



## **STRATHBOGRIE SHIRE COUNCIL**

### **MINUTES/DECISIONS OF A MEETING OF THE STRATHBOGRIE SHIRE COUNCIL HELD VIRTUALLY ON TUESDAY 19 JULY 2022, COMMENCING AT 6.00 PM**

<b>Chair:</b>	Laura Binks (Mayor)	(Mount Wombat Ward)
<b>Councillors:</b>	David Andrews	(Lake Nagambie Ward)
	Reg Dickinson	(Lake Nagambie Ward)
	Sally Hayes-Burke	(Seven Creeks Ward)
	Kristy Hourigan	(Seven Creeks Ward)
	Paul Murray	(Hughes Creek Ward)
	Chris Raeburn	(Honeysuckle Creek Ward)
<b>Officers:</b>	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)

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  

Nil
4. Disclosure of Conflicts of Interest  

Councillor Hayes-Burke declared a general interest under Clause 127 of the Local Government Act 2020 in 9.1.6 due to having a relative who lives a few doors down from the application, but was not a conflict of interest.
4. Disclosure of Conflicts of Interest (cont.)

The Chief Executive Officer declared a material conflict of interest under Clause 128 of the Local Government Act 2020 in 9.5.2 due to the matter being related to the CEO Contract of Employment.

Councillor Binks declared a general conflict of interest under Clause 127 of the Local Government Act 2020 in 9.1.6 due to friendships with parties involved in the matter.

5. Confirmation of Minutes of Previous Meetings

**MOVED: COUNCILLOR MURRAY**  
**SECONDED: COUNCILLOR RAEBURN**

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.***

130-21/22 **CARRIED**

6. Petitions

Nil

7. Reports of Mayor and Councillors and Delegates

*Cr Hayes-Burke*

- *At the beginning of June, I attended the Australian Local Government Women Association Victorian State conference which was hosted by Greater Shepparton City Council. It provided an important opportunity to meet and get to know our neighbouring councillors. Throughout the day and evening we had an impressive line-up of speakers from diverse backgrounds. We heard from Catherine Bennett, epidemiology expert who helped us reflect and understand the pandemic and various government responses. We heard from the Local Government Inspectorate, on the organisations role and the important matters of disclosure of personal interests, conflicts of interest and the complaints surrounding social media. We learnt about the importance of inclusivity, partnerships and progressing gender equality in all workplaces. The Executive Director of Local Government Victoria discussed the role of municipal monitors. Great Shepparton presented their climate emergency response which I believe could provide some good insight for our council as we finalise our climate action plan.*

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

Cr Hayes-Burke (cont.)

*I was particularly inspired by Nartarsha Bamblett, a Yorta Yorta person whose powerful address was to raise awareness about privilege and underprivilege largely felt by aboriginal people and how when we share experiences we can breakdown those barriers and gain strength and wisdom from each other.*

*It was a valuable opportunity to network with other councillors from around Victoria, we shared and learnt from others' experiences.*

*Thanks for allowing me the opportunity to attend and report back tonight.*

- *Reflected on outcome of meeting on 28 June 2022 in relation to how Council approaches the 28 January. Will be pushing for conversations to continue.*

Cr Dickinson

- *Visit to Nagambie today by The Hon. Harriet Shing ((Minister for Water, Regional Development, Equality) to view the foreshore boardwalk. Also raised with her was the advocacy for rowing to be a sport for the 2026 Commonwealth Games and to be held at Lake Nagambie. She was also interested in the Greening Euroa project.*

Cr Murray

- *Attended Municipal Association of Victoria Rural and Regional Planning Conference, held at Torquay from 1 to 3 June 2022*

*The following are highlights of my recent MAV Conference attendance in June. There were many interesting and informative sessions held across the two days of the conference. I found the following sessions most beneficial.*

Demographics + Data presentation: *presented by Simon Kuestenmacher*  
*Simon indicated that many of those moving to regions are bringing their job with them. As the result, it is contended that there is a need for Local Government to support this growing job market with digital infrastructure, housing, professional services and healthcare.*

*Councils will need to concentrate on affordable housing supply and to investigate innovative programs that will increase this.*

*At the same time we should also be investing in sport as this is the social glue that holds us together.*

City/ Country Planning Partnership: *presented by Robert Pringle and Kristen Gilbert Town Planners from East Gippsland Council and the City of Brimbank*  
*It would seem that there are many benefits in this program for both organisations with an increase in the efficiency and effectiveness of both parties planning work.*

*The success of this partnership might raise the question as to whether other rural councils could benefit from a similar formal relationship with a city council? The partnership would need to consider delegation thresholds for Council consideration.*

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

Cr Murray (cont.)

Affordable Housing Project at Moyne and Corangamite Shires: presented by Aaron Moyne - Planner Corangamite Shire and Gareth Hately - Managing Officer of Housing Project for Moyne Shire

*It is worth noting that there are a number of housing projects around the state. Attracting and retaining key and essential workers has become an increasing challenge across many regions of Victoria over the past 10 years. There are currently more than 4,000 key worker jobs being imported from outside the South Coast region, due in large part to a shortage of appropriate or affordable housing within the region for these workers and their families.*

*As a result of this shortage, the Victorian Planning Authority and the councils of the Great South Coast and Barwon regions of Victoria have released the Key and Essential Worker Housing Supply Action Plan to address housing supply and affordability across Victoria's south coast.*

*The action plan proposes a combination of Federal, State and Local Government levers to help ease this shortage, ranging from advocacy to planning mechanisms and direct investment.*

*This work is the result of a combined effort by the Glenelg, Moyne, Surf Coast, Corangamite, Colac Otway and Southern Grampians Shires as well as the Victorian Planning Authority, funded by the Victorian Government's Streamlining for Growth Program.*

*This project is a positive example of working collaboratively across government to address this important issue and identify where structure planning for new communities should be developed to provide affordable housing to meet demand.*

*A recognition of these housing supply issues needs to be included in the Shire's Strategic Framework and the Council Plan.*

*There is also a real need to get employers together to discuss this issue in the community.*

State of our Heritage Review: presented by Natica Schmeder, National Trust Board Member

*In 2020, Heritage Council completed a review of the protection and management of local heritage by councils.*

*The review was an audit of local achievements and made recommendations for practical improvements at a local level.*

*Review discovered a serious resourcing issue in Rural and Regional Councils for Heritage protection and management.*

*This report can be located at the Heritage Victoria Homepage and would be well worth reading to gain an understanding of some of the issues facing local government and rural councils in particular.*

Summary:

*In conclusion, I would say that this conference was educative, informative and relevant on a number of levels. Not only will it assist me in developing a deeper understanding of the various planning issues facing our Shire but it has also assisted me in gaining a broader understanding of the planning matters relevant to country people across the state.*

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

Cr Murray (cont.)

- *Attended Economic Development Strategy forum on 30 June 2022.*
- *Attended Council's Audit and Risk Committee meeting on 1 July 2022.*
- *Attended NAIDOC week 'Ablaze' movie screening on 3 July 2022.*
- *Attended 'Talk to a Planner' session at Avenel on 13 July 2022.*
- *Met with Avenel renewable energy committee on 14 July 2022, as they develop a community plan on energy options.*
- *Represented Council at the celebration of life service for former Councillor Robin Steers on 15 July 2022.*

Cr Hourigan

- *Met with Euroa Connect. Not much communication with ARTC at this time.*
- *Attended Euroa Rotary Club's 75th anniversary dinner and presidential changeover dinner on 24 June 2022.*
- *Conveyed thanks to cinema for school holiday program, and NAIDOC week screenings, and to volunteers for their assistance.*
- *Attended Economic Development Strategy session in Euroa on 30 June 2022.*
- *Intention to stand for pre-selection for Nationals as candidate for seat of Euroa. Pre-selection process takes place on 7 August 2022. If successful in pre-selection, will be taking leave of absence without pay until State election. If not selected, will not be taking leave. Will be here for the August 2022 Council meeting, and will report on how the pre-selection went.*

Mayor

- *Advocacy meetings with several State and Federal representatives*
- *Welcomed the newly appointed Minister for Water, Minister for Regional Development and Minister for Equality, The Hon. Harriet Shing MLC to Nagambie today to view the progress of the Nagambie Foreshore walk. Also spoke about the Greening Euroa project, and Council's Advocacy Ask profile which outlines our top five priorities, including the 2026 Commonwealth Games: Lake Nagambie rowing bid.*
- *CEO Salomon and I met with Mr Sam Birrell MP, the newly elected Member for Nicholls to discuss the needs and direction of our region and community.*
- *Met with Dr Helen Haines, the Federal Member for Euroa.*
- *Met Ms Wendy Lovell MLC, Member for Northern Victoria.*
- *NAIDOC Week 2022 earlier this month, with the theme Get Up! Stand Up! Show Up! In honour of this, a selection of indigenous films shown at the Euroa Community Cinema, Avenel Memorial Hall and Violet Town, with some great attendance and interest in some of the local identities who featured.*
- *Talk to a Planner community consultation continues this week and next.*
- *Draft Public Art Policy is open for community input.*
- *Christmas Decoration Grants are now open and close on Monday August 1, 2022 at 5pm.*
- *Congratulate Ruffy Hall Committee Members Bill Eddy and Henry Noye for their award by the Department of Environment, Land, Water and Planning (DELWP) in recognition of their dedication, commitment and longevity of service to the Ruffy Hall – both since they were 17 years of age.*

8. Public Question Time  
Nil
9. Officer Reports
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  - 9.2 Community
  - 9.3 Infrastructure
  - 9.4 Corporate
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10. Notices of Motion
11. Notices of Rescission
12. Urgent Business
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### **NEXT MEETING**

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

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## **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.

*The applicant's representative addressed the meeting*

**MOVED: COUNCILLOR HOURIGAN  
SECONDED: COUNCILLOR MURRAY**

***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 to Grant a Permit 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 Strathbogie 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](http://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***

131-21/22      **CARRIED**

**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. Since the writing of the Planning Officer's report (Attachment 1), all four 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 Grant a Permit in accordance with the Officer's recommendation.

***MOVED: COUNCILLOR MURRAY***

***SECONDED: COUNCILLOR DICKINSON***

***Councillor Murray put forward an amendment that Council decides to Grant a Permit***

***Amendment:***

***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 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, Naqambie 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, Naqambie 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, Naqambie 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),**

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- 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.**

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**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 1998); and**
- **Construction Techniques for Sedimentation Pollution Control (EPA publication No. 275, May 1991).**



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- 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).**

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**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](http://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.**

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- 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](http://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 Strathbogie 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 Strathbogie 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 Strathbogie 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 Strathbogie 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, Naqambie 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, Naqambie 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](mailto: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**

132-21/22      **CARRIED**

**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. These are detailed in the officer report and engagement has been undertaken which is detailed in the Planning Officer Report. Since the writing of the Planning Officer's report (Attachment 1), one objection has 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 issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

*The applicant's representative addressed the meeting.*

**MOVED: COUNCILLOR MURRAY**

**SECONDED: COUNCILLOR HOURIGAN**

***Councillor Murray put forward an amendment that Council decides to issue a Notice of Decision to Grant a Permit***

**Amendment:**

***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 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 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.***

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Naqambie 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.***

9.1.3 Planning Permit Application No. P2021-102: Multi Lot Subdivision ~ 170-194 High Street, Naqambie 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.**

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**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 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;**

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- 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.***

***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.***

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- 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.***



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- 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,***

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- 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.**

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**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).**

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- 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).**

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**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](http://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.**

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**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](http://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);**

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- (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.**

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**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, Naqambie 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.**

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- ***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>.***

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**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](mailto: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**

133-21/22      **CARRIED**

**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.

*The applicant's representative addressed the meeting.*

**MOVED: COUNCILLOR HAYES-BURKE  
SECONDED: COUNCILLOR DICKINSON**

***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, Naqambie 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, Naqambie 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;**

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- 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.**



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- 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.**

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- 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.*

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- 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, Naqambie 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, Naqambie 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, Naqambie 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](http://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.**

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- 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](http://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.**



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- (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.***

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- **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](mailto: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**

134-21/22      **CARRIED**

**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.

*The applicant's representative address the meeting.*

**MOVED: COUNCILLOR HAYES-BURKE**

**SECONDED: COUNCILLOR MURRAY**

***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*

135-21/22     **CARRIED**



**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**

***7.12 pm: Councillor Binks left the meeting due to declaring a general conflict of interest***

***The Deputy Mayor assumed the Chair.***

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.

*Four objectors addressed the meeting, and one objector's submission was read by the Chair.*

*The applicant's representative addressed the meeting.*

*The property owners addressed the meeting to respond to questions from Councillors.*

- 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.)

**MOVED: COUNCILLOR RAEBURN  
SECONDED: COUNCILLOR HOURIGAN**

**Amendment:**

***That Council adopt the Recommendation, with an amendment to Condition 17 -***

***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:***

**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.

- 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.)

**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.

**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.

- 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.)

**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.

**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.

- 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.)

**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.

Prior to the commencement of the uses and development, roadside signage is to be erected to the satisfaction of the Responsible Authority, directing road users to the location of the facility and the need to slow and be aware of turning vehicles.

**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.
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.

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.)

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.

***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.

- 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.)

**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
  - 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.

- 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.)

***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.
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.



- 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.)

**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***

136-21/22      **CARRIED**

***8.19 pm: Councillor Binks returned to the meeting after the vote had been conducted, and assumed the Chair.***

**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 1<sup>st</sup> to 30<sup>th</sup> 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.

***MOVED: COUNCILLOR RAEBURN  
SECONDED: COUNCILLOR DICKINSON***

***That Council:***

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

***137-21/22 CARRIED***

## **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.

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

**MOVED: COUNCILLOR HAYES-BURKE**  
**SECONDED: COUNCILLOR RAEBURN**

**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.**
  
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.**

138-21/22    **CARRIED**

### **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.)

**MOVED: COUNCILLOR RAEBURN**  
**SECONDED: COUNCILLOR HOURIGAN**

***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;***
  - 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***

139-21/22     **CARRIED**

### **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.

***MOVED: COUNCILLOR RAEBURN  
SECONDED: COUNCILLOR MURRAY***

***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.***

***140-21/22 CARRIED***

### **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.

***MOVED: COUNCILLOR RAEBURN  
SECONDED: COUNCILLOR HAYES-BURKE***

***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.)

*MOTION (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.**

141-21/22      **CARRIED**

### **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 awarded 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.

**MOVED: COUNCILLOR RAEBURN  
SECONDED: COUNCILLOR MURRAY**

***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).***

142-21/22      **CARRIED**

**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.

***MOVED: COUNCILLOR HOURIGAN  
SECONDED: COUNCILLOR RAEBURN***

***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.***

143-21/22      ***CARRIED***

## **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.

***MOVED: COUNCILLOR MURRAY  
SECONDED: COUNCILLOR HOURIGAN***

***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.)

*MOTION (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 Councillor Hayes-Burke 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.**

144-21/22

**CARRIED**

## **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.

***MOVED: COUNCILLOR HOURIGAN  
SECONDED: COUNCILLOR RAEBURN***

***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.)

*MOTION (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.***

145-21/22      **CARRIED**

## **9.5.2 Chief Executive Officer Contract Extension**

### ***9.11 pm: The Chief Executive Officer left the meeting due to declaring a material conflict of interest***

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.

***MOVED: COUNCILLOR RAEBURN  
SECONDED: COUNCILLOR HAYES-BURKE***

***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.***

***146-21/22 CARRIED***

***9.15 pm: The Chief Executive Officer returned to the meeting after the vote had been conducted.***



### **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.

**MOVED: COUNCILLOR HAYES-BURKE**  
**SECONDED: COUNCILLOR MURRAY**

***That the report be noted.***

**147-21/22      CARRIED**

**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:

***MOVED: COUNCILLOR HAYES-BURKE***  
***SECONDED: COUNCILLOR RAEBURN***

***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, 19<sup>th</sup> – 22<sup>nd</sup> June.***

148-21/22      ***CARRIED***

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

**NEXT MEETING**

The next monthly Meeting of the Strathbogie Shire Council is scheduled to be held virtually on Tuesday 16 August 2022, commencing at 6.00 p.m.

***THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 9.31 P.M.***

Confirmed as being a true and accurate record of the Meeting

.....  
Chair

.....  
Date