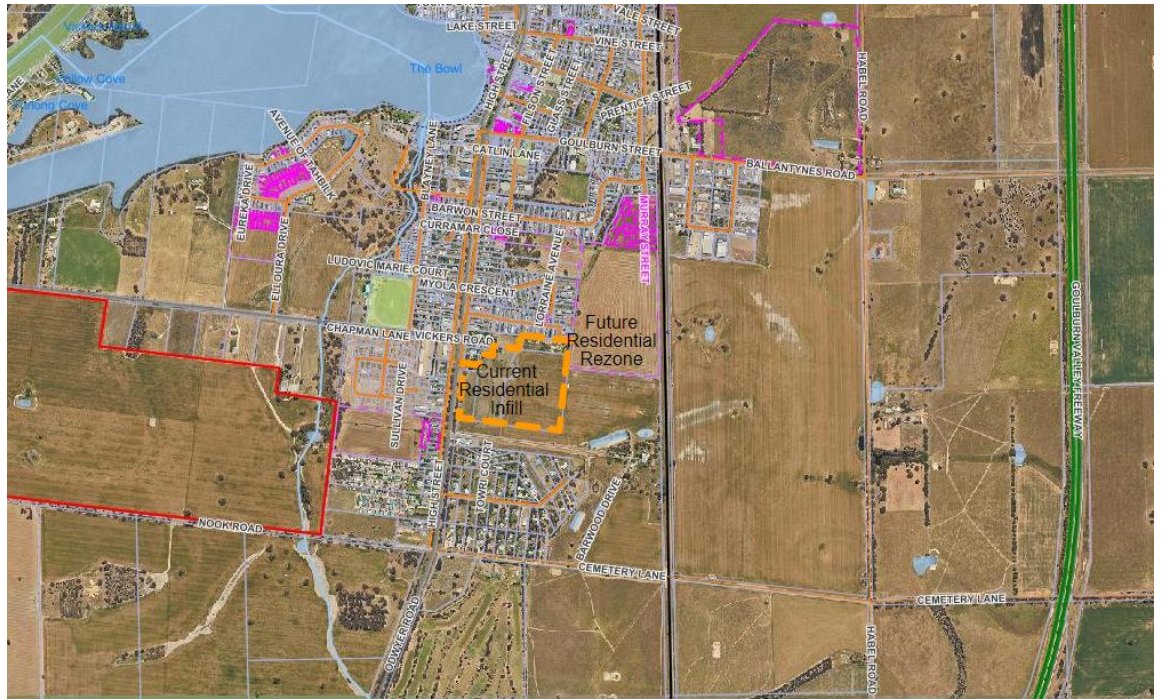
Due to a lack of Development Plan Overlay to guide the development of this site, a Master Plan was prepared to allow developers to design in response and for planning to apply the same conditions to ensure consistency across the site for road and lot layout and interconnection, infrastructure, landscaping and other requirements.

The plan of subdivision proposed under P2021-005 –

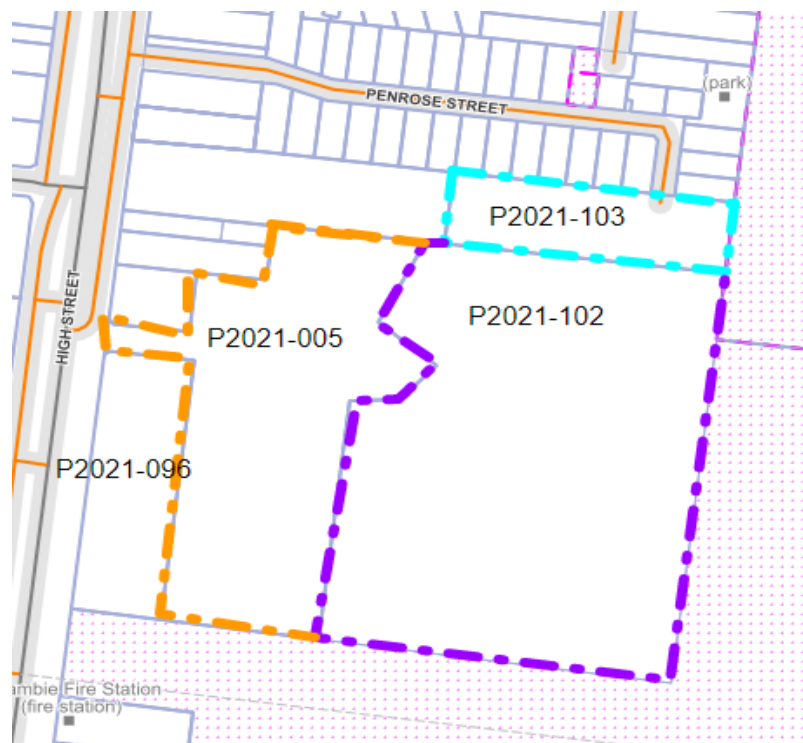


9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

The location shown in orange outline -



The three applications located at this locality and being considered are located below (P2021-096 is still undergoing a redesign and the application will be referred and placed on public notice once the design is finalised) –



9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Council is a Responsible Authority under the *Planning and Environment Act 1987* (the Act). In this role, Council administers the Strathbogie Planning Scheme (Planning Scheme) and, among other things, determines planning permit applications made for the use and development of land within the municipality.

Under delegated authority of Council, Council Officers determine some matters.

Any application that has received objections is heard before Council.

SUMMARY OF KEY ISSUES

Nagambie is recognised as being able to accommodate population growth given its strategic location on the Principal Road Network and proximity to Melbourne. It has the ability to attract new residents with the potential to commute to the city and other towns for work and services.

There is ample serviceable residential land within Nagambie township. The proposal provides for medium density lots that can be connected to reticulated utilities, with constructed roads and drainage, and are within close proximity to a range of services, employment opportunities, transport networks including public transport.

The proposal supports the purpose of the zone, accords with the decision guidelines, when assessed against the Municipal Planning Strategy and Planning Policy Framework is weighted in favour of support. The proposal has been assessed against Clause 56 and meets the objectives and standards. The proposal accords with the Nagambie Growth Management Strategy 2008.

The native vegetation to be removed is to the minimum extent necessary. The construction of the access to the land from High Street will require removal of native vegetation, which is exempt from the need to obtain planning permit approval. This location has been chosen to avoid the need to remove more substantial native vegetation in the road reserve directly to the south of the proposed access.

The objections have been considered and the proposed conditions can address the majority of their concerns.

The potential flood risk associated with the application has been considered and conditional consent has been gained from Goulburn Broken CMA.

COMMUNITY ENGAGEMENT

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.

9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

The application was advertised to adjacent and nearby owners and occupiers. The proposal was accessible on Council's website. The notice was carried out in accordance with the legislation and four objections have been received.

The objectors were provided feedback to their objections and meetings with Council officers were held where plans and supporting documents were made available, concerns discussed, and questions answered.

No objections have been withdrawn and objectors have been kept up to date as to the status of the proposal.

Draft conditions have been provided to the objectors and this will enable them to view how their concerns can be addressed as far as reasonably practicable by permit conditions.

POLICY CONSIDERATIONS

Council Plans and Policies

There are no implications on the Council Plan or any Council Policies as a result of this decision.

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

Further detail is within the Planning Officer Report.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

This application is being considered under Section 61 of the *Planning and Environment Act 1987*.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This application is being heard by Council due to the receipt of objections to the proposal. The report will be on the council website under the Agenda section and will allow all parties the opportunity to be heard by the Council prior to a decision being made.

9.1.2 Planning Permit Application No. P2021-005: Multi Lot Subdivision; Creation of Access and Subdivision Adjacent to the Principal Road Network; Removal of Native Vegetation ~ 196 High Street, Nagambie VIC 3608 (cont.)

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

This proposal is supported by the planning scheme and state policy to allow for projected population growth to be accommodated in appropriate locations throughout the region. The economic implications are positive for the region and locality.

Social

The proposal will provide for diversity in housing and potential increase in residents to become part of the existing community, supporting the local economy, the local schools and businesses.

Environmental

The application has been assessed against the relevant provisions of the *Planning and Environment Act 1987*. The application has been assessed against Clause 56 and has met all the objectives. The native vegetation loss has been minimised and that which has to be removed via planning permit approval will be offset.

Climate change

The Strathbogie Planning Scheme has incorporated broader considerations on Climate Change, with the assessment that the proposal will not have an impact on climate change within the municipality, as all works will be required to comply with relevant legislation.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications with this proposal. The application is being assessed in accordance with relevant legislation, and all parties will be afforded all relevant rights of appeal at the Victorian Civil and Administrative Tribunal.

CONCLUSION

After due assessment of all the relevant factors, it is considered appropriate to issue a Notice of Decision to grant a permit, subject to conditions, in accordance with the officer recommendation.

ATTACHMENTS

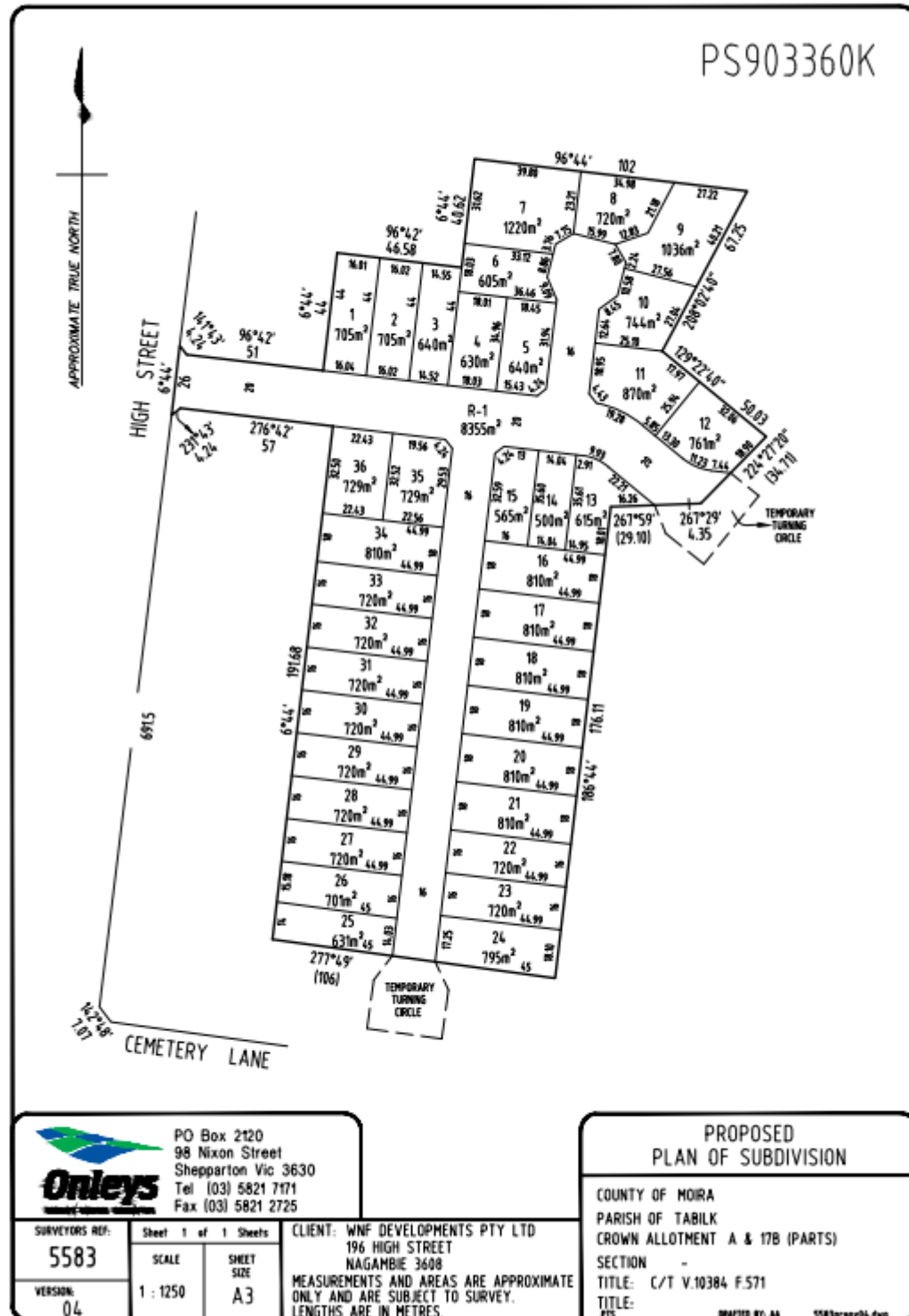
Attachment 1: Planning Officer Report (*separate document*)

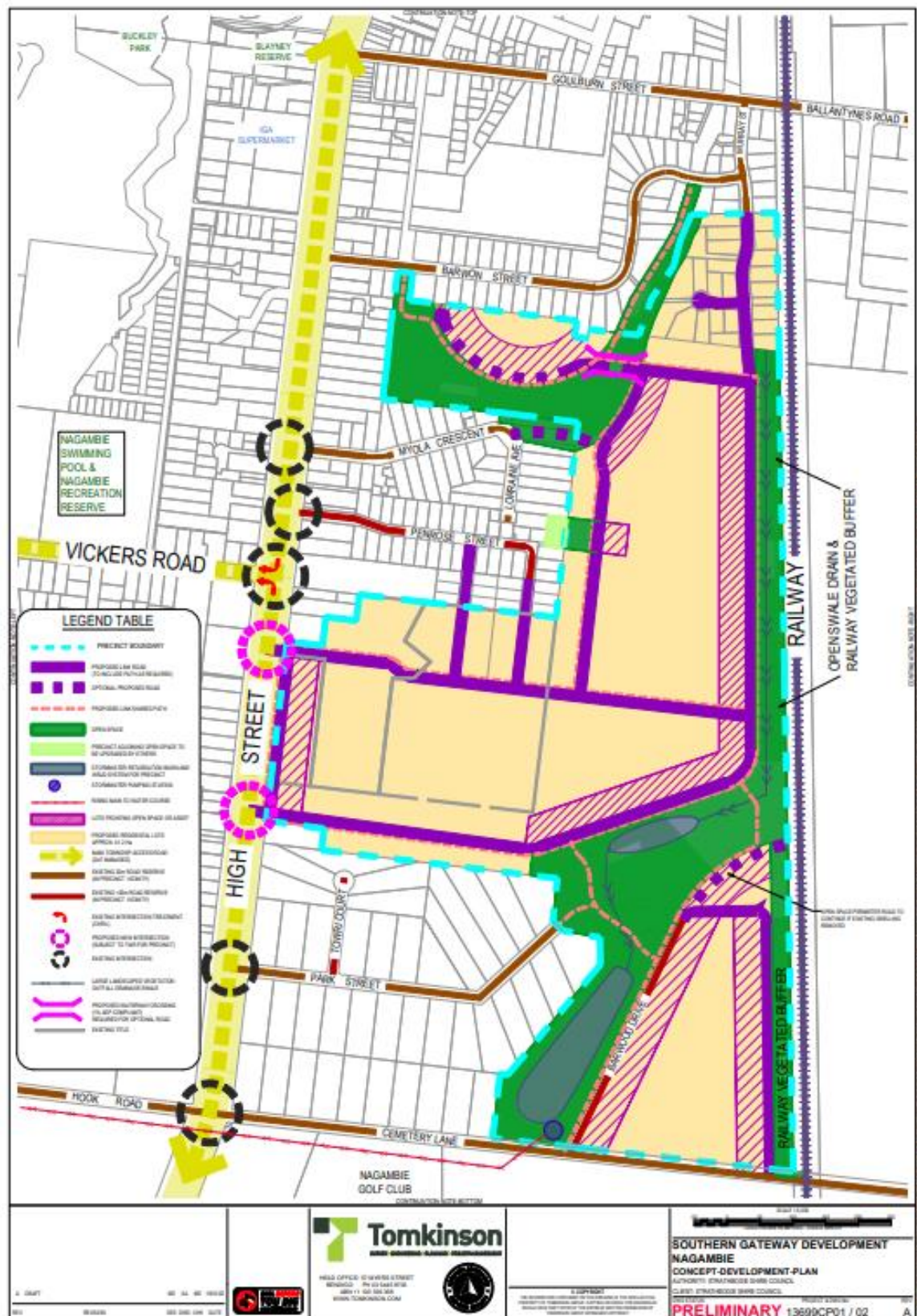
Attachment 2: Plan/s for Endorsement

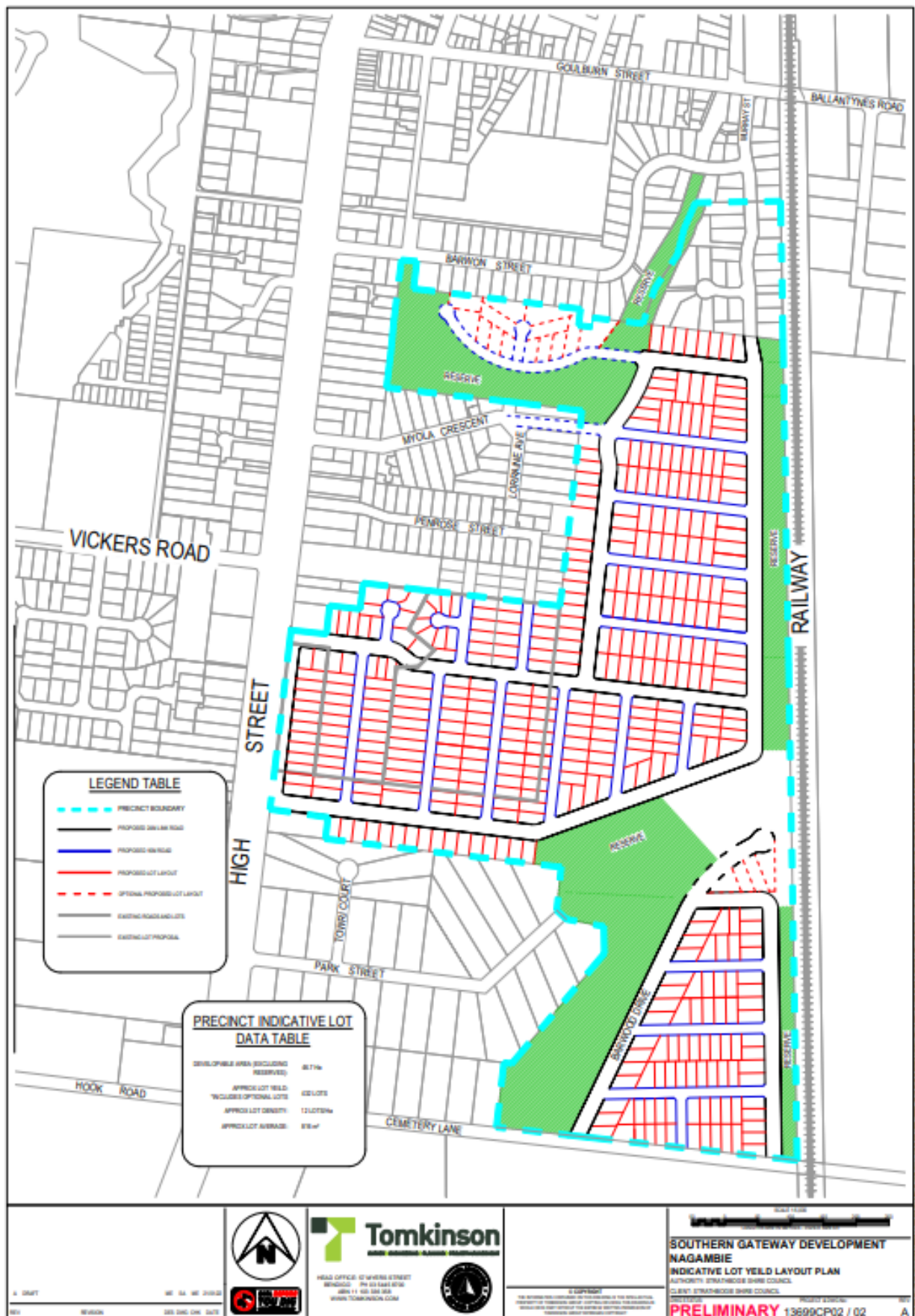
Attachment 3: Masterplan

ATTACHMENT 2:

Plan/s for Endorsement







9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608

Author: Town Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for a multi lot residential subdivision located to the south of Nagambie and resulting in, at this current time, 37 lots, one being a super lot measuring 3.397 hectares. The lots range in size from 575 square metres to 1494 square metres. The proposed roads will connect in with existing and proposed road network. No native vegetation is located on site.
- The application was advertised and five objections were received. Since the writing of the Planning Officer's report (Attachment 1), all five objections have been withdrawn.
- The application has not been assessed in the statutory timeframe due to consideration of the objections and the need to bring the matter to Council for a decision.
- The proposal meets the objectives of the Municipal Planning Strategy and Planning Policy Framework, the Purpose of the Zone, and accords with the decision guidelines. When assessed against the decision guidelines of Clause 65 it is weighted in favour of support.
- It is recommended that Council resolve to Grant a Permit in accordance with the Officer's recommendation.

RECOMMENDATION

That Council

Having caused notice of Planning Application No. P2021-102 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 Grant a Permit under the provisions of the Strathbogie Planning Scheme in respect of the land known as (Lot 3 PS415618) 170-194 High Street, Nagambie VIC 3608, for the Multi Lot Subdivision in accordance with endorsed plans, subject to the following conditions:

Conditions:

Endorsed Plan Subdivision:

- 1. The subdivision must be carried out in accordance with the endorsed plans and permit. The endorsed plans or permit can only be altered or modified with the prior written consent of the Responsible Authority.***

General Amenity:

- 2. The subdivision, during construction, must be managed so that the amenity of the area or locality, in the opinion of the Responsible Authority, is not detrimentally affected, through the:***
 - a) transport of materials, goods or commodities to or from the land;***

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608 (cont.)

- b) appearance of any building, works or materials;*
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
- d) presence of vermin; and*
- e) others as appropriate.*

Telecommunications:

- 3. 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.*
- 4. 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.*

Referral Under Section 8 of the Subdivision Act 1988:

- 5. 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.**

Public Open Space Contribution:

- 6. Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner must pay to the responsible authority a sum, or land set aside, or a combination, equivalent to five per cent of the site value of all the land in the subdivision.
The owners must advise Council, in writing, to undertake the property valuation and must pay the Council's reasonable costs and expenses to provide such a valuation for payment in lieu of the public open space contribution.**

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608 (cont.)

Road Names:

7. *Prior to Certification, road names for the proposed roads (and/or common property) must be submitted on a plan of subdivision to Council for approval. Road names must be in accordance with Naming Rules for Places in Victoria, Statutory Requirements for Naming Roads, Features and Localities 2016.*

Street Addressing:

8. *Prior to the Certification of the plan of subdivision, the owner must complete and duly sign a Statutory Declaration agreeing to the Allocation of Street numbers.*

Engineering:

Construction Management Plan

9. *Prior to the commencement of works, including demolition and excavation, and Certification being issued, a Construction Management Plan must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the Plan has been approved by the Responsible Authority. The plan must be in accordance with the IDM and 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, litter, water and sediment laden runoff;*
 - c) Measures to inform adjacent residents of work schedules;*
 - 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;*
 - f) Contact details of key construction site staff;*
 - g) 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;*
 - h) Any other relevant matters.*

Traffic Management Plan

10. *Prior to the commencement of works, and Certification being issued, a Traffic Management Plan must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the Plan has been approved by the Responsible Authority and the relevant Road Authority. The plan must be in accordance with the IDM and provide details of the following:*
- a) 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;*

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608 (cont.)

- b) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;*
- c) Measures to ensure that sub-contractors / tradespersons operating on the site are aware of the contents of the Construction Management Plan;*
- d) Access for all construction vehicles to be via the land at 196 High Street, Nagambie and not via Penrose Street, unless otherwise agreed in writing.*
- e) Any other relevant matters.*

Stormwater Management Plan

11. Prior to works commencing and Certification being issued, a properly prepared Stormwater Management Plan with an Overland Flow Analysis, with computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. 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;*
- 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) a maximum discharge rate from the site is to be determined by computation to the satisfaction of the Responsible Authority;*
- h) documentation demonstrating approval from the relevant authority for the legal point of discharge;*
- i) the details of the incorporation of water sensitive urban design in accordance with clause 20.3.1 of the Infrastructure Design Manual;*
- j) the contours of the land as shaped to cause drainage to the legal point of discharge;*
- k) the location, siting and design of any required retardation basin in accordance with the Infrastructure Design Manual and to the satisfaction of the Responsible Authority; and*
- l) maintenance schedules for treatment elements.*

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608 (cont.)

Prior to the issue of Statement of Compliance for the plan of subdivision the drainage detailed in the approved Drainage Discharge Plan must be constructed to the satisfaction of the Responsible Authority. All works are subject to a twelve month liability period.

Roads, Pathways and Common Access

12. Prior to the commencement of works and Certification being issued, final construction plans for all proposed roadways and pathways must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions, be in accordance with the IDM and must show: -

- a) All bearings, distances, levels, street names, lot numbers, lots sizes, reserves and easements;***
- b) The road reserve, carriageway and verge widths;***
- c) All infrastructure including drainage, concrete footpath, kerb and channel, public lighting and utility services;***
- d) Vehicle crossing for each lot;***
- e) Street tree locations;***
- f) All surface details;***
- g) Proposed court bowls;***
- h) All relevant road signage and line marking; and***
- i) Speed limit signs as appropriate.***

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.***

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608 (cont.)

- 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.*

13. Prior to the issue of Statement of Compliance of the plan of subdivision, the owner must display street numbers for each lot which clearly identifies the address of each lot to the satisfaction of the Responsible Authority.

14. Prior to the issue of Statement of Compliance for the subdivision, vehicular crossings for each lot must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, and must comply with the following: -

- a. Standard concrete residential vehicular crossings, as per standard drawing SD240 of the Infrastructure Design Manual, must be constructed at right angles to the common access road to suit the proposed driveways, and tie in with the new 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 either combined or at least 9 metres apart.*
- d. The entrance to the common access must be in accordance with Councils current standard for industrial vehicle crossings with reference made to standard drawing SD250.*
- e. 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.*
- f. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree.*
- g. 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.*

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608 (cont.)

- h. The developer must have obtained a vehicle crossing permit from the responsible authority for each lot and have constructed the vehicle crossing in accordance with the requirements.***

Landscaping

15. Prior to the works commencing / Certification being issued, a detailed landscape plan, for the whole of the site, must be prepared and implemented. The detailed landscape plan must be to the satisfaction of the responsible authority and must be submitted and assessed against the construction plans by the responsible authority. The landscape plan must be drawn to scale with dimensions and must show:

- a. A survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed.***
- b. Landscaping of any proposed retardation basin and its surrounds and other proposed public land within the subdivision.***
- c. Additional planting within the road reserve frontage of the land, as relevant.***
- d. Details of the boundary fencing for the lots backing onto and abutting any proposed retardation basin and other reserves that includes a range of fencing styles so as not to create a solid fencing treatment along these boundaries.***
- e. Details of fencing of any proposed retardation basin.***
- f. Provision of a gravel path, avoiding the removal of native vegetation, along the road reserve frontage of the land.***
- g. Vehicle access points for each lot in the subdivision.***
- h. Details of all pathways linking parts of the development including the surface finishes.***
- i. Detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.***
- j. The removal of all existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds,***
- k. All trees planted as part of the landscape works shall have a minimum height of 2.0 to 2.5m at the time of planting.***
- l. The supply and spread of sufficient topsoil and sub soil if required on the proposed areas of open space to provide a stable, free draining surface and hydro-seeding of proposed grass areas (including within the drainage reserve),***
- m. Soil quality and planting techniques in median or verge tree planting zones along arterial roads (including service road nature strips) that will support full growth of medium to large trees.***
- n. Mechanisms for the exclusion of vehicles,***

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608 (cont.)

- o. All proposed open space, streetscape embellishments such as installation of pathways, garden beds, seating, shelters, picnic facilities, boardwalks, tree planting, signage, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies (including within the drainage reserve).*
 - p. A planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number of size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified.*
- 16. Prior to the issue of a Statement of Compliance all nature strips and public open space must be seeded and fertilised and grass must be established.**
- 17. Prior to the issue of a Statement of Compliance all landscaping works (including street trees) shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority. The time of planting can be coordinated with Council to increase the survival rate of the street trees.**
- 18. The landscaping shown on the endorsed plans including street trees must be maintained for a period of twenty four months from the date of practical completion of the works to the satisfaction of the responsible authority. Formative pruning must be undertaken to the satisfaction of the Responsible Authority after twelve months. Any dead, diseased or damaged plants are to be replaced as needed. Refer to Clause 24 of the Infrastructure Design Manual.**

Fencing

- 19. Prior to issue of Statement of Compliance for the subdivision the developer or owner must fence at their own cost the boundary of the allotments abutting any areas to be reserved for public open space and with neighbouring properties in consultation with those neighbouring property owners. Such fencing for the reserve areas is to be constructed no higher than 1.5 metres without written consent from the Responsible Authority.**

Engineering Plans

- 20. Before issuing the Statement of Compliance all works constructed or carried out must be in accordance with all approved plans and completed to the satisfaction of the Responsible Authority.**

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608 (cont.)

21. Prior to issuing the Statement of Compliance for the subdivision or for each stage of the subdivision, the owner or developer must submit the following –

- a) An assets statement for each street.**
- b) ‘As Constructed’ information for the entire work in each development and stage, detailing information as listed in the Infrastructure Design Manual.**
- c) A certified plan showing the extent and depth of fill in excess of 300mm placed on any of the allotments.**
- d) ‘As Constructed’ drainage information provided in D Spec format to Council’s satisfaction.**

Road Construction

22. Prior to the issue of Statement of Compliance, the developer must construct in accordance with plans and specifications submitted to and approved by the responsible authority. Specific details are as follows:

- a) fully sealed pavement with kerb and channel and vehicular crossings(specify location);**
- b) footpaths and/or shared pedestrian/bicycle paths (specify location);**
- c) underground drainage;**
- d) street trees;**
- e) indented car parking and/or bus parking bays (specify location);**
- f) underground conduits for water, gas, electricity and telephone;**
- g) appropriate intersection and traffic measures;**
- h) appropriate street lighting and signage**
- i) high stability permanent survey marks.**

Street Lighting

23. Prior to the issue of a Statement of Compliance, 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).

Signage

24. Prior to the issue of a Statement of Compliance all internal street names and speed limit signs must be erected.

Site Management During Construction

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: -

- Environmental Guidelines for Major Construction Sites (EPA publication No. 480, December 19985); and**
- Construction Techniques for Sedimentation Pollution Control (EPA publication No. 275, May 1991).**

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608 (cont.)

- 26. In the event of mud, crushed rock or other debris being carried onto public roads, adjoining private properties, or footpaths, from the subject land, appropriate measures must be implemented to minimise the problem to the satisfaction of the Responsible Authority.***
- 27. The permit holder shall ensure that dust suppression is undertaken in the form of constant water spraying or other natural based proprietary dust suppressant to ensure that dust caused by vehicles moving along the access road and/or within the site does not cause a nuisance to surrounding properties to the satisfaction of the Responsible Authority. The development shall not have an adverse impact on existing or future air quality.***
- 28. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.***
- 29. 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.***
- 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.***

Engineering fees for maintenance bond and supervision

- 31. 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.***
- 32. Prior to the issue of Statement of Compliance for the subdivision, a maintenance bond to the value of 5% of the actual total construction cost for road and drainage works must be paid to the Responsible Authority.***
- 33. 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 total construction cost for 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).***

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608 (cont.)

Council's Assets

34. Before 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 Council's assets/Public infrastructure caused as a result of the development or use permitted by this permit.

**On Site Stormwater Management for Future Development
Section 173 Agreement**

35. Prior to the issue of Statement of Compliance, a Section 173 Agreement must be entered into that provides for the following requirements (a to f):

- 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.**
- 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 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.**

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608 (cont.)

Country Fire Authority:

Hydrants

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

- 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.**
- b) 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 website (www.cfa.vic.gov.au).

Roads

37. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle 15 tonnes for the trafficable road width –

- a) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degrees) entry and exit angle.**
- b) Curves must have a minimum inner radius of 10 metres.**
- c) Minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5metres on each side and 4 metres above the access way.**
- d) Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.**

Goulburn Valley Water Corporation:

38. 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. (The works may include, but not be limited to the upsizing of existing water mains, construction of a water booster pumping station, storage or tanks and trunk mains);**

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608 (cont.)

- (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; (The works may include, but not be limited to the construction of a sewerage pumping station, existing sewer augmentation works, downstream sewer augmentation works, rising mains, trunk mains and gravity mains);*
- (e) *Reserves for sewerage pump stations to be in favour of Goulburn Valley Region Water Corporation. The reserve must be adequately sized to enable unrestricted access to the sewerage pump station for operation and maintenance purposes. The reserve must not be encumbered by any easements;*
- (f) *Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;*
- (g) *Pursuant to Section 36 of the Subdivision Act, if the Corporation considers that, for the economical and efficient subdivision and servicing of the land covered by the Application for Permit, it requires the owner of the land to acquire an easement over other land in the vicinity. That is any land not owned by the Developer through which a sewerage extension servicing the development is to be located, easement shall be created in favour of the Corporation;*
- (h) *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.*
- (i) *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.*
- (j) *Downstream Water Supply network augmentation works are required.*

AusNet Electricity Services:

39. *The Plan of Subdivision submitted for certification must be referred to AUSNET ELECTRICITY SERVICES PTY LTD in accordance with Section 8 of the Subdivision Act 1988.*

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608 (cont.)

40. The applicant must –

- ***Enter into an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.***
- ***Enter into agreement with AusNet Electricity Services Pty for the rearrangement of the existing electricity supply system.***
- ***Enter into an agreement with AusNet Electricity Services Pty for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty.***
- ***Provide easements satisfactory to AusNet Electricity Services Pty for the purpose of the Power Line in favour of AusNet Electricity Services Pty pursuant to Section 88 of the Electricity Industry Act 2000 where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty electric power lines for any new power lines required to service the lots on the endorsed plan and/or abutting land.***
- ***Obtain for the use of AusNet Electricity Services Pty any other easement required to service the lots.***
- ***Adjust the position of any existing AusNet Electricity Services Pty easement to accord with the position of the electricity line/s as determined by survey.***
- ***Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty for electric substations.***
- ***Provide survey plans for any electric substations required by AusNet Electricity Services Pty and for associated power lines and cables and executes leases for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. AusNet Electricity Services Pty requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.***
- ***Provide to AusNet Electricity Services Pty a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.***
- ***Agree to provide alternative electricity supply to lot owners and / or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.***
- ***Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty to allow the new network assets to be safely connected to the distribution network.***

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608 (cont.)

Goulburn Broken Catchment Management Authority:

41. *Documentation which demonstrates that the proposed subdivision is consistent with the requirements of Floodplain Management Principles and Best Practice Assessment for Land Use Development Proposal (GBCMA 2014) is provided to the Goulburn Broken CMA for its consideration and approval prior to the certification of the proposed subdivisions and the issuing of a Statement of Compliance.*

Department of Transport:

42. *Only one access will be permitted from subject land to High Street as shown on the plan (project number -5583) appended to the application.*
43. *Prior to the certification of the plan of subdivision, a Functional Layout Plan must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the plans date stamped 04/05/22, Project No. – 5583 & Drawing number – 5583.01 but modified to show :*
- a) *Urban Auxiliary Right Turn (AUR) treatment and Urban Auxiliary Left Turn (AUL) treatment at the intersection of Subdivisional Road and High Street.*
44. *Prior to the release of a Statement of Compliance the following roadworks must be completed at the intersection of Subdivisional Road and High Street to the satisfaction of and at no cost to the Head, Transport for Victoria:*
- a) *Urban Auxiliary Right Turn (AUR) treatment.*
b) *Urban Auxiliary Left Turn (AUL) treatment.*
c) *Any other works required.*

Expiry of Permit – Subdivision:

45. *This permit will expire if:*
- a) *The plan of subdivision is not certified within two years from the date of this permit; or*
b) *The subdivision is not completed within five years from the date of certification of the plan of subdivision.*
- The Responsible Authority may extend the time at part (a) if a request is made in writing before the permit expires or within six months afterwards*

Planning Notes

Goulburn Valley Water

- *Please note that based on Goulburn Valley Water standard for the purpose of water supply security a second connection point will potentially be required if the number of lots serviced exceeds 40 lots.*

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608 (cont.)

- *Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the estate development. However, as any future stages of the development will be connected to the Corporation's water supply and sewerage systems independently of this stage, the Corporation reserves the right to revise any conditions applicable to any subsequent stages lodged.*

AusNet Electricity Services Pty

- *It is recommended that, at an early date the applicant commences negotiations with AusNet Electricity Services Pty for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).*
- *Arrangements for supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.*
- *Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.*

Goulburn Broken Catchment Management Authority

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

Country Fire Authority

- *CFA does not consent to the Certification of the Plan of Subdivision and Statement of Compliance for Subdivision at this stage.*
- *The current proposal shows a direct interface between the subdivision and adjacent grassland vegetation to the east which may result in high construction standards (Bushfire Attack Levels) and have implications for future development of the land depending on staging of this development and development occurring on the adjoining land.*
- *The siting and layout of the subdivision should consider the vegetation located on the surrounding land and avoid creating new development conflicts with the updated state bushfire planning policy contained at Clause 13.02 of the planning scheme.*
- *Additional information on bushfire planning provisions and the BPA can be found on the DELWP website <https://www.planning.vic.gov.au/bushfire-protection/building-in-bushfire-prone-areas>.*

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608 (cont.)

Department of Transport

- ***Separate 'detailed design' approval (fees and charges apply) and the specification of these are required under the Road Management Act. For the purpose of application the works will include provision of:***
 - ***Urban Auxiliary Right Turn (AUR) treatment.***
 - ***Urban Auxiliary Left Turn (AUL) treatment.***
 - ***Any other works in the arterial road reserve.***
- ***Please forward all details to nriw.ntheastern@roads.vic.gov.au . Further information regarding VicRoads consent to work within the road reserve can be found on the VicRoads website <https://www.vicroads.vic.gov.au/business-and-industry/design-and-management/working-within-the-road-reserve>***

End of Conditions

PURPOSE AND BACKGROUND

The applicant is seeking approval for a residential multi lot subdivision. There is no existing native vegetation on site. There is no access to the Principal Road Network. This is an internal subdivision and provides roads that will connect with the existing road network.

The site is located to the south of the township of Nagambie but within walking distance of the main commercial area.

This is currently proposed for 37 lots, with one being a super lot measuring 3.397 hectares. The remaining lots range in size from 575 square metres to 1494 square metres.

The proposal has gained consent from all referral authorities.

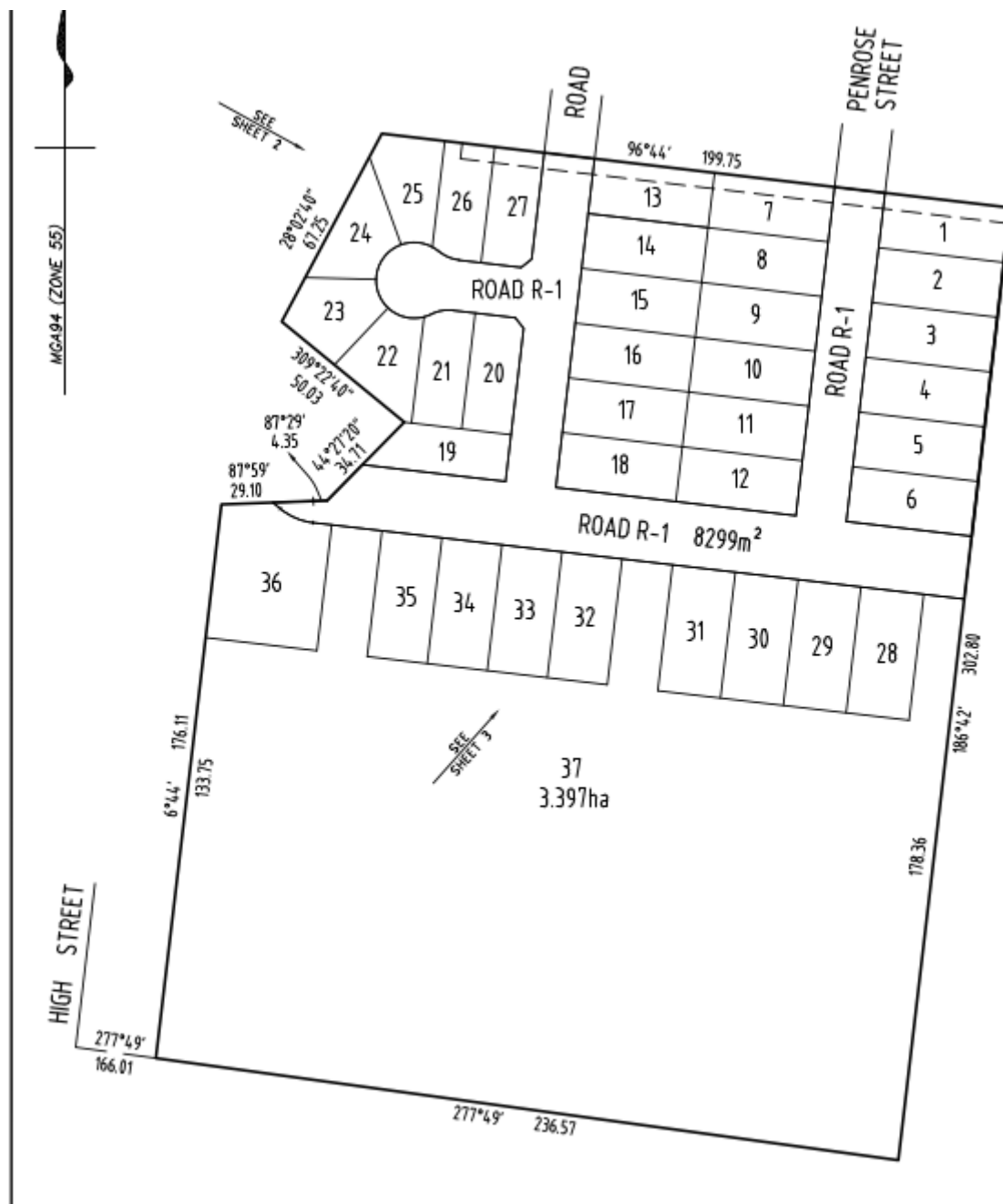
The potential flood risk has been reviewed by the Goulburn Broken CMA who have given conditional consent.

This proposal is one of three under consideration at this time in the same locality.

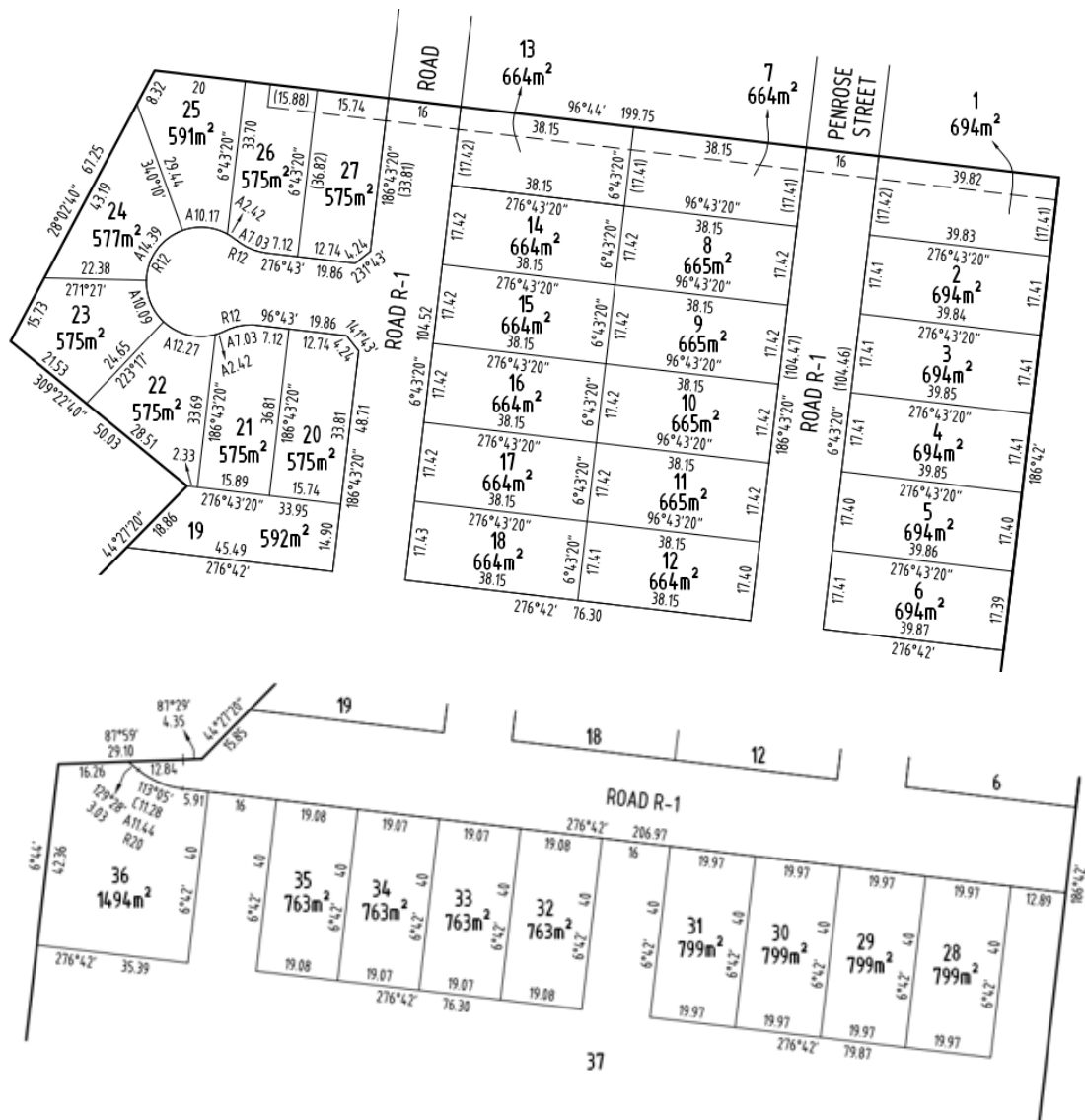
Due to a lack of Development Plan Overlay to guide the development of this site, a Master Plan was prepared to allow developers to design in response and for planning to apply the same conditions to ensure consistency across the site for road and lot layout and interconnection, infrastructure, landscaping and other requirements.

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608 (cont.)

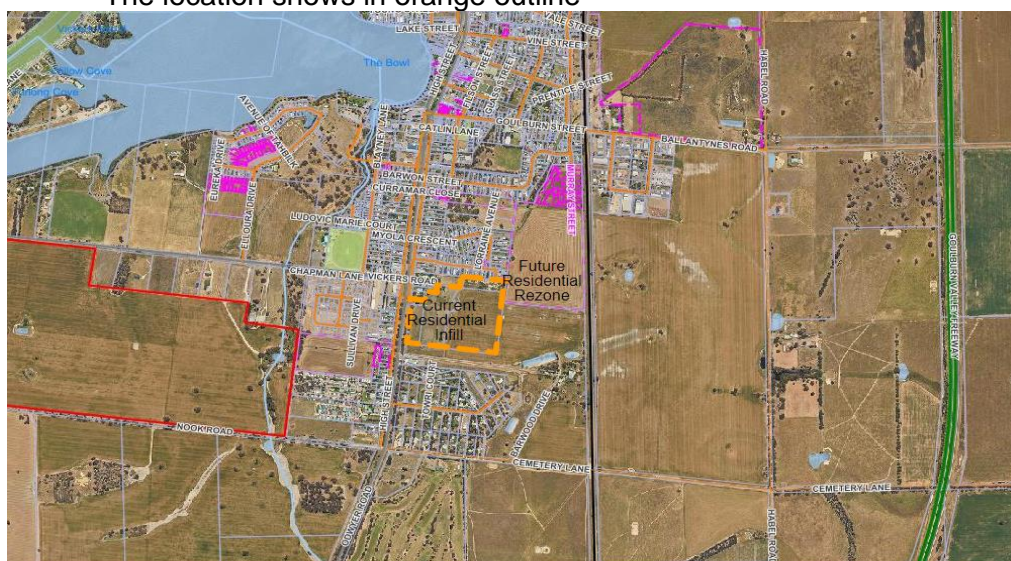
The plan of subdivision under P2021-102 –



9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Naqambie VIC 3608 (cont.)

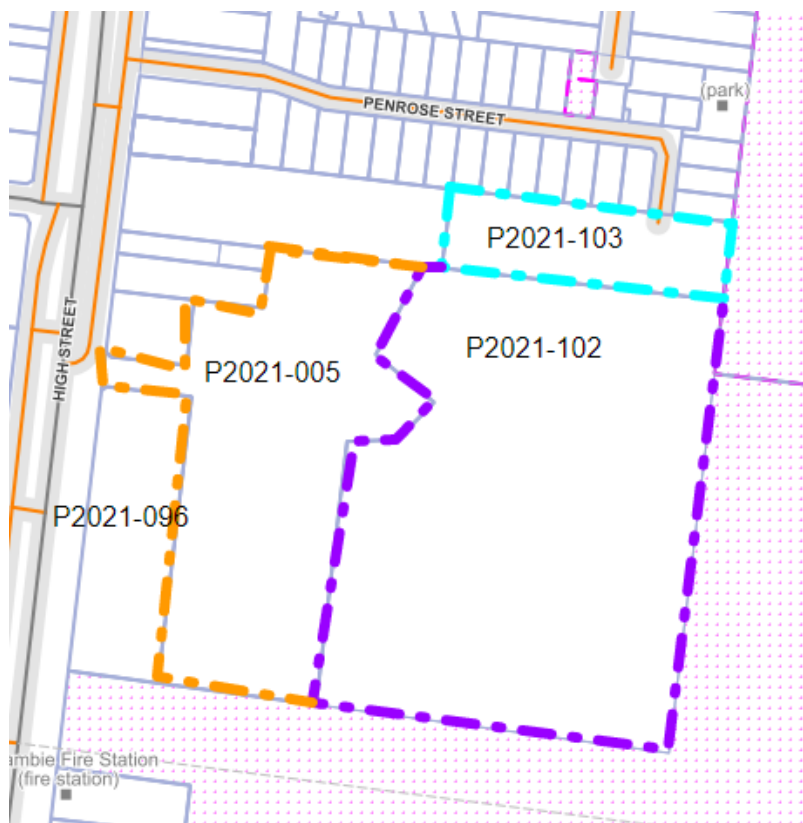


The location shows in orange outline –



9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608 (cont.)

The three applications located at this locality and being considered are located below (P2021-096 is still undergoing re design) –



ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Council is a Responsible Authority under the *Planning and Environment Act 1987* (the Act). In this role, Council administers the Strathbogie Planning Scheme (Planning Scheme) and, among other things, determines planning permit applications made for the use and development of land within the municipality.

Under delegated authority of Council, Council Officers determine some matters.

Any application that has received objections is heard before Council.

SUMMARY OF KEY ISSUES

Nagambie is recognised as being able to accommodate population growth given its strategic location on the Principal Road Network and proximity to Melbourne. It has the ability to attract new residents with the potential to commute to the city and other towns for work and services.

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608 (cont.)

There is ample serviceable residential land within Nagambie township. The proposal provides for medium density lots that can be connected to reticulated utilities, with constructed roads and drainage, and are within close proximity to a range of services, employment opportunities, transport networks including public transport.

The proposal supports the purpose of the zone, accords with the decision guidelines, when assessed against the Municipal Planning Strategy and Planning Policy Framework is weighted in favour of support. The proposal has been assessed against Clause 56 and meets the objectives and standards. The proposal accords with the Nagambie Growth Management Strategy 2008.

The objections have been considered and the proposed conditions can address the majority of their concerns.

The potential flood risk has been reviewed by the Goulburn Broken CMA who have given conditional consent.

COMMUNITY ENGAGEMENT

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.

The application was advertised to adjacent and nearby owners and occupiers. The proposal was accessible on Council's website. The notice was carried out in accordance with the legislation and four objections have been received.

The objectors were provided feedback to their objections and meetings with Council officers were held where plans and supporting documents were made available, concerns discussed, and questions answered.

No objections have been withdrawn and objectors have been kept up to date as to the status of the proposal.

Draft conditions have been provided to the objectors and this will enable them to view how their concerns can be addressed as far as reasonably practicable by permit conditions.

POLICY CONSIDERATIONS

Council Plans and Policies

There are no implications on the Council Plan or any Council Policies as a result of this decision.

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

Further detail is within the Planning Officer Report.

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608 (cont.)

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

This application is being considered under Section 61 of the *Planning and Environment Act 1987*.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This application is being heard by Council due to the receipt of objections to the proposal. The report will be on the council website under the Agenda section, with the applicant and submitters will have the opportunity to present at the Council Meeting.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

This proposal is supported by the planning scheme and state policy to allow for projected population growth to be accommodated in appropriate locations throughout the region. The economic implications are positive for the region and locality.

Social

The proposal will provide for diversity in housing and potential increase in residents to become part of the existing community, supporting the local economy, the local schools and businesses.

Environmental

The application has been assessed against the relevant provisions of the *Planning and Environment Act 1987*. No native vegetation is proposed for removal.

Climate change

The Strathbogrie Planning Scheme has incorporated broader considerations on Climate Change, with the assessment that the proposal will not have an impact on climate change within the municipality, as all works will be required to comply with relevant legislation.

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Nagambie VIC 3608 (cont.)

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications with this proposal. The application is being assessed in accordance with relevant legislation, and all parties will be afforded all relevant rights of appeal at the Victorian Civil and Administrative Tribunal.

CONCLUSION

After due assessment of all the relevant factors, it is considered appropriate to Grant a Permit, subject to conditions, in accordance with the officer recommendation.

ATTACHMENTS

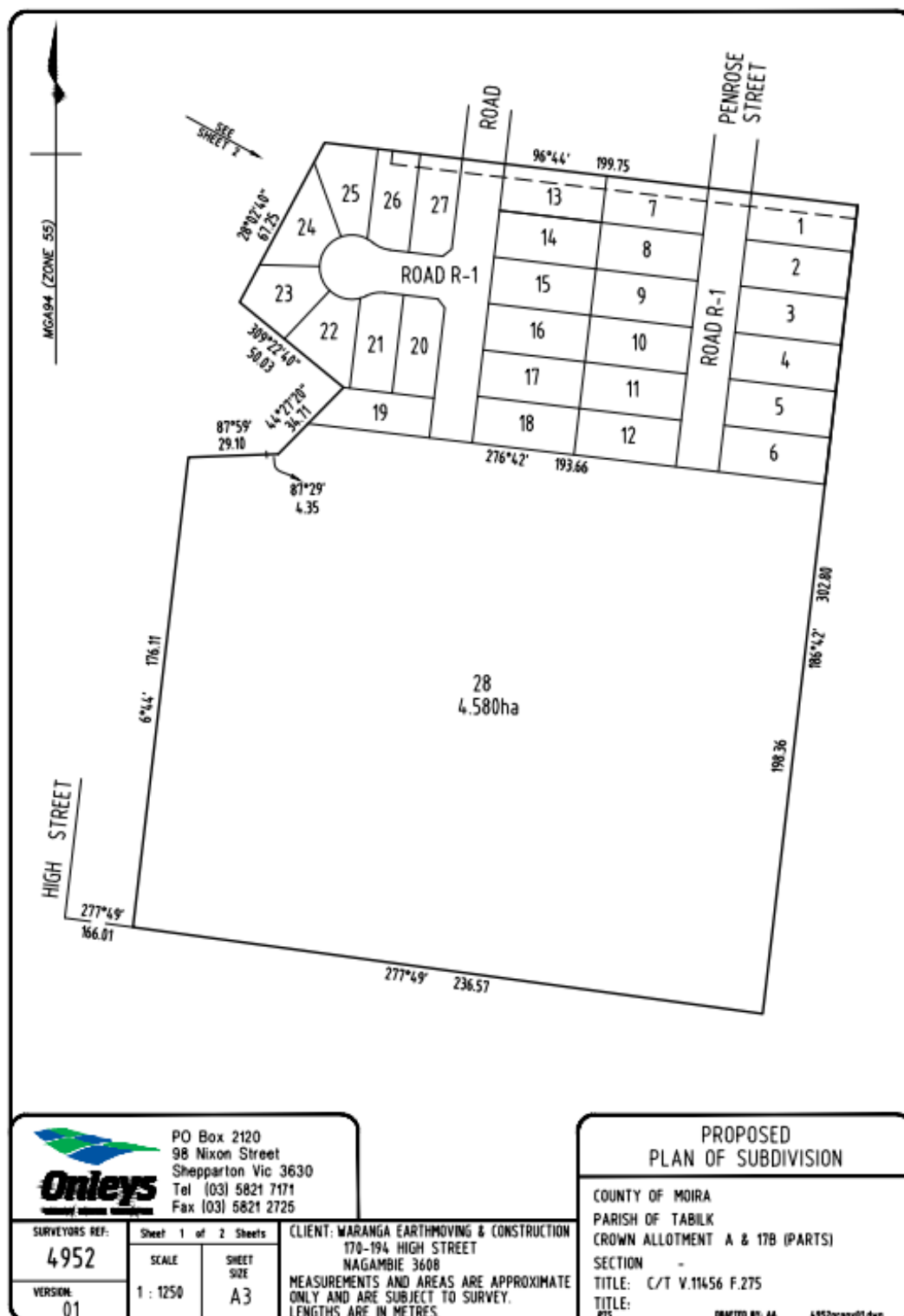
Attachment 1: Planning Officer Report (*separate document*)

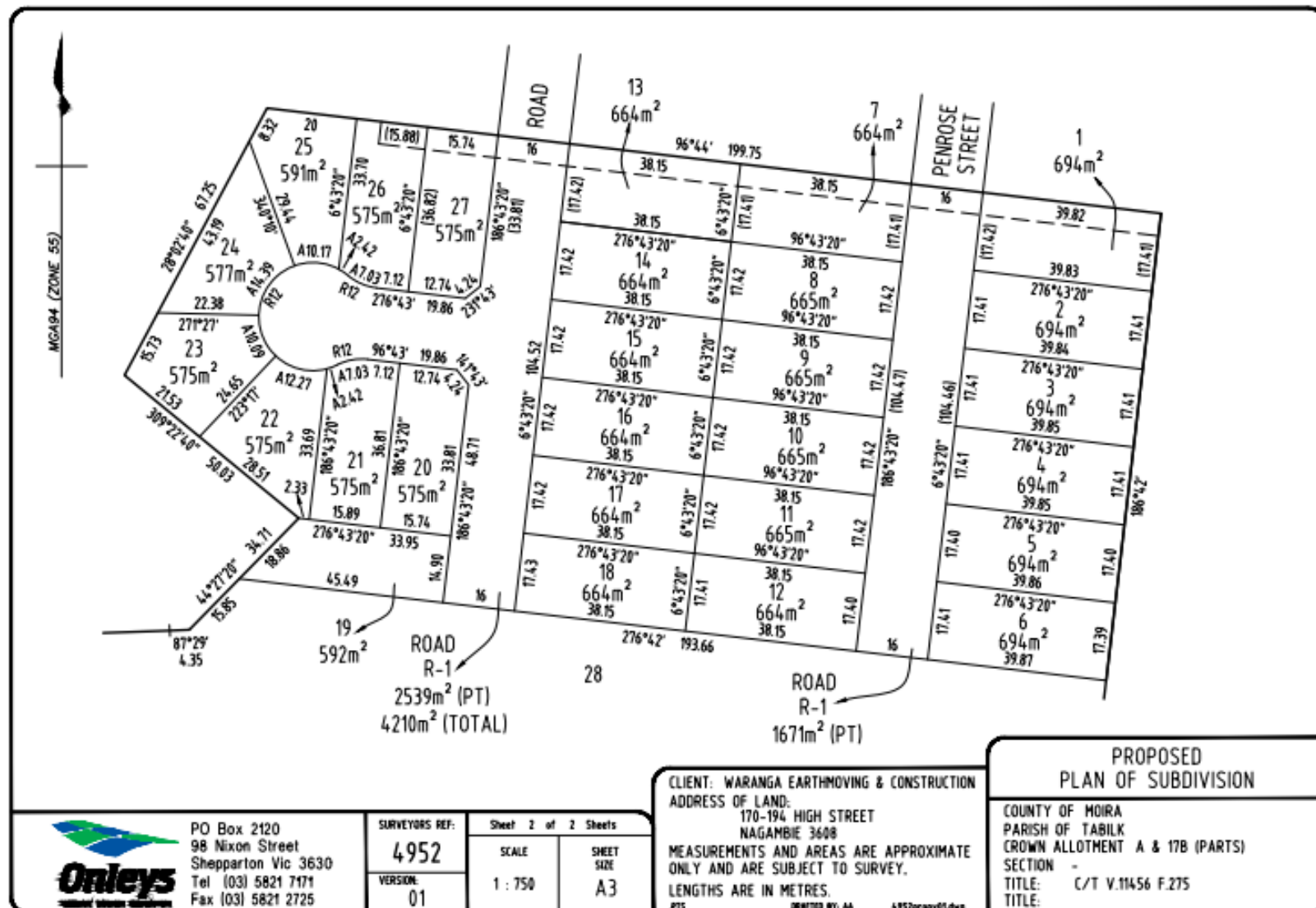
Attachment 2: Plan/s for Endorsement

Attachment 3: Masterplan

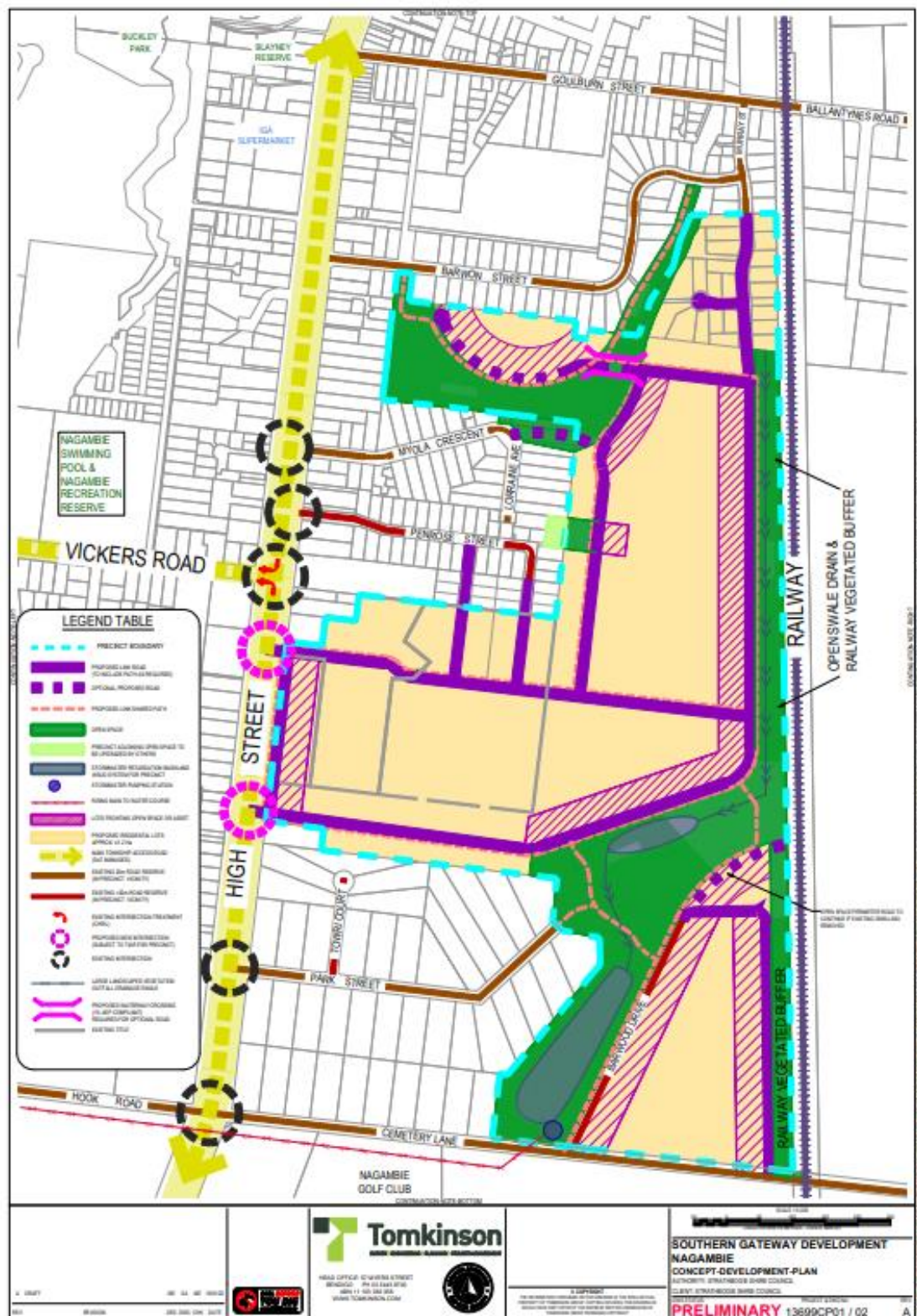
ATTACHMENT 2:

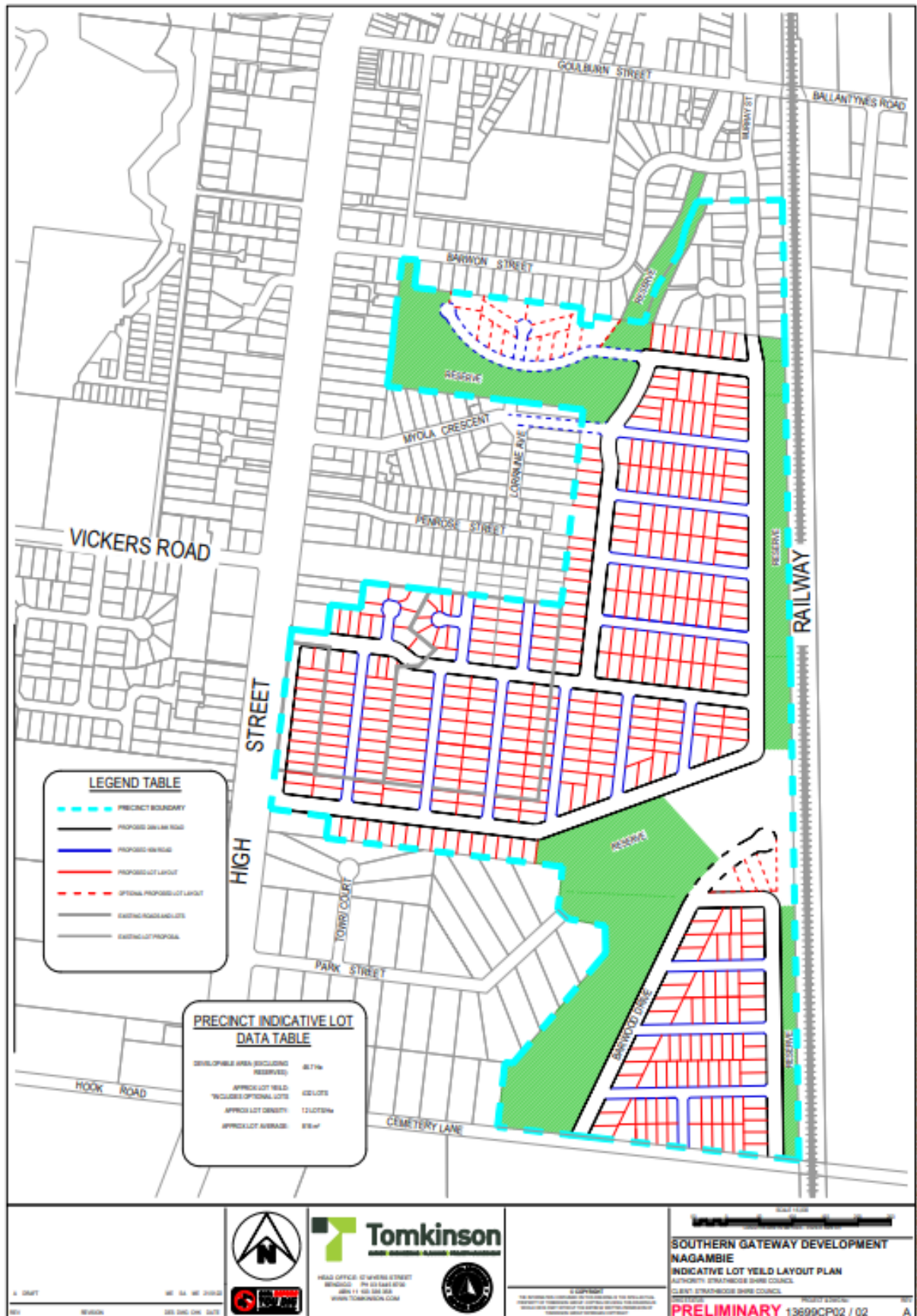
Plans for Endorsement





Masterplan





9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608

Author: Town Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for a multi lot residential subdivision located to the south of Nagambie and resulting in at this current time, 12 lots with secondary access via Penrose Street, and proposed access through to the other subdivisions (P2021-005 and P2021-102) and High Street. No native vegetation is located on site. There is no direct access to the Principal Road Network.
- The application was advertised and two objections were received. These are detailed in the officer report and engagement has been undertaken which is detailed in the Officer Report. No objections have been withdrawn.
- The application has not been assessed in the statutory timeframe due to the consideration of objections and the requirement to bring the matter to Council for consideration.
- The proposal meets the objectives of the Municipal Planning Strategy and Planning Policy Framework, the Purpose of the Zone, and accords with the decision guidelines. When assessed against the decision guidelines of Clause 65 it is weighted in favour of support.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

RECOMMENDATION

That Council

Having caused notice of Planning Application No. P2021-103 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 the Strathbogie Planning Scheme in respect of the land known as (Lot 2 PS631798 V11238 F410 Parish of Tabilk) Penrose Street, Nagambie VIC 3608, for the Multi Lot Subdivision in accordance with endorsed plans, subject to the following conditions:

Conditions:

Endorsed Plan Subdivision:

- 1. The subdivision must be carried out in accordance with the endorsed plans and permit. The endorsed plans or permit can only be altered or modified with the prior written consent of the Responsible Authority.***

9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608 (cont.)

General Amenity:

2. *The subdivision, during construction, must be managed so that the amenity of the area or locality, in the opinion of the Responsible Authority, is not detrimentally affected, through the:*
 - a) *transport of materials, goods or commodities to or from the land;*
 - b) *appearance of any building, works or materials;*
 - c) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
 - d) *presence of vermin; and*
 - e) *others as appropriate.*

Telecommunications:

3. *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.*
4. *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.*

Referral Under Section 8 of the Subdivision Act 1988:

5. *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.*

Public Open Space Contribution:

6. *Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner must pay to the responsible authority a sum, or land set aside, or a combination, equivalent to five per cent of the site value of all the land in the subdivision.*

9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608 (cont.)

The owners must advise Council, in writing, to undertake the property valuation and must pay the Council's reasonable costs and expenses to provide such a valuation for payment in lieu of the public open space contribution.

Road Names:

- 7. Prior to Certification, road names for the proposed roads (and/or common property) must be submitted on a plan of subdivision to Council for approval. Road names must be in accordance with Naming Rules for Places in Victoria, Statutory Requirements for Naming Roads, Features and Localities 2016.***

Street Addressing:

- 8. Prior to the Certification of the plan of subdivision, the owner must complete and duly sign a Statutory Declaration agreeing to the Allocation of Street numbers.***

Engineering:

Construction Management Plan

- 9. Prior to the commencement of works, including demolition and excavation, and Certification being issued, a Construction Management Plan must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the Plan has been approved by the Responsible Authority. The plan must be in accordance with the IDM and 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, litter, water and sediment laden runoff;***
 - c) Measures to inform adjacent residents of work schedules;***
 - 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;***
 - f) Contact details of key construction site staff;***
 - g) 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;***
 - h) Any other relevant matters.***

9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608 (cont.)

Traffic Management Plan

10. Prior to the commencement of works, and Certification being issued, a Traffic Management Plan must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the Plan has been approved by the Responsible Authority and the relevant Road Authority. The plan must be in accordance with the IDM and provide details of the following:

- a) 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;***
- b) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;***
- c) Measures to ensure that sub-contractors / tradespersons operating on the site are aware of the contents of the Construction Management Plan;***
- d) Access for all construction vehicles to be via the land at 170-194 High Street, Nagambie, and not via Penrose Street, unless otherwise agreed in writing.***
- e) Any other relevant matters.***

Stormwater Management Plan

11. Prior to works commencing and Certification being issued, a properly prepared Stormwater Management Plan with an Overland Flow Analysis, with computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. 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;***
- 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) a maximum discharge rate from the site is to be determined by computation to the satisfaction of the Responsible Authority;***
- h) documentation demonstrating approval from the relevant authority for the legal point of discharge;***

9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608 (cont.)

- i) the details of the incorporation of water sensitive urban design in accordance with clause 20.3.1 of the Infrastructure Design Manual;*
- j) the contours of the land as shaped to cause drainage to the legal point of discharge;*
- k) the location, siting and design of any required retardation basin in accordance with the Infrastructure Design Manual and to the satisfaction of the Responsible Authority;*
- l) and*
- m) maintenance schedules for treatment elements.*

Prior to the issue of Statement of Compliance for the plan of subdivision the drainage detailed in the approved Drainage Discharge Plan must be constructed to the satisfaction of the Responsible Authority. All works are subject to a twelve month liability period.

Roads, Pathways and Common Access

12. Prior to the commencement of works and Certification being issued, final construction plans for all proposed roadways and pathways must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions, be in accordance with the IDM and must show: -

- a) All bearings, distances, levels, street names, lot numbers, lots sizes, reserves and easements;**
- b) The road reserve, carriageway and verge widths;**
- c) All infrastructure including drainage, concrete footpath, kerb and channel, public lighting and utility services;**
- d) Vehicle crossing for each lot;**
- e) Street tree locations;**
- f) All surface details;**
- g) Proposed court bowls;**
- h) All relevant road signage and line marking; and**
- i) Speed limit signs as appropriate.**

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.**

9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608 (cont.)

- 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.*

13. Prior to the issue of Statement of Compliance of the plan of subdivision, the owner must display street numbers for each lot which clearly identifies the address of each lot to the satisfaction of the Responsible Authority.

14. Prior to the issue of Statement of Compliance for the subdivision, vehicular crossings for each lot must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority, and must comply with the following: -

- a. Standard concrete residential vehicular crossings, as per standard drawing SD240 of the Infrastructure Design Manual, must be constructed at right angles to the common access road to suit the proposed driveways, and tie in with the new 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 either combined or at least 9 metres apart.*
- d. The entrance to the common access must be in accordance with Councils current standard for industrial vehicle crossings with reference made to standard drawing SD250.*
- e. 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.*

9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608 (cont.)

- f. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree.*
- g. 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.*
- h. The developer must have obtained a vehicle crossing permit from the responsible authority for each lot and have constructed the vehicle crossing in accordance with the requirements.*

Landscaping

15. Prior to the works commencing / Certification being issued, a detailed landscape plan, for the whole of the site, must be prepared and implemented. The detailed landscape plan must be to the satisfaction of the responsible authority and must be submitted and assessed against the construction plans by the responsible authority. The landscape plan must be drawn to scale with dimensions and must show:

- a. A survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed.*
- b. Landscaping of any proposed retardation basin and its surrounds and other proposed public land within the subdivision.*
- c. Additional planting within the road reserve frontage of the land, as relevant.*
- d. Details of the boundary fencing for the lots backing onto and abutting any proposed retardation basin and other reserves that includes a range of fencing styles so as not to create a solid fencing treatment along these boundaries.*
- e. Details of fencing of any proposed retardation basin.*
- f. Provision of a gravel path, avoiding the removal of native vegetation, along the road reserve frontage of the land.*
- g. Vehicle access points for each lot in the subdivision.*
- h. Details of all pathways linking parts of the development including the surface finishes.*
- i. Detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.*
- j. The removal of all existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds,*
- k. All trees planted as part of the landscape works shall have a minimum height of 2.0 to 2.5m at the time of planting.*

9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608 (cont.)

- l. The supply and spread of sufficient topsoil and sub soil if required on the proposed areas of open space to provide a stable, free draining surface and hydro-seeding of proposed grass areas (including within the drainage reserve),*
 - m. Soil quality and planting techniques in median or verge tree planting zones along arterial roads (including service road nature strips) that will support full growth of medium to large trees.*
 - n. Mechanisms for the exclusion of vehicles,*
 - o. All proposed open space, streetscape embellishments such as installation of pathways, garden beds, seating, shelters, picnic facilities, boardwalks, tree planting, signage, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies (including within the drainage reserve).*
 - p. A planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number of size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified.*
- 16. Prior to the issue of a Statement of Compliance all nature strips and public open space must be seeded and fertilised and grass must be established.**
- 17. Prior to the issue of a Statement of Compliance all landscaping works (including street trees) shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority. The time of planting can be coordinated with Council to increase the survival rate of the street trees.**
- 18. The landscaping shown on the endorsed plans including street trees must be maintained for a period of twenty four months from the date of practical completion of the works to the satisfaction of the responsible authority. Formative pruning must be undertaken to the satisfaction of the Responsible Authority after twelve months. Any dead, diseased or damaged plants are to be replaced as needed. Refer to Clause 24 of the Infrastructure Design Manual.**

Fencing

- 19. Prior to issue of Statement of Compliance for the subdivision the developer or owner must fence at their own cost the boundary of the allotments abutting any areas to be reserved for public open space and with neighbouring properties in consultation with those neighbouring property owners. Such fencing for the reserve areas is to be constructed no higher than 1.5 metres without written consent from the Responsible Authority.**

9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608 (cont.)

Engineering Plans

20. Before issuing the Statement of Compliance all works constructed or carried out must be in accordance with all approved plans and completed to the satisfaction of the Responsible Authority.

21. Prior to issuing the Statement of Compliance for the subdivision or for each stage of the subdivision, the owner or developer must submit the following –

- a) An assets statement for each street.**
- b) 'As Constructed' information for the entire work in each development and stage, detailing information as listed in the Infrastructure Design Manual.**
- c) A certified plan showing the extent and depth of fill in excess of 300mm placed on any of the allotments.**
- d) 'As Constructed' drainage information provided in D Spec format to Council's satisfaction.**

Road Construction

22. Prior to the issue of Statement of Compliance, the developer must construct in accordance with plans and specifications submitted to and approved by the responsible authority. Specific details are as follows:

- a) fully sealed pavement with kerb and channel and vehicular crossings(specify location);**
- b) footpaths and/or shared pedestrian/bicycle paths (specify location);**
- c) underground drainage;**
- d) street trees;**
- e) indented car parking and/or bus parking bays (specify location);**
- f) underground conduits for water, gas, electricity and telephone;**
- g) appropriate intersection and traffic measures;**
- h) appropriate street lighting and signage**
- i) high stability permanent survey marks.**

Street Lighting

23. Prior to the issue of a Statement of Compliance, 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).

Signage

24. Prior to the issue of a Statement of Compliance all internal street names and speed limit signs must be erected.

9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608 (cont.)

Site Management During Construction

- 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: -**
- **Environmental Guidelines for Major Construction Sites (EPA publication No. 480, December 19985); and**
 - **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, adjoining private properties, or footpaths, from the subject land, appropriate measures must be implemented to minimise the problem to the satisfaction of the Responsible Authority.**
- 27. The permit holder shall ensure that dust suppression is undertaken in the form of constant water spraying or other natural based proprietary dust suppressant to ensure that dust caused by vehicles moving along the access road and/or within the site does not cause a nuisance to surrounding properties to the satisfaction of the Responsible Authority. The development shall not have an adverse impact on existing or future air quality.**
- 28. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.**
- 29. 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.**
- 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.**

Engineering fees for maintenance bond and supervision

- 31. 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.**
- 32. Prior to the issue of Statement of Compliance for the subdivision, a maintenance bond to the value of 5% of the actual total construction cost for road and drainage works must be paid to the Responsible Authority.**

9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608 (cont.)

- 33. 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 total construction cost for 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).**

Council's Assets

- 34. Before 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.**

**On Site Stormwater Management for Future Development
Section 173 Agreement**

- 35. Prior to the issue of Statement of Compliance, a Section 173 Agreement must be entered into that provides for the following requirements (a to f):**
- 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.**
 - 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 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.**

9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608 (cont.)

- 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.*

Country Fire Authority:

Hydrants

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

- 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.*
- b) *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 website (www.cfa.vic.gov.au).

Roads

37. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle 15 tonnes for the trafficable road width –

- a) *The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degrees) entry and exit angle.*
- b) *Curves must have a minimum inner radius of 10 metres.*
- c) *Minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5metres on each side and 4 metres above the access way.*
- d) *Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.*

Goulburn Valley Water Corporation:

38. 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;*

9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608 (cont.)

- (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. (The works may include, but not be limited to the upsizing of existing water mains, construction of a water booster pumping station, storage or tanks and trunk mains);**
- (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; (The works may include, but not be limited to the construction of a sewerage pumping station, existing sewer augmentation works, downstream sewer augmentation works, rising mains, trunk mains and gravity mains);**
- (e) Reserves for sewerage pump stations to be in favour of Goulburn Valley Region Water Corporation. The reserve must be adequately sized to enable unrestricted access to the sewerage pump station for operation and maintenance purposes. The reserve must not be encumbered by any easements;**
- (f) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;**
- (g) Pursuant to Section 36 of the Subdivision Act, if the Corporation considers that, for the economical and efficient subdivision and servicing of the land covered by the Application for Permit, it requires the owner of the land to acquire an easement over other land in the vicinity. That is any land not owned by the Developer through which a sewerage extension servicing the development is to be located, easement shall be created in favour of the Corporation;**
- (h) 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.**
- (i) 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.**

9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608 (cont.)

- (j) ***Downstream Water Supply network augmentation works are required.***

AusNet Electricity Services:

39. The Plan of Subdivision submitted for certification must be referred to AUSNET ELECTRICITY SERVICES PTY LTD in accordance with Section 8 of the Subdivision Act 1988.

40. The applicant must –

- ***Enter into an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.***
- ***Enter into agreement with AusNet Electricity Services Pty for the rearrangement of the existing electricity supply system.***
- ***Enter into an agreement with AusNet Electricity Services Pty for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty.***
- ***Provide easements satisfactory to AusNet Electricity Services Pty for the purpose of the Power Line in favour of AusNet Electricity Services Pty pursuant to Section 88 of the Electricity Industry Act 2000 where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty electric power lines for any new power lines required to service the lots on the endorsed plan and/or abutting land.***
- ***Obtain for the use of AusNet Electricity Services Pty any other easement required to service the lots.***
- ***Adjust the position of any existing AusNet Electricity Services Pty easement to accord with the position of the electricity line/s as determined by survey.***
- ***Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty for electric substations.***
- ***Provide survey plans for any electric substations required by AusNet Electricity Services Pty and for associated power lines and cables and executes leases for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. AusNet Electricity Services Pty requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.***
- ***Provide to AusNet Electricity Services Pty a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.***
- ***Agree to provide alternative electricity supply to lot owners and / or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.***

9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608 (cont.)

- ***Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty to allow the new network assets to be safely connected to the distribution network.***

Goulburn Broken Catchment Management Authority:

- 41. Documentation which demonstrates that the proposed subdivision is consistent with the requirements of Floodplain Management Principles and Best Practice Assessment for Land Use Development Proposal (GBCMA 2014) is provided to the Goulburn Broken CMA for its consideration and approval prior to the certification of the proposed subdivisions and the issuing of a Statement of Compliance.***

Department of Transport:

- 42. Only one access will be permitted from subject land to High Street as shown on the plan (project number -5583) appended to the application.***
- 43. Prior to the certification of the plan of subdivision, a Functional Layout Plan must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the plans date stamped 04/05/22, Project No. – 5583 & Drawing number – 5583.01 but modified to show :***
 - a) Urban Auxiliary Right Turn (AUR) treatment and Urban Auxiliary Left Turn (AUL) treatment at the intersection of Subdivisional Road and High Street.***
- 44. Prior to the release of a Statement of Compliance the following roadworks must be completed at the intersection of Subdivisional Road and High Street to the satisfaction of and at no cost to the Head, Transport for Victoria:***
 - a) Urban Auxiliary Right Turn (AUR) treatment.***
 - b) Urban Auxiliary Left Turn (AUL) treatment.***
 - c) Any other works required.***

Expiry of Permit – Subdivision:

- 45. This permit will expire if:***
 - a) The plan of subdivision is not certified within two years from the date of this permit; or***
 - b) The subdivision is not completed within five years from the date of certification of the plan of subdivision.***

The Responsible Authority may extend the time at part (a) if a request is made in writing before the permit expires or within six months afterwards

9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608 (cont.)

Planning Notes

Goulburn Valley Water

- *Please note that based on Goulburn Valley Water standard for the purpose of water supply security a second connection point will potentially be required if the number of lots serviced exceeds 40 lots.*
- *Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the estate development. However, as any future stages of the development will be connected to the Corporation's water supply and sewerage systems independently of this stage, the Corporation reserves the right to revise any conditions applicable to any subsequent stages lodged.*

AusNet Electricity Services Pty

- *It is recommended that, at an early date the applicant commences negotiations with AusNet Electricity Services Pty for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).*
- *Arrangements for supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.*
- *Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.*

Goulburn Broken Catchment Management Authority

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

Country Fire Authority

- *CFA does not consent to the Certification of the Plan of Subdivision and Statement of Compliance for Subdivision at this stage.*
- *The current proposal shows a direct interface between the subdivision and adjacent grassland vegetation to the east which may result in high construction standards (Bushfire Attack Levels) and have implications for future development of the land depending on staging of this development and development occurring on the adjoining land.*
- *The siting and layout of the subdivision should consider the vegetation located on the surrounding land and avoid creating new development conflicts with the updated state bushfire planning policy contained at Clause 13.02 of the planning scheme.*
- *Additional information on bushfire planning provisions and the BPA can be found on the DELWP website <https://www.planning.vic.gov.au/bushfire-protection/building-in-bushfire-prone-areas>.*

9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608 (cont.)

Department of Transport

- ***Separate 'detailed design' approval (fees and charges apply) and the specification of these are required under the Road Management Act. For the purpose of application the works will include provision of:***
 - ***Urban Auxiliary Right Turn (AUR) treatment.***
 - ***Urban Auxiliary Left Turn (AUL) treatment.***
 - ***Any other works in the arterial road reserve.***
- ***Please forward all details to nriw.ntheastern@roads.vic.gov.au . Further information regarding VicRoads consent to work within the road reserve can be found on the VicRoads website <https://www.vicroads.vic.gov.au/business-and-industry/design-and-management/working-within-the-road-reserve>***

End of Conditions

PURPOSE AND BACKGROUND

The applicant is seeking approval for a residential multi lot subdivision with secondary access via Penrose Street with the intention of interconnecting with the other subdivisions in this location namely P2021-005 and P2021-102.

The site is located to the south of the township of Nagambie but within walking distance of the main commercial area.

This is currently proposed for 12 lots which range in size from 639 square metres to 668 square metres.

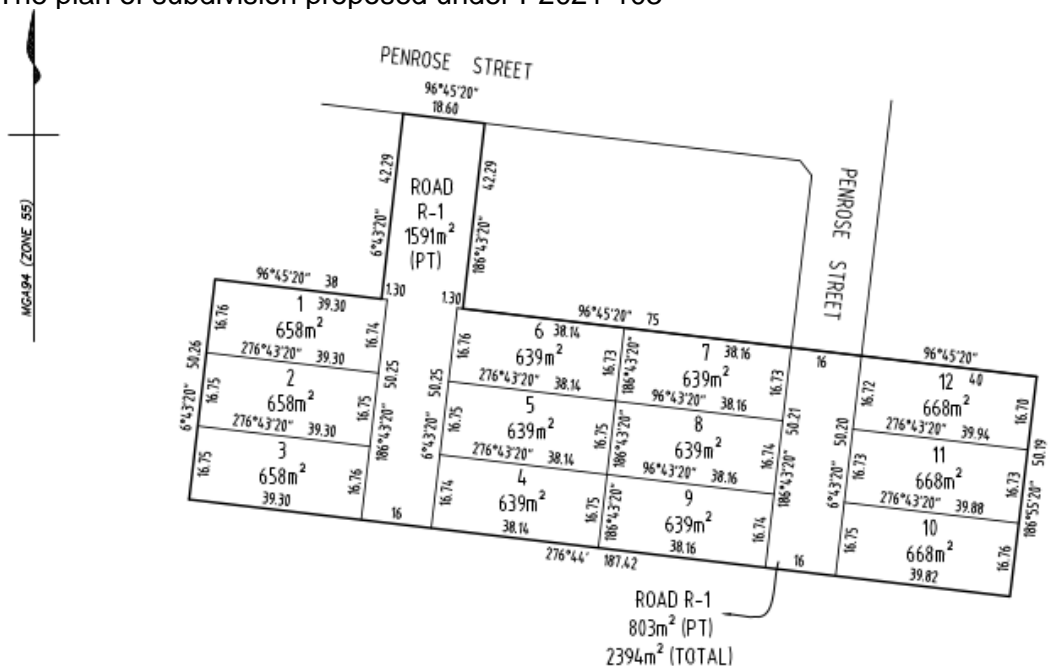
The proposal has gained consent from all referral authorities.

The potential flood risk associated with the application has been considered and conditional consent has been gained from Goulburn Broken CMA.
This proposal is one of three under consideration at this time in the same locality.

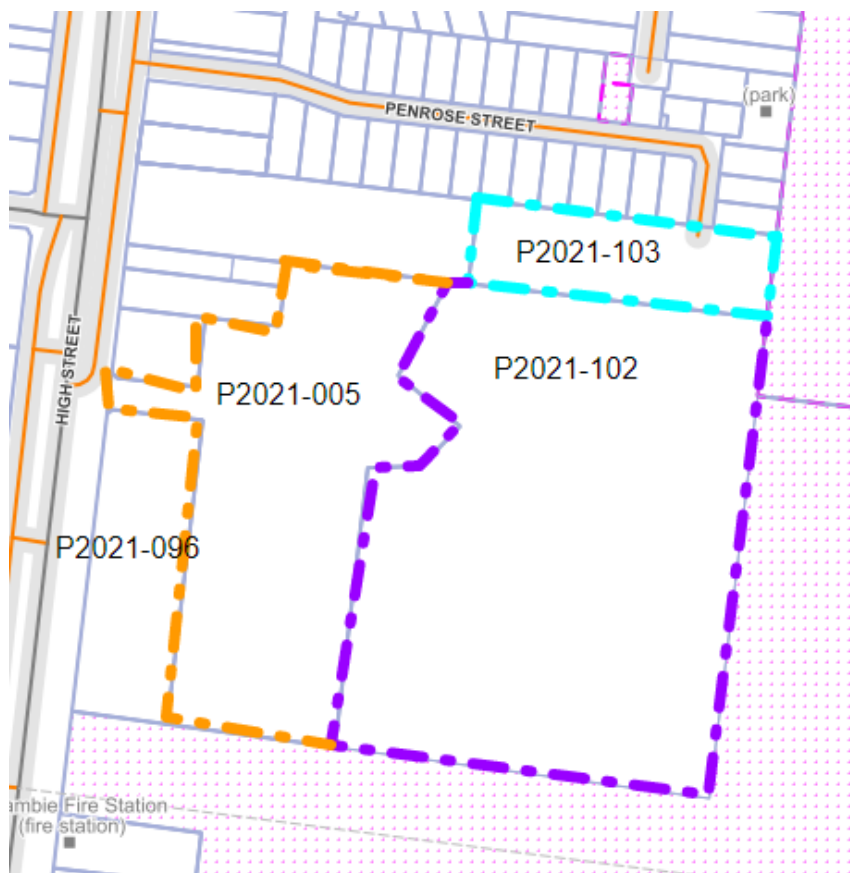
Due to a lack of Development Plan Overlay to guide the development of this site, a Master Plan was prepared which allows developers to design in response and for planning to apply the same conditions to ensure consistency across the site for road and lot layout and interconnection, infrastructure, landscaping and other requirements.

9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Naqambie VIC 3608 (cont.)

The plan of subdivision proposed under P2021-103 –

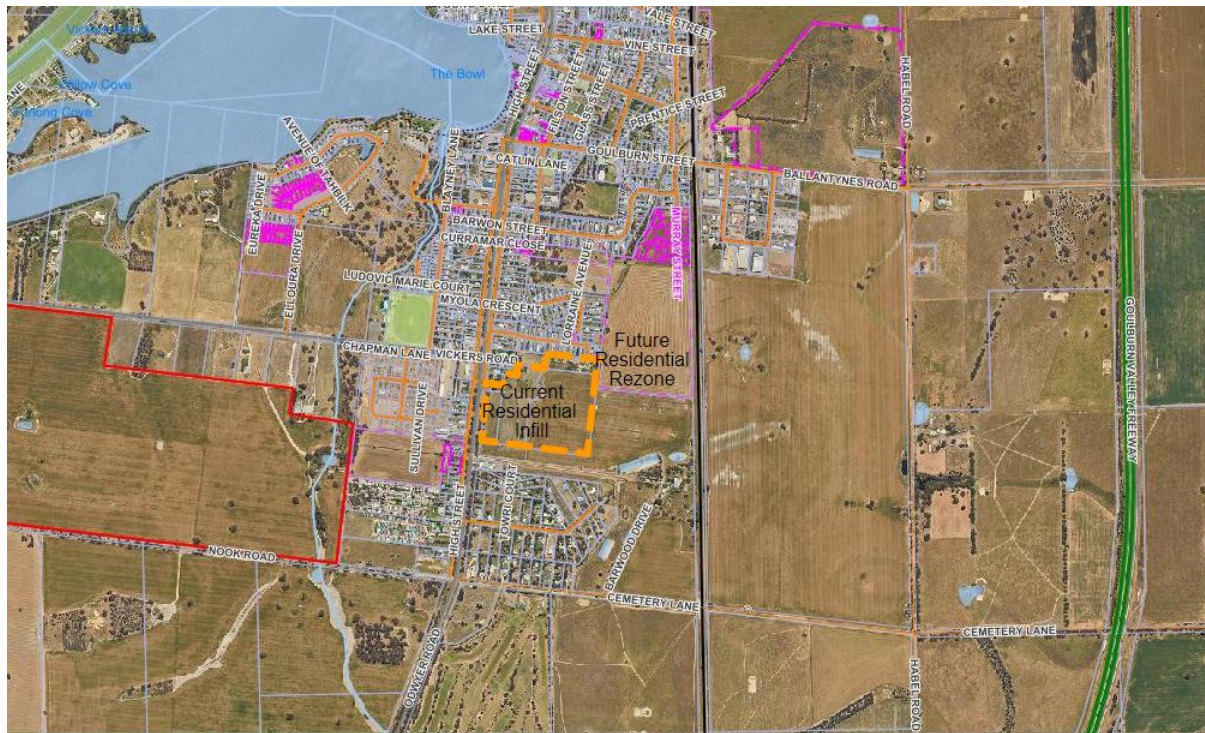


The diagram below shows the other subdivisions currently being considered



9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608 (cont.)

Below is an indication of the current site within the town context -



ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Council is a Responsible Authority under the *Planning and Environment Act 1987* (the Act). In this role, Council administers the Strathbogie Planning Scheme (Planning Scheme) and, among other things, determines planning permit applications made for the use and development of land within the municipality.

Under delegated authority of Council, Council Officers determine some matters.

Any application that has received objections is heard before Council.

SUMMARY OF KEY ISSUES

Nagambie is recognised as being able to accommodate population growth given its strategic location on the Principal Road Network and proximity to Melbourne. It has the ability to attract new residents with the potential to commute to the city and other towns for work and services.

There is ample serviceable residential land within Nagambie township. The proposal provides for medium density lots that can be connected to reticulated utilities, with constructed roads and drainage, and are within close proximity to a range of services, employment opportunities, transport networks including public transport.

9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608 (cont.)

The proposal supports the purpose of the zone, accords with the decision guidelines, when assessed against the Municipal Planning Strategy and Planning Policy Framework is weighted in favour of support. The proposal has been assessed against Clause 56 and meets the objectives and standards. The proposal accords with the Nagambie Growth Management Strategy 2008.

There is no native vegetation on site to be considered.

The objections have been considered and the proposed conditions can address the majority of their concerns.

The potential flood risk associated with the application has been considered and conditional consent has been gained from Goulburn Broken CMA.

COMMUNITY ENGAGEMENT

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.

The application was advertised to adjacent and nearby owners and occupiers. The proposal was accessible on Council's website. The notice was carried out in accordance with the legislation and two objections have been received.

The objectors were provided feedback to their objections and meetings with Council officers were held where plans and supporting documents were made available, concerns discussed, and questions answered.

No objections have been withdrawn and objectors have been kept up to date as to the status of the proposal.

Draft conditions have been provided to the objectors and this will enable them to view how their concerns can be addressed as far as reasonably practicable by permit conditions.

POLICY CONSIDERATIONS

Council Plans and Policies

There are no implications on the Council Plan or any Council Policies as a result of this decision.

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

Further details are in the Officer Report.

9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608 (cont.)

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

This application is being considered under Section 61 of the *Planning and Environment Act 1987*.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This application is being heard by Council due to the receipt of objections to the proposal. The report will be on the council website under the Agenda section and will allow all parties the opportunity to be heard by the Council prior to a decision being made.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

This proposal is supported by the planning scheme and state policy to allow for projected population growth to be accommodated in appropriate locations throughout the region. The economic implications are positive for the region and locality.

Social

The proposal will provide for diversity in housing and potential increase in residents to become part of the existing community, supporting the local economy, the local schools and businesses.

Environmental

The application has been assessed against the relevant provisions of the *Planning and Environment Act 1987*. The application has been assessed against Clause 56 and has met all the objectives. No native vegetation is proposed for removal.

Climate change

The Strathbogrie Planning Scheme has incorporated broader considerations on Climate Change, with the assessment that the proposal will not have an impact on climate change within the municipality, as all works will be required to comply with relevant legislation.

9.1.4 Planning Permit Application No. P2021-103: Multi Lot Subdivision ~ Penrose Street, Nagambie VIC 3608 (cont.)

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications with this proposal. The application is being assessed in accordance with relevant legislation, and all parties will be afforded all relevant rights of appeal at the Victorian Civil and Administrative Tribunal.

CONCLUSION

After due assessment of all the relevant factors, it is considered appropriate to issue a Notice of Decision to grant a permit, subject to conditions, in accordance with the officer recommendation.

ATTACHMENTS

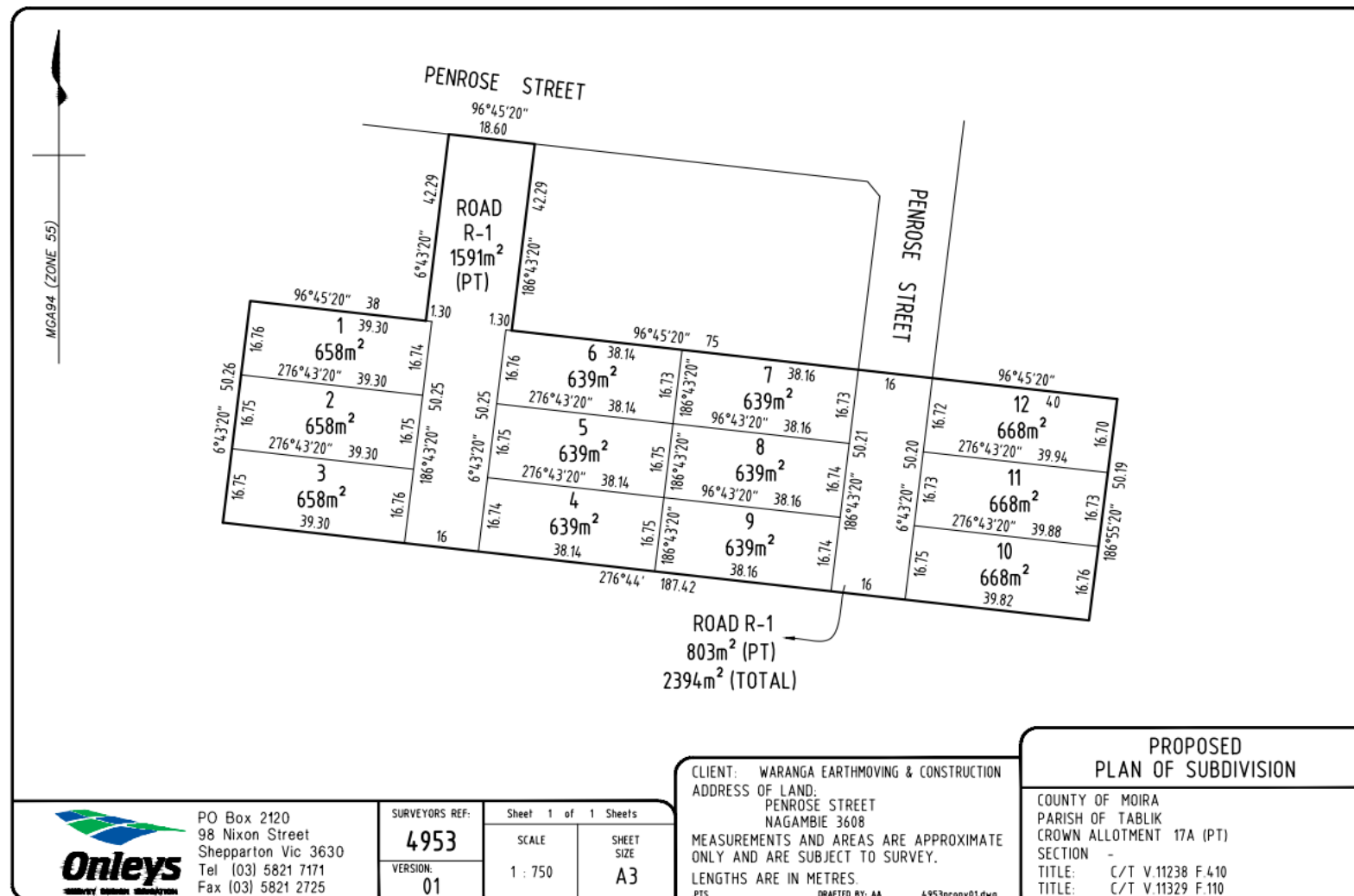
Attachment 1: Planning Officer Report (*separate attachment*)

Attachment 2: Plans for Endorsement

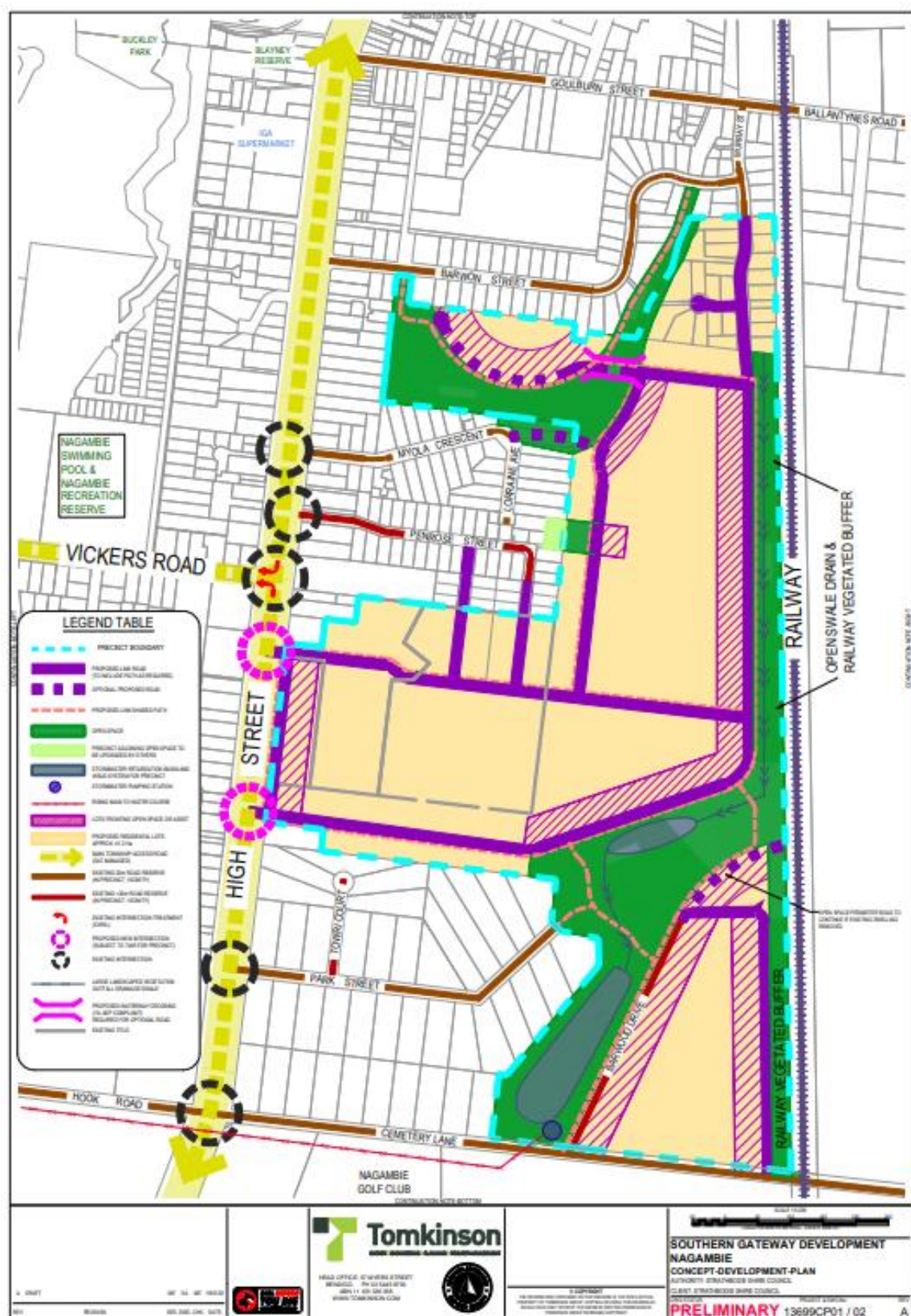
Attachment 3: Master Plan

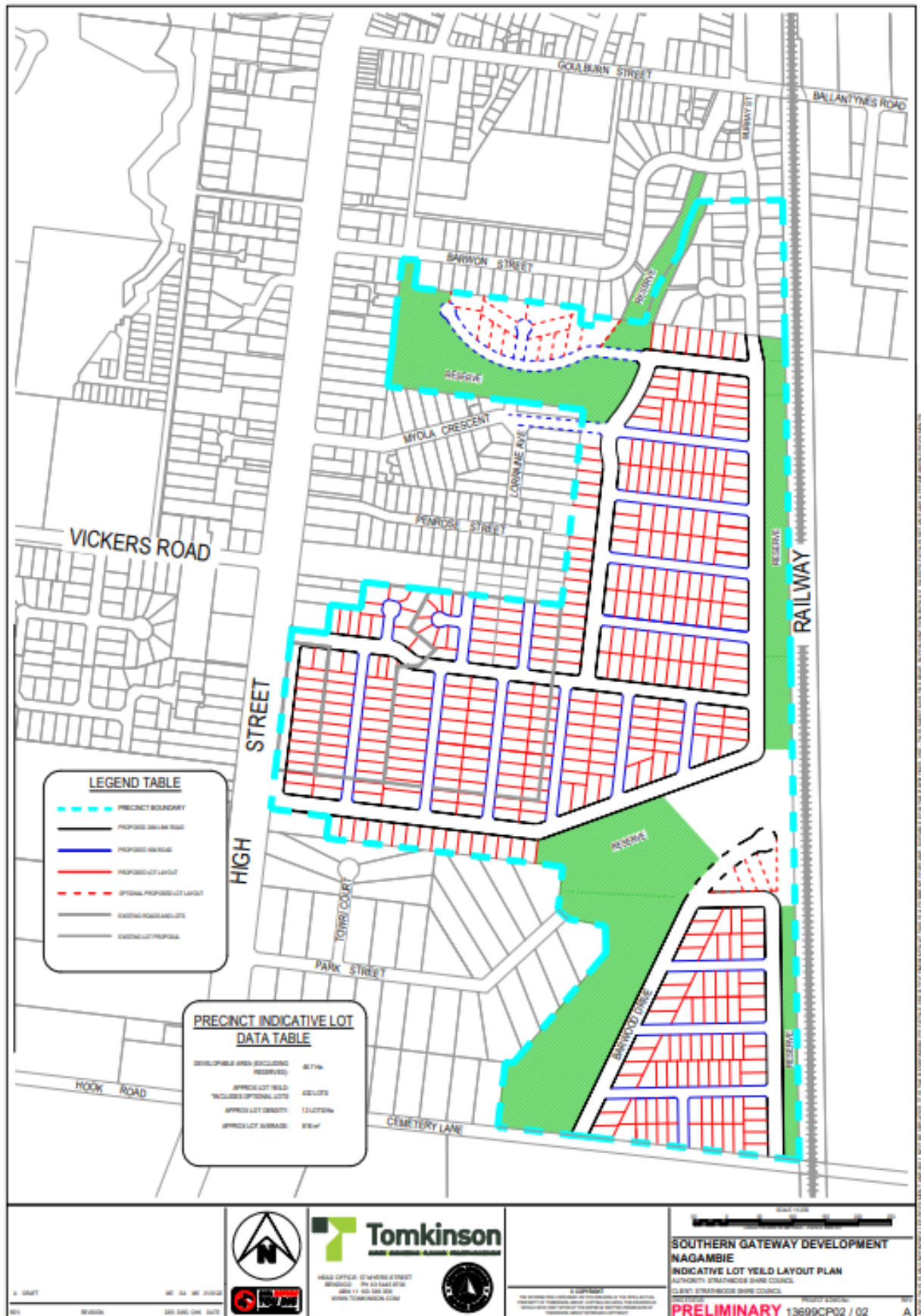
ATTACHMENT 2:

Plans for Endorsement



Masterplan





9.1.5 Planning Permit Application No. P2021-231: Use and Development for a Cellar Door; and Liquor License ~ 54 Longwood-Mansfield Road, Longwood East VIC 3666

Author: Town Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for the use and development of a small cellar door at an established vineyard and winery. The owners have applied for a liquor license to be able to have tastings and sell the wine on site. There is room to provide for adequate car parking on site. Advertising signage will be limited in size. The proposal is temporary in nature, with limited operating hours and a small number of patrons.
- The application was advertised and one objection was received. No neighbouring residents objected.
- The proposal has not been assessed within the statutory timeframe due and objection being received and the need to come to a Council Meeting for a decision.
- The proposal meets the objectives of the Municipal Planning Strategy and Planning Policy Framework, the Zone, Overlay and the Decision Guidelines at Clause 65.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation and subject to conditions.

RECOMMENDATION

That Council

Having caused notice of Planning Application No. P2021-231 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 the Strathbogie Planning Scheme in respect of the land known as (Lot 1 PS528796 V10839 F446 Parish of Longwood) 54 Longwood-Mansfield Road, Longwood East VIC 3666, for the Use and Development for a Cellar Door; and the Sale and Consumption of Liquor in accordance with endorsed plans, subject to the following conditions:

Conditions:

Endorsed Plans

1. The use and development must be carried out in accordance with the permit conditions and endorsed plans and must not be altered without the prior written consent of the Responsible Authority.

9.1.5 Planning Permit Application No. P2021-231: Use and Development for a Cellar Door; and Liquor License ~ 54 Longwood-Mansfield Road, Longwood East VIC 3666 (cont.)

General Amenity:

2. The use and development must be managed so that the amenity of the area or locality, in the opinion of the Responsible Authority, is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) presence of vermin; and
 - e) others as appropriate.

Operating Hours:

3. Except with the written consent of the Responsible Authority, the serving of liquor permitted by this permit may only occur between the following times –

Friday	11am to 5pm
Saturday	11am to 4pm
Sunday	11am to 4pm
Public Holidays	11am to 5pm

Signage:

4. Any signage must fit the description for a Business Identification Sign and must not be greater than 3 square metres in area otherwise it is prohibited. It can be floodlit but not so that it is a hazard for road users or interferes with adjoining residences.

Management/Supervision of Premises:

5. At all times the premises is used for the purpose permitted by this permit, there must be present on the premises a person responsible for the good conduct of persons using the premises and a contact number is to be made available for any member of the public to easily access.

Limit on Number of Persons:

6. Not more than 20 patrons may be present on the premises at any one time without the prior written consent of the Responsible Authority.

Minimising Glare:

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. Materials having a highly reflective surface must not be used.

Control of light spill

8. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

- 9.1.5 Planning Permit Application No. P2021-231: Use and Development for a Cellar Door; and Liquor License ~ 54 Longwood-Mansfield Road, Longwood East VIC 3666 (cont.)

Engineering:

Rural Vehicle Crossing

9. 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.
10. 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.

Stormwater Management:

11. Prior to the commencement of the use, all roof water from buildings and surface water from hard paved areas must be collected and conveyed to a drainage easement or to the legal point of discharge so as to prevent stormwater nuisance to adjoining land, to the satisfaction of the Responsible Authority.

Car Parking

12. No less than 8 car parking spaces must always be provided and set aside for carparking on site.

Permit Expiry:

13. This permit will expire if one of the following circumstances applies:
 - a) The use and 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 ceases for two or more years.

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.

9.1.5 Planning Permit Application No. P2021-231: Use and Development for a Cellar Door; and Liquor License ~ 54 Longwood-Mansfield Road, Longwood East VIC 3666 (cont.)

Planning Notes

- A building permit may be required for the structure. Please contact Council's Building Department for further information.
- A septic application will be required should amenities be required for the cellar door. If food is to be served this may also require registration. Please contact Council's Environmental Health Officer for further information.

End of Conditions

PURPOSE AND BACKGROUND

The applicant is seeking approval to use and develop the land for a cellar door with an associated liquor license to allow for tastings and sales.

The permit triggers are a Section 2 use and development in the Farming Zone and the sale and consumption of liquor (liquor license).

Car parking can be accommodated on site and will allow for a limited number of patrons, during stated operating hours.

Signage is conditioned and will reflect the amenity of the locality.

There are already existing buildings on site where the proposed cellar door is to be located and this may be the case as the previous owners had a planning permit for a cellar door which has since ceased operation.

Access will be from Longwood- Mansfield Road and the cellar door will be located just off the internal driveway of the property.



9.1.5 Planning Permit Application No. P2021-231: Use and Development for a Cellar Door; and Liquor License ~ 54 Longwood-Mansfield Road, Longwood East VIC 3666 (cont.)

The subject site is located to the north east of Longwood. The site measures approximately 32 hectares, is flat in topography and has established vines, a dwelling and outbuildings, with a large dam.



9.1.5 Planning Permit Application No. P2021-231: Use and Development for a Cellar Door; and Liquor License ~ 54 Longwood-Mansfield Road, Longwood East VIC 3666 (cont.)

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Council is a Responsible Authority under the *Planning and Environment Act 1987* (the Act). In this role, Council administers the Strathbogie Planning Scheme (Planning Scheme) and, among other things, determines planning permit applications made for the use and development of land within the municipality.

Under delegated authority of Council, Council Officers determine some matters.

Any application that has received objections is heard before Council.

SUMMARY OF KEY ISSUES

- Use and Development as a Section 2 use in the Farming Zone.
- The potential for amenity impacts and any cumulative impacts from the use with the liquor license.
- The weighting against the planning scheme.
- The objection.

Cellar door sales have previously been carried out on this site without any objections. There is an expectation that a winery will often be supported by cellar door sales. This is supported by the fact that no objections were received from neighbouring property owners and occupiers. The site is 32 hectares and the minimum lot size for an as of right use for a dwelling in this area is 40 hectares. There is an existing dwelling and that is associated with the established vineyard and winery. This proposal supports the primary use of the land for agriculture.

The proposal has been assessed against the planning scheme and is considered to support the purpose of the Farming Zone and accord with the decision guidelines. The proposal is also considered to weigh in favour of support when assessed against the Municipal Planning Strategy and Planning Policy Framework. It also weighs positively for support when assessed against the decision guidelines of Clause 65.

The objection has been reviewed and is considered to be primarily to gain a commercial advantage, however after legal advice it was considered it would not be rejected under Section 572A of the Planning and Environment Act 1987 given it mentioned the potential for a cumulative impact of licensed venues within the area. This objector does not live within the locality of the subject site.

9.1.5 Planning Permit Application No. P2021-231: Use and Development for a Cellar Door; and Liquor License ~ 54 Longwood-Mansfield Road, Longwood East VIC 3666 (cont.)

There is another liquor license being operated at 115 Longwood Mansfield Road however this area is not considered to be 'saturated' and it is considered that there will be no negative impact on the surrounding area if this particular proposal is supported. This is a wine growing and producing area and there is an expectation that there will be a number of establishments in the vicinity. In assessing if a proposal is likely to contribute to a cumulative impact within an area, Planning Practice Note 61 Guidelines can be applied. In this instance it can be said that the proposal will not operate after 11pm and it is not in a cluster (three or more licensed premises within a 100m radius or 15 or more within a 500m radius) and therefore does not create a cluster.

COMMUNITY ENGAGEMENT

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.

The application was advertised to adjacent and nearby owners and occupiers pursuant to Section 52 of the Act. The proposal was accessible on Council's website. The notice was carried out in accordance with the legislation and one objection has been received.

The Assessing Officer passed on the objection to the applicant and the objector received acknowledgment of receipt and consideration. The objector has been informed that the proposal will be presented at Council in July and that the report is available in the Agenda the Friday beforehand. The basis of the objection was primarily for commercial gain and after legal advice it was considered it should be retained rather than rejected under Section 572A. Given the grounds of objection, mediation was not undertaken.

The objection has not been withdrawn.

POLICY CONSIDERATIONS

Council Plans and Policies

There are no implications on the Council Plan or any Council Policies as a result of this decision.

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

For further details on the documents referenced, see Officer Report.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

9.1.5 Planning Permit Application No. P2021-231: Use and Development for a Cellar Door; and Liquor License ~ 54 Longwood-Mansfield Road, Longwood East VIC 3666 (cont.)

This application is being considered under Section 61 of the *Planning and Environment Act 1987*.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This application is being heard by Council as the proposal has one objection. Hearing the application in the public meeting will allow all parties the opportunity to be heard by the councillors prior to a decision being made.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

This proposal has potential to further support the local and regional economy through the ongoing management of the vineyard and through the cellar door sales which support local tourism to the area.

Social

There are no broader social implications from the proposed subdivision or as a result of this application. There is no cumulative impact given there are no liquor licences within 500m and the operating hours are limited.

Environmental

The application has been assessed against the relevant provisions of the *Planning and Environment Act 1987*. There is no vegetation that is proposed to be removed and the building is located some distance from the waterways. There is an Erosion Landslide risk associated with part of this land, however the buildings and works are not proposed within it and therefore the risk is not impacted or heightened due to this proposal.

Climate change

The Strathbogie Planning Scheme has incorporated broader considerations on Climate Change, with the assessment that the proposal will not have an impact on climate change within the municipality, as all works will be required to comply with relevant legislation.

9.1.5 Planning Permit Application No. P2021-231: Use and Development for a Cellar Door; and Liquor License ~ 54 Longwood-Mansfield Road, Longwood East VIC 3666 (cont.)

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications with this proposal. The application is being assessed in accordance with relevant legislation, and all parties will be afforded all relevant rights of appeal at the Victorian Civil and Administrative Tribunal.

CONCLUSION

After due assessment of all the relevant factors, it is considered appropriate to issue a Notice of Decision to Grant a Permit, subject to conditions, in accordance with the Officer recommendation.

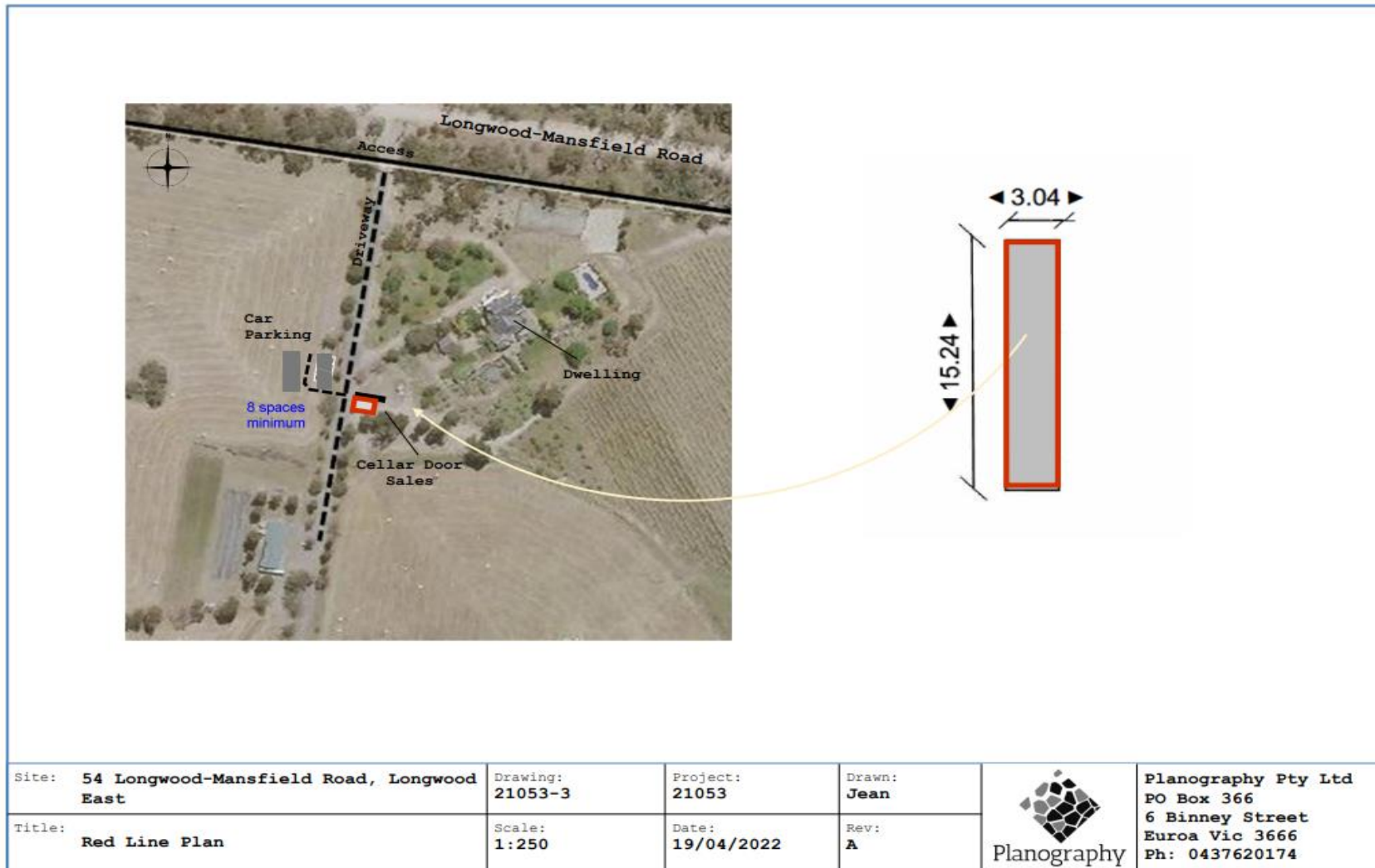
ATTACHMENTS

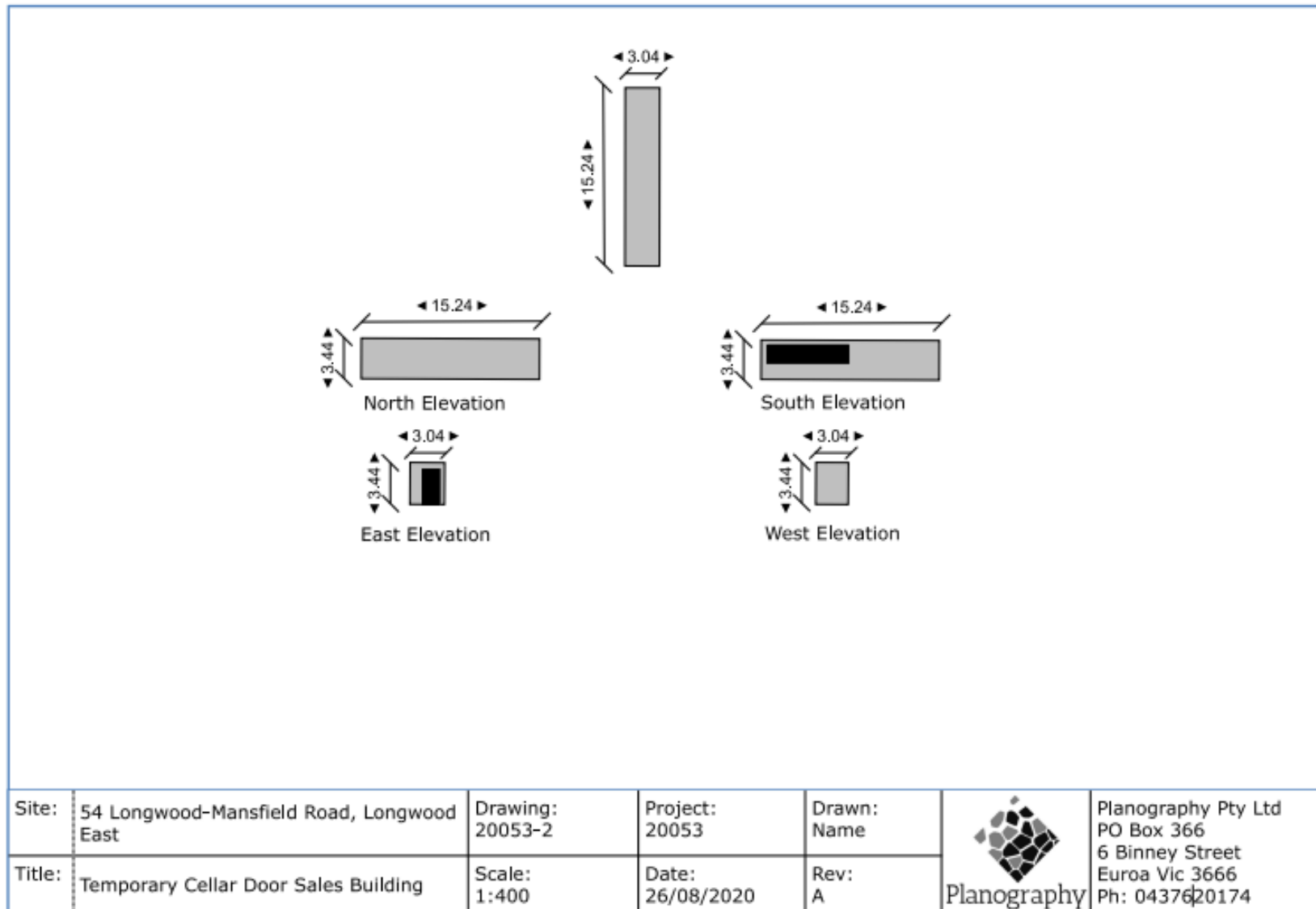
Attachment 1: Planning Officer Report (*separate document*)

Attachment 2: Plans for Endorsement

ATTACHMENT 2:

Plans for Endorsement





9.1.6 Planning Permit Application No. P2021-170: Use and Development of land for a distillery and associated sales; Use and Development for a manager's dwelling; Use and Development for group accommodation; Liquor License; Business Identification Signage ~ 1890 Euroa-Strathbogie Road, Kithbrook VIC 3666

Author: Town Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The applicant seeks consent for a planning permit to allow for the use and development of the land for a gin distillery and associated sales, a manager's dwelling, group accommodation, a liquor license to produce, for tastings and sales; and business identification signage.
- The proposal was advertised and 12 objections have been received, as well as 5 statements of support. These are detailed in the Officer Report. No objections have been withdrawn.
- The application has not been assessed within the sixty day statutory timeframe due to the considerations of the objections and the requirement for the application to come to a Council meeting for a decision.
- The proposal meets the objectives of the Municipal Planning Strategy and Planning Policy Framework; supports the purpose of the zone and relevant decision guidelines.
- The officer assessment has determined that the site can accommodate the proposed uses and development without impacting on the amenity of the area.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

RECOMMENDATION

That Council

Having caused notice of Planning Application No. P2021-170 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 the Strathbogie Planning Scheme in respect of the land known as (Lot 2 TP826504 V12232 F046 Parish of Marraweeny) 1890 Euroa-Strathbogie Road, Kithbrook VIC 3666, for the Use and Development of land for a distillery and associated sales; Use and Development for a manager's dwelling; Use and Development for group accommodation; Liquor License; Business Identification Signage in accordance with endorsed plans, subject to the following conditions:

- 9.1.6 Planning Permit Application No. P2021-170: Use and Development of land for a distillery and associated sales; Use and Development for a manager's dwelling; Use and Development for group accommodation; Liquor License; Business Identification Signage ~ 1890 Euroa-Strathbogie Road, Kithbrook VIC 3666 (cont.)

Conditions:

Plans Required:

1. Prior to the commencement of the uses and development an Integrated Land Management Plan must be submitted to the satisfaction of the Responsible Authority which will be endorsed and form part of the permit. The endorsed plan will be referred to in a Section 173 Agreement which will be required to be registered on title prior to the use and development commencing.

Section 173 Agreement:

2. Prior to the commencement of the use and development for the Manager's dwelling, the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must be registered on title to the land pursuant to Section 181 of the Planning and Environment Act 1987. The owner must pay the costs of the preparation, execution and registration of the Section 173 Agreement. The Agreement must provide that –
The development and continued use of the land has been permitted on the basis that the Managers Dwelling is reasonably required for the operation of the agricultural and associated business pursuits as detailed in the endorsed Integrated Land Management Plan. Any changes require consent from the Responsible Authority and a revision of the Integrated Land Management Plan.

Endorsed Plans:

3. The use/s and development must be sited, constructed, and carried out in accordance with the endorsed plans and conditions. The endorsed plans and permit can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.

External Materials and Colours:

4. 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.

Concealment of External Fittings:

5. All pipes, fixtures, fittings and vents servicing any building on the site, other than stormwater downpipes, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

- 9.1.6 Planning Permit Application No. P2021-170: Use and Development of land for a distillery and associated sales; Use and Development for a manager's dwelling; Use and Development for group accommodation; Liquor License; Business Identification Signage ~ 1890 Euroa-Strathbogrie Road, Kithbrook VIC 3666 (cont.)

Plant/Equipment or Features on Roof:

6. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the Responsible Authority.

Control of Light Spill:

7. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

No Flashing Light:

8. Flashing or intermittent light must not be displayed on the subject land except with the prior written consent of the Responsible Authority.

Security Alarms:

9. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

Noise Control:

10. The activities on site must not cause unreasonable noise or aggravated noise that may unreasonably impact the local community including being responsible for any contractors or tradespeople hired, in accordance with EPA 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues' Publication 1826.4 May 2021.

Neat and Tidy Site:

11. 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.

Amenity During Construction and Ongoing Uses:

12. The amenity of the area must not be detrimentally affected during the construction and through the ongoing uses, 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.
- To the satisfaction of the Responsible Authority and any other authority as required by law.

- 9.1.6 Planning Permit Application No. P2021-170: Use and Development of land for a distillery and associated sales; Use and Development for a manager's dwelling; Use and Development for group accommodation; Liquor License; Business Identification Signage ~ 1890 Euroa-Strathbogie Road, Kithbrook VIC 3666 (cont.)

Maximum Number of Patrons (Distillery Tastings and Sales):

13. Not more than 49 patrons may be present on the premises at any one time without the prior written consent of the Responsible Authority.

Hours of Operation (Distillery Tastings and Sales):

14. The hours of operation are –

Thursday to Sunday	10am till 7pm
Public Holidays	10am till 7pm

Unless with the prior written consent of the Responsible Authority.

This permit is subject to the issue of an appropriate liquor license by the Victorian Commission for Gambling and Liquor Regulation, and adherence to any conditions imposed by that body.

Management/Supervision of Premises:

15. At all times the premises is used for the purposes permitted by this permit, there must be present on the premises a person responsible for the good conduct of persons using the premises and a contact number is to be made available for any member of the public to easily access.

Deliveries:

16. Deliveries must be fully within the curtilage of the subject site.

Signage:

17. Business Identification Signage must not be greater in area than three square metres otherwise it is prohibited. Any other signage may require council consent.

If the sign is floodlit, the light must not impact surrounding land and must not impact on the road users to the satisfaction of the Responsible Authority.

Use of Land for a Dwelling:

18. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
19. The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.

9.1.6 Planning Permit Application No. P2021-170: Use and Development of land for a distillery and associated sales; Use and Development for a manager's dwelling; Use and Development for group accommodation; Liquor License; Business Identification Signage ~ 1890 Euroa-Strathbogrie Road, Kithbrooke VIC 3666 (cont.)

20. 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 fire fighting purposes.
21. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

Use of Land for Group Accommodation:

22. The group accommodation 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.
23. The group accommodation must be connected to a reticulated electricity supply or have an alternative energy source.
24. The use of the land for group accommodation hereby permitted may only be undertaken in conjunction with a residential dwelling on the allotment.
25. The group accommodation must have all weather access suitable for emergency vehicles.
26. The group accommodation must only be used to accommodate persons away from their normal place of residence for short term stays.

Environmental Health:

Wastewater Management

27. Prior to the commencement of works for the proposed dwelling, distillery, and accommodation buildings the owner shall lodge with the Council an application to Install a Septic Tank System in accordance with the Code of Practice – Onsite Wastewater Management, Publication 891.4, July 2016 and the Land Capability Assessment prepared by Zoltan Lorincz, Land Capability Assessment Victoria, Report No. LCA26072021, dated July 2021, revision 1 (May 2022). The application must include a wastewater treatment system design to incorporate the recommendations in the Land Capability Assessment relating to load balancing.
28. Any permit issued for the installation of a septic tank system will be for wastewater generated and discharged from the dwelling, distillery, restaurant and accommodation buildings only. The discharge of any wastewater or other liquid generated from an industrial or agricultural process must not be discharged to any septic tank system approved by the Council's Environmental Health Officers under the Victorian Environment Protection Act 2017 and the Code of Practice – Onsite Wastewater Management, Publication 891.4, July 2016.

- 9.1.6 Planning Permit Application No. P2021-170: Use and Development of land for a distillery and associated sales; Use and Development for a manager's dwelling; Use and Development for group accommodation; Liquor License; Business Identification Signage ~ 1890 Euroa-Strathbogie Road, Kithbrook VIC 3666 (cont.)

Food Act Registration

29. The applicant shall lodge with Council's Environmental Health Department detailed plans demonstrating that the area of the building proposed to be used for storage, preparation and sale of food are adequate for the type of food to be sold at the premises and that the structure and fittings installed complies with the requirements of Food Standards Australia and New Zealand Food Safety Standards 3.2.3 – Food Premises and Equipment.
30. Prior to commencing construction of any food preparation area, the owner must seek the advice of the Council's Environmental Health Officer.
31. Prior to commencing the business, the applicant shall make application to the Council's Environmental Health Department for the registration of the premises under the Food Act 1984.

Engineering:

Vehicle Crossing Location

32. Prior to the commencement of works on site, the vehicle crossing 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.
33. 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.

Rural Drainage - Works

34. 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.
35. 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: -
- Environmental Guidelines for Major Construction Sites (EPA publication No. 480, December 19985); and

9.1.6 Planning Permit Application No. P2021-170: Use and Development of land for a distillery and associated sales; Use and Development for a manager's dwelling; Use and Development for group accommodation; Liquor License; Business Identification Signage ~ 1890 Euroa-Strathbogrie Road, Kithbrooke VIC 3666 (cont.)

- **Construction Techniques for Sedimentation Pollution Control (EPA publication No. 275, May 1991)**

36. 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).

Erosion Management

37. Construction must be carried out in accordance with the Report Recommendations provided by BM Civil Engineers dated 4.2.2022 with the Job No. 58091-3.

Asset Protection

38. Before any works commence, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. This includes 50 metres on both sides of the property or to the property boundary of the next active building site, whichever is the closest. 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. (Please contact Council for the appropriate forms).

Goulburn Murray Water:

39. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

40. All wastewater from the dwelling, accommodation units and cellar door sales building must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. All systems must be an EPA approved system, installed, operated and maintained in accordance with the relevant EPA Code of Practice and Certificate of Conformity.

41. Wastewater systems must be appropriately designed to manage the potential volume of wastewater generated under full occupancy and use including appropriately sized disposal areas calculated using a full water balance specific to the proposal and subject land.

9.1.6 Planning Permit Application No. P2021-170: Use and Development of land for a distillery and associated sales; Use and Development for a manager's dwelling; Use and Development for group accommodation; Liquor License; Business Identification Signage ~ 1890 Euroa-Strathbogie Road, Kithbrook VIC 3666 (cont.)

42. The wastewater disposal areas associated with all systems must meet minimum setback distances of 100m from the nearest waterway, 60m from any dams, 20m from any bores and 40m from any drainage lines.
43. Wastewater disposal areas must be kept free of stock, buildings, driveways, carparking, and service trenching and must be planted with appropriate vegetation to maximise their performance. Stormwater must be diverted away. Reserve wastewater disposal fields of equivalent size to the primary disposal field must be provided for use at each location in the event that the primary field requires resting or has failed.
44. There must be no wastewater or other waste products from the gin distillation process discharged to any waterways.

Expiry:

Uses and Development

45. This permit will expire if one of the following circumstances applies:
 - a) The uses and development are 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) Any one of the uses cease for two or more years.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.

Signage

46. On expiry of the permit, all signs and structures built specifically to support and illuminate it must be removed.

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.
- This proposal has not been assessed against Clause 54/55/56.

End of Conditions

9.1.6 Planning Permit Application No. P2021-170: Use and Development of land for a distillery and associated sales; Use and Development for a manager's dwelling; Use and Development for group accommodation; Liquor License; Business Identification Signage ~ 1890 Euroa-Strathbogie Road, Kithbrook VIC 3666 (cont.)

PURPOSE AND BACKGROUND

The applicant is seeking approval for a gin distillery, group accommodation, a manager's dwelling, and a liquor license with which to produce, for tastings and sales, and business identification signage.

This is considered to be an agrotourism business to enhance and support the agricultural endeavour on site, which is growing botanicals due to a worldwide demand, including for Australian gin. A juniper grove has been established on site. Further plantings are proposed. To ensure the health of the grove, and manage what is proposed, a permanent, full time residence is being sought.

An Integrated Land Management Plan is required to be submitted to Council for approval and endorsement and then reference made to it in a Section 173 Agreement that will apply to the title. This would be required prior to any works and the uses commencing on site.

The site is located to the north of the main street of Strathbogie township. It measures approximately 12 hectares in size and is undulating. Access is from the Euroa Strathbogie Road, which is a sealed and two lane, Council managed road.

The operating hours are controlled as are the number of visitors at any one time. A manager is required on site at all times during the operation of the proposed uses.

Wastewater will be managed on site as legally required.

There is adequate room on site to provide for the required number of car parking spaces and to provide for overflow parking if required.

Signage is limited by condition as per the planning scheme requirement for the Farming Zone. The sign can be floodlit but must not impact on the amenity. A direction sign can be installed without a planning permit.

The dwelling and accommodation must have access that is all weather and can accommodate emergency vehicles and must be connected to a form of electricity, water and wastewater management system.

Stormwater must be managed on site to the satisfaction of the Responsible Authority and in accordance with proposed conditions.

The erosion and landslide risk has been assessed and construction is required to adhere to the recommendations in the Geotechnical Report provided with the application.

- 9.1.6 Planning Permit Application No. P2021-170: Use and Development of land for a distillery and associated sales; Use and Development for a manager's dwelling; Use and Development for group accommodation; Liquor License; Business Identification Signage ~ 1890 Euroa-Strathbogie Road, Kithbrook VIC 3666 (cont.)



Image 1: Subject site

9.1.6 Planning Permit Application No. P2021-170: Use and Development of land for a distillery and associated sales; Use and Development for a manager's dwelling; Use and Development for group accommodation; Liquor License; Business Identification Signage ~ 1890 Euroa-Strathbogie Road, Kithbrook VIC 3666 (cont.)

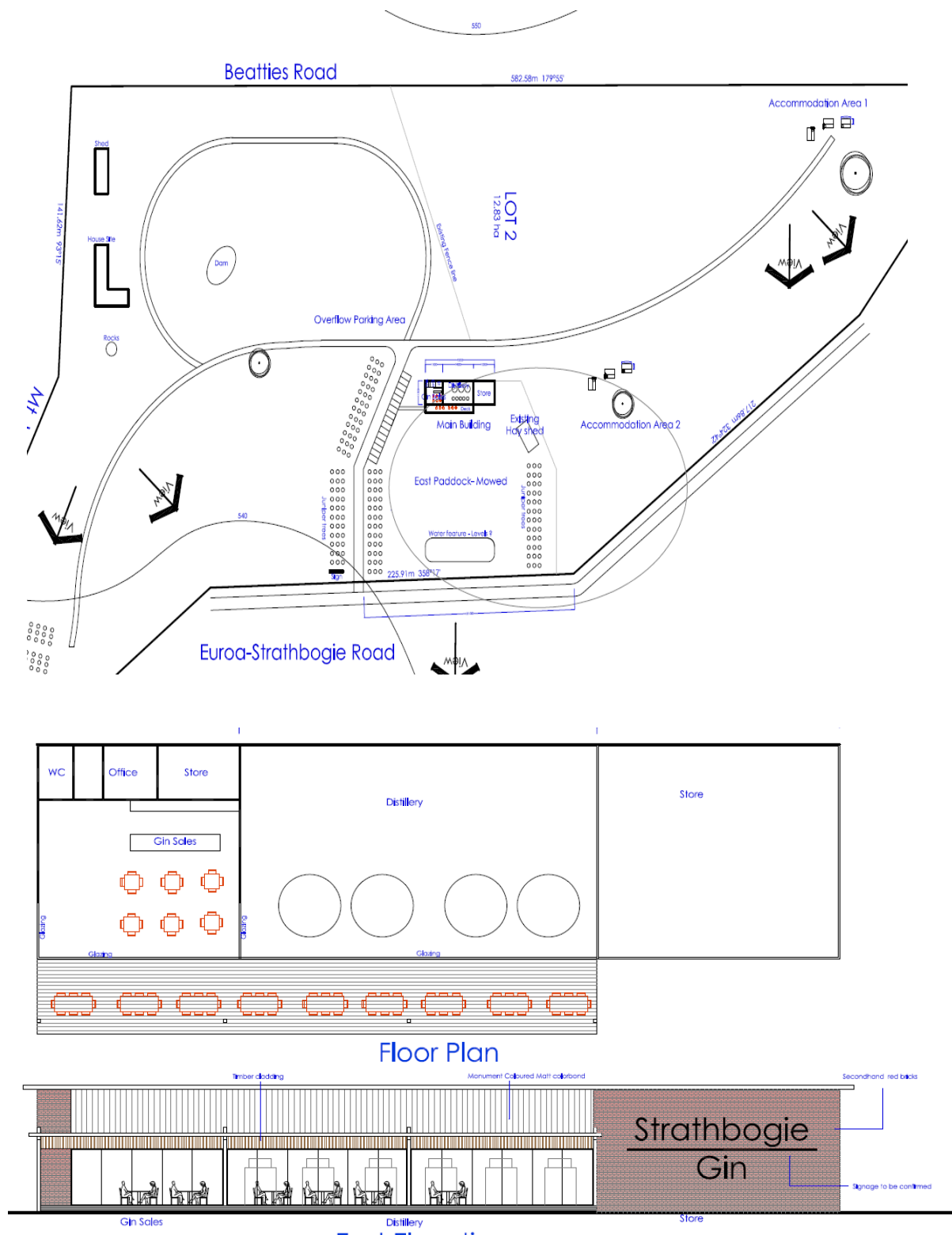
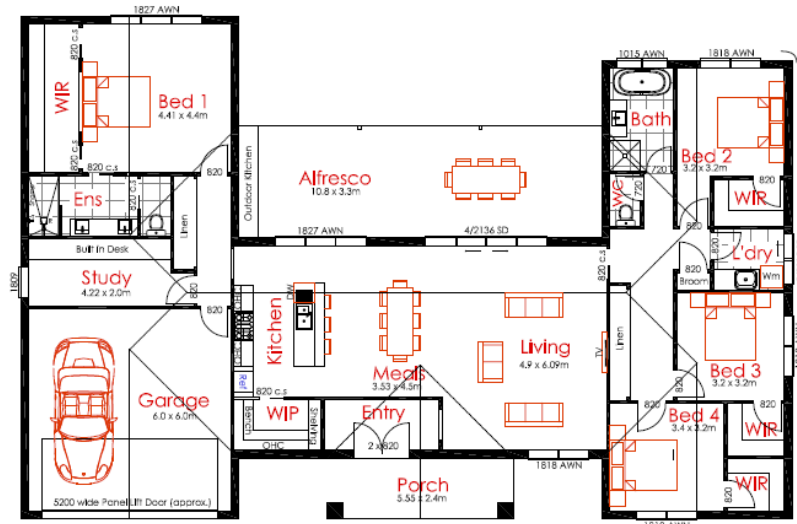
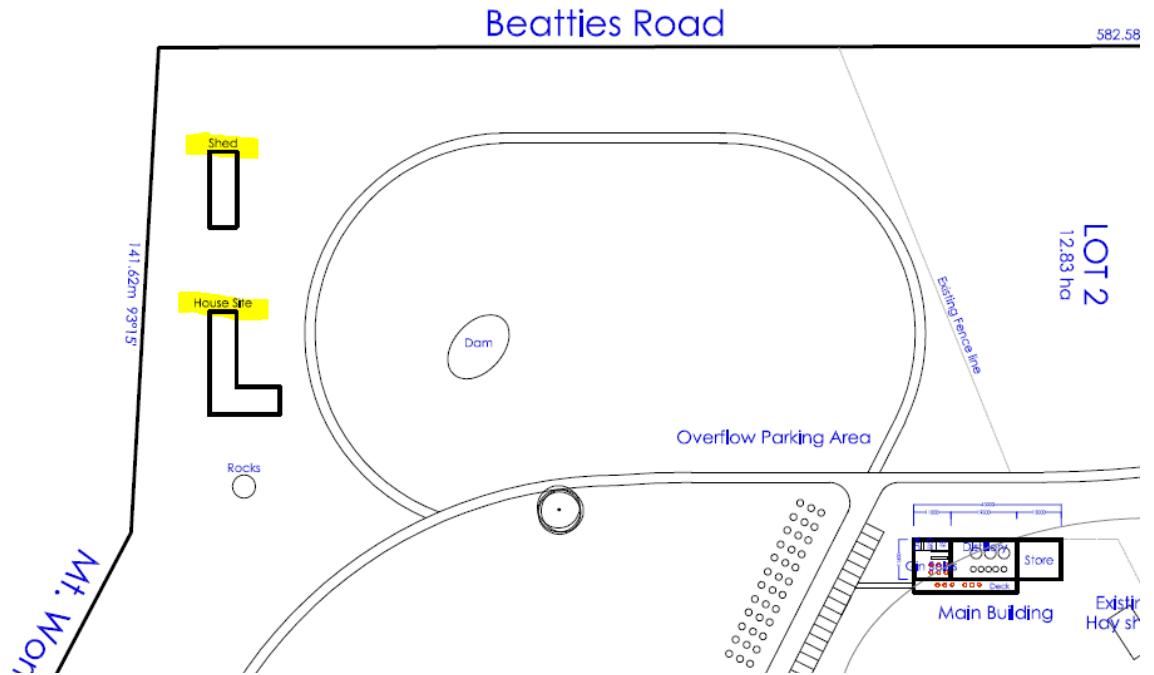


Image 2: Gin Distillery and associated sales

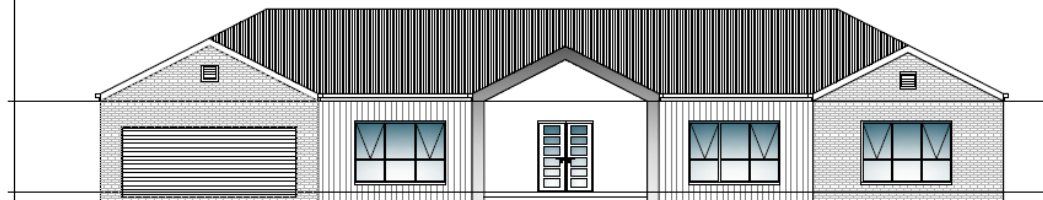
[illegible]

Image 3: Group accommodation



Floor Plan

Indicative Plan Only



North Elevation

Indicative Plan Only

House

Indicative Plan Only

Image 4: Manager dwelling

9.1.6 Planning Permit Application No. P2021-170: Use and Development of land for a distillery and associated sales; Use and Development for a manager's dwelling; Use and Development for group accommodation; Liquor License; Business Identification Signage ~ 1890 Euroa-Strathbogie Road, Kithbrook VIC 3666 (cont.)

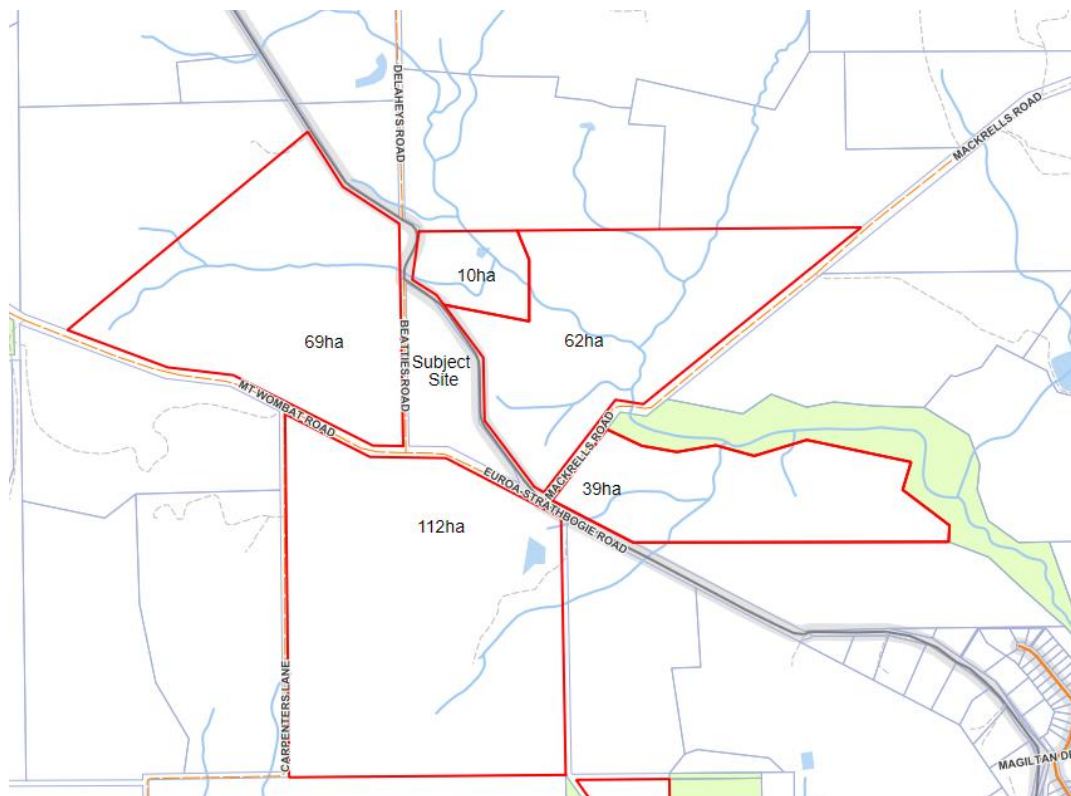


Image 5: Surrounding properties to the subject site

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Council is a Responsible Authority under the *Planning and Environment Act 1987* (the Act). In this role, Council administers the Strathbogie Planning Scheme (Planning Scheme) and, among other things, determines planning permit applications made for the use and development of land within the municipality.

Under delegated authority of Council, Council Officers determine some matters.

Any application that has received objections is heard before Council.

SUMMARY OF KEY ISSUES

- Retention of agricultural land.
- Introduction of non agricultural uses.
- Risk of erosion and landslide.
- Protection of the Special Water Catchment Area.
- Signage is limited.

9.1.6 Planning Permit Application No. P2021-170: Use and Development of land for a distillery and associated sales; Use and Development for a manager's dwelling; Use and Development for group accommodation; Liquor License; Business Identification Signage ~ 1890 Euroa-Strathbogie Road, Kithbrook VIC 3666 (cont.)

Officer Response:

The proposal intends to retain and enhance agricultural production on a small agricultural lot. The main farming activity will be supported by production of a beverage, associated sales, and offering tourist accommodation on site. It is considered that this satisfies the need to retain and sustainably manage farming land into the future, whilst providing tourist activities, all of which feed into the local and regional economy.

The risk of the erosion and landslide has been assessed and the proposal can be accommodated.

Goulburn Murray Water have reviewed the proposal which is located in a Special Water Catchment Area and have given conditional consent.

A condition along with the planning scheme, manages the signage on site.

The proposal is considered to be weighted in favour of support when assessed against the planning scheme.

COMMUNITY ENGAGEMENT

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.

The application was advertised to adjacent and nearby owners and occupiers. The proposal was accessible on Council's website. The notice was carried out in accordance with the legislation and twelve objections, and five letters of support have been received.

A redacted version of the objections was forwarded to the applicant so they could see the issues and concerns raised. A response from the applicant to the objections was provided to Council Officers.

The Assessing Officer responded to the objectors individually regarding their concerns.

Council officers met with objectors to discuss their concerns and go through draft permit conditions, conducting one on one meetings at the Strathbogie Memorial Hall.

No objections have been withdrawn and all parties have been kept up to date as to the status of the proposal.

POLICY CONSIDERATIONS

Council Plans and Policies

There are no implications on the Council Plan or any Council Policies as a result of this decision.

- 9.1.6 Planning Permit Application No. P2021-170: Use and Development of land for a distillery and associated sales; Use and Development for a manager's dwelling; Use and Development for group accommodation; Liquor License; Business Identification Signage ~ 1890 Euroa-Strathbogie Road, Kithbrook VIC 3666 (cont.)

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

Further details are in the Planning Officer Report.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

This application is being considered under Section 61 of the *Planning and Environment Act 1987*.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This application is being heard by Council as the proposal has one objection. Hearing the application in the public meeting will allow all parties the opportunity to be heard by the councillors prior to a decision being made.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

This proposal is supported by the planning scheme and will have potential to enhance the local and regional economy by the farming activity and also the associated activities under the proposed agrotourism business.

Social

This proposal will provide for tourism options for visitors and residents, whilst sustainably managing the farming activity.

Environmental

The application has been assessed against the relevant provisions of the *Planning and Environment Act 1987*. No native vegetation is proposed for removal. The risk of wastewater contamination and erosion and landslip have been assessed and can be managed via planning permit conditions.

- 9.1.6 Planning Permit Application No. P2021-170: Use and Development of land for a distillery and associated sales; Use and Development for a manager's dwelling; Use and Development for group accommodation; Liquor License; Business Identification Signage ~ 1890 Euroa-Strathbogie Road, Kithbrook VIC 3666 (cont.)

Climate change

The Strathbogie Planning Scheme has incorporated broader considerations on Climate Change, with the assessment that the proposal will not have an impact on climate change within the municipality, as all works will be required to comply with relevant legislation.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications with this proposal. The application is being assessed in accordance with relevant legislation, and all parties will be afforded all relevant rights of appeal at the Victorian Civil and Administrative Tribunal.

CONCLUSION

After due assessment of all the relevant factors, it is considered appropriate to issue a Notice of Decision to grant a permit, subject to conditions, in accordance with the officer recommendation.

ATTACHMENTS

Attachment 1: Planning Officer Report (*separate document*)

9.1.7 Planning Applications Received and Planning Applications Determined - 1 to 30 June 2022

Author: Manager Planning & Investment

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

This report provides listings of all Planning Applications Received (Attachment 1) and Planning Applications Determined (Attachment 2) for the period of 1st to 30th June 2022. The latest available Planning Permit Activity Performance Figures are also attached (Attachment 3). The contents of this report are provided for information purposes only.

It is noted that there were 24 new planning applications received and 11 planning permit applications decided upon during the reporting period.

RECOMMENDATION

That Council:

- 1. Note that there were 24 new planning applications received, and 11 planning permit applications decided on during the period of 1st to 30th June 2022.***
- 2. Note the report.***

PURPOSE AND BACKGROUND

To report to Council on the current planning application activity and matters considered under delegation.

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Council is a Responsible Authority under the *Planning and Environment Act 1987* (the Act). In this role, Council administers the Strathbogie Planning Scheme (Planning Scheme) and, among other things, determines planning permit applications made for the use and development of the land in the municipality. Under delegated authority of Council, Council officers determine some matters.

Many types of use and development do not require a planning permit and may take place without being recorded as part of the planning approvals data. The statistics presented do not represent all development activity in the municipality. In addition, some planning permits are not acted on, or there may be a delay between when the approval is granted and when works take place.

9.1.7 Planning Applications Received and Planning Applications Determined
- 1 to 30 June 2022 (cont.)

COMMUNITY ENGAGEMENT

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.

Individual applications consider these requirements through assessment phase of each application as per the Planning and Environment Act 1987 and the provisions of the Strathbogie Planning Scheme.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This report continues to demonstrate that Council is being transparent in its position in relation to all applications received and determined by the Council.

CONCLUSION

This report is provided for Council to note the current planning permit application activity.

ATTACHMENTS

Attachment 1: Planning Applications Received

Attachment 2: Planning Applications Determined

Attachment 3: Planning Permit Activity Performance Figures

ATTACHMENT 1: Planning Applications Received

Site Address	Application Number Display	Application Description	Cost Of Works
McGregor Avenue, Nagambie VIC 3608	P2019-032-2	Eighty two (82) lot subdivision, creation of easements and a reserve – amended plan s only	\$0.00
Site Address	Application Number Display	Application Description	Cost Of Works
5 Daisy Street, Violet Town VIC 3669	P2022-064	Development of land for a dwelling in the Land Subject to Inundation Overlay	\$300,000.00
52 Kirkland Avenue, Euroa VIC 3666	P2020-103-1 SC	Amended Plans for a dwelling and domestic shed	\$0.00
Site Address	Application Number Display	Application Description	Cost Of Works
1425 Euroa-Mansfield Road, Gooram VIC 3666	P2021-168-2	Amendment to VicRoads conditions for construction of vehicle crossover.	\$0.00
Site Address	Application Number Display	Application Description	Cost Of Works
146 Collier Road, Euroa VIC 3666	P2022-067	Development of land for a shed (Outbuilding)	\$39,803.26
76 Euroa Main Road, Euroa VIC 3666	P2022-068	Construction of a Retail Premises and Composting Toilet in Association with the Existing Arboretum and Plant Nursery	\$33,000.00
Site Address	Application Number Display	Application Description	Cost Of Works
1434 South Costerfield-Graytown Road, Graytown VIC 3608	P2022-070	Use and development of land for a dwelling	\$750,000.00
3 Wignell Street, Euroa VIC 3666	P2022-066	Use and Development of land for a dwelling	\$300,000.00
Site Address	Application Number Display	Application Description	Cost Of Works
540 Euroa-Mansfield Road, Euroa VIC 3666	P2022-065	Construction of Two Farm Sheds	\$60,227.00
552 Upton Road, Avenel VIC 3664	P2022-069	Development of land for a shed (Agricultural)	\$60,833.00
Site Address	Application Number Display	Application Description	Cost Of Works
Merton-Strathbogrie Road, Strathbogrie VIC 3666	P2022-071	Use and Development of land for a Dwelling	\$250,000.00
Site Address	Application Number Display	Application Description	Cost Of Works
1491 Merton-Strathbogrie Road, Strathbogrie VIC 3666	P2022-072	2 Shipping Containers for storage	\$8,000.00
182 Mt Bernard Lane, Avenel VIC 3664	P2022-074	Creation of a carriageway easement	\$0.00
2114 Northwood Road, Mitchellstown VIC 3608	P2022-075	6 lot re-subdivision	\$0.00

Site Address	Application Number Display	Application Description	Cost Of Works
2000 Upton Road, Upton Hill VIC 3664	P2022-076	Use and development of land for a dwelling	\$850,000.00
247 Euroa-Shepparton Road, Euroa VIC 3666	P2018-112-1 SC	Development of land for a replacement dwelling	\$0.00
Site Address	Application Number Display	Application Description	Cost Of Works
1196 Longwood-Ruffy Road, Ruffy VIC 3666	P2022-082	Native Vegetation Removal – Removal of 6 Trees in Council Road Reserve	\$0.00
3 Lorraine Avenue, Nagambie VIC 3608	P2022-077	Two Lot Subdivision	\$0.00
Site Address	Application Number Display	Application Description	Cost Of Works
10 Mansfield Road, Euroa VIC 3666	P2022-078	Two (2) Lot Subdivision and Development of Land for Single Dwelling	\$400,000.00
Site Address	Application Number Display	Application Description	Cost Of Works
42 Creek Drive, Euroa VIC 3666	P2022-073	Native vegetation removal- removal of one tree associated with Rockies Bridge Construction	\$560,648.00
639 Wattlevale Road, Mitchellstown VIC 3608	P2022-079	Extension to an existing Farm shed	\$120,000.00
Site Address	Application Number Display	Application Description	Cost Of Works
4316 Heathcote-Nagambie Road, Bailieston VIC 3608	P2022-080	Use and Development of Land for Group Accommodation at Gilgai farm – workers and client accommodation.	\$3,000,000.00
Euroa-Strathbogrie Road, Euroa VIC 3666	P2022-081	Construction of a Farm Shed - VicSmart	\$3,000.00
Site Address	Application Number Display	Application Description	Cost Of Works
173 Faithfull Road, Longwood East VIC 3666	P2022-083	Construction of a Farm Shed.	\$225,000.00

ATTACHMENT 2: Planning Applications Determined

Site Address	Application Number Display	Application Description	Cost Of Works	Decision
32 Longwood Road, Avenel VIC 3664	P2022-054	Development of land for a single dwelling and shed	\$550,000.00	Issued
Site Address	Application Number Display	Application Description	Cost Of Works	Decision
902 Creek Junction Road, Creek Junction VIC 3669	P2022-061	Use and Development for Group Accommodation	\$9,000.00	Withdrawn
Site Address	Application Number Display	Application Description	Cost Of Works	Decision
52 Kirkland Avenue, Euroa VIC 3666	P2020-103-1 SC	Development of land for an extension to a dwelling and shed	\$0.00	Issued
Site Address	Application Number Display	Application Description	Cost Of Works	Decision
1937 Harrys Creek Road, Marraweeney VIC 3669	P2021-134	Use and development of land for a dwelling associated with land conservation.	\$275,000.00	Issued
639 Wattlevale Road, Mitchellstown VIC 3608	P2022-042	Use and development of land for a private jetty	\$30,000.00	Issued
Site Address	Application Number Display	Application Description	Cost Of Works	Decision
53 Clifton Street, Euroa VIC 3666	P2022-037	Construction of a Storage Shed on existing motel site.	\$25,000.00	Issued
Site Address	Application Number Display	Application Description	Cost Of Works	Decision
146 Collier Road, Euroa VIC 3666	P2022-067	Development of land for a shed (Outbuilding)	\$39,803.26	Issued
552 Upton Road, Avenel VIC 3664	P2022-069	Development of land for a shed (Agricultural)	\$60,833.00	Issued
Site Address	Application Number Display	Application Description	Cost Of Works	Decision
540 Euroa-Mansfield Road, Euroa VIC 3666	P2022-065	Construction of Two Farm Sheds	\$60,227.00	Issued
Euroa-Strathbogie Road, Euroa VIC 3666	P2022-081	Construction of a Farm Shed - VicSmart	\$3,000.00	Issued
Lily Street, Violet Town VIC 3669	P2022-012	Two Lot Subdivision adjacent to, and creation of an access to, a road in a Transport Zone 2	\$0.00	Issued

ATTACHMENT 3: Latest Available Planning Permit Activity Performance Figures (May 2022)

Performance figures

	This Month	Last Month	Financial Year to Date	Rural Average	SMR Average
Applications with: ⓘ					
Public notice	<u>9</u>	<u>8</u>	<u>95</u>	12	6
Further information	<u>11</u>	<u>10</u>	<u>121</u>	14	8
Referrals	<u>9</u>	<u>8</u>	<u>95</u>	12	7
Submissions	<u>2</u>	<u>5</u>	<u>25</u>	2	1
Financial ⓘ					
Total value of fees for applications received	\$18,764	\$18,191	\$233,462	\$32,534	\$15,854
Average fee per application received	\$1,340	\$910	\$993	\$1,115	\$933
Total estimated cost of works for permits issued	\$5,578,200	\$3,784,166	\$48,437,625	\$13,604,895	\$4,709,986
Average cost of works per permit issued	\$199,221	\$236,510	\$194,529	\$520,347	\$293,719
Processing times ⓘ					
Average gross days to Responsible Authority determination	117	127	100	119	102
Median processing days to Responsible Authority determination	63	110	72	75	65
Completed within sixty days	88.5%	68.8%	78.8%	65.1%	68.8%
Average gross days to final outcome	117	163	106	127	113
Median processing days to final outcome	63	146	73	76	65
VicSmart applications ⓘ					
Received	<u>1</u>	<u>1</u>	<u>25</u>	5	4
Completed	<u>2</u>	<u>0</u>	<u>31</u>	5	3
Completed within ten days	100.0%	0.0%	80.6%	71.9%	67.9%

9.2 COMMUNITY

9.2.1 Australian Rail Track Corporation (ARTC) Advocacy

Author: Director Community & Planning

Responsible Director: Chief Executive Officer

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.

Following the most recent consultation with the community on the concept designs for the two options for Anderson Street Bridge, there has been limited detailed information from ARTC on. The consultation commenced at the end of September 2021, where two design options were presented to the community for feedback. The options were a road overpass or a road underpass, with community preference a road underpass.

The ARTC have outlined that the process used to assess the two options is called a multi-criteria analysis.

ARTC have indicated that community feedback (amongst other factors) is informing the assessment of the two options and that in the assessment process, community feedback is equally considered with the other criteria.

Recent communication from ARTC in June, indicated that the ARTC are continuing to work through the process of assessing the options for a road underpass and a road overpass and that as soon as they have completed their assessment and have the relevant approvals the preferred option for Euroa will be shared. This information was to be shared with the community by mid-2022.

This Council report seeks to write to relevant ARTC representatives and State Government Ministers to urge the ARTC to provide an exact timeframe as to when the preferred option for the Euroa will be announced, the reason for the delay and to ensure that the community have meaningful engagement and input in the next phase of the design process.

RECOMMENDATION

That Council:

- 1. Write to senior representatives of the Australian Rail Track Corporation seeking a response to the following:***
 - (a) timeline as to when the preferred design solution for Anderson Street Euroa will be announced and reason for the delay; and***
 - (b) that the community have meaningful engagement and input in the next phase of the design process.***

9.2.1 Australian Rail Track Corporation (ARTC) Advocacy (cont.)

RECOMMENDATION (cont.)

2. Write to the following State Government Members of Parliament seeking their support to advocate to the Australian Rail Track Corporation to obtain a date as to when the preferred design solution for Anderson Street will be announced and reason for the delay; and that the community have meaningful engagement and input in the next phase of the design process:

- **The Hon. Jacinta Allan, Minister for Transport Infrastructure**
- **Ms Lizzie Blandthorn, Minister for Planning**
- **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.**

PURPOSE

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.

Following the most recent consultation with the community on the concept designs for the two options for Anderson Street Bridge, there has been limited detailed information from ARTC on the progress of the project. The most recent consultation commenced on 20 September 2021, where two design options were presented to the community for feedback. The options were a road overpass or a road underpass, with community preference a road underpass.

The ARTC have outlined that the process used to assess the two options is called a multi-criteria analysis.

ARTC have indicated that community feedback (amongst other factors) is informing the assessment of the two options and that in the assessment process, community feedback is equally considered with the other criteria.

The significance of this project is enormous, as a once in a lifetime infrastructure solution will be constructed. It is important to know when ARTC will inform the community on the future solution for the Anderson Street Bridge.

9.2.1 Australian Rail Track Corporation (ARTC) Advocacy (cont.)

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

This is an important project for the Euroa community and is incumbent upon Council to continue to strongly advocate for our community to achieve the best outcomes for our community. Knowing when an outcome on the preferred solution will be received is paramount for the community.

COMMUNITY ENGAGEMENT

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.

Despite attempts by the ARTC and continually advocacy from Council, the community does not feel it has been part of the decision-making process. The Euroa community is very passionate and have a great sense of community ownership when it comes to the Euroa Railway Precinct. As such, the community must be actively and genuinely engaged in the design solution. The future design of the Anderson St Bridge, the Euroa Railway Precinct and the movement of vehicles (rail and road), pedestrians and cyclists has a significant impact on Euroa's future.

POLICY CONSIDERATIONS

Council Plans and Policies

Council Plan 2021-2025 – Strategic focus area 2: Live. Access. Connect.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This report continues to demonstrate that Council is being transparent in its position in relation to the Inland Rail Project and its advocacy role for the broader community in this project.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

9.2.1 Australian Rail Track Corporation (ARTC) Advocacy (cont.)

It is imperative that Council continue to advocate for our community so that the best outcome is achieved. Consideration regarding design and delivery is fundamental to ensure there is no financial burden on Council to “make good” the rail precinct as a result of a project which is not driven by Council.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The Inland Rail Project with the re configuration of the Anderson Street overpass has the potential to create significant economic enhancements for Euroa if considered carefully. These works have potential to place the township of Euroa in a far greater position to capture people passing the town via road or train to stay or visit Euroa as a destination of choice by enhancing a railway precinct to bring greater community economic benefit.

Social

Council’s decision to support ongoing advocacy is in the best interest of the community to achieve an acceptable outcome.

Environmental

The Inland Rail project (Anderson Street overpass) has an opportunity to clean up an unsightly piece of land i.e. VicTrack land with the old goods shed. The rail precinct could be created into an inviting green space as well as a space for a community hub, arts and cultural precinct and car parking as reflected in several strategic studies. Conversely, should the ARTC project be delivered poorly this would result in adverse amenity impacts.

Climate change

Council can advocate with the community that the impact of climate change are taken into consideration, in particular detailed design addressing Climate Change.

HUMAN RIGHTS CONSIDERATIONS

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

CONCLUSION

It is recommended that Council write to relevant ARTC representatives and State Government Ministers to urge the ARTC to provide an exact timeframe as to when the preferred option for the Euroa will be announced, the reason for the delay and to ensure that the community have meaningful engagement and input in the next phase of the design process.

9.2.2 Mangalore Freight Intermodal Advocacy

Author: Economic Development and Projects Coordinator

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

Mangalore Airport was established in 1939 for training Royal Australian Air Force pilots. It is currently privately owned by Mangalore Airport Corporation.

In late 2019 Strathbogie Shire successfully applied for funding under the Inland Rail Interface Improvement Program to prepare a business case for the construction of a freight intermodal at Mangalore Airport. This site is particularly attractive for such a facility given its location at the apex of the Hume and Goulburn Valley freeways and the Inland Rail (Melbourne Sydney, Brisbane) and Goulburn Valley/Tocumwal rail line.

The high-profile accounting firm Ernst and Young was appointed to assist in the preparation of this case. Mangalore Airport Corporation also joined the project and has been invaluable in providing technical advice throughout the discussions. In addition to owning and operating Mangalore airport, the operators also have lengthy experience in the rail freight industry and own/operate the Ettamogah Freight Intermodal north of Albury.

The project requires that the business case achieve passage through five gateways. In November 2020, Ernst and Young submitted the project to gateway two. The project appears to have stalled at this point and in late 2021 Strathbogie Shire Council was verbally advised by the Department of Infrastructure, Transport, Regional Development, and Communications that the project may not proceed due to insufficient demand analysis for the site being obtained.

The previous coalition government did not confirm the status of this business case prior to the Federal election and, to date, the matter remains in limbo. A viable opportunity still remains for the establishment of a freight intermodal north of Melbourne to service central and northern Victoria along with the northern suburbs of Melbourne in transferring road freight to interstate rail. This report seeks to advocate to the Federal Government for the Mangalore Intermodal Business Case to proceed.

9.2.2 Mangalore Freight Intermodal Advocacy (cont.)

RECOMMENDATION

That Council,

- 1. As a matter of priority, reactivate its advocacy campaign for the continued development of the business case for a freight intermodal at Mangalore, and as part of this advocacy write to the following Federal and State representatives as follows:***
 - a. the Honourable Anthony Albanese Prime Minister of Australia;***
 - b. the Honourable Catherine King Federal MP, Minister for Infrastructure, Transport and Regional Development;***
 - c. the Honourable Ben Carroll MP, State Minister for Transport, Roads and Road Safety;***
 - d. the Honourable Jaclyn Symes MP, Attorney-General Minister for Emergency Services, Member for Northern Victoria***
 - e. The Hon Wendy Lovell MP, State Member for Northern Victoria***
 - f. Mr Sam Birrell, Federal Member for Nicholls;***
 - g. Ms Steph Ryan, State Shadow Minister for Transport Victoria and Member for Euroa Steph Ryan MP;***
 - h. Mr Mark Gepp, Member for Northern Victoria***
 - i. Ms Tanya Maxwell, Member for Northern Victoria; and***
 - j. Mr Rodney Barton, Member for Eastern Metropolitan and Transport Matters Party Representative in the State Parliament***

PURPOSE AND BACKGROUND

Mangalore Airport is approximately 1,000 acres in area and is situated at the apex of the Goulburn Valley railway line and the Inland Rail/Melbourne Sydney rail line.

There is approximately 800 metres of railway line frontage (Goulburn Valley line) that traverses through the south-west corner of the site which could form part of a rail/road freight intermodal. There are two runways which, with some upgrades, would be capable of taking large commercial freight aircraft and passenger jets. It also sits at the apex of the Goulburn Valley Freeway and the Hume Freeway, with approximately 3.5 km of road running from the main entrance to the Goulburn Valley Freeway interchange.

A Council planning overlay prohibits urban encroachment and Mangalore has long been recognised as an ideal site for development as an intermodal transport hub and industrial park.

The construction of a freight intermodal at this site would facilitate the transfer of containerised freight between road and rail transport with potentially the option to facilitate transfer to and from aircraft. The size of the site is such that there is ample area available for further development as a transport heart and industrial estate.

Currently rail freight, particularly fresh produce, is restricted in its entry to the Melbourne metropolitan area due to the high demand of the metropolitan passenger rail network. In effect this means that the vast majority of land-based freight entering or leaving the Port of Melbourne needs to be transferred to rail from road transport.

9.2.2 Mangalore Freight Intermodal Advocacy (cont.)

Similarly, rail freight destined for shipment overseas from the Port of Melbourne needs to be transported to the docks by road. We understand that this situation will remain the case for at least the next 15 to 20 years pending construction of a dedicated rail terminal within the port precinct.

Officers support the need to service country Victoria and northern suburbs of Melbourne via a freight intermodal north of metropolitan Melbourne.

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

In late 2019 Strathbogie Shire successfully applied for funding under the Inland Rail Interface Improvement Program to prepare a business case for the construction of a freight intermodal at Mangalore Airport. This site is particularly attractive for such a facility given its location at the apex of the Hume and Goulburn Valley freeways and the Inland Rail (Melbourne Sydney, Brisbane) and Goulburn Valley/Tocumwal rail line.

The high-profile accounting firm Ernst and Young was appointed to assist in the preparation of this case. Mangalore Airport Corporation also joined the project and has been invaluable in providing technical advice throughout the discussions. In addition to owning and operating Mangalore airport, the operators also have lengthy experience in the rail freight industry and own/operate the Ettamogah Freight Intermodal north of Albury.

The project requires that the business case achieve passage through five gateways. In November 2020 Ernst and Young (EY) submitted the project to gateway two. The project appears to have stalled at this point and in late 2021 Strathbogie Shire Council was verbally advised by the Department of Infrastructure, Transport, Regional Development (DITRD), and Communications that the project may not proceed due to insufficient demand analysis for the site being obtained. Officers met last year with representatives from DITRD, EY, Mangalore Airport to discuss the process and any issues and concerns. Whilst concerns were raised by DITRD representatives, these were not resolved and Council Officers and Mangalore Airport requested that their approach and position be reconsidered. To this date, Council has not been advised by DITRD regarding their decision of the status of business case. A viable opportunity still remains for the establishment of a freight intermodal north of Melbourne to service central and northern Victoria along with the northern suburbs of Melbourne in transferring road freight to interstate rail.

Officers propose that, based on the above information, there is a strong case for considering the Mangalore site for the construction of a freight intermodal. This report seeks to advocate to the Federal Government for the Mangalore Intermodal Business Case to proceed.

9.2.2 Mangalore Freight Intermodal Advocacy (cont.)

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Whilst no formal broader community engagement has been undertaken in relation to this matter Council officers have met with the owner of Mangalore Airport and his team who endorse Councils advocate for the continuation of this project.

POLICY CONSIDERATIONS

Council Plans and Policies

Strategic focus area 4: Inclusive. Protective. Balanced.

Action 4.1.5 of the Council Plan commits Council to “continue to advocate for the development of the Mangalore Airport as a freight intermodal and transport/industrial hub”

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The Mangalore freight intermodal business case is being developed as a part of the federal government Inland Rail Project.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

There are no legal issues to be considered in this instance.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

The purpose of this report seeks for Council to provide further advocacy or the development of a freight intermodal at Mangalore through writing to Federal Members of Parliament requesting their support to ensure that the business case is given fair consideration and that Mangalore Airport not be required to divulge sensitive/commercial in confidence information in the formulation of this business case. This report is being tabled at Council to achieve public transparency.

9.2.2 Mangalore Freight Intermodal Advocacy (cont.)

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

The federal government has provided funding to employ the services of Ernst & Young in the preparation of a business case. There is no cost to Council other than the investment of officer's time.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The potential of Mangalore Airport has long been recognised and the establishment of a freight intermodal at this facility would bring a major economic benefit to the community. The presence of an intermodal would also stimulate further investment in the fields of transport and logistics at the site resulting in further development and employment.

Social

The continuation of the feasibility process would ensure thorough due diligence and exploration of the Mangalore site.

Environmental

It is anticipated that the provision of a freight intermodal at Mangalore as a part of the Inland Rail project will significantly decrease the use of trucks for long distance freight haulage which will in turn result in a significant decrease in greenhouse gas emissions from heavy transport.

Climate change

As highlighted in the environmental consideration, an intermodal would significantly decrease greenhouse emissions from heavy transport reducing our carbon footprint.

HUMAN RIGHTS CONSIDERATIONS

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006

CONCLUSION

Given that the previous coalition government did not confirm the status of this business case prior to the Federal election, to date the matter remains in limbo. There remains an opportunity for the establishment of a freight intermodal north of Melbourne to service central and northern Victoria along with the northern suburbs of Melbourne in transferring road freight to interstate rail. This report seeks to advocate for the Mangalore Intermodal to Federal and State parliamentarians seeking support for this Business Case to proceed.

9.3 INFRASTRUCTURE

9.3.1 Contract Variation – Contract No. 20/21-65: Harrys Creek and Bonnie Doon Roads Intersection Realignment

Author: Manager Projects Delivery, Senior Project Officer

Responsible Director: Acting Director Sustainable Infrastructure

EXECUTIVE SUMMARY

Harrys Creek and Bonnie Doon Roads Intersection project forms part of Council's 2021/22 Capital Works Program. The project primarily is required to improve road safety at the intersection.

At the April 2021 Council Meeting, Council approved to award Contract No 20/21-65 for Harrys Creek and Bonnie Doon Road Intersection Realignment to Wrights Earthmoving Pty Ltd, after emerging as the preferred tenderer following a competitive tender process. The lumpsum contract was subsequently awarded to the contractor for a total sum of \$320,469.36 plus GST.

The contract has not been signed and thus, the work has not commenced owing to delays which arose from obtaining approval to remove a set of trees impacted by the works. Council eventually obtained permit to remove the impacted trees on 20 April 2022.

Since obtaining the Tree Removal Permit, Wrights Earthmoving have been contacted with a view to finalising contract Agreement and commencing works. However, they have expressed their preference to commence at the beginning of September when the weather becomes more favourable for construction. In addition, Wrights Earthmoving would only accept to undertake the Work upon Council's acceptance their revised tender price considering the time lapse between tendering and construction. They have also expressed their preference to provide the revised tender price close to the commencement of work in view of the prevailing volatility of construction materials price. Harrys Creek and Bonnie Doon Roads Intersection Work has a budget allocation of \$400,000.00 for the current financial year.

RECOMMENDATION

That Council:

- 1. Authorise Council Officers to receive revised tender price for Contract No 20/21-65 from Wrights Earthmoving Pty Ltd; and***
- 2. Give mandate to Council Officers to negotiate the revised tender price with Wrights Earthmoving Pty Ltd to enable commencement of work in September 2022.***

9.3.1 Contract Variation – Contract No. 20/21-65: Harrys Creek and Bonnie Doon Roads Intersection Realignment (cont.)

PURPOSE AND BACKGROUND

This report seeks Council approval to accept a revised tender price and negotiate for a variation to Contract No 20/21-65 – Harrys Creek & Bonnie Doon Roads Intersection Realignment, to enable commencement of work by September 2022.

An upgrade of Harrys Creek road and Bonnie Doon road intersection was considered necessary to improve safety of road users at the intersection and forms part of Council's 2021/22 Capital Works Program.

Public tender for this Work closed on 17/03/2021 with five tenders received. After evaluating the tenders, a report to award the contract to Wrights Earthmoving for the sum of \$320,469.36 + GST was approved by Council at the April 2021 Council meeting. Contract Agreement signing has been put on hold until the approval of a Planning Permit to remove a set of trees to be impacted by the Work. Although Permit process for the trees commenced as far back as May 2021, approval was not obtained until 20 April 2022 due to series of objections to the application from the residents.

Therefore, having obtained the Permit to remove the impacted trees, Wrights Earthmoving was contacted to with a view to completing the Contract Agreement and commencing the work. However, the contractors have expressed their preference to commence at the beginning of September when the weather becomes more favourable for construction. Road construction during the wet and cold winter months would be costlier as pavement compaction is more difficult and road sealing would have to wait until warm weather in September when the soil temperature is above the minimum threshold. Commencing work at the start of winter therefore would cause more hardship for the residents and cost more to achieve.

In addition, Wrights Earthmoving would only accept to undertake the Work upon Council's acceptance their revised tender price considering the time lapse between tendering and construction. Considering the surge in price of construction materials and other current challenges faced by the construction industry recently in Australia, Wrights Earthmoving have also expressed their preference to provide the revised price in August, close enough to the commencement of work to guarantee the validity of their revised price.

Wright's Earthmoving emerged the successful tenderer having submitted the lowest tendered price of \$320,469.36 +GST among other evaluation criteria considered. With an allocated budget of \$400,000 and an approved tender price of \$320,469.36, the budget can allow for a price variation up to \$79,530.64

ISSUES, OPTIONS AND DISCUSSION

Summary

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

9.3.1 Contract Variation – Contract No. 20/21-65: Harrys Creek and Bonnie Doon Roads Intersection Realignment (cont.)

The alternative option to this proposal would be to cancel the award and re-tender. However, this option would further delay the work and with no guarantee of obtaining a more favourable tender price than negotiating with Wrights Earthmoving. Also, cancelling the tender after having awarded it may aggrieve the contractor, damage Council reputation, and may potentially expose Council to litigation. Therefore, accepting a revised price and negotiating with the contractor represents the best value outcome for Council.

COMMUNITY ENGAGEMENT

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.

No community consultation has been undertaken, as this report relates to contractual matters between the appointed contractor and Council.

POLICY CONSIDERATIONS

Council Plans and Policies

The author of this report considers that the report is consistent with Council Policies, key strategic documents, and the Council Plan.

This report is consistent with the Strathbogie Shire Council Procurement Policy.

The *Council Plan 2021-25* is relevant with the following strategic focus area 2: Live. Access. Connect.

Our community's goals

- We all have access to important services

Our Strategies to achieve these goals

- We have strategies and long-term capital budgets in place to ensure we work towards all our facilities and buildings being accessible by people of all abilities.

Asset Management Policy

- Asset renewal – is the upgrading or replacement of an existing Asset, or a component, that restores the service capability of the Asset to its original functional condition and performance.

Asset Management Strategy

- Ensure the Shire's infrastructure enhances efficiency for people and freight movement, service delivery and community amenities.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

Under Council's Procurement Policy, this variation request requires the consideration and any subsequent approval via a Council resolution.

Conflicts of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

9.3.1 Contract Variation – Contract No. 20/21-65: Harrys Creek and Bonnie Doon Roads Intersection Realignment (cont.)

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

It is considered by the author of this report that all steps have been taken in line with Council's Procurement Policy which ensures transparency in the process.

Decisions made by Council will be: -

- undertaken in accordance with the Act and the Governance Rules;
- will be conducted in an open and transparent forum with information available via Council reports,

Council meetings will be open to the community or can be viewed on the livestream (and available as a recording) unless closed for reasons permitted by s.66(2) of the Act.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

The budget allocated to Harrys Creek and Bonnie Doon Roads Intersection Realignment in the current Financial Year is \$400,000.00. With an approved tender price of \$320,469.36, the budget can allow for a price variation up to \$79,530.64.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted

Economic

The recommendation has no significant negative economic implications for Council or the broader community.

Social

The recommendation has no significant negative social implications for Council or the broader community.

Environmental

The recommendation has no significant negative environmental or amenity implications for Council or the broader community.

Climate Change

The recommendation has no significant negative environmental or amenity implications for Council or the broader community.

9.3.1 Contract Variation – Contract No. 20/21-65: Harrys Creek and Bonnie Doon Roads Intersection Realignment (cont.)

INNOVATION AND CONTINUOUS IMPROVMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

Upgrade work proposed at Harrys Creek road and Bonnie Doon road Intersection will ensure safety and promote social interaction across communities within the shire, this would in turn enhance innovation within our shire.

HUMAN RIGHTS CONSIDERATIONS

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

CONCLUSION

Following the tender evaluation process, Council awarded tender CN20/21-65 construction of Harrys Creek road and Bonnie Doon Road Intersection Realignment to Wrights Earthmoving Pty Ltd. In line with Council's Contract Management Guidelines and Procurement Policy, the contract is awaiting execution due to delays in securing Permit to remove impacted trees. Additional costs envisaged as discussed in this report are considered necessary to ensure the success of the project. It is hereby proposed that Council endorses the recommendation to receive revised tender price and negotiate with the contractor to enable delivery of the project.

.

9.3.2 Tender for Contract No. 21/22-23: Rehabilitation of the Violet Town Landfill – Construction Works

Author: Environment and Waste Coordinator

Responsible Director: Acting Director Sustainable Infrastructure

EXECUTIVE SUMMARY

Council has undertaken a competitive tender process for the rehabilitation of the Violet Town Landfill – construction works. This landfill commenced its operations prior to 1960 and ceased accepting municipal waste in 2010. The EPA Environmental License which allowed this two-cell site to receive putrescible waste, asbestos waste of domestic origin, solid inert waste and shredded pneumatic automotive tyres was surrendered in 2019.

As part of the EPA license and in compliance with the Post Closure Pollution Abatement Notice (PC PAN) Council is required to construct a combined capping the two cells. Council engaged Coffey Services Australia Pty Ltd for the capping design. The completed design was approved by the Design Verification Auditor and the EPA.

The public tender process for the Violet Town Landfill Rehabilitation works has been undertaken to meet Council's compliance requirements under Council's Procurement Policy.

This project is required to completely rehabilitate the Violet Town Landfill to ensure that we protect future generations and meet our obligations to the EPA. This project forms part of Council's adopted Capital Works Program for the financial year 2022-23.

Through public advertisement in local and national newspapers, Council invited tenders for the work under Contract 21/22-23. At close of tender on 1 June 2022, three (3) tenderers submitted tenders compliant with specification. One (1) tenderer submitted an alternative tender which deviates from the EPA approved design and would require a minor variation approved by the EPA Auditor. The alternative tender was considered and subsequently discounted.

These tenders have been assessed and evaluated by Council Officers. Having considered the results of the evaluation, it is recommended that Council awards the tender for Contract No 21/22-23 Violet Town Landfill Rehabilitation Construction Works to Apex Earthworks Pty Ltd for a total amount of \$2,151,946.50 including GST.

RECOMMENDATION

That Council:

- 1. Receives and notes the outcome of the tender assessment process for Contract Number 21-22-23 – Violet Town Landfill Rehabilitation Construction Works Lump Sum contract as set out in the confidential appendices attached to this report;***

9.3.2 Tender for Contract No. 21/22-23: Rehabilitation of the Violet Town Landfill – Construction Works (cont.)

RECOMMENDATION (cont.)

- 2. Awards the tender for Contract No 21/22-23 – Violet Town Landfill Rehabilitation Construction Works - Lump Sum to Apex Earthworks Pty Ltd based in Congupna for a total amount of \$2,151,946.50 including GST;**
- 3. Authorises officers to advise the unsuccessful tenderers; and**
- 4. Authorises the Chief Executive Officer to execute the Contract by signing and affixing with the Common Seal of Strathbogie Shire Council.**

PURPOSE AND BACKGROUND

Strathbogie Shire Council owns a closed landfill located at 190 McDiarmids Road, Violet Town. This landfill commenced its operations prior to 1960 and ceased accepting municipal waste in 2010. The EPA Environmental License ES39830 was also surrendered in 2019. The license allowed this two-cell site to receive putrescible waste, asbestos waste of domestic origin, solid inert waste and shredded pneumatic automotive tyres.

As part of the EPA license and in compliance with the Post Closure Pollution Abatement Notice (PC PAN) Council will construct a combined capping for Cell 1 and Cell 2. Due to the low-risk rural site a Type 3 capping was proposed by the Council and accepted by the EPA. Council engaged Coffey Services Australia Pty Ltd for the capping design. The design is complete and approved by the Design Verification Auditor and the EPA.

This report seeks Council approval of the recommendations on Tender Evaluation on Contract No 21/22-23 Violet Town Landfill Rehabilitation Construction Works, and to award the contract to the winning tenderer as provided in this report.

TENDER PROCESS

Due to the high value budget of this project, the tender and evaluation documents were reviewed to ensure they adhered to best practise probity standards by a Probity Advisor from Dench McLean Carlson (Corporate Advisors). Council's documents were edited prior to public release in line with recommendations.

The public tender was released on "Tendersearch" via the Council website on the 6 May 2022. The tender was advertised in Saturday's The Age newspaper (state-wide reach) on the 7 May 2022, Shepparton News on 6 May 2022, and Benalla Ensign, in the week following release. By the close of tenders at 4.00pm on 1 June 2022, three (3) tender submissions had been received.

A non-compulsory pre-tender meeting was held on site at the Violet Town Landfill on Monday 16 May at 11am.

9.3.2 Tender for Contract No. 21/22-23: Rehabilitation of the Violet Town Landfill – Construction Works (cont.)

The tender submissions were accessed for their compliance including the contractual terms and conditions and the requirements of the response schedules and were deemed conforming. One tenderer also provided an alternative tender submission which deviated from the EPA approved design and if identified as the preferred approach, would require a minor variation approved by the EPA Auditor.

Table 1 below lists the tenders that were received at the close of the advertised tender period.

Table 1: Tender Submissions Received

Tender Submissions Received at the close of Tender Period (in Alphabetical Order)
Apex Earthworks Pty Ltd (Congupna, Victoria)
Extons Pty Ltd (Benalla, Victoria)
Winslow Infrastructure Pty Ltd (Port Melbourne, Victoria)

Table 2 below lists the tender offer (excluding GST) at the close of the advertised tender period.

Table 2: Tender Offers Received (including GST)

Tender Offers Received at Close of Tender Period (including GST) in lowest to highest order
\$1,999,155.24 (alternative tender)
\$2,151,946.50
\$3,044,516.20
\$3,484,356.54

Panel Assessment Process

In accordance with Council's Procurement Policy, the evaluation panel and evaluation criteria weightings were determined prior to release of the Tender documentation. The evaluation panel members were nominated prior to release of the tender submissions for evaluation. The panel signed 'Conflict of Interest' statements prior to the evaluation panel viewing the submitted tenders.

The Tender Evaluation Panel comprised the following Strathbogrie Shire Council staff members:

1. Environment and Waste Coordinator,
2. Waste Management Officer,
3. Manager Project Delivery,
4. Chief Executive Officer,
5. Procurement & Tender Officer, (moderator, non-voting member), and
6. Project Manager, Strac Consulting Engineers (technical expert, non-voting member)

9.3.2 Tender for Contract No. 21/22-23: Rehabilitation of the Violet Town Landfill – Construction Works (cont.)

The principle that underlies the awarding of all Council contracts is that a contract is awarded on the basis of providing the overall Best Value, offering the most benefit to the community and the greatest advantage to Council.

The tenders were assessed and evaluated against the following criteria and weightings, as recommended by Council at its meeting of 17 May 2022 due to changes from Council's Procurement Policy:

- Tendered Price (40%)
This criterion measures the price only – either lump sum or unit rates – submitted by the tenderer.
All submissions were given a weighted score for their submitted price based on a comparative assessment of pricing for all tenders. The comparative assessment awards the highest evaluation score (40%) to the lowest priced tender submission. The subsequent tender submissions received reduced evaluation scores based on the percentage difference between them and the lowest priced tender.
- Capacity including subcontractors, equipment and current commitments (15%)
Due to the high level of technical skills required to provide this service, a weighting of 15% was allocated to this criterium.
- Capability including experience, personnel CVs, Methodology (35%)
As the Work requires timely completion and elimination/mitigation of work-related risks, this criterium is considered important and therefore allocated a weighting of 35%. Due to the high risk and high level of technical skills that are required for this contract this was given a higher weighing.
- Management Schedules (5%)
Quality Management Systems, Policies, Relevant Certifications, and Insurance are likewise considered vital and therefore included with an allocated weighting of 5%.
- Local Content (5%)
In accordance with Procurement Guidelines and being consistent with value for money principles, where different products are of comparable price, quality and equivalent value can be sourced either locally or regionally; preference will be given to local suppliers. A weighting of 5% was allocated to this tender.

TABLE 2: Evaluation Criteria

Criteria	Weighting (%)
Price	40
Capacity	15
Capability	35
Management -Schedules	5
Local Content	5
Total	100

9.3.2 Tender for Contract No. 21/22-23: Rehabilitation of the Violet Town Landfill – Construction Works (cont.)

ISSUES, OPTIONS AND DISCUSSION

Evaluation Moderation Process

The purpose of the moderation meeting is to discuss and moderate scoring discrepancies larger than three points and to raise any concerns and/or queries that may need to be put to the tenderers prior to recommending the preferred Tenderer.

The Tender Evaluation Panel individually reviewed all tender submissions in detail and assessed tenderers submitted schedules and attachments against the evaluation criteria.

The Moderator (Procurement & Tender Officer) averaged the scores and highlighted scoring discrepancies larger than three (3) points. The Panel members and the Moderator met for the tender moderation meeting on Tuesday 28 June 2022.

At the completion of the moderation meeting, it was determined that three (3) tenders were compliant and met the minimum requirements. The alternative tender submitted by one of the three conforming tenderers deviated from the EPA approved design and would require a minor variation approved by the EPA Auditor and was discounted.

Panel Assessment Summary

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

At the completion of the tender evaluation process, Apex Earthworks Pty Ltd attained the top ranking with a total score of 85.28%. Apex Earthworks Pty Ltd offered the lowest tendered price and thereby received the highest score available on pricing (40%), they also received a good qualitative score of 45.28% out of 60%. The Tender Evaluation Panel was therefore satisfied that their tender represents the best value outcome for Council. The company is regionally based in Congupna, Victoria.

Apex Earthworks Pty Ltd have demonstrated experience in Landfill Rehabilitation works and have completed similar work for other organisations in the past. They have demonstrated capability to complete the Works outlined in the tender with minimal supervision based on their submitted documents. Their references are sound and consistent with their declared project history.

COMMUNITY ENGAGEMENT

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.

Consultation

The matter under consideration does not warrant a community consultation process.

9.3.2 Tender for Contract No. 21/22-23: Rehabilitation of the Violet Town Landfill – Construction Works (cont.)

Community Implications

The recommendation has no significant community or social implications for Council or the broader community other than compliance with OHS obligations for staff and community.

Risk Management

The Tender Evaluation Panel considers early commencement of Work as vital to its successful delivery, to ensure work is completed during spring.

POLICY CONSIDERATIONS

Council Plans and Policies

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

This report is consistent with the Strathbogie Shire Council Procurement Policy, except where changes were approved by Council.

The *Council Plan* is relevant with the following:

Strategic focus area 3: Protect.Enhance.Adapt

Action 3.1.5 – Complete the Violet Town Landfill Rehabilitation project

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The recommendation has no legal or statutory implications which require the consideration of Council.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

It is considered that all steps have been taken in line with Council's Procurement Policy which ensures transparency in the process.

Decisions made by Council will be: -

- undertaken in accordance with the Local Government Act 2020 and the Governance Rules; and
- will be conducted in an open and transparent forum with information available via Council reports.

9.3.2 Tender for Contract No. 21/22-23: Rehabilitation of the Violet Town Landfill – Construction Works (cont.)

Council meetings will be open to the community or can be viewed on the livestream (and available as a recording) unless closed for reasons permitted by s.66(2) of the Act.

FINANCIAL VIABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured

The budget allocated for Violet Town Landfill Rehabilitation works in the 2022-23 Capital Works Program is \$3,000,000 (ex GST). Therefore, the recommended tender price of \$2,151,946.50 (ex GST) is under the allocated budget. There are still two more portions of the Rehabilitation project, Auditor and Geotechnical Testing Authority, that are yet to be awarded from the allocated budget.

SUSTAINABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social, and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The recommended tenderer committed to spending 92% of Contract spend within the Strathbogie Local Government area. As the recommended tenderer is local to our region approximately one and half positions (5% of total Contract amount) will be employed as a result.

Social

The proposed works will not have a negative impact on the social environment but will ensure the safety of the community into the future with the certainty that the Violet Town Landfill has been rehabilitated to current best practice standards.

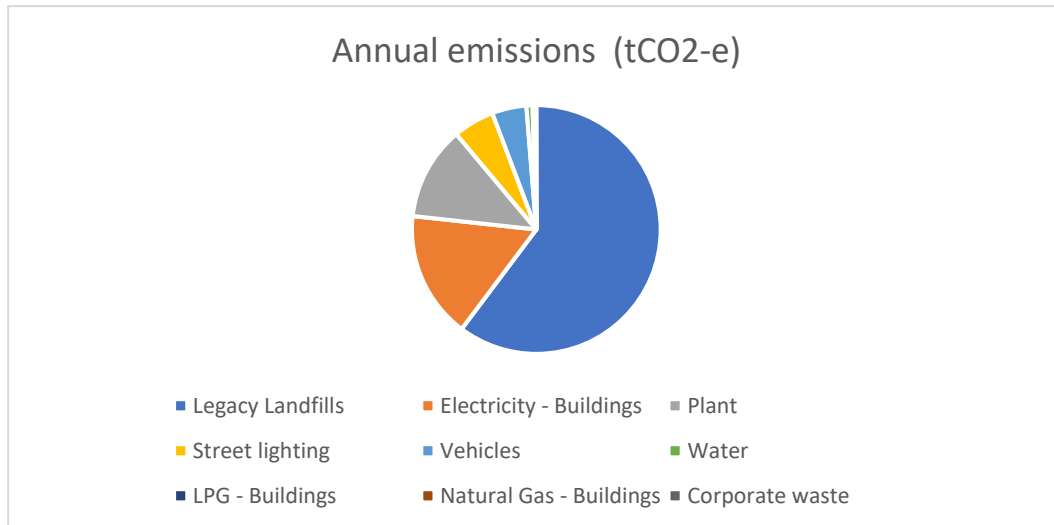
Environmental

Council will be meeting its environmental obligations to both the EPA and its community by rehabilitating the Violet Town Landfill to current best practices.

Climate change

By rehabilitating the Violet Town landfill Council will be working to reduce its annual emissions as this will reduce the emissions. As can be seen below the legacy emissions from the Violet Town Landfill make up nearly 60% of the total emissions for Council.

9.3.2 Tender for Contract No. 21/22-23: Rehabilitation of the Violet Town Landfill – Construction Works (cont.)



HUMAN RIGHTS CONSIDERATIONS

The recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

CONCLUSION

Council invited tenders for Contract No 21/22-23 Violet Town Landfill Rehabilitation Construction Works. The submitted tenders were sought and evaluated strictly in accordance with the Council's Procurement Policy and against the provided brief and specifications. It is proposed that Council endorses the recommendation for the Violet Town Landfill Rehabilitation construction works discussed herein.

APPENDICES:

Appendix 1: Tender Evaluation Contract No 21/22-23 – Violet Town Landfill Rehabilitation Construction Works – CONFIDENTIAL

9.3.3 Contract Variation – Contract No. 21/22-05: Major Culverts Renewal Program

Manager Project Delivery

Responsible Director: Acting Director Sustainable Infrastructure

EXECUTIVE SUMMARY

The Culverts Renewal Program forms part of Council's 2021/22 Capital Works Program. The project is primarily required to address maintenance needs and generally improve safety on Council roads. The 2021-22 Major Culverts Renewal Program comprising of culverts replacement at four (4) locations on Council roads were prioritized based on the outcome of third-party Road Conditions Assessments undertaken on behalf of Council.

At 19/10/2021 Council meeting, Council approved to award Contract CN 21/22-05 for Culverts Renewal program to MACA Civil Pty Ltd, after emerging as the preferred tenderer following a competitive tender process. The lumpsum contract was awarded for a sum of \$263,752.00 plus GST. The contractor has completed over 70% of Works at the time of submitting this Report

As work progressed, the growing issue of construction material scarcity forced a change in the specifications of culvert materials resulting in an attendant rise in project cost. Consequently, the impact of the rising cost due to changes made to culverts specification put the project at risk, thus necessitating a downward scope review by reducing works to three (3) locations to remain within budget. In addition, latent conditions not anticipated at Zanelli Road, Nagambie, and Dargalong Road, Nagambie have added to the cost of delivering the projects at the three (3) locations.

It has therefore become necessary to vary the contract upward to successfully complete the project. The variation to works is \$37,247.65+ GST, bringing the total project cost to \$300,999.65 plus GST if approved. The increase can be accommodated from the 2021/22 Capital Works budget.

RECOMMENDATION

That Council approve the variation of \$37,247.65 (plus GST) to cover additional works required to complete work in Contract No 21-22-05 Major Culverts Renewal Program, from the original amount of \$263,752 .00 (plus GST) to \$300,999.65 (plus GST).

PURPOSE AND BACKGROUND

This report seeks Council approval to increase the value of Contract No 21-22-05 – Major Culverts Renewal Program by \$37,247.65 (plus GST) to cover additional works required to complete the work.

9.3.3 Contract Variation – Contract No. 21/22-05: Major Culverts Renewal Program (cont.)

Additional work required to complete project includes:

- 1) Provision of additional concrete approach slabs to fit with the approach road alignment,
- 2) Removal of excess unsuitable subgrade material (500mm Depth) – beyond what was initially anticipated,
- 3) Supply and placement of compacted fill subgrade materials where unsuitable materials have been removed, and
- 4) Extra concreting to adjust for disparity in final road level by 150mm depth.

When preparing for the Culvert Program, a comprehensive investigation of underground condition, site survey and designs were not comprehensively carried out prior to tender in order to avoid delays and further cost escalations. Therefore, the condition of the subgrade and other latent conditions discovered during construction were not sufficiently allowed for in the initial scope of work.

Prior to mobilising the contractor to site, it was determined that works required to change the culvert at Harrys Creek Road location was far more complex and therefore would be more expensive than the \$44,479.00 quoted for by the contractor. The challenges at Harrys Creek Road are further compounded by the Traffic Management requirement that leaves little or no room for detour and would therefore add to the cost during construction since allowance must be made for continued traffic flow. These and other considerations therefore prompted Council to reallocate the fund for Harrys Creek Road to Zanelli and Dargalong Roads, Nagambie which were also required variations due to the general construction materials supply chain issues across Australia.

VARIATION DETAILS

Additional works discovered during construction are as summarised below.

Table 1: Summary of Additional Works

S/N	Description	Amount (Ex GST)	Comments
01	Initial Contract	\$263,752.00	Approved under delegation
02	Removal of Harrys Creek (\$44,474.00) from scope of work + allocation of \$33,078.00 to cover alternative culverts proposed at Zanelli and Dargalong roads	Deduction: \$44,479.00 Addition: \$33,078.00 Credit Balance: \$11,402.00	Downward Variation of \$11,402.00 (Credit) Approved under delegation
03	Variation 02: Zanelli 860 Earthworks- Unsuitable Subgrade materials	\$17,137.00	Requiring Council Approval
04	Variation 03: Zanelli 860-Concrete approach slabs	\$10,960.65	
05	Variation 04- Dargalong Rd - Unsuitable Subgrade materials	\$9,150.00	
	TOTAL	\$37,247.65	

9.3.3 Contract Variation – Contract No. 21/22-05: Major Culverts Renewal Program (cont.)

ISSUES, OPTIONS AND DISCUSSION

Summary

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

To prevent culverts integrity and a possible damage it's important to provide a suitable subgrade and the right thickness on concrete slab to support local traffic. Delay in taking decision would have added more cost to complete the program.

The Harry Creek Roads upgrade culvert works will be undertaken as part of the 2022/23 Capital works program. These works will be schedule for commencement October / November 2022.

COMMUNITY ENGAGEMENT

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.

The matter under consideration does not warrant a community consultation process.

Community Implications

The recommendation has no significant community or social implications for Council or the broader community.

Risk Management

Timely consideration of the variation during construction will ensure the successful delivery of the project. Delay in taking decision could attract further costs once the contractor moves out of site.

POLICY CONSIDERATIONS

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents, and the Council Plan.

This report is consistent with the Strathbogie Shire Council Procurement Policy.

The Council Plan 2021-25 is relevant with the following Strategic Focus Area 2: Live. Access. Connect.

Our community's goals

- We all have access to important services

Our Strategies to achieve these goals

- We have strategies and long-term capital budgets in place to ensure we work towards all our facilities and buildings being accessible by people of all abilities

Asset Management Policy

- Asset renewal – is the upgrading or replacement of an existing Asset, or a component, that restores the service capability of the Asset to its original functional condition and performance.

9.3.3 Contract Variation – Contract No. 21/22-05: Major Culverts Renewal Program (cont.)

Asset Management Strategy

- Ensure the Shire's infrastructure enhances efficiency for people and freight movement, service delivery and community amenities.

LEGAL CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law

The recommendation has no legal or statutory implications which require the consideration of Council.

Conflicts of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This report, in line with Council's Procurement Policy, ensures transparency in the process.

Decisions made by Council will be: -

- undertaken in accordance with the Act and the Governance Rules.
- will be conducted in an open and transparent forum with information available via Council reports,

Council meetings will be open to the community or can be viewed on the livestream (and available as a recording) unless closed for reasons permitted by s.66(2) of the Act.

FINANCIAL VIABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured

The budget allocated for this Work in the Financial Year 21/22 budget is \$300,000.00 + GST. However, the total cost including the proposed additional work at \$300,999.65 + GST being under the Council allocated budget. An offset for the balance \$999.65 can be sourced from existing 2021/22 Council Capital Works budget.

SUSTAINABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social, and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted

9.3.3 Contract Variation – Contract No. 21/22-05: Major Culverts Renewal Program (cont.)

Economic Implications

The recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The recommendation has no significant environmental or amenity implications for Council or the broader community.

INNOVATION AND CONTINUOUS IMPROVMENT

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

HUMAN RIGHTS CONSIDERATIONS

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

CONCLUSION

The contract for Culverts Renewal Program was awarded to MACA Civil Pty Ltd under Council delegation. The contract is being executed in accordance with the Council's Contract Management Guidelines and Procurement Policy. Additional works emanating from latent conditions during construction are considered necessary to the successful delivery of the project.

9.3.4 Contract Variation – Contract No. 21-22-45: Streetscape Renewal Program - Euroa

Manager Projects Delivery

Responsible Director: A/Director Sustainable Infrastructure

EXECUTIVE SUMMARY

At the Council meeting held on 15/03/2022, Council approved the recommendation to proceed Stage 1 works of Streetscape Renewal Program for Euroa and following the decision Euroa Streetscape works Contract Number 21/22-45 was awarded to Kialla Lawn and Garden Pty Ltd for a total sum of 196,883.50 (Inc. GST).

Contract No 21/22-45 was fully executed on 05/05/2022 and Kialla Lawn and Garden Pty Ltd have already commenced work, having completed over 50% of the project by 11/07/2022. However, community safety, best value concerns, and other unforeseen conditions at the streetscape work area have necessitated additional works which are considered necessary to successfully complete the program. Total project cost including the proposed cost variation of \$76,598.50, would become \$273,482.00 if approved. The new contract value would still be within \$283,000.00 budget allocated for Euroa Streetscape Renewal Program for the Financial Year 21/22 funded through a Federal Government Grant.

RECOMMENDATION

That Council endorse the proposal to increase the value of Contract No 21-22-45 Euroa Streetscape Renewal Program, from the original amount of \$196,883.50 to \$273,482.00 to cover additional works required to complete Stage 1 works.

PURPOSE AND BACKGROUND

This report seeks Council approval of the proposal to increase the value of Contract No 21-22-45 – Streetscape Renewal Program Euroa by \$76,598.50 Inc. GST (38.91%) to cover additional works required to complete Stage 1 works.

The Streetscape Renewal Program of Euroa comprising of civil works and landscaping works based on the stage 1 streetscape designs which went through a planned public consultation process. The scope of work includes remove damaged pavement surface, clean & repair existing kerbing, remove and replace existing lighting, bollards, bike rack and bin surrounds, traffic management, new exposed aggregate pavement, new line markings for dedicated pedestrian crossing, tactile indicators, correction to asphalt edges, garden beds with decorative edging, advanced trees with root barriers, low level planting, landscape rocks etc.

It is expected that the program would help to improve the aesthetic quality and safety of the Binney street in Euroa, boosts economic growth, promotes social activity and comfort of communities etc. Maintenance is required to ensure the community has access to safe, efficient and high-quality infrastructure and to ensure long term value of our assets.

9.3.4 Contract Variation – Contract No. 21-22-45: Streetscape Renewal Program - Euroa (cont.)

However, the stage 1 design – upon which work scope and specifications for Euroa Streetscape Renewal Program was based did not factor in these un-foreshadowed variations and increased scope to the project.

VARIATION DETAILS

Additional works discovered during construction are summarised as below.

Table 1: Summary of Additional Works

S/N	Description	Amount
1	Changes to Electrical Works to accommodate power outlets as confirmed at site meeting on 28.06.2022	31,482.00
2	Additional seating to garden beds as confirmed at site meeting on 28.06.2022	14,525.50
3	Upgrade to lighting poles to accommodate hanging festive lights, flags, banners etc, as confirmed at site meeting on 28.06.2022	10,560.00
4	Increase in paved Concrete to widen the open walkway space through the Garden beds, as confirmed at site meeting on 28.06.2022.	5,016.00
5	Seating 6 Nos. (was not included in the awarded contract, but the contractor provided a variation rate during tender for the seats)	24,310.00
6	Omit installation of Irrigation System due to unavailability of connection	(-7,040.00)
7	Saving from reduced garden bed area	(-2,255.00)
	TOTAL	76,598.50

ISSUES, OPTIONS AND DISCUSSION

Summary

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Accepting additional works is considered in the best interest of Council as it represents the best value outcome. Changes to Electrical works is essential to be performed at this stage as the existing wiring is corroded and rusted and does not comply with the standards. In addition, the current switch board does not comply with current standards. Whilst these works are outside of the scope of works for Stage 1, additional costs would be incurred in subsequent stages if that's not undertaken during this stage whilst we have the wiring uncovered and traffic management in place. The new wiring it will enable Council to include secure power connections which required by the community to power up the festive and Christmas lighting on the streets identified in latter stages. The opportunity to include additional seating will provide the extra seating spaces as requested by the community. The garden bed areas required to be rearranged to suit site constraints and access requirements to perform well.

In addition, the overall project cost inclusive of additional works stays with Council approved budget of \$283,000.00, and will remain within the Council budget allocation for this project. It is important to note that Stage 1 Streetscape works in Avenel, Euroa and Longwood were specifically funded through a Federal Government grant.

9.3.4 Contract Variation – Contract No. 21-22-45: Streetscape Renewal Program - Euroa (cont.)

COMMUNITY ENGAGEMENT

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.

Consultation

The matter under consideration did not warrant any further community consultation.

Community Implications

The recommendation has no significant community or social implications for Council or the broader community.

Risk Management

The timely consideration of the variation while construction is ongoing as vital to successful delivery of the Euroa Streetscape Renewal Program. Delay in taking decision could attract additional costs to Council once the contractor moves out of site.

POLICY CONSIDERATIONS

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents, and the Council Plan.

This report is consistent with the Strathbogie Shire Council Procurement Policy.

The Council Plan 2021-25 is relevant with the following Strategic Focus Area 2: Live. Access. Connect.

Our community's goals

- We all have access to important services

Our Strategies to achieve these goals

- We have strategies and long-term capital budgets in place to ensure we work towards all our facilities and buildings being accessible by people of all abilities

Asset Management Policy

- Asset renewal – is the upgrading or replacement of an existing Asset, or a component, that restores the service capability of the Asset to its original functional condition and performance.

Asset Management Strategy

- Ensure the Shire's infrastructure enhances efficiency for people and freight movement, service delivery and community amenities.

LEGAL CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law

The recommendation has no legal or statutory implications which require the consideration of Council.

9.3.4 Contract Variation – Contract No. 21-22-45: Streetscape Renewal Program - Euroa (cont.)

Conflicts of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

It is considered by the author of this report that all steps have been taken in line with Council's Procurement Policy which ensures transparency in the process.

Decisions made by Council will be: -

- undertaken in accordance with the Act and the Governance Rules.
- will be conducted in an open and transparent forum with information available via Council reports,

Council meetings will be open to the community or can be viewed on the livestream (and available as a recording) unless closed for reasons permitted by s.66(2) of the Act.

FINANCIAL VIABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured

The approved budget for the Euroa Streetscape Renewal Program in the 21/22 Financial Year is \$283,000.00. With the proposed variation of \$76,598.50 to contract, the new contract sum of \$273,482.00 remains within allocated project budget.

It is important to note the budget allocation of \$650,000 for the Stage 1 Streetscape renewal program is fully funded through a Federal Government Grant.

SUSTAINABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted

Economic Implications

The recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The recommendation has no significant environmental or amenity implications for Council or the broader community.

9.3.4 Contract Variation – Contract No. 21-22-45: Streetscape Renewal Program - Euroa (cont.)

INNOVATION AND CONTINUOUS IMPROVMENT

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

The Euroa Streetscape Renewal Program would ensure safety and promote social interaction across communities within the shire, this would in turn enhance innovation within the society.

HUMAN RIGHTS CONSIDERATIONS

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

CONCLUSION

The contract is being executed in accordance with the Council's Contract Management Guidelines and Procurement Policy. Additional works emerging while works in progress during construction are considered necessary to the successful completion of the Euroa Streetscape Renewal Program. It is proposed that Council endorse the recommendation to increase the value of contract to accommodate the extra works to complete Stage 1 works.

9.4 CORPORATE

9.4.1 Advocacy for Regional Waste Collaboration

Author: Environment and Waste Coordinator

Responsible Director: Director Corporate Operations

EXECUTIVE SUMMARY

In 2014 the State Government established a series of Regional Waste and Resource Recovery Groups. The Regional Waste and Resource Recovery Groups serve an important structure for regional collaboration between local governments including for delivering effective services, achieving efficiencies of scale, sharing expertise, advocating for better policy and legislation, education and procurement.

Strathbogie Shire Council sits within the Goulburn Valley Waste and Resource Recovery Group (GVWRRG) area with Campaspe, Greater Shepparton, Mitchell, Moira and Murrindindi Councils.

As part of a suite of changes occurring in the waste space and driven by the State Government, the Regional Waste and Resource Recovery Groups will be dissolved on 1 July 2022 and replaced with a central authority called Recycling Victoria.

There are concerns among regional Councils that there is currently no concrete information on the ongoing mechanism that will serve a similar structure once the Groups are dissolved.

At the time this report was written there have been no concrete plans from the State Government on what the structure for regional facilitation will be and the waste staff from the GVWRRG Councils are concerned that the regional perspective and focus will be lost by a body that is based in metropolitan Melbourne.

This report recommends advocating to the State Government for more clarity about the role and voice of regional Councils in Recycling Victoria and seek to nominate a Councillor representative to advocate with other Goulburn Valley Region Councils.

RECOMMENDATION

That Council:

- 1. Notes that the State government has introduced legislation that dissolves the Regional Waste Management groups effective from 1 July 2022;***
- 2. Recognises the benefits of regional collaboration between local governments including for delivering effective services, achieving efficiencies of scale, sharing expertise, advocating for better policy and legislation, education and procurement;***

9.4.1 Advocacy for Regional Waste Collaboration (cont.)

RECOMMENDATION (cont.)

- 3. Notes that the WRRGs have provided an effective mechanism for regional collaboration between councils and formally thanks the Goulburn Valley Waste and Resource Recovery Group for its outstanding service over the last 8 years; and**
- 4. Appoints _____ as the Strathbogie Shire Council Councillor Representative on recycling and waste matters including for the purposes of:**
 - a. Meeting with other councils in the Goulburn Valley region to consider recycling and waste matters, and to provide advice to councils in the region,**
 - b. Appointing a chair of the regional advisory group on recycling and waste, who would represent the region in a state-wide advisory group, including electing a state-wide chair,**
 - c. Developing a proposal for governance (including a Terms of Reference) of regional coordination between the councils, for consideration by Council at a future date, and**
 - d. Calling on the state government to support regional collaboration by providing the secretariat function via Recycling Victoria.**

PURPOSE AND BACKGROUND

In 2014 the State Government formed the Regional Waste and Resource Recovery Groups to be the link between State and Local Governments, community and industry. They were responsible for facilitating a coordinated approach to the planning and delivery of infrastructure and services for all waste streams.

With the development of Victoria's new circular economy policy the Regional Groups will now be dissolved and Recycling Victoria, a new statutory body, will be responsible for providing state wide leadership, stewardship and oversight of the waste and recycling sector.

The Minister for Energy, Environment and Climate Change in her second reading speech said:

"I intend to establish a local government advisory committee to advise the Head on the new functions, how these arrangements impact and can benefit councils, and how the set-up of Recycling Victoria can ensure effective relationships with local governments across the State."

At the time this report was written there has been no concrete plans from the State Government on what the structure for regional facilitation will be and the waste staff from the GVWRRG Councils are concerned that the regional voice and focus will be lost by a body that is based in metropolitan Melbourne.

9.4.1 Advocacy for Regional Waste Collaboration (cont.)

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The Regional Waste and Resource Recovery Groups serve an important structure for regional collaboration between local governments including for delivering effective services, achieving efficiencies of scale, sharing expertise, advocating for better policy and legislation, education and procurement.

Without strong regional representation across the Goulburn Valley Group during this phase in period, it could potentially mean that Recycling Victoria does not have a robust mechanism to consider regional issues, which are completely different to those in metropolitan Melbourne areas.

COMMUNITY ENGAGEMENT

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.

No community engagement was undertaken as part of this report as this is an advocacy matter to ensure the best possible community outcomes during the transition to the central waste and recycling body, Recycling Victoria.

POLICY CONSIDERATIONS

Council Plans and Policies

The Goulburn Valley Waste and Resource Recovery Groups are essential in facilitating projects and resource and knowledge sharing between Councils that help deliver action from the Strathbogrie Shire Council Plan 2021- 2025 including:

- 3.6 Complete community engagement around the State Government's new 4 waste bin system to determine the structure of the service for tender purposes
- 3.1.4 Implement actions from the Southern Goulburn Waste and Resource Recovery Strategy
- 3.1.5 Complete the Violet Town Landfill rehabilitation project

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

Recycling Victoria is a state government policy and officer seek Council support to advocate to ensure there is a regional perspective within the new body.

9.4.1 Advocacy for Regional Waste Collaboration (cont.)

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law. There are no legal implications associated with this report.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This report demonstrates that Council is being transparent by the report being tabled in an open Council meeting.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

There are no financial viability considerations from this advocacy report.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

There are no economic implications to this report but collaboratively undertaking projects with other Councils in our region, driven by the GVWRRG, has led to cost savings and best value outcomes for Council and our community.

Social

It is important that all State Government decisions that are made considering the implications on the whole state and not just in metropolitan Melbourne. There are concerns that without Recycling Victoria having a strong regional presence and voice that regional Victorians will be left behind.

Environmental

The GVWRRG has been instrumental in driving projects around infrastructure planning and operations, land use planning and collaborative procurement that have delivered strong environmental outcomes and consistency in our region.

Climate change

The Regional Waste Groups have been instrumental in delivering a regional voice to state government around waste issues and have driven collaborative procurement. This, in partnership with the North East Waste and Resource Recovery Group has well placed our regions to meet and exceed kerbside reform targets and be an example of a low waste society.

9.4.1 Advocacy for Regional Waste Collaboration (cont.)

COLLABORATION

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

The Goulburn Valley Waste and Resource Recovery Group has been instrumental in facilitating collaboration between the Councils in the Goulburn Valley.

HUMAN RIGHTS CONSIDERATIONS

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

CONCLUSION

This report recommends that the Council advocate to State Government to ensure that the regional perspective is not lost with the dissolving of the Regional Waste Groups and the move to Recycling Victoria and nominate a Councillor to lead this advocacy on behalf of our community.

9.5 GOVERNANCE AND CUSTOMER SERVICE

9.5.1 Update of Instrument of Delegation S5 – Council to the Chief Executive Officer

Author and Responsible Director: Director People & Governance

EXECUTIVE SUMMARY

One of the key instruments of delegation that facilitates efficient and effective Council operations and decision making is the S5 Instrument, through which Council delegates the bulk of its powers to the Chief Executive Officer (CEO).

This instrument identifies the decisions that cannot be made by the CEO, as prescribed by the Local Government Act 2020 (the Act), such as amending the Council Plan, expenditure of Council funds outside of certain parameters, amending local laws or the Governance Rules, approving the borrowing of money or amending/creating policies required to be adopted through a Council resolution.

The existing instrument of delegation from Council to the CEO was approved by Council on 18 August 2020. The current instrument introduced some emergency powers given the uncertainty of the Covid 19 pandemic and potential challenges with holding Council meetings in the early days of the pandemic. These powers were never used due to a quick transition to lawful virtual Council meetings and therefore these provisions are proposed to be deleted.

Other minor changes are recommended to be made, including marginal increases to the financial delegations given inflation and an ability to approve short term investment of Council funds (to be reported through to the Audit and Risk Committee and Council).

The authorisation of these amended delegations to the CEO will ensure for the ongoing efficiency of Council operations and a clear legal framework through which day to day decisions are made. The Instrument also enables the elected Council to focus on strategic matters rather than operational decisions in accordance with the Act.

RECOMMENDATION

That Council in the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 (the Act), Strathbogie Shire Council (Council) resolves that:

- 1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.***
- 2. The instrument comes into effect immediately upon the common seal of Council is affixed to the instrument.***

9.5.1 Update of Instrument of Delegation S5 – Council to the Chief Executive Officer (cont.)

RECOMMENDATION (cont.)

- 3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.**
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

PURPOSE AND BACKGROUND

This report is designed to ensure that the Council to CEO delegation instrument is kept up to date and relevant to current circumstances and in line with the thinking of the current elected Council.

This instrument of delegation is the key method by which the majority of decision-making powers and responsibility for ensuring compliance with legislation is passed from Council to the CEO. In turn, the CEO can delegate these powers to other Officers, provided they hold appropriate levels of authority and qualifications.

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The updating of the S5 Instrument of Delegation from Council to the CEO is one way in which good corporate governance is practiced.

This instrument ensures that the elected Council focuses on delivering the Council Plan and Community Vision by not being caught up in day-to-day decision making.

It is important to note that although the CEO has extensive delegations from Council, it does not mean that the CEO will automatically exercise these powers. A CEO is highly unlikely to exercise a legal power to make decisions on matters that are of significant interest to the community and where a decision may have an impact on the overall strategic direction of the organisation.

The deletion of the emergency decision making power provisions that were inserted during the early stage of the Covid 19 Pandemic can be deleted given they were never enacted and also because Council's Governance Rules and Ministerial Guidance mean that virtual meetings can be held legally, avoiding situations whereby a quorum of Council cannot be achieved due to lockdowns and Councillors being in isolation.

9.5.1 Update of Instrument of Delegation S5 – Council to the Chief Executive Officer (cont.)

COMMUNITY ENGAGEMENT

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.

The updating of an instrument which delegates power from Council to the CEO is not a matter where community consultation would provide any meaningful direction and therefore no engagement process has been undertaken.

POLICY CONSIDERATIONS

Council Plans and Policies

Efficient and effective decision making, as provided through the S5 Instrument of Delegation is consistent with Strategic Focus Area 6 – Accountable. Transparent. Responsible, including the following strategies outlined in the Council Plan:

As a Council we will:

- *Achieve the highest level of good governance across the organisation and as an elected Council.*
- *Maximise public transparency and accountability around our performance and decision making processes.*

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

All councils across Victoria authorise CEO powers through this instrument.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

Updating of this instrument is to be undertaken within 12 months of a general election of Council under the Act. Given the resource impacts of the Covid 1 Pandemic, the review of the instrument has been delayed. This has not impacted upon Council operations and the delay in updating the instrument has been reported to Council's Audit and Risk Committee.

The Instrument is based on a template provided by Council's governance lawyers to ensure it is in keeping with the Act's provisions.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

9.5.1 Update of Instrument of Delegation S5 – Council to the Chief Executive Officer (cont.)

The purpose of this report is to ensure that the delegation of powers from Council to the CEO is carried out in a public manner. It is also important to note that this instrument of delegation will be available to the public via Council's website in accordance with our Public Transparency Policy and can also be inspected at Council's customer service centres by appointment.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

The insertion of an ability for the CEO to invest Council funds of up to \$3 million is considered prudent so that funds can be moved to where returns are greatest without the need for delay via a council resolution. It is important to note that any such decision will need to be reported to the Audit and Risk Committee so that there is transparency and accountability for these types of decisions.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

There are no significant sustainability impacts arising from the updating of this instrument.

INNOVATION AND CONTINUOUS IMPROVEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

Updating the instrument of delegation ensures that efficient decision making can be made on a day-to-day basis via the Administration. Given inflationary pressures, the threshold figures for financial decisions has been raised so that Council is able to focus on key strategic decisions. It is important that annual reviews of the Instrument are undertaken from this point forward to respond to changing circumstances.

HUMAN RIGHTS CONSIDERATIONS

It is considered that the updating of this Instrument of Delegation has no material impacts on the *Charter of Human Rights and Responsibilities*.

CONCLUSION

The regular update of Instrument S5 has been impacted by the resource constraints and demands on ensuring continued day to day operations. The draft Instrument deletes redundant provisions, marginally raises maximum financial thresholds to reflect inflation impacts and provides for a new power to invest Council funds up to \$3 million with a requirement to report on such investment decisions to the Audit and Risk Committee to ensure independent oversight.

ATTACHMENTS

Attachment 1: Draft S5 Instrument of Delegation from Council to the Chief Executive Officer

Attachment 2: Existing S5 Instrument of Delegation from Council to the Chief Executive Officer

ATTACHMENT 1:

S5 Instrument of Delegation to Chief Executive Officer



Strathbogie Shire Council

Instrument of Delegation

to

The Chief Executive Officer

Instrument of Delegation

In exercise of the power conferred by s 11(1) of the *Local Government Act 2020* (**the Act**) and all other powers enabling it, the Strathbogie Shire Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on ____
July 2022
2. the delegation
- 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation
- 2.2 is subject to any conditions and limitations set out in the Schedule
- 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 2.4 remains in force until Council resolves to vary or revoke it.

The Common Seal of the) Councillor

Shire of Strathbogie) Councillor

was hereunto affixed) Chief Executive Officer

on the _____ day of July 2022

SCHEDULE

The power to

1. determine any issue
 2. take any action; or
 3. do any act or thing
- arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

1. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 1.1.1 entering into a contract exceeding the value of \$170,000 for goods and services or \$220,000 for works
- 1.2 making any expenditure that exceeds \$30,000 unless
 - 1.2.1 it is expenditure made under a contract already entered into or is expenditure which Council is, by or under legislation, required to make in which case it must not exceed \$450,000
 - 1.2.2 it is expenditure which Council is, by or under legislation, required to make, in which case it must not exceed \$250,000, or
 - 1.2.3 it is expenditure related to the payment of Insurance Premiums or Workcover Premiums, in which case it must not exceed \$450,000
 - 1.2.4 it is a decision on the short-term investment of Council funds with Australian financial institutions, in which case it must not exceed \$3,000,000 and must be reported to the next Audit and Risk Committee meeting.
- 1.3 appointing an Acting Chief Executive Officer for a period exceeding 28 days
- 1.4 electing a Mayor or Deputy Mayor
- 1.5 granting a reasonable request for leave under s 35 of the Act
- 1.6 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer
- 1.7 approving or amending the Council Plan
- 1.8 adopting or amending any policy that Council is required to adopt under the Act
- 1.9 adopting or amending the Governance Rules
- 1.10 appointing the chair or the members to a delegated committee
- 1.11 making, amending or revoking a local law
- 1.12 approving the Budget or Revised Budget

-
- 1.13 approving the borrowing of money
 - 1.14 subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges
 2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution
 3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council
 4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 4.1.1 policy; or
 - 4.1.2 strategy
 - 4.1.3 adopted by Council
 5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
 6. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

ATTACHMENT 2:

S5 Instrument of Delegation to Chief Executive Officer



Strathbogie Council

Instrument of Delegation

to

The Chief Executive Officer

Instrument of Delegation

In exercise of the power conferred by s 11(1) of the *Local Government Act 2020* (**the Act**) and all other powers enabling it, the Strathbogie **Shire** Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 18 August 2020;
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until:
 - 2.4.1 Council resolves to vary or revoke it; or
 - 2.4.2 In the case of Clauses 7 to 10 until the lifting of the State of Emergency in Victoria relating to the COVID-19 pandemic, unless Council resolves to vary or revoke these clauses prior to the lifting of the State of Emergency.


The Common Seal of the

Strathbogie Shire Council

was hereunto affixed

 Councillor

)  Councillor

)  Chief Executive Officer



on the 28th Aug of August 2020

SCHEDULE

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

1. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 1.1 entering into a contract exceeding the value of \$150,000 for goods and services or \$200,000 for works;
 - 1.2 making any expenditure that exceeds \$30,000 unless:
 - 1.2.1 it is expenditure made under a contract already entered into by Council, in which case it must not exceed \$450,000;
 - 1.2.2 it is expenditure which Council is, by or under legislation, required to make, in which case it must not exceed \$200,000; or
 - 1.2.3 it is expenditure related to the payment of insurance premiums or Work Cover premiums, in which case it must not exceed \$400,000.
- 1.3 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
- 1.4 electing a Mayor or Deputy Mayor;
- 1.5 granting a reasonable request for leave under s 35 of the Act;
- 1.6 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
- 1.7 approving or amending the Council Plan;
- 1.8 adopting or amending any policy that Council is required to adopt under the Act;
- 1.9 adopting or amending the Governance Rules;
- 1.10 appointing the chair or the members to a delegated committee;
- 1.11 making, amending or revoking a local law;
- 1.12 approving the Budget or Revised Budget;
- 1.13 approving the borrowing of money;

- 1.14 subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 4.1 policy; or
 - 4.2 strategyadopted by Council;
5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
6. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.
7. if the issue, action, act or thing is required by law to be done by Council resolution unless that matter has been placed on an agenda for a scheduled Council meeting but could not be considered at neither the scheduled meeting nor the rescheduled meeting due to a lack of quorum (under Council's Meeting Procedure Local Law No 1 of 2014, to be superseded by Strathbogie Shire Council's Governance Rules on 1 September 2020) during the Covid 19 pandemic State of Emergency.
8. if the issue, action, act or thing is an issue, action or thing which Council has previously designated must be the subject of a Resolution of Council unless that matter has been placed on an agenda for a scheduled Council meeting but could not be considered at neither the scheduled meeting nor the rescheduled meeting due to a lack of quorum (under Council's Meeting Procedure Local Law No 1 of 2014, to be superseded by Strathbogie Shire Council's Governance Rules on 1 September 2020) during the Covid 19 pandemic State of Emergency.
9. prior to exercising power under clauses 7 and 8 above, the Chief Executive Officer must consult with all available Councillors via electronic means (phone, email, teleconference) prior to exercising any extended emergency delegation.
10. after the powers under clauses 7 and 8 above are used, the Chief Executive Officer must table a report identifying the decisions made in lieu of the ability to reach a quorum of Council under this Instrument on the next scheduled Council meeting agenda.

9.5.2 Chief Executive Officer Contract Extension

Author: Director People & Governance on behalf of the Mayor

Responsibility: Mayor Binks

EXECUTIVE SUMMARY

At its March 2022 Ordinary Council meeting, Council considered the recommendations from the Chief Executive Officer (CEO) Employment and Remuneration Committee (the Committee) following the completion of an annual review of the CEO's performance and other matters as required by section 44 of the *Local Government Act 2020* and Council's CEO Employment and Remuneration Policy.

Two parts of the March 2022 resolution related to in principle support to extend the CEO's contract for a further two years from the date of the current contract, to take it to January 2025, and to confirm this contract extension at the July 2022 Council meeting.

The purpose of this report is to fulfill the obligations under this previous resolution and to confirm the two-year extension of the CEO's contract.

RECOMMENDATION

That:

- 1. Council approve an extension to the Chief Executive Officer's contract for a period of extended two years from the date of the current contract, to expire on 12 January 2025.***
- 2. The Director People & Governance be given authorisation to prepare an updated contract reflecting the new 12 January 2025 expiry date.***

PURPOSE AND BACKGROUND

The Chief Executive Officer (CEO) was appointed on 13 January 2020 for three years, expiring on 12 January 2023.

Clause 2.3 of the contract requires Council to decide, within six months of the expiry date whether to advertise the position or re-appoint the incumbent.

The incumbent has requested an extension of two years, taking the term to five years, expiring on 12 January 2025.

The CEO's Employment and Remuneration Committee, consisting of the Mayor Cr Binks, Cr Raeburn, Cr Hourigan and Janet Dore (Municipal Monitor appointed as the independent expert) undertook a rigorous performance review process in March 2022, with the recommendations of this Committee in relation to remuneration and the outcomes of the performance review being adopted by Council at its March 2022 Ordinary meeting.

9.5.2 Chief Executive Officer Contract Extension (cont.)

Confirmation of the contract extension formed part of the resolution, with a request for a report to be considered at the July 2022 Council meeting, being six months from the date of the current expiry date of the contract.

Consideration by the Committee of the CEO's request for a two-year extension of the current contract has concluded that in all the circumstances it should be granted. The following reasoning has been applied to Committee discussions:

- It is open to Council to extend the contract under both the policy and the legislation
- Continuity of leadership is crucial in a period of change and uncertainty
- CEO performance has been rated as more than satisfactory
- The organisation is responding to the CEO's leadership
- CEO commitment is extraordinary, is willing to admit mistakes and look for solutions.

POLICY CONSIDERATIONS

Council Plans and Policies

The annual CEO review has been undertaken in accordance with the CEO Chief Executive Officer Employment and Remuneration Policy.

The consideration of this matter is aligned with Council Plan Strategic Focus Area 6 Accountable. Transparent. Responsible in that the contract extension provides for medium term certainty around the leadership of the Administration and the delivery of the Council Plan and Community Vision.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The CEO review and consideration of a two-year contract extension was undertaken in accordance with the provisions of the *Local Government Act 2020* and Council's Policy.

A two year extension brings the full term of the contract to five years, which is standard practice for a CEO contract across the state.

It is noted that the contract extension does not impact on the annual review process, which will be conducted by the CEO Employment and Remuneration Committee in January 2023.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

9.5.2 Chief Executive Officer Contract Extension (cont.)

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

Confirmation of the two year extension, as recommended in the May 2022 Council resolution, ensures maximum transparency and information provision to the community on this issue.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

Recommendations made in relation to the CEO's remuneration in this report can be accommodated from within existing budget allocations.

HUMAN RIGHTS CONSIDERATIONS

There are no impacts in relation to the *Charter of Human Rights and Responsibilities Act 2006* arising from this report.

CONCLUSION

The CEO Employment and Remuneration Committee considered the incumbent CEO's request for a two year contract extension and its recommendations to approve the extension in principle was ratified at Council's May 2022 meeting.

The key performance criteria and usual annual performance review process will be conducted by the Committee in accordance with Council policy around this process.

9.5.3 Monthly Performance Report

The July 2022 Monthly Performance Report includes reports as follows:-

- Building Department – June 2022 Statistics
- Planning Department – Planning Application Approvals – Development Cost (Capital Improved Value) - June 2022
- Customer Enquiry Analysis Report – Report for June 2022
- Waste Management Reporting ~ Year to Date – June 2022
- Actioning of Council Reports Resolutions – Council Meeting 21 June 2022
- Outstanding Actions of Council Resolutions to 30 June 2022
- Review of Council Policies and Adoption of new Policies – June/July 2022
- Records of Informal Council Briefings / Meetings – 1 to 30 June 2022

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.

RECOMMENDATION

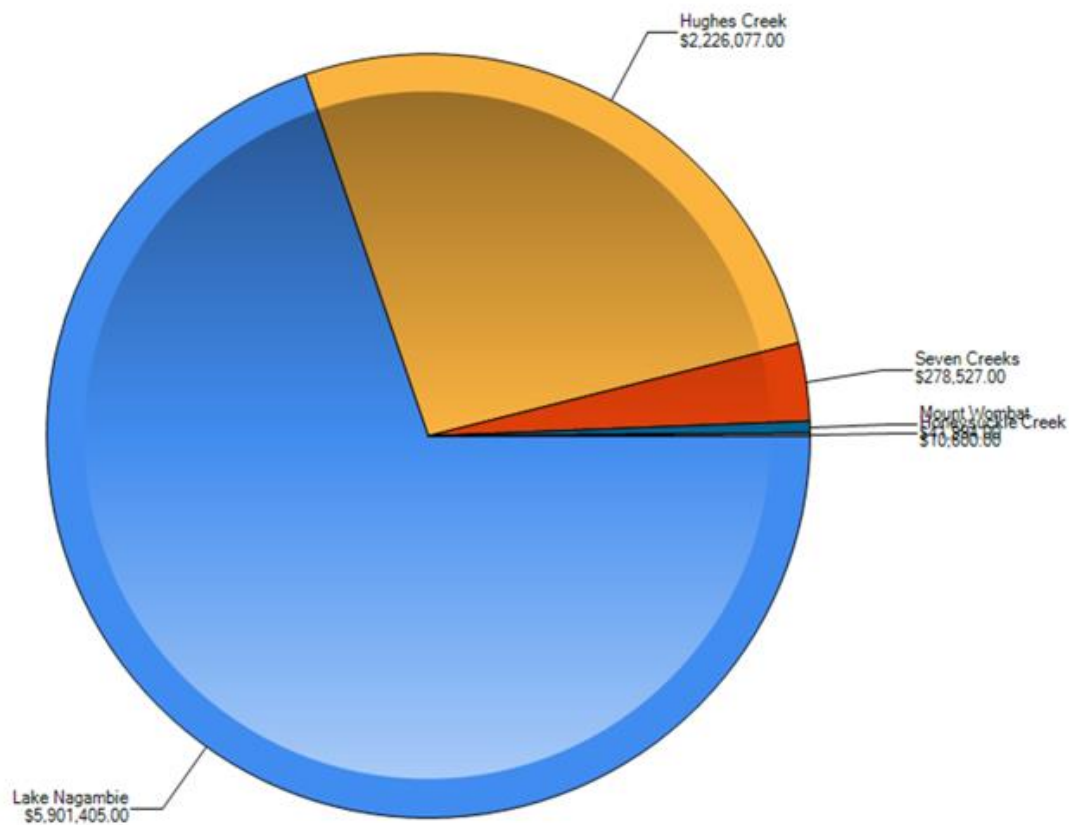
That the report be noted.

BUILDING ACTIVITY

JUNE 2022

A report on new building permits recorded in Council's building permit register in June 2022

Sum(Cost Of Works Number)	Number of Lodgements	Ward
\$10,600.00	1	Honeysuckle Creek
\$2,226,077.00	11	Hughes Creek
\$5,901,405.00	17	Lake Nagambie
\$41,994.00	1	Mount Wombat
\$278,527.00	2	Seven Creeks
\$8,458,603.00	32	



Honeysuckle Creek

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
4291606922758	26/05/2022	Construction of	Shed	Violet Town	\$10,600.00
					\$10,600.00

Hughes Creek

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
2934655777681	14/06/2022	Construction of	Dwelling & Garage	Avenel	\$443,305.00
2977594257728	9/06/2022	Construction of	CFA Fire Station	Pranjip	\$350,000.00
3027728070873	21/06/2022	Construction of	Shade sail	Longwood	\$36,960.00
5280517868580	31/05/2022	Construction of	Dwelling & Garage	Avenel	\$296,442.00
5948642386336	14/06/2022	Re-erection of	Dwelling	Avenel	\$15,250.00
7349507304273	24/06/2022	Construction of	Shed	Avenel	\$47,064.00
7684138400698	27/06/2022	Construction of	Dwelling & Garage	Avenel	\$375,944.00
8150676687360	6/06/2022	Construction of	Shed	Avenel	\$16,885.00
8413357251783	30/06/2022	Construction of	Swimming Pool and Fence	Avenel	\$75,500.00
8827890958625	30/06/2022	Construction of	Shed	Avenel	\$55,446.00
9280826481558	17/06/2022	Construction of	Dwelling & Garage	Avenel	\$513,281.00
					\$2,226,077.00

Lake Nagambie

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
2321343116603	30/05/2022	Construction of	Dwelling & Garage	Nagambie	\$280,390.00
2442794080790	7/06/2022	Construction of	Dwelling & Garage	Nagambie	\$658,450.00
3830131959976	3/06/2022	Construction of	Dwelling & Garage	Nagambie	\$328,329.00
4419903355428	15/06/2022	Alteration to	Dwelling	Kirwans Bridge	\$217,549.00
4912482252660	21/06/2022	Construction of	Dwelling & Garage	Nagambie	\$441,500.00
4922757616251	16/05/2022	Additions to	Train station platform extension	Nagambie	\$860,000.00
5009818080639	21/06/2022	Construction of	Dwelling & Garage	Nagambie	\$421,667.00
5315139181357	24/05/2022	Construction of	Dwelling & Garage	Nagambie	\$316,700.00
5833688162355	21/06/2022	Construction of	Dwelling & Garage	Nagambie	\$400,000.00
6022520422592	31/05/2022	Construction of	Shed	Nagambie	\$15,450.00
6285927989735	21/06/2022	Construction of	Dwelling & Garage	Nagambie	\$421,667.00
6670796937463	27/06/2022	Construction of	Dwelling & Garage	Nagambie	\$282,974.00
6908179606903	22/11/2021	Construction of	Dwelling	Moormbool West	\$100,000.00
7691868850712	16/06/2022	Construction of	Garage	Kirwans Bridge	\$9,000.00
8303702945603	21/06/2022	Construction of	Dwelling & Garage	Nagambie	\$421,666.00
8739526708309	9/06/2022	Construction of	Dwelling & Garage	Nagambie	\$350,000.00
9100293627438	17/06/2022	Construction of	Dwelling & Garage	Nagambie	\$376,063.00
					\$5,901,405.00

Mount Wombat

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
2524273679458	30/06/2022	Construction of	Shed	Euroa	\$41,994.00
					\$41,994.00

Seven Creeks

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
1772724442590	16/06/2022	Construction of	Shed	Euroa	\$15,700.00
9940097820923	24/06/2022	Construction of	Dwelling & Garage	Euroa	\$262,827.00
					\$278,527.00

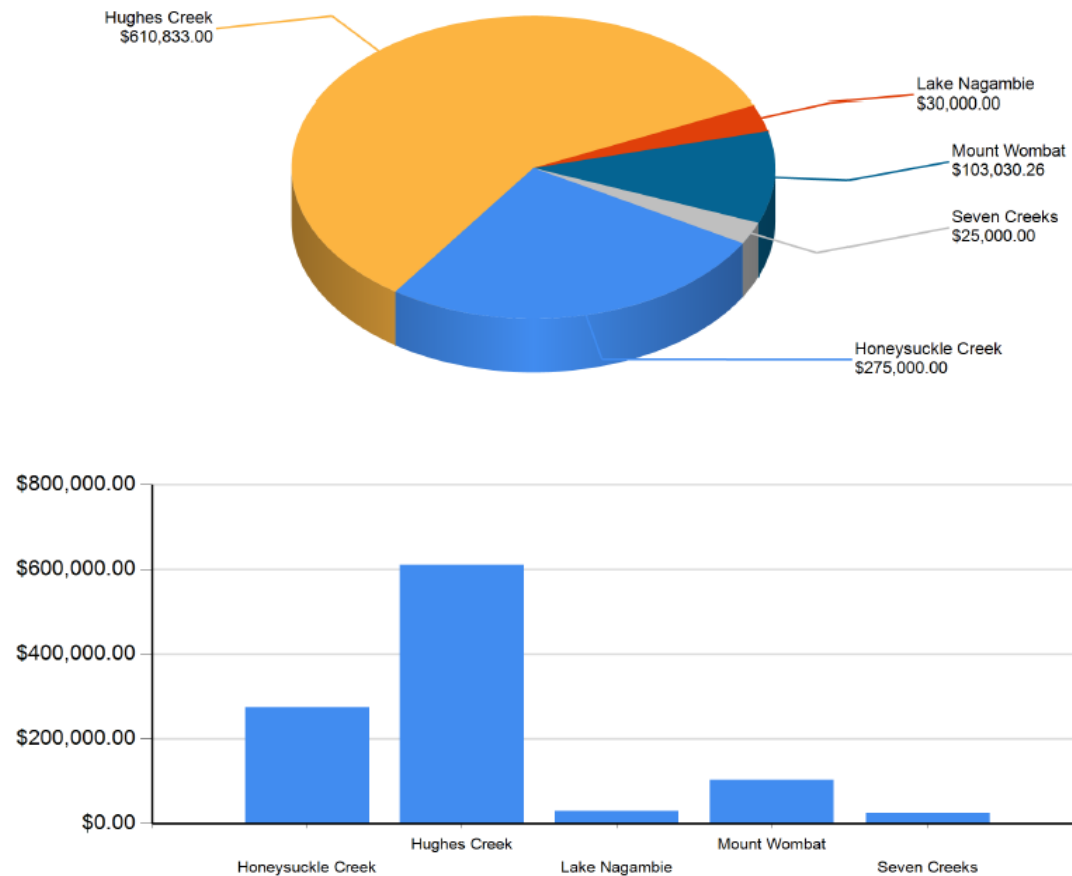
PLANNING APPLICATION APPROVALS – DEVELOPMENT COST (CAPITAL IMPROVED VALUE)
JUNE 2022



Planning Applications Determined

June 2022

Honeysuckle Creek	\$275,000.00
Marraweeney	\$275,000.00
Hughes Creek	\$610,833.00
Avenel	\$550,000.00
Avenel	\$60,833.00
Lake Nagambie	\$30,000.00
Mitchellstown	\$30,000.00
Mount Wombat	\$103,030.26
Euroa	\$60,227.00
Euroa	\$39,803.26
Euroa	\$3,000.00
Seven Creeks	\$25,000.00
Euroa	\$25,000.00
Total Value	\$1,043,863.26



CUSTOMER ENQUIRY ANALYSIS REPORT - REPORT FOR JUNE 2022



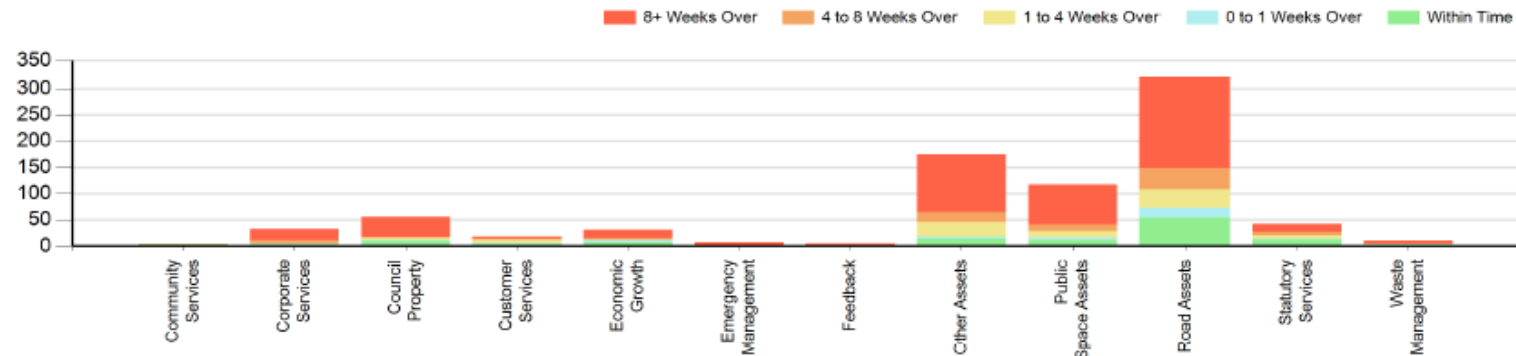
Request Throughput Analysis

01/06/2022 to 30/06/2022

Legend	Complete / New	> 80%	50-80%	< 50%
	Overdue / Remaining	< 33%	34-70%	> 70%

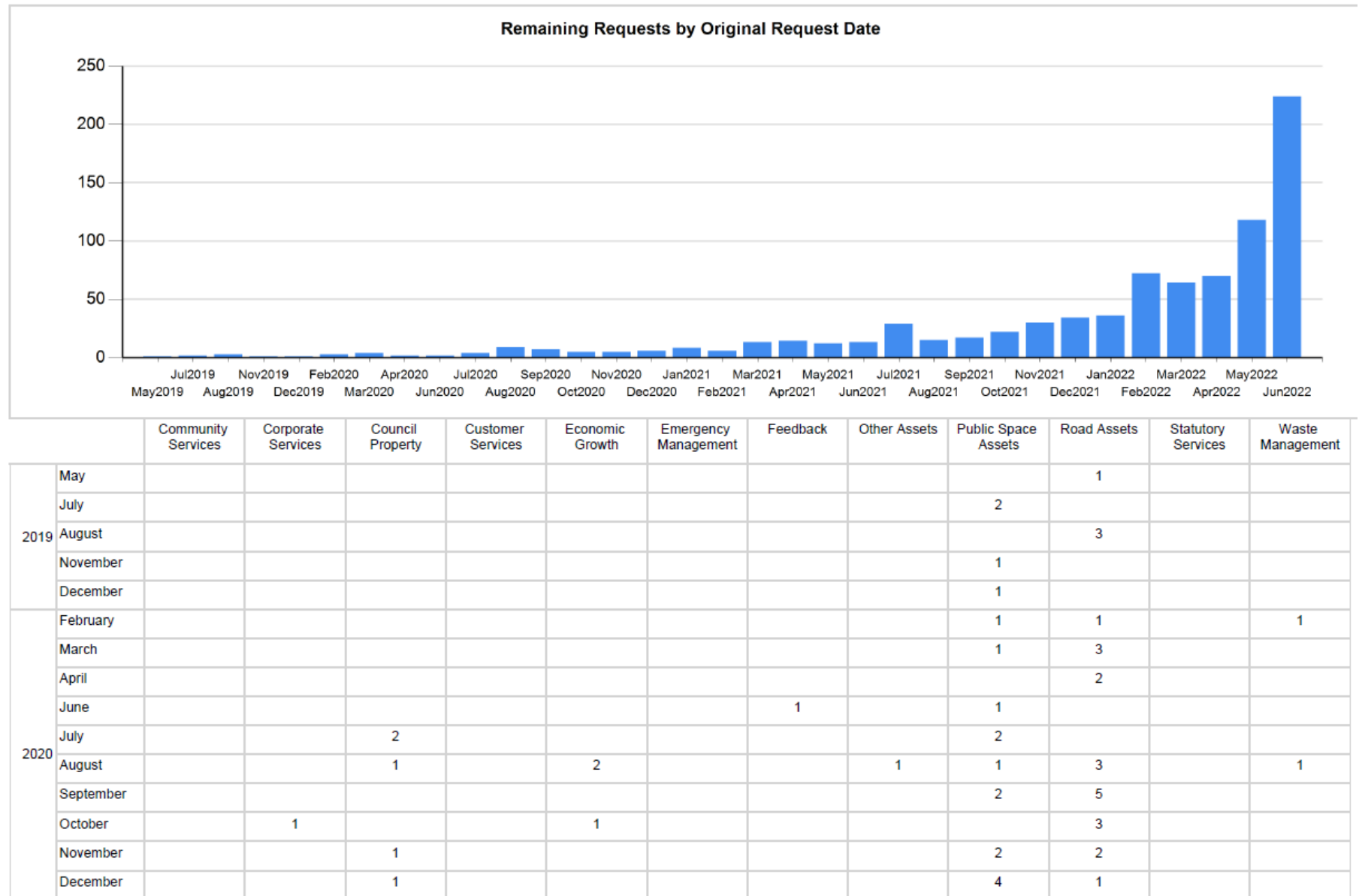
Service Area	Existing Requests	New Requests	Completed Requests	Remaining Requests	C/N	Within Time	Over Time	O/R	Pending Resources	Service Area Usage
Community Services	6	40	41	5	🟢	3	2	🟡	0	<div style="width: 10%;"></div>
Corporate Services	40	57	63	34	🟢	2	32	🔴	0	<div style="width: 15%;"></div>
Council Property	66	42	51	57	🟢	9	47	🔴	0	<div style="width: 10%;"></div>
Customer Services	9	42	30	21	🟡	3	18	🔴	0	<div style="width: 10%;"></div>
Economic Growth	48	200	217	31	🟢	8	23	🔴	0	<div style="width: 100%;"></div>
Emergency Management	12	17	21	8	🟢	1	7	🔴	0	<div style="width: 5%;"></div>
Feedback	5	2	2	5	🟢	1	4	🔴	0	<div style="width: 2%;"></div>
Other Assets	152	40	15	177	🔴	14	163	🔴	0	<div style="width: 10%;"></div>
Public Space Assets	132	52	52	118	🟢	11	107	🔴	14	<div style="width: 15%;"></div>
Road Assets	290	171	134	327	🟡	54	273	🔴	0	<div style="width: 100%;"></div>
Statutory Services	74	149	178	44	🟢	12	32	🔴	1	<div style="width: 100%;"></div>
Waste Management	12	24	26	10	🟢	2	8	🔴	0	<div style="width: 5%;"></div>
Total	846	836	830	837		120	716		15	

Request Ageing



Service Usage



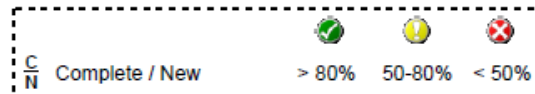


2021	January		3	3		1						1	
	February			1					2	3			
	March			3		1		3	1	4	1		
	April							5		9			
	May							5		7			
	June			1				6	2	4			
	July			2		1	1	12	1	11	1		
	August		2	1					4	6	2		
	September			1	1	1		2	6	6			
	October			2	1	1	1	2	6	8	1		
	November		1	2				7	5	14		1	
	December		1	2			2	1	10	3	15		
2022	January		8	2		1	2	7	7	9			
	February		1	5	1	1	1	18	16	26	2		
	March	1	3	6	1	3	1	19	10	14	6		
	April		2	4		4		23	10	20	6	1	
	May		6	1	2	3		26	18	51	8	3	
	June	4	6	16	15	11	1	1	31	23	96	18	2
Total		5	34	57	21	31	8	5	177	132	327	45	10

Definitions

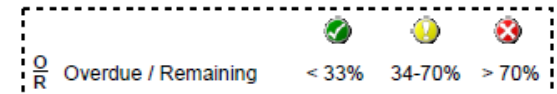
Service Area	Grouping of services by area of responsibility
Existing	Requests open prior to reporting period
New	Requests made during reporting period
Within Time	Remaining Requests where defined deadline is after reporting period
Pending Resources	Requests where additional resources are required to continue. This includes labour, materials, and financial resources.

Complete New An indicator showing the ratio of Completed requests and New requests. Designed to represent how well we are keeping up with the demand for a service.

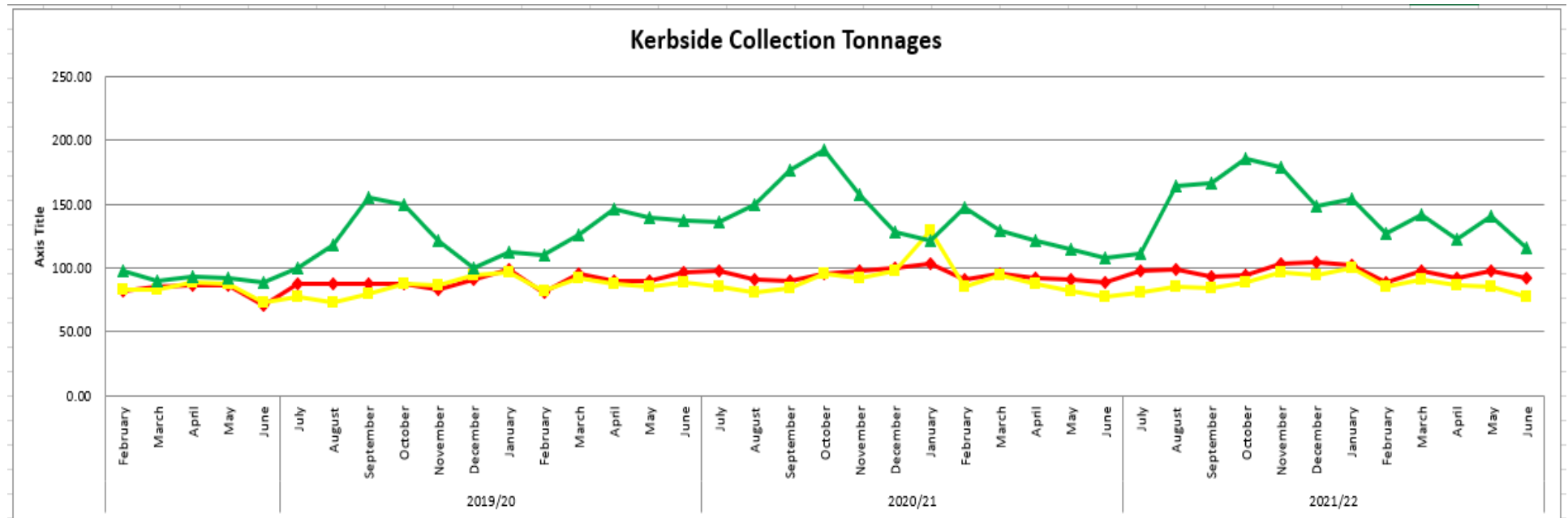


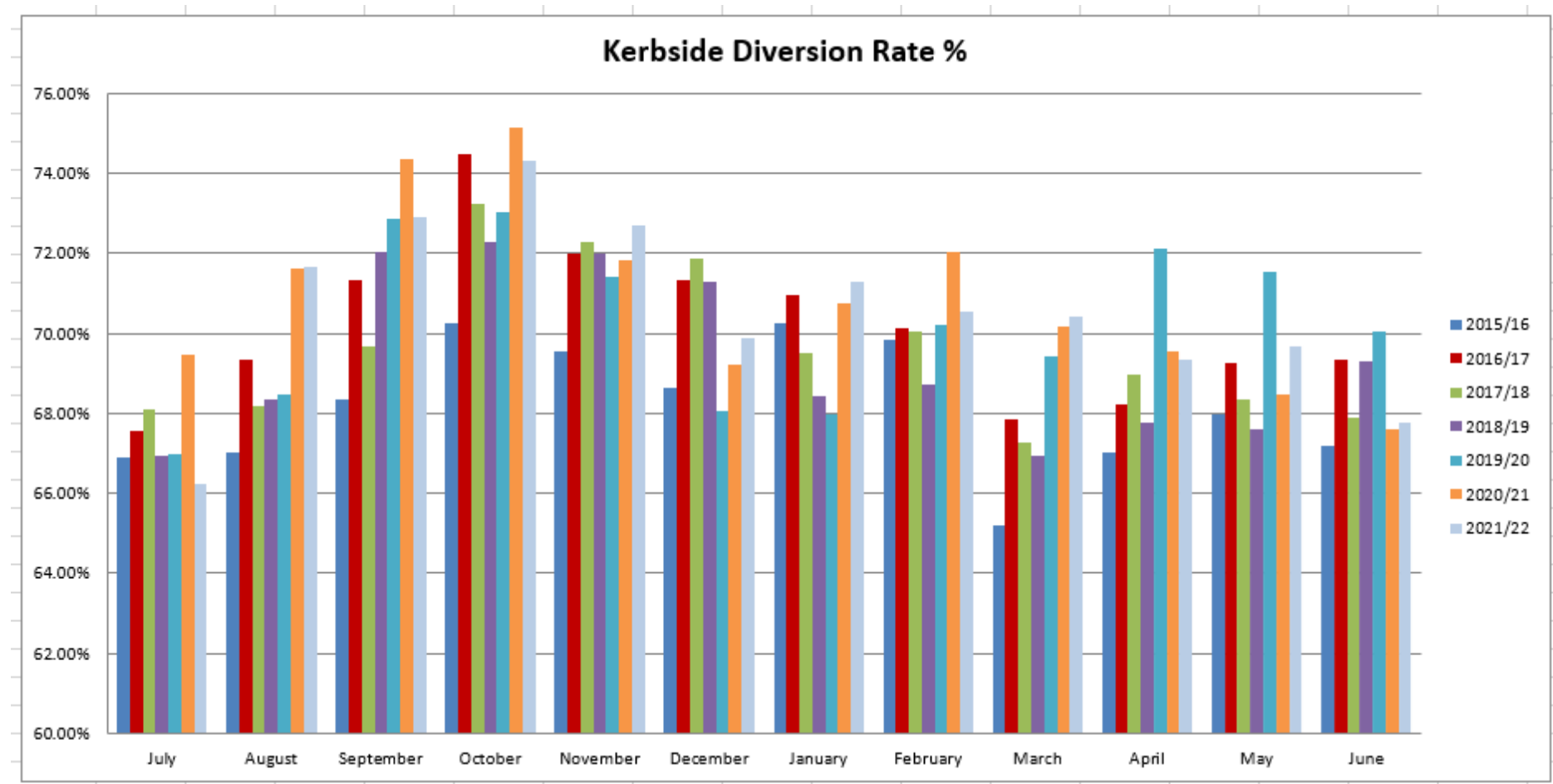
Service	Activities that provide value to the customer
Remaining	Requests incomplete at end of reporting period
Completed	Requests completed during reporting period
Over Time	Remaining Requests where defined deadline is before the end of the reporting period

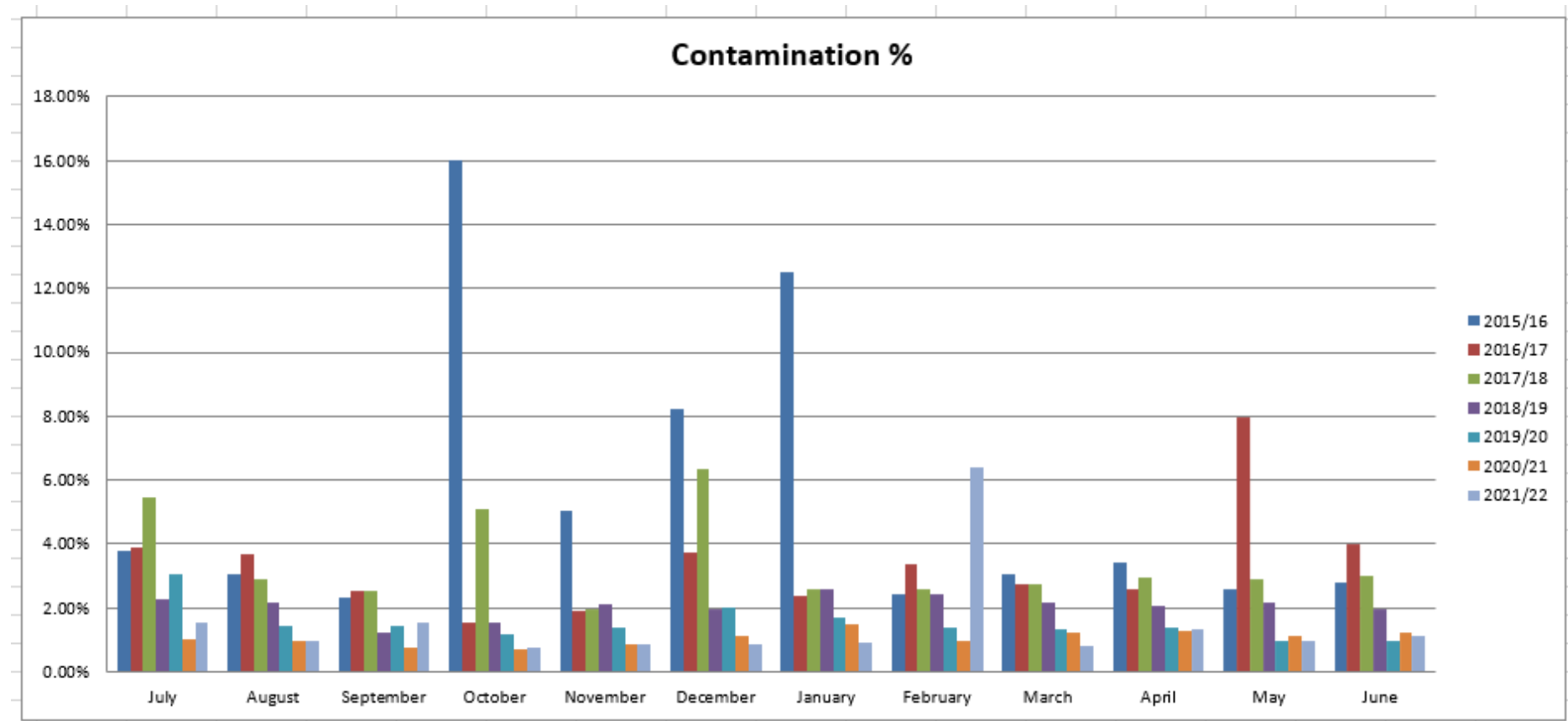
Overdue Remaining An indicator showing the ratio of Overdue requests and Remaining requests. Designed to represent how well we are keeping to the defined deadlines.



WASTE MANAGEMENT REPORTING **YEAR TO DATE - JUNE 2022**







ACTIONING OF COUNCIL REPORTS RESOLUTIONS
COUNCIL MEETING – TUESDAY 21 JUNE 2022



OUTSTANDING ACTIONS OF COUNCIL RESOLUTIONS TO
30 JUNE 2022

This Report is to advise the Executive Management Team, Councillors and the community of the status of previous Council resolutions which are in progress but are yet to be finalised.

Council Meeting Date	Item No.	Description
<i>Nil</i>		

REVIEW OF EXISTING COUNCIL POLICIES
AND ADOPTION OF NEW POLICIES

Review of Policy / New Policy	Policy Name	Details
<i>Nil</i>		

RECORDS OF INFORMAL COUNCIL BRIEFINGS / MEETINGS

For period 1 to 30 June 2022

Note: Details of matters discussed at the meeting that have been designated confidential under Rule 103 of the Governance Rules and sections 3 and 125 of the LG Act 2020 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Informal Council Briefings / Meetings

Date of Meeting: Tuesday 7 June 2022

Time: 1.15 pm to 5.05 pm

Attendees:

Councillors

Laura Binks (Mayor)
David Andrews
Reg Dickinson
Sally Hayes-Burke
Kristy Hourigan
Paul Murray (Deputy Mayor)
Chris Raeburn

Officers

Julie Salomon (Chief Executive Officer)
Amanda Tingay [Director, Community and Planning])
David Roff (Director, Corporate Operations)
Dawn Bray (Director, People and Performance)
Kristin Favaloro (Executive Manager, Communications and Engagement)
Braydon Aitken (Manager, Planning and Investment) (Item 3)

Apologies:

Nil

1. Councillors / CEO Discussions
2. Councillors Discussions
3. Briefing on Planning Matters
4. Briefings on Community Engagement Strategy / Advisory Committee Options
5. Extraordinary Council Meeting – Receiving/Hearing of submissions to draft 2022/23 Budget, Financial Plan and Fees and Charges, and Council Plan 2022 Update

Declaration of Interest/s under Local Government Act 2020 (General Conflict of Interest - Section 127 / Material Conflict of Interest – Section 128)

Councillor/s

Matter No.	LGA 2020 Interest Section	Names of Councillor/s who disclosed interest	Did the Councillor/s leave the meeting?
Item 5 / 5.4.2	128	Cr Dickinson	Yes (left the meeting at 4.11 pm and returned at 4.18 pm)

Officer/s - NIL

Record of Informal Council Briefings / Meetings

Record in accordance with Council's Public Transparency Policy 2020

Note: Details of matters discussed at the meeting that have been designated confidential under Rule 103 of the Governance Rules and sections 3 and 125 of the LG Act 2020 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Informal Council Briefings / Meetings

Date of Meeting: Tuesday 14 June 2022

Time: 11.00 am to 3.15 pm

Attendees:

Councillors

Laura Binks (Mayor)
David Andrews
Reg Dickinson
Sally Hayes-Burke
Kristy Hourigan
Paul Murray (Deputy Mayor)
Chris Raeburn

Officers

Julie Salomon (Chief Executive Officer)
Amanda Tingay [Director, Community and Planning]
David Roff (Director, Corporate Operations)
Dawn Bray (Director, People and Performance)
Kristin Favaloro (Executive Manager, Communications and Engagement)

Apologies:

Nil

1. Councillors Discussions
2. Review of draft June Council Meeting Agenda (including review of Budget submissions)
3. Policy Audit / Policy Template

Declaration of Interest/s under Local Government Act 2020 (General Conflict of Interest - Section 127 / Material Conflict of Interest – Section 128)

Councillor/s

Matter No.	LGA 2020 Interest Section	Names of Councillor/s who disclosed interest	Did the Councillor/s leave the meeting?
Item 2 / 9.4.2	128	Cr Hourigan	Yes (left the meeting at 1.32 pm and returned at 1.37 pm)
Item 3 (during discussions on budget submissions)	128	Cr Dickinson	Yes (left the meeting at 2.24 pm and returned at 2.33 pm)

Officer/s - NIL

Record of Informal Council Briefings / Meetings

Record in accordance with Council's Public Transparency Policy 2020

Note: Details of matters discussed at the meeting that have been designated confidential under Rule 103 of the Governance Rules and sections 3 and 125 of the LG Act 2020 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Informal Council Briefings / Meetings

Date of Meeting: Tuesday 21 June 2022

Time: 2.45 pm to 7.37 pm

Attendees:

Councillors

Laura Binks (Mayor) *(participated in meetings virtually)*

David Andrews *(participated in meetings virtually)*

Reg Dickinson

Sally Hayes-Burke *(participated in meetings virtually)*

Kristy Hourigan

Paul Murray (Deputy Mayor)

Chris Raeburn

Officers

Julie Salomon (Chief Executive Officer)

Amanda Tingay [Director, Community and Planning]

David Roff (Director, Corporate Operations)

Dawn Bray (Director, People and Performance)

Kristin Favaloro (Executive Manager, Communications and Engagement)

Apologies:

Nil

1. Discussions on Council's future position on Australia Day, 26 January
2. Councillors Discussions
3. Council meeting

Declaration of Interest/s under Local Government Act 2020 (General Conflict of Interest - Section 127 / Material Conflict of Interest – Section 128)

Councillor/s -

Matter No.	LGA 2020 Interest Section	Names of Councillor/s who disclosed interest	Did the Councillor/s leave the meeting?
Item 3 / 9.4.2	128	Cr Hourigan	Yes <i>(left the meeting at 7.11 pm and returned at 7.15 pm)</i>

Officer/s - NIL

Record of Informal Council Briefings / Meetings

Record in accordance with Council's Public Transparency Policy 2020

Note: Details of matters discussed at the meeting that have been designated confidential under Rule 103 of the Governance Rules and sections 3 and 125 of the LG Act 2020 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Informal Council Briefings / Meetings

Date of Meeting: Tuesday 28 June 2022

Time: 3.00 pm to 7.15 pm

Attendees:

Councillors

Laura Binks (Mayor)
David Andrews (*participated in meetings virtually*)
Reg Dickinson
Sally Hayes-Burke
Kristy Hourigan
Paul Murray (Deputy Mayor)
Chris Raeburn

Officers

Julie Salomon (Chief Executive Officer)
Amanda Tingay [Director, Community and Planning])
David Roff (Director, Corporate Operations)
Dawn Bray (Director, People and Performance)
Kristin Favaloro (Executive Manager, Communications and Engagement)

Apologies:

Nil

1. Presentation of Community Satisfaction Survey by JWS Research
2. Extraordinary Council meeting

Declaration of Interest/s under Local Government Act 2020 (General Conflict of Interest - Section 127 / Material Conflict of Interest – Section 128)

Councillor/s - NIL

Officer/s - NIL

10. NOTICES OF MOTION

10.1 **Notice of Motion – Council Meeting Tuesday 19 July 2022** **Councillor Laura Binks' Report on attendance at the Australian Local Government Association 2022 National General Assembly 'Partners in Progress'** **Lodged by Councillor Laura Binks (Mayor) (Notice of Motion Ref. No: 03/2022)**

I, Councillor Laura Binks (Mayor). wish to lodge the following Notice of Motion under Governance Rule 35.

The Motion I wish to put to Council is:

MOTION

That Council:

- 1. Note the report from Cr Laura Binks from her attendance at the Australian Local Government Association 2022 National General Assembly 'Partners in Progress', Canberra, 19th – 22nd June.***

Background

As per the Victorian Local Government Act 2020, Part 2, Division 1, Section 8 -9 the role of a Council and overarching governance principles and supporting principles is to advocate on behalf of the community they represent and give priority to achieving the best outcomes for the municipal community, including future generations; and taking regional, state and national plans into account in strategic planning and decision making.

The Australian Local Government Association (ALGA) was founded in 1947 and today represents 537 councils across Australia as the national voice of local government. ALGA's policies and strategic priorities are to champion a strong local government sector focusing on:

- financial sustainability
- roads and infrastructure funding
- waste and recycling
- stronger community resilience
- addressing the risk of climate change.

Mayor Binks had a Councillor Expense Request relating to her attendance at the ALGA 2022 NGA passed at the Ordinary Council Meeting on May 17th 2022 and subsequently attended Canberra in June 2022 for the National General Assembly of Local Government. This Notice of Motion is to note Cr Binks' report back to council relating to what she learned and achieved at the ALGA 2022 NGA.

- 10.1 Notice of Motion – Council Meeting Tuesday 19 July 2022
Councillor Laura Binks' Report on attendance at the Australian Local Government Association 2022 National General Assembly 'Partners in Progress'
Lodged by Councillor Laura Binks (Mayor) (Notice of Motion Ref. No: 03/2022)
(cont.)

Discussion

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

It is important that councillors keep abreast of trends, issues and possible solutions to matters that impact on Strathbogrie Shire and its community. Mayor Binks attended this conference for advocacy advancement.

The NGA22 program was held from 19th- 22nd June 2022 and explored how councils are responding to new challenges and opportunities to create jobs and drive economic growth, and how they are shaping a better future for their community and all Australians. The event included a series of panels where mayors and councillors shared their learnings and lived experience leading their communities through the turbulence of the past few years and importantly, how they engaged with the Federal Government about building stronger relationships and partnerships.

Conclusion

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This Notice of Motion is to note Cr Binks' report back to council relating to what she learned and achieved at the ALGA 2022 NGA and provides for accounting of the Councillor expense requests relating to public funds achieving public transparency.

This Notice of Motion shares the experience and knowledge gained by Cr Binks with her fellow councillors and the whole municipality ensuring the best outcome from Cr Binks' attendance at the ALGA 2022 NGA.

Signature



Councillor Laura Binks (Mayor)

Attachment 1: Councillor Laura Binks (Mayor): Report to Council on attendance at the Australian Local Government Association 2022 National General Assembly 'Partners in Progress', Canberra, 19th – 22nd June

ATTACHMENT 1:

Councillor Laura Binks

- ***Report to Council on my attendance at the Australian Local Government Association 2022 National General Assembly 'Partners in Progress', Canberra, 19th – 22nd June.***

My top learnings and the key messages from the four day Australian Local Government (ALGA) 2022 National General Assembly (NGA) and Regional Forum (RF) were:

25% OF SERVICES WITH 4% OF MONEY

The local government sector receives 4% of the national tax revenue, whilst delivering 25% of the services and infrastructure. In terms of efficiency and value for money, the local government sphere punches well above its weight.

IMPORTANCE OF PARTNERSHIPS BETWEEN LEVELS OF GOVERNMENT REGARDLESS OF POLITICAL ALLIANCES

The theme of the ALGA 2022 NGA was 'Partners in Progress' and federal government ministers who spoke with us over the four days reiterated the importance of building and maintaining strong partnerships between all levels of government regardless of political alliances. Senator Murray Watt gave an example of how the government intends to progress this partnership building by sharing how when visiting the Northern Rivers region, he invited the local federal minister, the local state minister, and the local mayors to a meeting to discuss how the three levels could work together on the recovery and future preparedness for the region. Senator Watt empathised that regardless of political affiliations, all are elected to represent the people of this region and it was their duty to work collaboratively and in partnership to serve the electorate. Linda Burney MP spoke of the need for strong partnerships with local government in the lead up to and the holding of the referendum on a voice to parliament for Indigenous Australians. Already Minister Burney is working with local governments to start these conversations. A motion was passed that ALGA support the Uluru Statement from the Heart in full and work with the federal government to develop a toolkit for local government around the referendum process and opportunities.

HOUSING AS ESSENTIAL INFRASTRUCTURE

With the national housing crisis front and centre there was a lot of conversation and ideas that explored how the local government sector can support housing. Councils confronting the crisis shared innovative changes to their planning schemes and local laws to allow for units/granny flats to be built on residential blocks, extensions to caravan permit provisions and for simplified planning processes for second dwellings in the farming zone. One shift in thinking was how as a nation we can reframe housing to be considered as essential infrastructure.

CHANGE SHOULD BE INSTEAD OF, NOT AS WELL AS.

Often when changes are made, we can inadvertently continue doing what was done as well as implementing the changes made. There were key learnings around how to shift to ensuring that change is **instead of** and not as well as. The latter means that exhaustion and burn out are far more likely as we try to do both. Whilst change can take time to implement, it is important that we stop doing what was done beforehand and make the transition to the change.

INVESTMENT IN DISASTER PREPAREDNESS IS ESSENTIAL FOR OUR FUTURE

As the largest in person conference of ALGA since the 2019-20 bushfires, and in the aftermath of multiple other disasters from the floods in Queensland and New South Wales to the cyclones in Western Australia, disaster response was a large feature. What also came out of these conversations was a clear recognition that as a country we need to invest in disaster preparedness and shift our focus beyond response so that we are working to mitigate the disasters as much as possible. Up until the recent change of government, nationally we spend 97% on disaster response and only 3% on preparedness. There was a loud call from councils who are dealing with these disasters now that we need a strong national program that invests significantly in preparedness. A shift in mindset to being prepared for disasters which scientists continue to predict and warn for is essential to keeping communities safe and ensuring that we can maintain the critical infrastructures and services needed. There were also multiple calls for a shift from building back 'like-for-like' to building back 'better, prepared and progressed'.

SPHERES NOT TIERS

A keynote address from a delegation of South African local government members spoke of the opportunity South Africa had in the 1990s to design a model that focussed on spheres of government, rather than the traditional hierarchical tiers of government. This shift in thinking to a sphere's model assists in building better collaboration and partnerships between the various governmental spheres and enables the local government sphere to be more empowered and successful as sector.

Below is a summary of each of the four days of the conference. I hope that by sharing my learnings and experience that you feel as excited by the opportunities we have at Strathbogie Shire as I do.

ALGA NGA Regional Forum Sunday 19th June

Kristy McBain, Minister for Regional Development, Local Government and Territories addressed the Regional Forum of ALGA 2022 NGA and set the agenda of the new federal government to be one that partners with local council to further local led solutions to regional development. Minister McBain acknowledged that federal and state governments have shifted expectations onto local government at an exponential rate. Minister McBain is keen to understand the cost impact from this cost shifting and how it can be rectified to enable local government to deliver the services and infrastructure they are responsible for. Minister McBain acknowledged the model of grant-based funding requires local government to have shovel ready projects to apply for grants, which puts increased costs onto councils. Minister McBain will initiate financial sustainability conversation with state and territory local government ministers to ensure financial sustainability for the sector and the state and territory roles in ensuring and assisting financial sustainability is achieved and maintained. Minister McBain acknowledged that we have a national shortage of staff in civil engineering, planning and project management which is significantly impacting the local government sector.

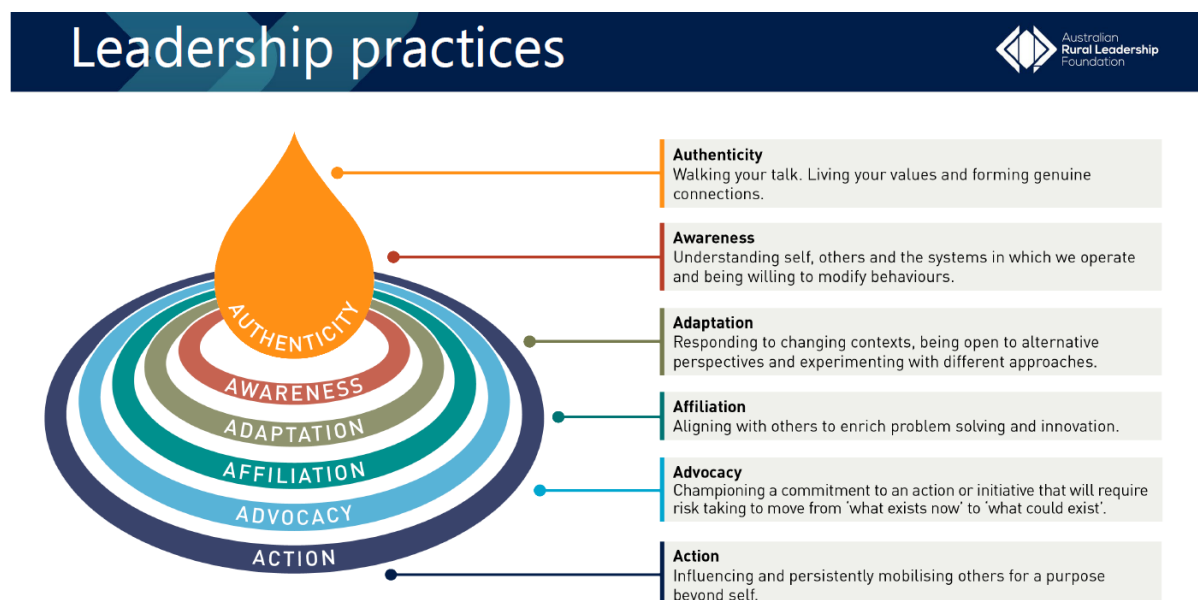
A Regional Tourism Panel spoke of the opportunities and challenges of regional tourism. The national housing shortage was a large part of this conversation as nationally the tourism sector is struggling to attract staff to work due to a lack of affordable housing available for rent. The panel felt that a federal, state and local government partnership is needed to provide community housing builds. The housing shortage conversation led to the discussion of short stay accommodation and there was a call for a national policy to manage and regulate short stay accommodation.

In light of the wide spread and significant natural disasters, insurance challenges for the tourism sector were discussed with again a call to the federal government to work on a national policy to enable tourism operators to be able to afford insurance premiums for their businesses. The panel explored importance of using data to understand the impacts the visitor economy has on a shire. Finally, industry experts shared how promoting your shire as a safe destination can increase visitation as safety is an important factor in tourism and how tourists choose where to travel and visit.

A Regional Leadership Panel explored the uniqueness of leadership in regional, rural, and remote Australia. The idea of leadership as verb, doing leadership, was discussed and leaders from councils who had recently had to manage large natural disasters spoke of their experiences in what was successful and what was not successful. The Blue Mountains City Council had great success with their emergency dashboard - <https://emergency.bmcc.nsw.gov.au/> that they created during the 19/20 bushfires. Setting up a similar dashboard before a disaster hits would be a worthy project for Strathbogrie Shire Council.

The need to be leading locally, but equally to be turning up to the capital cities and speaking with both state and federal politicians was identified as being a critical tool for a successful regional, rural, or remote shire. The importance of behavioural, emotional, and social intelligence in creating collaborative networks of changes was identified and the opportunity for leaders to let go of our power to invite someone else to participate in the decision making is critical to success.

Matt Linnegar, CEO Rural Leadership Foundation, spoke of leadership as a practice of social influence, underpinned by ethics, values and behaviours, supporting others to act collectively, that is responsive to context, adaptive, and transformative. Matt identified leadership as a service to the greater good that addresses physical infrastructure and just as equally, social infrastructure.



Slide from Matt Linnegar's presentation on the Australian Rural Leadership Foundation

A Panel discussing Regional Housing and Population Challenges shared that a good housing vacancy rate is 3% and currently there are no shires on that percentage, with the majority being significantly lower. This session talked extensively of the need for the sector to experiment with solutions to the housing shortage, to share findings with neighbouring shires and to take bold action on the housing front. It was also acknowledged that there is very little scope for failure in local government and that a shift in thinking both from state and federal governments, and from community needs to be fostered that will allow for local government to take on more innovation and experimentation to local challenges, allowing for testings of ideas, failures, and lessons to become part of how the sector finds solutions. Ultimately the panel stressed that if the housing shortage and affordability issues are solved, it will have significant positive benefits beyond housing that will solve many other problems.

Hobart Lord Mayor Anna Reynolds and Yarra Cr Amanda Stone from ICLEI Oceania presented the great opportunities that the local government sector has in acting on climate change and that local governments are Australia's secret wand on climate action. They shared that "if the emission reductions planned by just 61 of Australia's 537 local governments were met, 91,200 kt CO₂ emissions would be reduced and in doing so this would bring Australia over half of the way to meeting a 43% reduction target by 2030 from 2005 levels".¹

Mayor Reynolds and Cr Stone highlighted that by committing to the Paris Agreement, the federal government now had a requirement to establish effective partnerships with local governments to urgently and massively accelerate climate action to ensure a just and equitable transition and climate safe, resilient future for all.

ALGA 2022 NGA DAY 1 Monday 20th June

His excellency, the Hon David Hurley, Governor General, gave an opening address to the 2022 NGA. The Governor General empathised how local government is integral to responses to natural disasters and the pandemic expressing his gratitude to all councillors and council staff for their dedicated efforts to their communities.

Catherine King, Minister for Infrastructure, Transport, Regional Development and Local Government started her address by committing the federal government to once again hold regular meetings between federal and local government. Minister King expressed the intention of the Albanese government to building on the concept of cooperative federalism and committing to working closely with the local government sector.

Minister King echoed Minister McBain's comments on the onerous and inequitable nature of the current grants based allocation of funds and spoke of the governments' plans to reform the grants programs so that they are equitable, transparent and account for the work done by councils in preparation to submit to these models of funding. Minister King highlighted the development of a \$200 million annual disaster preparedness fund that local government could apply to so as to mitigate against future natural disasters.

Minister King spoke of the importance of Regional Development Australia and acknowledged that local governments needed to be central in the process of identifying projects which will have the greatest impact at the regional level. Overall Minister King's address offered great hope to the local government sector that we would become a meaningful partner in the Albanese government.

¹ A Better Future for Local Climate Action, ICLEI Oceania, Canberra, Sunday 19th June 2022

Following Minister King's address, Cr Linda Scott, President of ALGA spoke of the importance of local government in identifying the local needs and in being resourced appropriately to respond to them. Cr Scott shared how Minister Bowen has committed to partnering with local governments in tackling climate change, understanding that solutions to the climate crisis are very often able to be addressed at a local level.

Cr Scott highlighted the importance of the Local Roads and Community Infrastructure program, which is currently funded until 2024-25, encouraging councillors to know how much you get, know which projects are funded, thank your local federal MP, invite them to any openings, and let them know the difference this funding makes to the community. Cr Scott implored councils to talk to federal MPs about how this funding must continue for the sustainability of local government. Cr Scott had a similar message for the Financial Assistance Grants that makeup approximately 20% of local government revenue. Again, she encouraged councils to invite the Financial Assistance Grants team to see the benefits of the grants.

Cr Scott raised the federal government \$200 million per year towards disaster mitigation and the immediate need to fund for preparedness for disasters, not just recovery. She asked us to consider how can we prepare proposals to access this fund and support the preparedness needed to protect community from future disasters.

Cr Scott reminded the audience that mobile and internet are fundamental to community, and no longer a luxury. The infrastructure for reliable mobile and internet is needed to survive & thrive on a national level.

Cr Scott was excited to share that there is movement to form a parliamentary friends of local government forum. Work is underway with MP Tracy Roberts from WA, a former mayor and with many current MPs and Ministers hailing from local government there are many supporters of the forum.

Alicia McKay, MC for the ALGA 2022 NGA, spoke to us regarding thinking differently about the future of local government and to embrace this opportunity to get perspective on the challenges and opportunities of the local government sector. McKay invited us to think bigger, bolder questions, to interrogate what the true value of local government is and when thinking long term and strategically, as is our role, how can we set up for a sustainable, resilient, and inspired future? McKay reminded us that the role of local government is to be visionary. Having a long term vision that is bold and not driven by state and federal government cycles, nor for that matter local government cycles. She also acknowledged that we have to hold the tension of this big picture strategic thinking alongside the present day and the daily challenges of potholes and permits.

Alicai spoke of how it is a tough gig and the complexity of not only being the community architects, designing policy that aims to improve for the whole and not just the parts, but also how local government is the contractor charged with delivering the projects. And if that isn't enough, local government then becomes that housekeeper for the project that it designed and built. Whilst this does mean we have many challenges as a sector, McKay reminded us that we coordinate progress and that, dollar for dollar, local government is delivering more than any other level of government, receiving 4% of the tax revenue and delivering 25% of the services and infrastructure.

With the theme of the ALGA 2022 NGA being 'Partners in Progress', McKay spoke of the importance of shining the light on the benefit of partnerships. She told us how it's hard to promote the benefits of relationships when you are constantly criticising your partners, subsequently asking us to think about what are the good news stories that can be shared? Despite the challenges, what has worked?

McKay shared how being able to clearly define our Local Government Area, our Shire, and what is unique about it is key to success. We do not need to be everything to everyone, so what will we focus on promoting and doing, and doing so exceptionally?

Murray Watt, Minister for Emergency Management, spoke of the commitment to cooperation with the state and local governments that he is already implementing in his role. Senator Watt gave an example of how the government intends to progress this partnership building by sharing how when visiting the Northern Rivers region, he invited the local federal ministers, the local state ministers, and the local mayors to a meeting to discuss how the three levels could work together on the recovery and future preparedness for the region.

Murray Watt empathised that regardless of political affiliations, all are elected to represent the people of this region and it was their duty to work collaboratively and in partnership to serve the electorate.

ALGA NGA DAY 2 Tuesday 21st June

Minister Kristy McBain began the day at a breakfast with council members from the Cities Powers Partnerships, of which Strathbogie Shire Council is a member, and shared her experience of declaring a climate emergency and creating a climate action plan while a councillor at the Bega Valley Shire Council. Minister McBain spoke of the commitment that the Albanese government have to taking action on climate change and that she would work to ensure that local governments were included and supported in this work. Cr Linda Scott, president ALGA, invited attendees to consider how can we seek federal funding for the community battery schemes that will support emission reduction and secure energy supply to our communities. Cr Amanda Stone, City of Yarra, spoke extensively about the Paris agreement and the specific calls within that agreement for multi-level action on climate change, reiterating that readiness and willingness of many local governments to be partnering with federal government on this action.



L-R: Cr Tonia Gray Shoalhaven City Council, Minister Kristy McBain, Cr Laura Binks Mayor Strathbogie Shire Council

A Panel of insurance and finance experts and Mayors presented on how we can Build Stronger Communities. They explored what financial sustainability means and would look like to the local government sector, especially considering the rising costs of natural disasters.

Gary Okely, Head of Public Sector JTL, shared that as a sector local government manage risk incredibly well, but there is scope for further understanding and improvement in understanding the interconnectivity of risks and a deeper understanding of cyber risks to the sector.

Muheed Jamaldeen, Director, Deloitte Access Economics, explored the costs to local government of natural disasters and climate change, advising that continuing on the National Disaster Response and Recovery treadmill is not a long-term strategy nor sound economic solution to the risk. Muheed asked us to think beyond the insurance losses and consider what are the losses to assets, the financial costs, and equally importantly, what are social, environmental and community losses and costs? Muheed shared that the current cost of disaster response to climate change is \$38 billion a year, and if no action in mitigation is taken, this cost is projected to reach \$94 billion per year by 2060. Muheed reiterated the need for all levels of government to plan for natural disasters, not just respond to them and that need to shift the current funding model to a resilience model, not exclusively a response model. Finally, Muheed shared that transitioning and taking action on climate change has a whole of economy impact with huge benefits to the workforce.

Cr Sharon Cadwallader, Mayor Ballina Shire Council, spoke directly their recent experience of the devastating floods in the Norther Rivers region of New South Wales. Cr Cadwallader spoke of the importance of local hubs in disaster response and in the council's ability to coordinate the many volunteers and groups to be able to assist in the midst of a natural disaster. Cr Cadwallader urged councils to invest up front to climate preparedness, stressing the need to plan adequately for the future and that investment in preparedness is worthwhile.

The Panel closed with some key messages to councils to think wholistically about the impacts of natural disasters and climate change. Consider what is the built, social, and economic cost and damage. Think beyond the built assets, to a greater view of managing risk to include broader vulnerabilities. They advised us to think and plan outside our local government boundaries with an emphasis on the need to collaborate with other local government areas. They asked us to reframe how we talk about the costs of what we do and to consider the investment dividend when investing into mitigation and preparedness.

Economists Paul Tilley and Graham Jarvis joined Zali Steggall MP for a conversation around Federation Reborn and the history of local government funding. Paul Tilley provided a history crash course in local government from its time of inception at federation, with a particular focus on how the sector has been funded since. Paul shared that from an economic perspective, rates are an incredibly sound tax base and very well suited to as a local government tax due to their association with property which cannot be moved or relocated. Paul shared that federal grants have been provided since 1974 when the Whitlam government brought them in. Because local government is not mentioned in the constitution these grants are paid to the states and territories in the understanding that it is passed onto to local government.

Graham Jarvis suggested that other levels of government need to trust local government as we are the most effective at spending and value for money. Graham spoke of the high reliance on Financial Assistance Grants in rural and remote councils, and that given council's requirements of service and infrastructure delivery, he believes that these grants must be maintained and increased, especially given their untied nature.

Zali Steggall MP spoke of the need to acknowledge the strengths, weaknesses and opportunities of each level of governments and how best the different levels can collaborate and work together to achieve results for communities and the nation. Zali firmly believes that local government need to be represented at the National Cabinet and to have a vote and further to this that local government needs to be enshrined the national constitution.

Stan Grant, international affairs editor for the ABC, gave a remarkable keynote address on global democracy. Stan's address spoke to his experience over many decades as a political reporter in countries both embracing or turning their back on democracy. Stan reflected on the classic Churchill quote that "democracy is the worst form of government, except for all others". Democracy allows for renewal and Stan believes strongly that we are a phase of democratic renewal in Australia as we work towards the Uluru Statement from the Heart and a constitutional voice for Indigenous Australians.

Vasyl Myroshnychenko, Ambassador of Ukraine to Australia, presented a moving address which included messages from mayors of Ukrainian councils explaining the immense destruction the Russian invasion has caused and continues to create. Vasyl shared that to date an estimated 1 trillion dollars in destruction has occurred and that it will take approximately two generations to rebuild their communities. Vasyl asked councils to set the tone in welcoming Ukrainian refugees into communities and to brainstorm how your local government area may be able to help Ukraine.

Alicia McKay ran a [strategic leadership workshop](#) that was specifically tailored to the local government community. Alicia broke down the three main areas of strategic leadership into Why, How and What and gave a clear comparison as to how strategic leadership in the public sector differs from the private sector. As a relatively new councillor with no prior public sector experience, I found this workshop incredibly helpful in understanding these differences and how best to use my skills and focus my work in the 'Why' sphere of the model.

Alicia described the Why sphere as the vision for council. Looking to the long-term, 5-10 years our this needs to embrace long-term language and aspirational goals. It should be uncomfortable and challenging and we can look to it as our guiding light that we keep coming back to. Our Community Vision is our Why.

Alicia then explained that the How Sphere is the guts of the strategy that has a medium term vision of 3 years and is very intentional. The How Sphere sets out our criteria for achieving our Why.

Alicia shared that the What Sphere is the short term and operational that is capable of changing every day. This is the sphere where we write a plan, implement it, work out it is wrong and then change it. Alicia emphasised that this is perfect for the What Sphere.

- **WHY** - Community Vision. Empower community and councillors to develop and own their WHY
- **HOW** – This becomes the work of the Executive Leadership Team and other senior leaders in council
- **WHAT** – This becomes the work of the Middle level leaders and all other staff in council

It is critical for the whole organisation to get clear on the path and understand the collective Why.

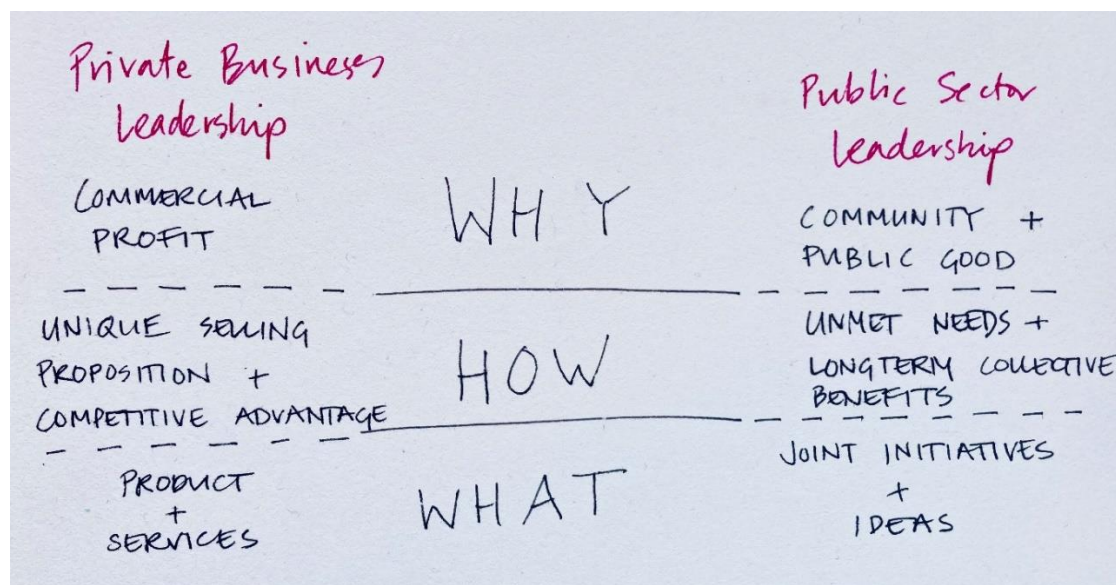


Diagram of Private Business Leadership vs Public Sector Leadership. There is very little similarity between running a private business and running a community institution.

Alicia further spoke to the muddle that exist in the public sector and whilst this can be frustrating, it is ultimately a great thing as it enables accountability and that we must accept the muddle and get on with it! Alicia explained this muddle by the three layers below which impact the public sector:

- **Democracy** - first layer. Election cycles, political challenges.
- **Transparency** - second layer. Every aspect of every decision and process is discoverable. This drives risk reduction. Stick to the letter of the law and compliance.
- **Bureaucracy** - third level. This is how we enact this slow-moving system to enable to the two first layers.

Alicia acknowledged the worst thing about these levels of muddle, is that it is really good. The democracy, transparency and bureaucracy allow us to show how we made fair and just decisions. Our decisions and processes are discoverable, we can prove that we are accountable and acting in the best interest of the whole and not special interest groups.

Finally Alicia spoke to how a healthy democracy doesn't need to have us agreeing furiously always, but we can all feel we have had our say and been representative.

ALGA NGA DAY 3 Wednesday 22nd June

Linda Burney, Minister for Indigenous Australians, started the day with an address that spoke to her work bringing about the referendum to achieve an Indigenous Voice to Parliament through constitutional recognition of the First People of Australia. Minister Burney reminded us that referendums succeed if we can frame them as an opportunity to collectively make a choice for change.

Minister Burney expressed the importance of local government being involved in the referendum process and by assisting with getting the message out to community as the closest level of government to the people. This was reflected by a motion passed by the ALGA members which saw the association support the Uluru Statement from the Heart in full and set the task to work with federal government to create a toolkit for local government to use for the referendum. Minister Burney's request to all Australians is "in 1967 Indigenous Australian were counted, we now ask to be heard" and her gentle reminder of a lesson from her grandmother that "good manners cost nothing".

A Panel spoke of the challenges and opportunities to Closing the Gap. Jody Broun, CEO National Indigenous Australians Agency, emphasised the importance of working across levels of government and how local government is critical in the work of closing the gap through direct partnerships and involving local indigenous people and organisations in co-design and doing so from the beginning of projects. Jody spoke of the importance of shared decision making, working on eliminating racism and building a level playing field allowing people to access and talk with you as the local government. She asked for us to consider how we can do this without perpetuating power imbalances.

Fiona Cornforth, CEO The Healing Foundation, representing the Coalition of Peaks, reminded us that 27th July is the second anniversary of the [National Closing the Gap Agreement](#), and asked what we were each doing in our local government areas to help achieve this national agreement. Fiona shared the Priority Reforms of the agreement will:

- Strengthen and establish formal partnerships and shared decision-making
- Build the Aboriginal and Torres Strait Islander community-controlled sector
- Transform government organisations so they work better for Aboriginal and Torres Strait Islander people
- Improve and share access to data and information to enable Aboriginal and Torres Strait Islander communities make informed decisions

Fiona's final ask to the local government sector was to move beyond awareness raising and commit to actions and report on those actions.

Jonathon Carr-West, CEO Local Government Information Unit, gave a keynote address as to why a global perspective matters for local governments exploring the concept of connected localism and how he believes local government can save the world. Jonathon believes that the future requires innovation, civic engagement, place leadership and see the local government sector as being perfectly placed to deliver these objectives as a place leader and active shapers of place, governing and convening at the local level. Jonathon spoke to the need for local action, whilst learning from the global community, looking to collaborative leadership models, horizontal leadership and new ways of measuring what is working and what is good.

Jonathon reminded us that we need to go to the people, that opening the doors of our institutions won't guarantee they come. I think that this has been reflected in our work engaging with the community at markets and in main streets through the council plan development last year and more recently our Economic Strategy workshops and our Talk to a Planner sessions. Getting ourselves out of our offices and into the places where residents are is vital to reframing the narrative and building a positive narrative about what local government do.

The final keynote address for the ALGA 2022 NGA was from Val Dempsey, Senior Australian of the Year 2022 who shared her decades long voluntary work with St Johns Ambulance and her mission to have every driver in Australia first aid trained. Val spoke to the program developed by St Johns Ambulance Australia and championed by her, [Driver First Aid](#).

I am grateful I had the opportunity to attend the ALGA 2022 NGA and believe that the experience of learning from leaders in the local government sector, speaking with mayors, councillors, CEOs and council staff from right across Australia was hugely beneficial to my growth and understanding of local government and my role as mayor of Strathbogie Shire Council. I am excited to share these learning with fellow councillors, council staff and the community of Strathbogie Shire.

11. NOTICES OF RESCISSION

12. URGENT BUSINESS

13. CONFIDENTIAL BUSINESS

Confidential Appendices

These appendices have been classified as being confidential in accordance with section 66(2)(a) and Part 1, section 3 of the Local Government Act 2020 as they relate to:

- (g) *private commercial information, being information provided by a business, commercial or financial undertaking that—*
 - (ii) *if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage*

C.A. 1 (g) Tender Evaluation for Contract No. 21/22-23: Rehabilitation of the Violet Town Landfill - Construction Works

NEXT MEETING

The next monthly Meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday 16 August 2022, at the Euroa Community Conference Centre, commencing at 6.00 p.m.

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