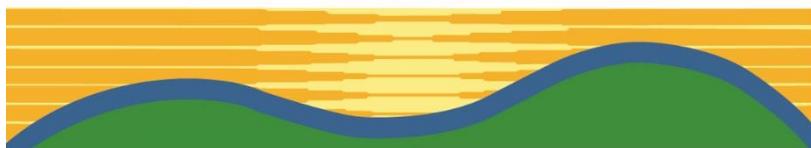


MITCHELL SHIRE COUNCIL



ORDINARY COUNCIL MEETING

AGENDA

MONDAY 19 JULY 2021
7.00pm

NOTICE IS HEREBY GIVEN that **Ordinary Council Meeting** of the Mitchell Shire Council will be held **Online**, on **Monday 19 July 2021** commencing at **7.00pm**.

BRETT LUXFORD
CHIEF EXECUTIVE OFFICER

By attending this meeting, you agree to be filmed. An audio and digital recording is made of all public Council and Committee Meetings, streamed live and published on Council's website. By participating in proceedings including during question time or in making a submission regarding an item before Council you agree to this publication. You should be aware that any private information volunteered by you during your participation in a meeting is subject to recording and publication. Meeting recordings can be located at www.mitchellshire.vic.gov.au.

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1 WELCOME

The Mayor formally opens the meeting with an acknowledgement of country and welcomes all present.

2 GOVERNANCE DECLARATION**3 APOLOGIES AND LEAVE OF ABSENCE****4 DISCLOSURE OF CONFLICTS OF INTEREST**

In accordance with Section 130(2)(a) of the Local Government Act 2020.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**RECOMMENDATION**

THAT the Minutes of the Ordinary Council Meeting held 28 June 2021, as circulated, be confirmed.

6 PETITIONS AND JOINT LETTERS**7 PRESENTATIONS**

8 ADVOCACY AND COMMUNITIES

8.1 FEDERAL ELECTION CAMPAIGN

Author: *Nicolas Adams - Research and Advocacy Officer*

File No: *CS/21/010*

Attachments: *Nil*

1. Purpose

1.1 To seek endorsement for the two key projects for the 2021/22 Federal Election:

- Camerons Lane – Hume Freeway Interchange
- Seymour Community Wellbeing Hub

2. Background

2.1 The next Federal Election could be held any time from the 7 August 2021 until 3 September 2022.

2.2 Council's election advocacy is at the core of a key two-year period which encompasses two elections, four federal budgets, and four state budgets. The initial phase involved Council's *Big Build* budget submission to the 2021/22 State and Federal Budgets.

2.3 This next phase focuses on the upcoming Federal Election.

3. Key Matters

3.1 For a project to be identified as a key project for the Federal Election it must meet the following criteria:

- The ask needs to be primarily Federal
- The projects need to have been scoped to the extent required
- The projects need to be appropriately significant and transformational
- The projects need to fit within current Federal funding priorities
- The projects need to align with community benefits and priorities

3.2 Along with this, it is best to narrow the focus to only one or two key projects in order to increase the strengths of the ask.

3.3 For these reasons, the two key asks for the 2021/22 Federal Election are proposed to be:

3.4 *Camerons Lane – Hume Freeway Interchange*

FEDERAL ELECTION CAMPAIGN (CONT.)

- A \$250,000,000 interchange which would unlock 30,000 home, tens of thousands of jobs, and social and community infrastructure.
- This interchange sits at the heart of one of Australia's fastest growing corridors, and is a vital and transformative piece of infrastructure
- This project requires Federal Government funding due to both its scope and its location on the Hume Freeway, and as a project which could begin construction over the coming years would firmly support the Federal Government's COVID-19 recovery goals
- Without this project, due to the lot-cap imposed on the Lithgow Avenue Interchange, development would be stifled and any progress on the BIFT would be near impossible

3.5 *Seymour Community Wellbeing Hub*

- A \$23,000,000 integrated health and wellbeing hub with a focus on adult and veterans' mental health
- The ask is for \$14,000,000 from the Federal Government and \$9,000,000 from the State Government
- Council would contribute the land and project management
- This hub is the result of a partnership with a number of key service provider partners
- A key purpose of the hub is to turn the tide on intergenerational disadvantage in Seymour
- The hub is designed to either directly address, or else support some of Seymour and region's most significant identified disadvantage markers
- This project will require Federal Funding for it to become a reality
- The recent Federal Budget highlighted the government's commitment to adult mental health; this hub speaks directly to this need
- The hub was identified as one of the priority projects from Seymour Revitalisation, and would be one of the most powerful ways to help uplift the community.

3.6 These asks build upon Council's 2019 Federal Election, Fight for Mitchell campaign, mental health and transport connectivity.

3.7 Whilst these two projects would be Mitchell Shire's key priority projects, advocacy during the election will continue around all of Mitchell Shire's identified projects.

FEDERAL ELECTION CAMPAIGN (CONT.)

Recommendation

THAT Council endorse the two key asks for the upcoming Federal Election:

1. Camerons Lane – Hume Freeway interchange
2. Seymour Community Wellbeing hub

FEDERAL ELECTION CAMPAIGN (CONT.)

4. Financial, Resource and Asset Management Implications

- 4.1 The proposed election campaign structure and approach is projected to cost around \$60,000 (indicative) funding for this has been allocated in the 2021/2022 budget.
- 4.2 Council officer time is required in the coordination, design and implementation.

5. Consultation

- 5.1 Cameron's Lane Interchange has been identified as a key interchange on the Hume Freeway in the Northern Corridor Growth Plan, a number of Precinct Structure Plans (PSPs), and in other strategic documents which have gone through public consultation processes.
- 5.2 The Seymour Community Wellbeing Hub (Hub) was a top priority intervention resulting from Seymour Revitalisation. This involved consultation with the community representative group and a stakeholder groups. Along with this, the Hub is the result of a partnership between Council and a number of service partners.

6. Sustainability Implications (Social and Environmental)

- 6.1 At its core, the Federal Election campaign supports Mitchell Shire Council's aim **to create and maintain a healthy, connected and sustainable community**; sustainability is at the heart of Council's approach to advocacy.
- 6.2 The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered in preparing this report and it's determined that the subject matter does not raise any human rights issues.

7. Policy and Legislative Implications

- 7.1 The proposed approach and projects align with Council's *Advocacy Policy* and the *Advocacy Statement* that Council aims to create and maintain a healthy, connected and sustainable community.
- 7.2 The Victorian *Local Government Act 2020* identifies that Councils have a legitimate role in advocating for the needs of the community and municipality.
- 7.3 Part 2 Division 1 of the *Local Government Act 2020* (The Act) states:
 - 1) The role of Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.
- 7.4 Part 2 Division 9 outlines:

FEDERAL ELECTION CAMPAIGN (CONT.)

(b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

(c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

(f) Collaboration with other Councils and governments and statutory bodies is to be sought.

8. Alignment to Council Plan

8.1 This approach aligns with the strategic object *'to relentlessly advocate for funding to benefit our community'*.

9. Conflict of Interest

9.1 No officers involved in the preparation of this report have any direct or indirect interest in this matter.

10. Risk Implications

10.1 Risk Ranking is determined using [ROHS201-G1-Corporate Risk Matrix](#). Risk is identified as Low, Medium, High or Very High.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council's advocacy may be unsuccessful.	Medium	This is a risk with all advocacy, however advocacy is best viewed in the long-term. It is important that it is clear in the campaign that these are projects which require Federal and State funding to proceed.	The proposed election campaign approach has been allocated in the 2021/2022 budget.
There is a risk that the projects will fail to gain traction of the community.	Medium	Treatment involves campaign design, which is intended to utilise targeted political messaging and partner and third-party endorser voices.	The proposed election campaign approach has been allocated in

FEDERAL ELECTION CAMPAIGN (CONT.)

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
			the 2021/2022 budget.

11. Discussion

- 11.1 Advocacy is central to Council's role in serving the community. Advocacy must be strategic, focused and requires a whole-of-Council organisational approach.
- 11.2 These two projects would present the opportunity for the Federal government to invest in a set of truly transformational projects for Mitchell Shire, our community and the region. This would support Mitchell becoming a healthy, connected and sustainable community.
- 11.3 Camerons Lane – Hume Freeway Interchange is potentially the most significant piece of transport infrastructure for Mitchell's growth. Without construction of the interchange development will be stifled, jobs will not be created, and our growing communities will suffer from severely increased congestion.
- 11.4 The Seymour Community Wellbeing Hub is designed to address intergenerational disadvantage in Seymour. Seymour is one of Victoria's most disadvantaged townships and a hub, with a focus on adult and veterans mental health, which supports a holistic and integrated approach to wellbeing would be one of the most impactful interventions to help uplift the community.
- 11.5 These projects would be truly transformation, fit current Federal Funding priorities, and are ready to proceed if they were to be funded.
- 11.6 These two projects would help to create and maintain a healthy, connected and sustainable community.

9 ORGANISATIONAL PERFORMANCE

9.1 CONSIDERATION OF SALE OF LAND - CONWAY STREET KILMORE

Author: Teresa Hendy - Property Officer

File No: CP/05/029

Attachments:

1. Old Titles Pre Subdivision
2. Title Details
3. Location Map
4. Policy Criteria

1. Purpose

1.1 Council owns a small parcel of vacant land in Conway Street, Kilmore which is adjacent to Assumption College and St Patrick's Primary School. This report proposes the consideration of the sale of the land by private treaty and seeks support to engage with the community in relation to a possible sale and to invite and receive submissions.

2. Background

2.1 The Conway Street land (the land) came into Council's ownership in 1999. The land consisted of two lots which made up the road (Conway Street) and the vacant land (subject of this report). The original titles for the two lots can be seen in Attachment 1.

2.2 Following support from Council in 2016, a subdivision of the lots was undertaken to create separate titles for the road and for the vacant land. The Council Report also discussed the consideration of a sale of the land however this did not proceed due to the then adjacent landowner withdrawing interest. Attachment 2 shows the current titles. Attachment 3 shows a location map.

2.3 There have been previous negotiations with the adjacent landowner when they expressed an interest in purchasing the land however, at that time in 2017, they were not in a position to be able to sign a sale contract due to limiting factors related to an associated land purchase.

3. Key Matters

3.1 The vacant land is not, and has never been, used for a Council operational purpose or community purpose and does not have a designated Council or community purpose in the Kilmore Structure Plan. The land is therefore considered to be surplus to requirements.

3.2 The land was used for access to an adjacent property by the previous owner and an above ground power supply runs through the land to the adjacent property. The power supply would be an impediment to the sale of the land to any party other than the adjacent landowner. The adjacent landowner has expressed an interest in acquiring the land.

CONSIDERATION OF SALE OF LAND - CONWAY STREET KILMORE (CONT.)

- 3.3 Council has been in discussions with the adjacent landowner regarding future joint projects for the benefit of the community. The land on Conway Street would facilitate a further access point to their land and support additional development.
- 3.4 In situations such as this where there is a demonstrated benefit to the Community by the sale, a direct sale by private treaty is the customary sale method. That is, sale by private treaty at the valuation price set by an independent professional valuer. Dependent on the differing specifics of land sales, other sale methods where the sale would be on the open market, are by public auction, agent or by an expression of interest process.

Recommendation

THAT Council:

1. Consider the proposed sale of the land at Conway Street Kilmore held in Lot 1 on Plan of Subdivision 747382R and contained in Volume 11826 Folio 828 (as per the Title in Attachment 2) which is reasoned surplus to requirements as assessed against Council's Property Holding and Acquisition and Disposal Policy 2019.
2. Signify support to continue the steps under the *Local Government Act 2020* to publish a notice for the consideration of the sale of the land at Conway Street Kilmore contained in Volume 11826 Folio 828 (as per the Title in Attachment 2) on Council's Internet site and in a local paper.
3. Authorise the giving of notice under section 114 (2) of the *Local Government Act 2020* for the consideration of sale of the land at Conway Street Kilmore contained in Volume 11826 Folio 828 (as per the title in Attachment 2). The notice would be published on Council's Internet site as required by section 114 (2) of the *Local Government Act 2020* and include the consideration to sell the land by private treaty for not for less than an independent valuation. The notice would also be published in a local newspaper to engage with the wider community.
4. Receive written submissions in response to the notice and hear from submitters at a meeting of the Community Questions and Hearings Committee in relation to the land held in Volume 11826 Folio 828 located at Conway Street Kilmore.
5. At a later date, consider a Council report containing recommendations pertaining to the consideration of sale of the land contained in Volume 11826 Folio 828, located at Conway Street Kilmore.

CONSIDERATION OF SALE OF LAND - CONWAY STREET KILMORE (CONT.)**4. Financial, Resource and Asset Management Implications**

- 4.1 The standard basic maintenance of the land is estimated to be \$1,000 per annum. Should the land not be sold, future ongoing costs would include standard maintenance, shared fencing contributions, costs of tree work/maintenance and addressing issues relating to the power supply which could be a significant cost.
- 4.2 The administration of the sale of the land could be carried out within current resources. Costs associated with the sale would include the requirements of s114 of the *Local Government Act 2020*, being to obtain an independent Valuation and giving notice in a local paper. Council would need to engage a representative for settlement and transfer. The estimation of external costs is \$2,200 including statutory fees.
- 4.3 A professional qualified valuer would provide a current valuation and the land would not be sold for less than the valuation.
- 4.4 Whilst the land is in Council ownership, Council carries a public liability risk should any incident occur on the land. This would include the injury of any person on the land regardless of there being no consent from Council for access to the land.
- 4.5 As the land has never had reserve status and was not an open space contribution, the funds from the sale could be used at Council's discretion and will be transferred to the Property Proceeds Reserve. If sold to the adjoining landowner, the land would not need to be rezoned prior to a sale. The land has one overlay which relates to the Kilmore North, West and South East Growth Precincts. The size of the land is 989m².

5. Consultation

- 5.1 As required by the *Local Government Act 2020* s114 (2), notice must be given of the consideration to sell land. The notice must be published on Council's Internet site.
- 5.2 As required by the *Local Government Act 2020* s114 (2), Council must '*undertake a community engagement process in accordance with its community engagement policy*'. The consideration of sale of a small land parcel of minor value which does not serve a community or Council purpose is regarded as Level 2 on the engagement spectrum of Council's Community Engagement Framework. Level 2 requires consultation with the community, including accepting contributions from the community in relation to the matter under discussion.
- 5.3 In order to invite comment and contributions from the community, the notice would also be placed in a local free newspaper so as to reach as many of the community as possible. Letters would also be sent to surrounding landowners and occupiers.

CONSIDERATION OF SALE OF LAND - CONWAY STREET KILMORE (CONT.)

- 5.4 Community enquiries regarding the consideration of the sale of the land could be made by email, intranet enquiry form, phone or in person.
- 5.5 Submissions in response to notice would be received, with any person being able to make a submission in person to the Community Questions and Hearings Committee.
- 5.6 Internal consultation with other Council departments has been carried out with no objection raised to the potential sale, including Strategic Planning's consideration of the sale of the land in relation to the Kilmore Structure Plan.
- 5.7 Informal legal guidance has indicated that for the sale of a minor piece of land for which there are no foreseen substantial issues, community consultation in line with the former section 223 process would satisfy the requirements of community engagement.

6. Sustainability Implications (Social and Environmental)

- 6.1 There are no known environmental implications.
- 6.2 There may be positive outcomes as a result of the sale to the neighbouring landowner by facilitating land access and supporting the projects and infrastructure from which the community may benefit.
- 6.3 If considered appropriate, Council could negotiate with the prospective purchaser regarding any matters relating to the future use of the land or other matter pertinent to sale negotiations and enter into a section 173 Agreement with that party to secure Council's interests.

7. Policy and Legislative Implications

- 7.1 The Property Holding and Acquisition and Disposal Policy 2019 (the Policy) is an essential instrument in directing the consideration of the sale of the Conway Street land. The Policy delivers a list of criteria (Attachment 4) which must form part of the consideration of the disposal of property. With the exception of the criteria which requires a resolution of Council for disposal, an evaluation of Conway Street against the criteria shows that the land meets the criteria for the sale of land.
- 7.2 Subsequently, taking into account the requisite to abide by Council's Policies and subject to community consultation, the sale of the Conway Street land would be consistent with current Policy and should take place in a timely manner whilst there is an interested and community motivated purchaser.

8. Alignment to Council Plan

- 8.1 The disposal of this property as surplus to Council's needs is in line with the Strategic Objective to be leaders in financial and organisational management.

CONSIDERATION OF SALE OF LAND - CONWAY STREET KILMORE (CONT.)

- 8.2 The sale of the land to the adjacent landowner to enable greater community access to facilities would be in strategic alignment with the Council Plan for the provision of a range of facilities for use by the community.

9. Conflict of Interest

- 9.1 No officers involved in the preparation of this report have any direct or indirect interest in this matter.

10. Risk Implications

- 10.1 There are no known risks associated with the sale of the land, however there may be ongoing risks if the land is not sold.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
The land is not sold and there is an incident where a person/s is injured and a claim is made against Council.	Medium	Sell the land. Retain the land and Council recognises and accepts ongoing Public Liability risk and insurance.	Yes Yes
The land is not sold and Council's Public Liability risk continues.	Medium	Erect high (1.8m-2.0m) fencing along the road and other boundaries to prevent access. Ongoing Public Liability risk and insurance.	No Yes
Delay in confirmation of offer to sell the land to adjacent landowner. Adjacent landowner withdraws offer to purchase.	Medium	Proceed with consideration of sale process towards finalisation with sale on open market. Potential eventual sale to another party which would require costly modification of the overland power supply.	Yes Funds set aside in Budget.
The land is retained and there are issues associated with the power supply across the land which are likely to be at high cost to Council.	Medium	Investigate options with power utility and supply to adjacent landowner.	Investigation – Yes Budget for power supply works

CONSIDERATION OF SALE OF LAND - CONWAY STREET KILMORE (CONT.)

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
The land is not sold to the currently interested purchaser with subsequent sale to another party which would require the removal of power supply from the land at a high cost prior to sale.	Medium	Investigate options with power utility and supply to adjacent landowner.	Yes



Natural Resources and Environment

-
- AGRICULTURE
-
- RESOURCES
-
- CONSERVATION
-
- LAND MANAGEMENT

REGISTER SEARCH STATEMENT Land Titles Office, Victoria Page 1

Enquiry no : 1 F Volume 10463 Folio 444
Security no : 102360687855Q Printed 24/08/1999 04:53 pm
Customer code:

LAND

LOT 2 on Title Plan 014526U.
Created by Application No. 79714N 28/07/1999

REGISTERED PROPRIETOR

ESTATE FEE SIMPLE
SOLE PROPRIETOR
MITCHELL SHIRE COUNCIL; 113 HIGH STREET BROADFORD 3658
Application No. 79714N 28/07/1999

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988.
Any other encumbrances shown or entered on the plan.

Warning as to Dimensions
Any dimension and connecting distance shown is based on the description of the land as contained in the General Law Title and is not based on survey information which has been investigated by the Registrar of Titles.

SEE TP014526U FOR FURTHER DETAILS AND BOUNDARIES

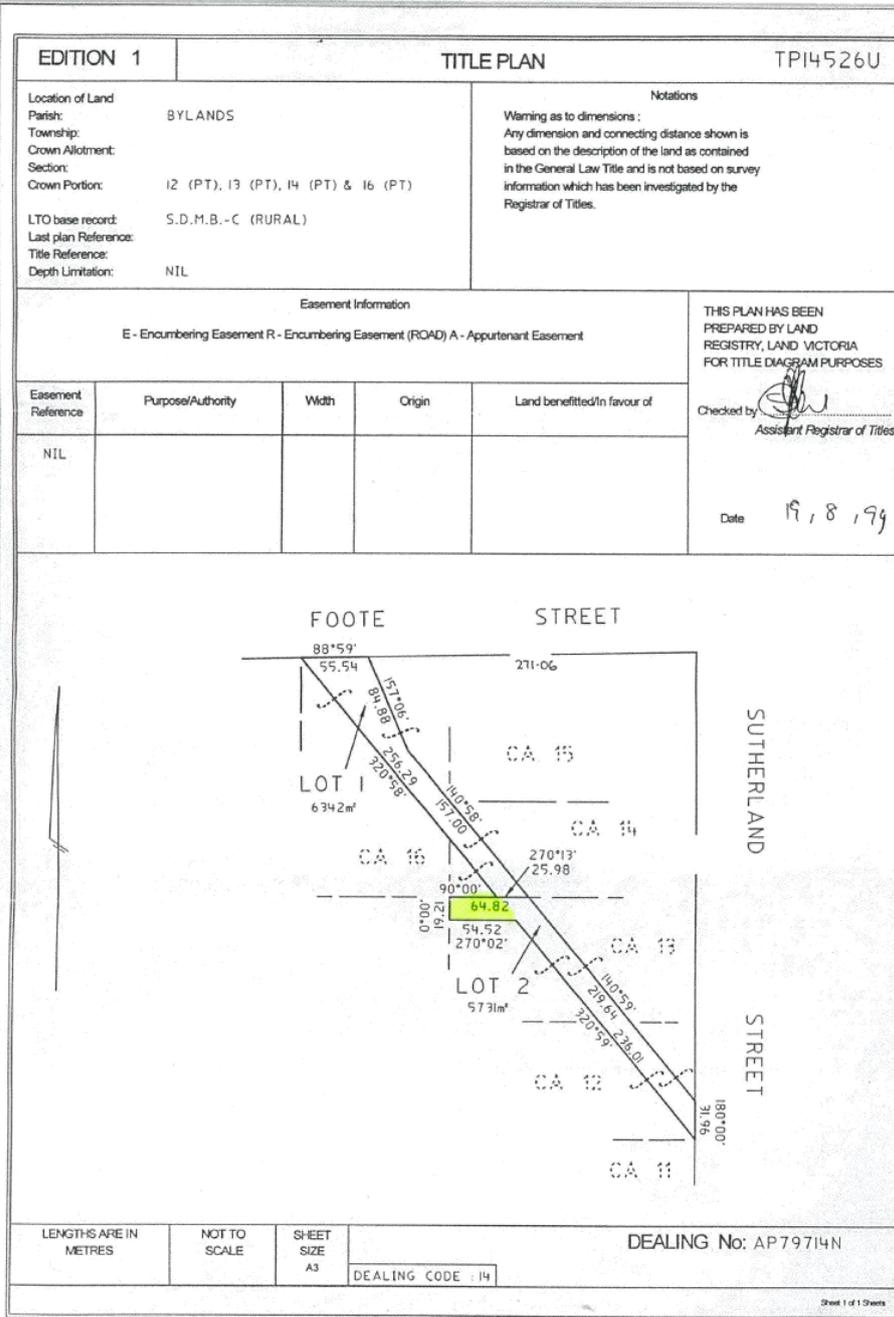
UNREGISTERED DEALINGS

Obtain Final Search Statement for unregistered dealings

STATEMENT END

LAND VICTORIA
283 Queen Street, Melbourne DX 250639
Telephone: (03) 9603 5555 Facsimile: (03) 9603 5556





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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958
VOLUME 11826 FOLIO 828 Security no : 124086771010N
Produced 25/11/2020 11:10 AM

LAND DESCRIPTION
Lot 1 on Plan of Subdivision 747382R.
PARENT TITLES :
Volume 10463 Folio 443 to Volume 10463 Folio 444
Created by instrument PS747382R 14/10/2016

REGISTERED PROPRIETOR
Estate Fee Simple
Sole Proprietor
MITCHELL SHIRE COUNCIL of 113 HIGH STREET BROADFORD VIC 3658
[PS747382R](#) 14/10/2016

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION
SEE [PS747382R](#) FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

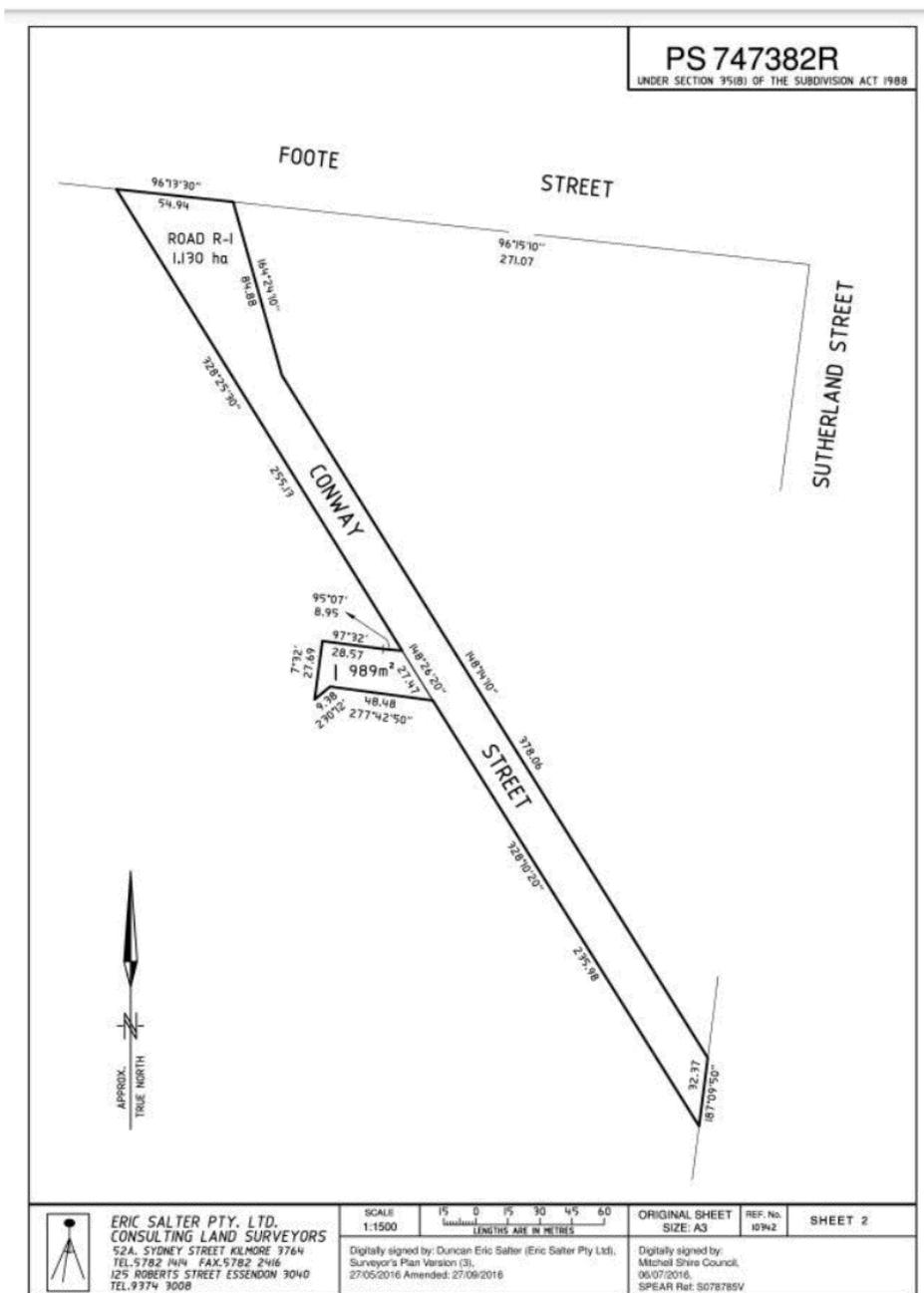
Additional information: (not part of the Register Search Statement)

Street Address: CONWAY STREET KILMORE VIC 3764

ADMINISTRATIVE NOTICES
NIL

eCT Control 09886B MITCHELL SHIRE COUNCIL
Effective from 14/10/2016

PLAN OF SUBDIVISION <small>UNDER SECTION 95(8) OF THE SUBDIVISION ACT 1988</small>		EDITION 1	PS 747382R		
LOCATION OF LAND PARISH: BYLANDS TOWNSHIP: - SECTION: - CROWN ALLOTMENT: - CROWN PORTION: (2IPT), (3PT), (4IPT) & (6IPT) TITLE REFERENCES: LOT 1 on TP4526U LOT 2 on TP4526U LAST PLAN REFERENCE/S: VOL. 10463 FOL. 443 VOL. 10463 FOL. 444 POSTAL ADDRESS: CONWAY STREET (KILMORE, 3764) MGA84 Co-ordinates (E 318 040 ZONE: 55 (N 5 870 140 GDA84)		Council Name: Mitchell Shire Council Council Reference Number: PL508515 Planning Permit Reference: planning permit not required SPEAR Reference Number: 5078785V This is a plan under section 35 of the Subdivision Act 1988 which does not create any additional lots. Certification This plan is certified under section 11 (7) of the Subdivision Act 1988 Date of original certification under section 6: 22/03/2016 Statement of Compliance This is a statement of compliance issued under section 21 of the Subdivision Act 1988 Digitally signed by: Julian Edwards for Mitchell Shire Council on 05/07/2016			
VESTING OF ROADS AND/OR RESERVES		NOTATIONS			
IDENTIFIER	COUNCIL/BODY/PERSON				
ROAD R-1	MITCHELL SHIRE COUNCIL				
NOTATIONS					
DEPTH LIMITATION DOES NOT APPLY.					
SURVEY: THIS PLAN IS BASED ON SURVEY THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No.(s), - IN PROCLAIMED SURVEY AREA No. 40 STAGING: THIS IS NOT A STAGED SUBDIVISION					
EASEMENT INFORMATION					
LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)					
Easements marked (e) are existing easements. Easements marked (c) are created upon registration of this plan. Easements marked (s) are created when the appropriate vesting date is recorded or transfer registered. Easements marked (r) are removed when the appropriate vesting date is recorded or transfer registered.					
Symbol	Subject Land	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
ERIC SALTER PTY. LTD. CONSULTING LAND SURVEYORS 52A, SYDNEY STREET KILMORE 3764 TEL: 5782 1414 FAX: 5782 2416 125 ROBERTS STREET ESSENDON 3040 TEL: 9374 9008		SURVEYOR FILE REF: 10342 PLAN No.: M500742PS.DWG Digitally signed by: Duncan Eric Salter (Eric Salter Pty Ltd), Surveyor's Plan Version (3), 27/05/2016 Amended: 27/09/2016		ORIGINAL SHEET SIZE: A3 SHEET 1 OF 2 PLAN REGISTERED TIME: 4:22 PM DATE: 14/10/2016 R.I. Assistant Registrar of Titles	



Location Map – 3 Conway Street outlined in blue





Property Holding, Acquisition and Disposal Policy

9. Property Disposal/Exchange Criteria

Council will address all of the following criteria in assessing the disposal of property:

- The property is not linked to, or foreseeably linked to, or integral to, the implementation of an existing and documented Council strategy.
- The property does not support an existing or future Council service.
- The property is not leased or licenced to an existing community group or Committee of Management to provide a Council supported community service.
- Non-core services are being provided from the property.
- The services provided from the property can be performed elsewhere, co-located, or consolidated with a nearby property.
- The property cannot adequately meet future service demand without significant additional investment.
- There will be no significant social impact on the community from disposal of the property.
- The property does not generate sufficient rental income taking account of life cycle costs and the value to Council if the property were sold.
- The property will attract an acceptable financial return for Council in the current market.
- The optimum development potential of the land is not matched to Council functions (e.g. mining).
- There is no legal or statutory impediment stopping the disposal of the property.
- The property owned by Council fits into categories including disused or closed roads, rear laneways or Rights of Way, and allotments in inappropriate subdivisions, where Council has no use or need for the land.
- The disposal of property must be supported by a resolution of Council.
- The property to be disposed of is surplus to current and future needs.

10. Report to Council to buy or sell Property

Property transactions will be negotiated and executed in accordance with legislative requirements and Council's instruments of delegation. The decision to buy, sell or exchange property will be made by Council resolution.

The Council report will be supported by an appropriate strategic assessment and business case as deemed necessary to justify the property transaction, and a clear management recommendation to form the basis of the Council resolution.

9.2 ASSEMBLY OF COUNCIL RECORD

Author: Lidia Harding - Manager Governance & Risk

File No: CL/04/013-02

Attachments: 1. Assembly of Council Record

1. Purpose

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

2. Background

2.1 Section 58(a) of the *Local Government Act 2020* refers to the public transparency principles and states that Council decision making processes must be transparent except when the council is dealing with information that is confidential by virtue of this Act or any other Act.

2.2 A written record of an assembly of council includes the following:

- (a) Names of all Councillors and members of Council staff attending.
- (b) Matters considered.
- (c) Any conflict of interest disclosures made by a Councillor attending the meeting.
- (d) Whether a Councillor who has disclosed a conflict of interest as required by leaves the assembly.

3. Key Matters

3.1 An Assembly of Councillors means:

- A planned or scheduled meeting that includes at least half the Councillors and a member of Council staff (providing that the matter/s considered are intended or likely to be the subject of a future decision by the Council or an Officer decision under delegated authority); or
- An Advisory Committee of the Council where one or more Councillors are present.

Some examples include:

- Councillor Briefings – Strategy meeting, Councillor and Officer Discussion (Pre Council meeting);

ASSEMBLY OF COUNCIL RECORD (CONT.)

- Advisory Committees – Audit and Risk Committee, Mitchell Environment Advisory Committee, Mitchell Early Years Advisory Committee, Mitchell Fire Consultative Forum, Mitchell Youth Advisory Committee, Social Justice Advisory Committee, Australia Day Awards Committee and Mitchell Heritage Advisory Committee.

Lists of the Assembly of Councillors Records for the period June 2021 are attached.

Recommendation

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

ASSEMBLY OF COUNCIL RECORD (CONT.)

4. Financial, Resource and Asset Management Implications

4.1 There are no financial resource and asset management implications associated with this report.

5. Consultation

5.1 Assembly of Council records have been received for meetings across Council services.

6. Sustainability Implications (Social and Environmental)

6.1 This is an administration process and does not have any environment and sustainability implications associated with this report.

7. Policy and Legislative Implications

7.1 This report is in line with the requirements of Section 58(a) of the *Local Government Act 2020*.

8. Alignment to Council Plan

8.1 Item 6.4: Develop and adopt policies and procedures that reflect responsible, transparent and accountable management of Council finances and risks.

9. Conflict of Interest

9.1 No officers involved in the preparation of this report have any direct or indirect interest in this matter.

10. Risk Implications

10.1 Risk Ranking is determined using [ROHS201-G1-Corporate Risk Matrix](#). Risk is identified as Low, Medium, High or Very High.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Perceived lack of transparency	Low	All assembly of council records and the issues discussed are made public	Yes

11. Discussion

11.1 This report outlines the assemblies of council records recorded over the 1 to 30 June 2021 period.

ASSEMBLY OF COUNCIL RECORD (CONT.)

ASSEMBLY OF COUNCILLORS

Record

Assembly of Councillors: June 2021

- > A planned or scheduled meeting that includes at least half the Councillors and a member of Council staff; and the matter/s considered are intended or likely to be subject of a future decision by the Council; OR
- > An Advisory Committee of the Council where one or more Councillors are present.

Assembly details	Councillor details	Officer attendees	Matters discussed	Conflict of interest disclosures
Online 1 June 2021	<u>In attendance:</u> Cr Rhonda Sanderson Cr Bill Chisholm Cr Fiona Stevens Cr Louise Bannister Cr Nathan Clarke Cr Annie Goble	Travis Conway Aimee Corkhill	<ul style="list-style-type: none"> • Union St Kilmore public planning meeting 	Nil
Strategy Session 7 June 2021	<u>In attendance</u> Cr Rhonda Sanderson Cr Fiona Stevens Cr Bob Cornish (left the meeting at 6.27pm) Cr Louise Bannister (left the meeting at 3.17pm) Cr Rob Eldridge Cr Annie Goble (attended at 1:34pm) Cr Christine Banks Cr Nathan Clark (attended at 1:33pm, left the	Brett Luxford Mary Agostino Laurie Ellis Mike McIntosh Lidia Harding Ellen McComish Gavin Wilson Jo Wilson Anna Bunbury Luke Douglas Travis Conway	<ul style="list-style-type: none"> • Notice of Motion Process • Community Vision and Council Plan Future Direction • PSPs Update • JJ Clancy Reserve Integrated Community Facility Recreation Hub/Activation of Beveridge Recreation Reserve • Councillor/CEO Only Time 	Nil

ASSEMBLY OF COUNCILLORS

Record

Assembly details	Councillor details	Officer attendees	Matters discussed	Conflict of interest disclosures
	<p>meeting at 4.30pm and returned at 5.24pm) Cr Bill Chisholm (attended at 1:08pm, left the meeting at 4.49pm and returned 4.53pm)</p> <p><u>Apologies:</u> Nil</p>			
<p>Strategy Session 15 June 2021</p>	<p><u>In attendance</u> Cr Rhonda Sanderson Cr Nathan Clark (attended at 1:28pm, left the meeting at 3:06pm and returned at 3:50pm Cr Louise Bannister (left the meeting at 6.36pm) Cr Bob Cornish (left the meeting at 6:00pm and did not return) Cr Annie Goble (attended at 1:30pm. Left the meeting at 5.42pm and returned at 5.55pm) Cr Fiona Stevens (left the meeting at 4.49pm and returned 4.53pm) Cr Bill Chisholm (left the meeting at 4.49pm and returned 4.52pm)</p>	<p>Brett Luxford Mary Agostino Laurie Ellis Mike McIntosh Lidia Harding El McComish Karen Watson Adam Evans Hannah White Nicole Maxwell Ricardo Ramos Robert Ford Travis Conway Tim Partridge Narelle Liepa Elyse Kelly Rebecca Sirianni Nic Adams Justin Harding</p>	<ul style="list-style-type: none"> • Goulburn Broken Catchment Management Authority • Draft Council Agenda • Wallan Station Street Masterplan • Quarry Advocacy • Councillor/CEO Only Time 	<p>Nil</p>

ASSEMBLY OF COUNCILLORS*Record*

Assembly details	Councillor details	Officer attendees	Matters discussed	Conflict of interest disclosures
	<u>Apologies</u> Cr Christine Banks Cr Rob Eldridge	Cameron Baird		
Online 16 June 2021	<u>In attendance</u> Cr Rhonda Sanderson Cr Bill Chisholm Cr Fiona Stevens Cr Louise Bannister (left the meeting at 5.58pm) Cr Nathan Clarke Cr Bob Cornish	Brett Luxford Mary Agostino Mike McIntosh Laurie Ellis Rosemary Scott	<ul style="list-style-type: none"> Community Satisfaction Survey outcomes 	Nil
Strategy Session 21 June 2021	<u>In attendance</u> Cr Bill Chisholm Cr Nathan Clark Cr Rob Eldridge Cr Annie Goble Cr Fiona Stevens <u>Apologies</u> Cr Christine Banks Cr Bob Cornish Cr Louise Bannister Cr Rhonda Sanderson	Mike McIntosh Laurie Ellis Mary Agostino Nic Adams Rebecca Sirianni Jo Wilson Adam Evans Tim Partridge Travis Conway	<ul style="list-style-type: none"> Kilmore Community Infrastructure Street Parking 	Nil

ASSEMBLY OF COUNCILLORS*Record*

Assembly details	Councillor details	Officer attendees	Matters discussed	Conflict of interest disclosures
Strategy Session 28 June 2021	<u>In attendance</u> Cr Rhonda Sanderson Cr Bill Chisholm Cr Fiona Stevens Cr Nathan Clark Cr Louise Bannister Cr Rob Eldridge Cr Bob Cornish Cr Christine Banks Cr Annie Goble <u>Apologies</u> Nil	Brett Luxford Mary Agostino Laurie Ellis Mike McIntosh Ellen McComish Narelle Liepa Elyse Kelly Sarah Clark Travis Conway Tom Partridge Holly Baker	<ul style="list-style-type: none"> • Discuss Council Agenda • Processes - Scoping Projects and Procurement • Accommodation Project • Councillor/Officer Charter • Councillor/CEO Only Time 	Nil

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

Author: Lidia Harding - Manager Governance & Risk

File No: CL/04/001-03

Attachments: 1. Councillor Delegate Report June 2021

1. Purpose

- 1.1 This delegate's report provides an update on activities and deliberations of groups and associations for which Councillors are an appointed delegate for the period from 1 to 30 June 2021 and also other activities attended as a Council representative.

2. Background

- 2.1 Council determined what should be included in a delegate report at its meeting held on 20 April 2020.
- 2.2 The Delegates Reports are presented to Council each month and provide information on:
- a) Activities attended by Councillors as a nominated Council Delegate;
 - b) Other publicly advertised activities attended as an invited representative of Council.
- 2.3 The Report excludes:
- a) Assemblies of Councillors reported separately in Council Agendas;
 - b) Private activities, discussions or meetings with staff and/or community members.
- 2.3 Items in the Report should be verifiable by the Councillor from the Councillor's Council Diary.

3. Key Matters

- 3.1 Given the restrictions as a result of COVID-19 Councillors have attended meetings online and in person where possible in this period as per their appointments as delegate and other activities as a Council representative as per Attachment 1. This report covers the period from 1 to 30 June 2021.

Recommendation

THAT Council receive and note the Delegate's Report on Overview and Update on Activities and Delegate Deliberation by Councillors for the period 1 to 30 June 2021.

COUNCILLOR DELEGATE

Report

June 2021

Cr Christine Banks	Nil report.
Cr Louise Bannister	Nil report.
Cr Nathan Clark	Nil report.
Cr Bill Chisholm	Nil report.
Cr Bob Cornish	Nil report.
Cr Rob Eldridge	Nil report.
Cr Annie Goble	Nil report.
Cr Rhonda Sanderson submitted the following Delegate report for this period:	<p>Meetings and events attended as a delegate:</p> <p>2 June Interface Councils Victoria meeting, online</p> <p>20-23 June Australian Local Government Association National General Assembly 2021, National Convention Centre, Canberra Myself and the CEO attended the Regional Forum on the Sunday and the National General Assembly from Monday to Wednesday. Both of Mitchell Shire Council's motions were carried. This event provided an opportunity to hear from senior politicians (PM, Deputy PM, Opposition Leader) and eminent speakers on a range of issues (Covid-19, population growth, regional issues, community resilience).</p> <p>24 June Northern Councils' Alliance meeting, online Public events attended as an invited Council representative:</p> <p>28 June OKR-FM radio show, Kilmore Racecourse studio</p> <p>30 June Seymour FM "Talking about Mitchell" radio show, Kings Park studio</p>
Cr Fiona Stevens	Nil report.

10 ECONOMY, GROWTH AND INFRASTRUCTURE

10.1 DRAFT ENVIRONMENTALLY SUSTAINABLE DESIGN FOR COUNCIL BUILDINGS POLICY

Author: Brendan Garrett - Sustainability Officer

File No: ET/04/001-01

Attachments: 1. Draft ESD Minimum Building Standards for Council Buildings Policy

1. Purpose

1.1 This report presents the Draft Environmentally Sustainable Design (ESD) for Council Buildings Policy (the Policy) and recommends that Council place the Policy on public consultation from 20 July for 28 days prior to its adoption.

2. Background

2.1 The Policy has been developed in response to the 2050 goal of the Mitchell Shire Council Environment Policy 2020 *“All Council owned buildings and facilities are planned, designed, built or retrofitted to achieve the highest level of environmentally sustainable design”*.

2.2 The policy seeks to provide guidance and minimum standards for ESD in Council buildings to avoid and minimise environmental impacts throughout their lifecycle.

2.3 Buildings typically have a long life and require a significant amount of natural resources and capital to construct and operate, with their siting and design having an impact on their operation and the surrounding natural environment. They can however be designed to reduce their ecological footprint and impacts and be sympathetic and connected to their surroundings.

3. Key Matters

3.1 The Policy applies to:

- All new Council buildings, initiated by Council or developer led; and
- All substantial renewals, renovations and upgrades to existing Council buildings and facilities.

Recommendation

THAT Council endorse the Draft ESD for Council Buildings Policy for public consultation from 20 July for a period of 28 days.

4. Financial, Resource and Asset Management Implications

- 4.1 It is recognised that some best practice ESD measures can incur an additional upfront cost, however these are significantly outweighed by the benefits achieved over an asset's lifecycle. Implementation of the Policy should result in a reduction in the ongoing operational costs associated with Council's buildings and facilities.
- 4.2 Research undertaken by the Green Building Council of Australia (GBCA) in 2016 of 'Green Star' rated buildings revealed that Green Star projects can be delivered for less than 1% of the overall project budget. On average, developers/building owners are spending an additional upfront cost of:
- 1.5% to achieve 4 Stars
 - 2.7% to achieve 5 Stars
 - 3.2% to achieve 6 Stars
- 4.3 It is important that the 'whole of life' costs are considered at the design phase of a building. While there may be increased upfront costs to deliver some ESD standards, the whole of life operational costs for a facility including heating, cooling and maintenance will be reduced.
- 4.4 If strict budget constraints are present, a simple low cost ESD approach may need to be taken. For example, reducing the complexity and size of Heating, Ventilation and Cooling (HVAC) systems and instead relying on natural ventilation and solar passive design with good insulation and orientation.
- 4.5 In addition, many ESD features such as water efficient fittings, Light Emitting Diode (LED) lighting, construction waste recycling, and low Volatile Organic Compound (VOC) paints have no incremental cost to constructing a building.

5. Consultation

- 5.1 Internal consultation with key staff from a number of council departments including Capital Works, Leisure Services, Recreation and Open Space, Building Services, Contracts Management, Waste Management, Operations and Parks, Assets, Community Strengthening, Finance, Building Maintenance, Engineering and Major Projects, Community Development and Youth Services, Children's Services, Environment, and Life Stages has been undertaken during the development of the Policy. Comments and feedback have been considered and where appropriate incorporated into the Policy.
- 5.2 Mitchell Environment Advisory Committee (MEAC) and Mitchell Community Energy have been informed of the Policy and are supportive of the policy

DRAFT ENVIRONMENTALLY SUSTAINABLE DESIGN FOR COUNCIL BUILDINGS POLICY (CONT.)

objectives. Both groups will be directly engaged with as part of the public consultation period.

- 5.3 The Policy and accompanying implementation Standards have been benchmarked against and built from the best practice of other Victorian Councils including Darebin City Council, Frankston City Council, Wyndham City Council, Moreland City Council, City of Casey, Mornington Peninsula Shire Council, Bass Coast Shire Council, Maroondah City Council, City of Monash, Banyule Shire Council and City of Melbourne, who have been forthcoming in sharing their knowledge and insights.

6. Sustainability Implications (Social and Environmental)

- 6.1 The Policy has been developed to provide guidance and minimum standards for ESD in Council buildings to avoid and minimise environmental impacts throughout a buildings lifecycle.
- 6.2 The Policy seeks to ensure that future emissions from buildings, embodied greenhouse gas emissions in construction materials, and waste and energy used in their construction are reduced, and that sustainability is embedded into the earliest stages of project design.

7. Policy and Legislative Implications

- 7.1 The *Local Government Act 2020* states that a "...Council must in the performance of its role give effect to the overarching governance principles; "...the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted..."
- 7.2 The adoption and implementation of the Policy demonstrates Council's commitment to the vision of the Mitchell Shire Council Environment Policy 2020 that "*Mitchell Shire Council is a leader in sustainable environmental management in all our business operations and in support of the wider community*".
- 7.3 The Policy also assists Council in achieving the following 2050 goals of the Mitchell Shire Council Environment Policy:
- *Mitchell Shire Council to have Zero Net Emissions;*
 - *All Council owned buildings and facilities are planned, designed, built or retrofitted to achieve the highest level of environmentally sustainable design;*
 - *Environmentally Sustainable Design is a core principle for all new developments; and*
 - *Council's assets are planned and built to respond to the effects of a changing climate.*

DRAFT ENVIRONMENTALLY SUSTAINABLE DESIGN FOR COUNCIL BUILDINGS POLICY (CONT.)

8. Alignment to Council Plan

8.1 The adoption and implementation of the Policy aligns with the strategic objective of the Mitchell Shire Council Plan 2017-2021 *“to be responsible custodians, by managing and enhancing our environment, minimising the impacts of development, waste, natural disasters and climate change”* and the key strategy to *“be prepared and proactive in responding to the effects of climate change on the community”*.

9. Conflict of Interest

9.1 No officers involved in the preparation of this report have any direct or indirect interest in this matter.

10. Risk Implications

10.1 Risk Ranking is determined using [ROHS201-G1-Corporate Risk Matrix](#). Risk is identified as Low, Medium, High or Very High.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Financial – increased upfront cost to projects to include ESD minimum standards	Low	Project scope will need to be revised to accommodate ESD costs to be included within the current budget. Whilst the initial costs may be increased, the whole of life costs will be reduced due to the incorporation of ESD standards at the design phase.	No
Lack of staff knowledge on how to include ESD standards in projects	Medium	It is proposed that the ESD standards are rolled out in 2021/2022 by piloting on at least 3 projects with technical support provided by Council’s Sustainability officer. Training and capacity building for staff on ESD principles was delivered in June 2021.	Yes

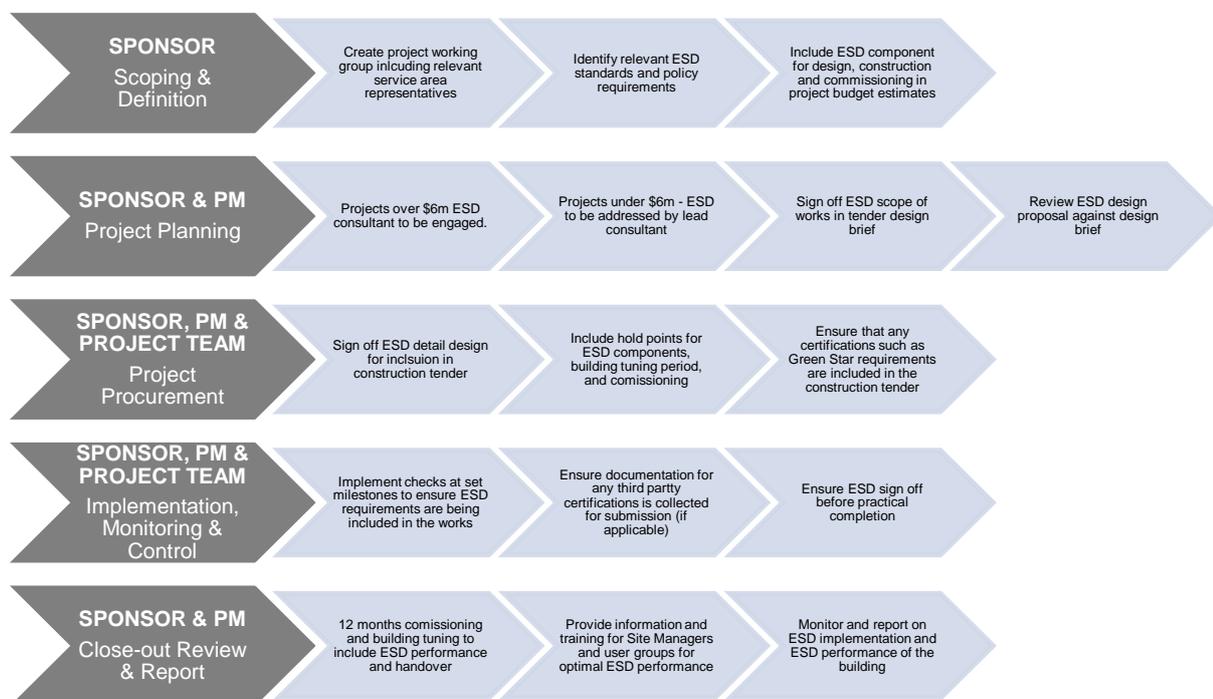
11. Discussion

11.1 The ESD Minimum Building Standards for Council buildings are to be implemented as part of the scoping and definition stages of any project. They shall be incorporated as part of the organisations Project Management Framework.

DRAFT ENVIRONMENTALLY SUSTAINABLE DESIGN FOR COUNCIL BUILDINGS POLICY (CONT.)

11.2 Accordingly, the Project Sponsor has ultimate accountability for the realisation of ESD project outcomes and objectives.

11.3 The flowchart below outlines how ESD will be considered during the scoping, planning, procurement, implementation and review phases of a project.



11.4 For developer led projects, including those being undertaken as part of Precinct Structure Plans (PSP), the Project Sponsor/relevant Service Manager will be responsible for ensuring compliance with the Policy.

11.5 An ESD Minimum Building Standards for Council Buildings checklist is currently under development. The draft checklist is currently being reviewed by an ESD consultant. The checklist will be an internal operational document to guide the implementation of the Policy.

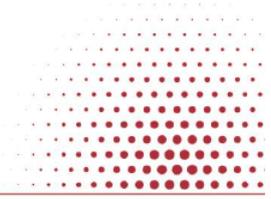
11.6 The ESD Minimum Building Standards for Council Buildings checklist will be available to staff in September 2021.

11.7 ESD training for staff was conducted in June 2021 to support the introduction of the Policy and associated standards. The training included:

- What ESD means - in a council building context;
- The benefits and challenges of incorporating ESD into projects; and
- How ESD will apply to different projects.

MITCHELL SHIRE COUNCIL.

Policy



Environmentally Sustainable Design for Council Buildings Policy

DRAFT

Policy Owner	Environment and Sustainability Economy, Growth & Infrastructure
Creation Date	July 2021
Revision Date	July 2024

Contact us:
t: (03) 5734 6200
e: mitchell@mitchellshire.vic.gov.au
w: www.mitchellshire.vic.gov.au



Purpose

This policy has been developed to provide guidance and minimum standards for Environmentally Sustainable Design (ESD) in Council buildings to avoid and minimise environmental impacts throughout their lifecycle.

This policy seeks to ensure that future emissions from buildings, embodied greenhouse gas emissions in construction materials, and waste and energy used in their construction are reduced, and that sustainability is embedded into the earliest stages of project design.

This policy will also contribute to improving the resilience of Council's buildings to the impacts of climate change.

Context

Buildings typically have a long life and require a significant amount of natural resources and capital to construct and operate, with their siting and design having an impact on their operation and the surrounding natural environment. They can, however, be designed to reduce their ecological footprint and impacts and be sympathetic and connected to their surroundings.

It is recognised that some best practice ESD measures can incur an additional upfront cost, however, these are significantly outweighed by the benefits achieved over an asset's lifecycle, including:

- Delivering assets that are resilient to the impacts of climate change,
- Enhancing the wellbeing of facility users by connecting the natural and built environment and improving indoor environments for buildings,
- Encouraging the uptake of ESD practices in the wider community,
- Securing ongoing operation efficiencies, through improved asset management and less intensive maintenance programs,
- Addressing gaps and the absence of minimum requirements in the National Construction Code (NCC) and relevant legislation,
- Reducing reliance on emissions intensive transport modes and facilitating active transport options, and
- Driving the uptake of low impact construction materials and stimulating local markets for recycled products.

The incorporation of ESD features into building design is essential to achieving corporate sustainability targets and objectives.

Scope

This policy applies to:

- All new Council buildings, initiated by Council or developer led, and;
- All substantial renewals, renovations and upgrades to existing Council buildings and facilities.

The policy provides clear objectives, guidance and tools for use by building and facility managers, designers, architects, engineers, project managers and building contractors for all new builds, renewal, upgrade and refurbishment projects.

Policy

The objectives of the policy are to:

- Reduce the environmental impacts of constructing, refurbishing and operating Council buildings,
- Ensure waste avoidance, reuse and recycling during construction;
- Improve energy and water efficiency of Council owned buildings and facilities;
- Provide a healthy indoor environment in Council owned buildings;
- Demonstrate leadership and corporate responsibility to the community by adopting and promoting sustainable building design suitable for the region's current and future climate;
- Reduce reliance on non-renewable grid electricity and;
- Reduce the operational costs associated with Council's buildings and facilities;

ESD Assessment Matrix and Targets

The following ESD Assessment Matrix will be utilised to achieve minimum ESD targets for Council buildings in conjunction with the checklist requirements in the ESD Minimum Building Standards for Council Buildings.

These targets are the minimum standard required for building project types, in some cases a higher target may be desirable.

Project Type	Building Project	Planning and Design Specification Document	Minimum ESD Targets
Significant	New buildings, upgrades, expansion or renewal projects with a total design and construction cost over \$10 million	ESD Minimum Building Standards for Council Buildings, Green Star Design and As Built Submission (latest version)	6 Star Green Star (certified)

Major	New buildings, upgrades, expansion or renewal projects with a total design and construction cost from \$6-10 million	ESD Minimum Building Standards for Council Buildings Green Star – Design and As Built (latest version) Built Environment Sustainability Scorecard (BESS)	5 Star Green Star compliant, (certified if feasible) or minimum 70% Built Environment Sustainability Scorecard (BESS) rating
Minor	New buildings, upgrades, expansion or renewal projects with a total design and construction cost up to \$6 million	ESD Minimum Building Standards for Council Buildings Built Environment Sustainability Scorecard (BESS)	4 Star Green Star compliant or minimum 60% BESS rating
All Buildings	Furniture, Appliances and Equipment Fit-out, or Bulk Procurement	ESD Minimum Building Standards for Council Buildings, Energy Star Rating Water Efficiency Labelling Scheme (WELS)	Furniture and Finishes Good Environment Choice Australia (GECA) or Eco-Specifier Certified product or; Recycled/Repurposed Furniture Electrical Appliances Highest Energy Star Rating available applicable to appliance being installed Water Using Appliances and Fittings Highest Water Efficiency Labelling Scheme Rating (WELS) available applicable to appliance or fitting being installed
Building Maintenance	Maintenance of specified Council buildings	ESD Minimum Building Standards for Council Buildings	Applicable Works carried out in accordance with the Council ESD Minimum Building Standards
Demolition	Demolition, where 50% or more of the building is demolished	ESD Minimum Building Standards for Council Buildings	Minimum 70% of waste generated during demolition diverted from landfill

Policy Implementation

The ESD Minimum Building Standards for Council buildings are to be implemented as part of the scoping and definition stages of any project. They shall be incorporated as part of the Project Management Framework for Capital Works.

In accordance with the Mitchell Shire Project Management Framework, the Project Sponsor has ultimate accountability for the realisation of project outcomes and objectives.

It is the responsibility of the Project Sponsor to ensure the ESD Minimum Building Standards are considered in the initiation and concept design development phases of the project and included in the **Project Proposal** document. At this time, a nominal budget allocation for ESD initiatives should be included in the project budget estimate used for the preparation of the project business case.

Guidance on suitable allocations for ESD can be found in the ESD standards.

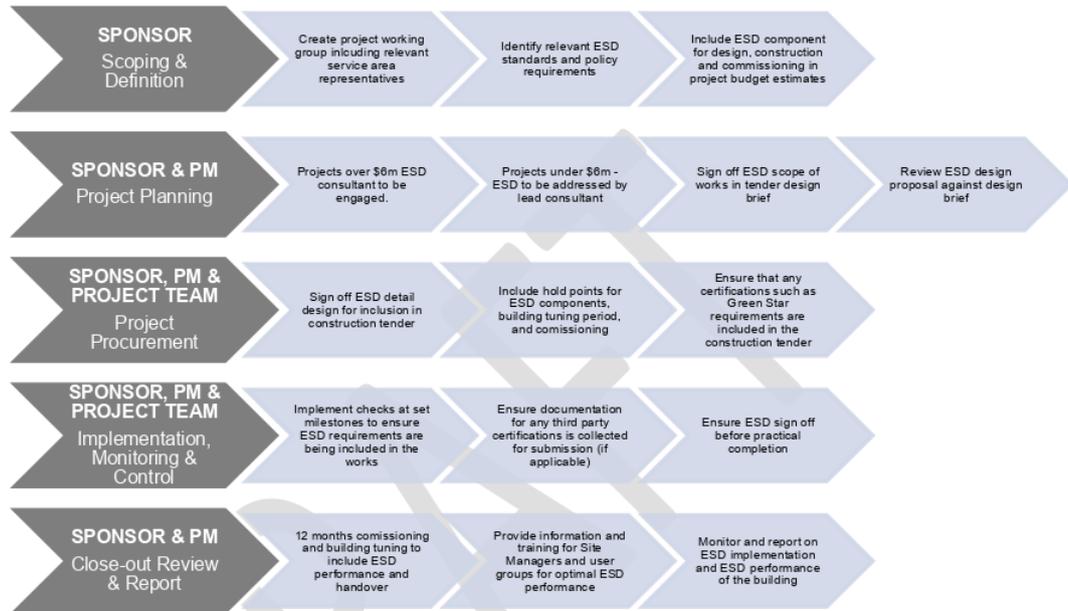
Upon funding being allocated to either the design phase or execution phase (or both), the Project Sponsor is responsible for ensuring the relevant ESD targets are identified in the **Project Plan** and are not compromised during the project lifecycle. The **Project Plan** should be used to monitor the implementation of these ESD targets.

In the closure phase of the project, the Project Sponsor is responsible for ensuring an evaluation of the ESD targets is carried out.

For developer led projects, including those being undertaken as part of Precinct Structure Plans (PSP), the Project Sponsor / relevant Service Manager is responsible for ensuring compliance with this policy.

Procedural Flowchart

The following diagram outlines how to consider ESD during the scoping, planning and design, procurement and construction phases of a project.



Responsibilities

The policy applies to all Council officers and the contractors responsible for financing, planning, designing, developing, constructing, renovating and managing Council-owned buildings and facilities including developer led works.

Related Legislation

Local Government Act 2020
Climate Change Act 2017
Environment Protection Act 1970

References

The following Council policies and plans are applicable to this policy:

- Buildings Asset Management Plan
- Mitchell Shire Council Plan 2017-2021
- Mitchell Shire Environment Policy 2020
- Mitchell Shire Procurement Policy 2019
- Mitchell Shire Environment Strategy 2014
- Mitchell Shire Capital Works Framework
- Waste Management Strategy 2016-2021

The following external resources and references are applicable to this policy:

- Australian Building Codes Board (ABCB), National Construction Code (NCC), <https://ncc.abcb.gov.au>
- Australian Government, Water Efficiency Labelling and Standards (WELS) Scheme, www.waterrating.gov.au/
- Built Environment Sustainability Scorecard (BESS),
- Ecospecifier, www.ecospecifier.com.au/ building materials and products certification,
- Energy Rating, www.energyrating.gov.au/
- Forest Stewardship Council (FSC), Public certificate search, <http://info.fsc.org/certificate.php>
- Green Environmental Choice Australia, www.geca.org.au/
- Green Building Council of Australia, <http://new.gbca.org.au/>
- Infrastructure Sustainability Council of Australia, ISCA IS Design and As Built rating tool, www.isca.org.au/
- National Construction Code (NCC) <https://ncc.abcb.gov.au/> Australian Building Codes Board (ABCB)
- WELS Water Rating product labelling: Water Efficiency Labelling and Standards (WELS) Scheme, www.waterrating.gov.au/

Review

This policy will be initially reviewed 12 months from the date of adoption.

To monitor the effectiveness of the policy, an annual report will be prepared based on the following measures.

Performance Measure	Target	Data collection	Reporting Responsibility
Percentage (%) of capital building projects undertaken during the financial year complying with standards	100%	Capital Works	Environmental Sustainability
Performance of upgraded existing buildings against key sustainability performance targets	Increased renewable energy in kW Reduced potable water usage in kL Increased Water harvesting/Reuse in kL CSIRO Urban Stormwater Best Practice Guidelines have been met and demonstrated through the STORM or MUSIC tools.	Environment and Sustainability	Environment and Sustainability
Waste	Demolition projects achieve 70% of demolished materials recycled or reused. % Recycled content achieved in building materials (by weight)	Capital Works	Environment and Sustainability

This evaluation will also be recorded in the Benefits Realisation process for each project

10.2 PLANNING PERMIT APPLICATION PLP344/20 FOR USE OF THE LAND FOR A VEHICLE STORE (WAREHOUSE) AND ALTERATION TO ACCESS TO A ROAD ZONE - CATEGORY 1 AT 126 HIGH STREET, WALLAN

Author: *Fawaaz Price - Statutory Planner*

File No: *PLP344/20*

Attachments: 1. *Application Plans*
2. *Grounds for Refusal*
3. *Planning Policy Framework*

Property No.:	123624
Title Details:	Crown Allotment 3 Section 23 Township of Wallan Parish of Wallan Wallan (Vol. 09421 Fol. 277)
Applicant:	Peyton Waite Pty Ltd
Zoning:	Commercial 2 Zone
Overlays:	Design and Development Overlay – Schedule 10 (DDO12); and Heritage Overlay – Schedule 12 (HO212)
Objections Received:	1 at the time of writing this report.
Cultural Heritage Management Plan Required:	No, the subject site is within a culturally sensitive area however, the proposal is considered minor works as the permit is merely changing the use of the land. As such, a CHMP is not required.
Summary Recommendation	Refusal to Grant a Planning Permit
Reason Reported to Council	Officers do not have delegation to refuse a planning permit application
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

PLANNING PERMIT APPLICATION PLP344/20 FOR USE OF THE LAND FOR A VEHICLE STORE (WAREHOUSE) AND ALTERATION TO ACCESS TO A ROAD ZONE - CATEGORY 1 AT 126 HIGH STREET, WALLAN (CONT.)

1. Site Map

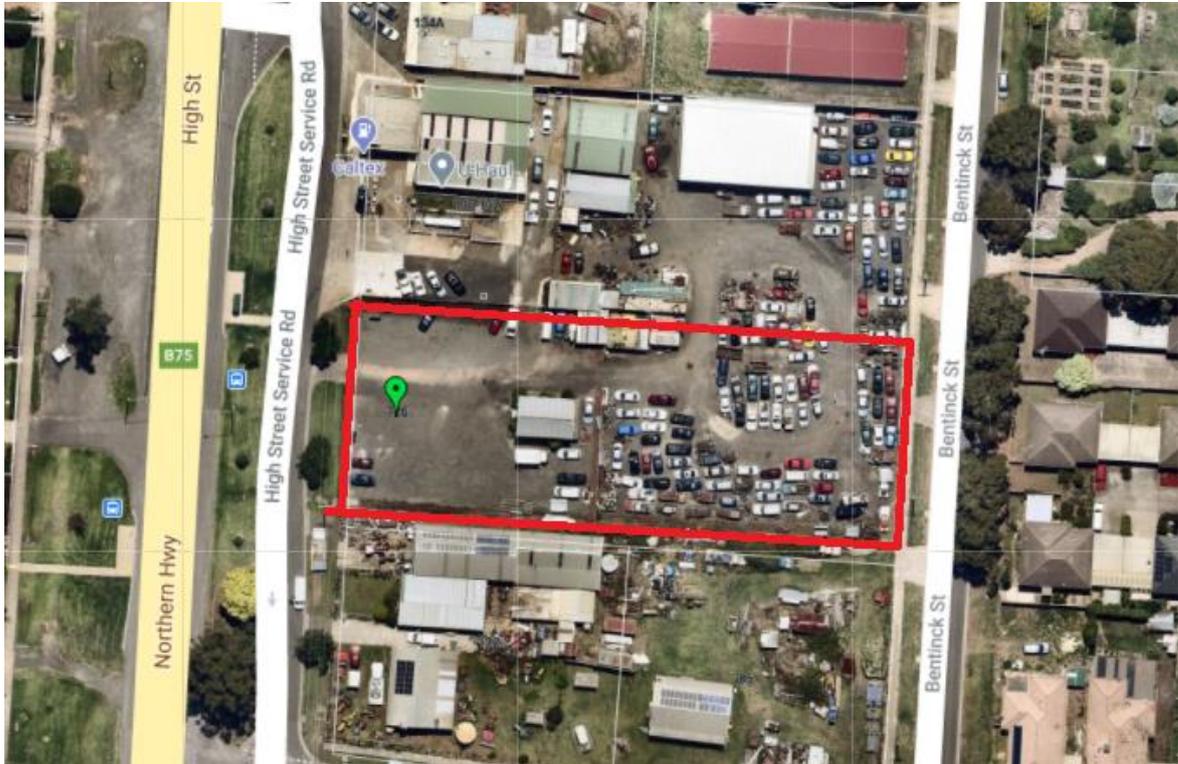


Image 1. Subject site outlined in red - 126 High Street, Wallan (Source: Near Map GIS 2021)

2. Summary

- 2.1 Council has received an application for a planning permit to allow for the use of the land for a vehicle store (warehouse) and alteration to a Road Zone – Category 1 at 126 High Street, Wallan.
- 2.2 Permission is being sought to utilise the western portion (frontage) of the subject site, which includes a heritage building, to store vehicles associated with the existing business which operates at the rear of the subject site.
- 2.3 The existing church is proposed to be repurposed to an office associated with the vehicle store operation.
- 2.4 The site is within Commercial 2 Zone and is affected by the Design and Development Overlay – Schedule 1 and a Heritage Overlay (HO212).
- 2.5 The application was advertised to the adjoining landowners and a sign placed on site. To date one objection has been lodged.
- 2.6 The Officer Recommendation is to refuse to grant a planning permit for the following summarised reasons:

PLANNING PERMIT APPLICATION PLP344/20 FOR USE OF THE LAND FOR A VEHICLE STORE (WAREHOUSE) AND ALTERATION TO ACCESS TO A ROAD ZONE - CATEGORY 1 AT 126 HIGH STREET, WALLAN (CONT.)

- The outcome of the proposed use represents a poor urban design outcome and will not contribute to the preferred character of Wallan Town Centre;
- The proposed use does not comply with the strategic objectives that aim to improve Wallan Town Centre and its surrounds;
- The use of the land for a vehicle store will not provide the community with appropriate services required within the commercial precinct; and
- The proposed use does not consider the sense of significance and identity that the heritage building provides the Wallan Community.

RECOMMENDATION

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Refusal to Grant a Planning Permit in respect of Application No. PLP344/20 for Use of the land for a vehicle store (Warehouse) and alteration of access to a Road Zone Category 1 at Crown Allotment 3 Section 23 Township of Wallan Parish of Wallan Wallan (Vol. 09421 Fol. 277), known as 126 High Street, Wallan, subject to the conditions outlined in Attachment 1.

Assessment

3. Site and surrounds

Subject site description

- 3.1 The subject site is located at 126 High Street, Wallan and is legally described as Crown Allotment 3 Section 23 Township of Wallan Parish of Wallan Wallan (Vol. 09421 Fol. 277). The site is rectangular in shape with a lot width of 40 metres and a depth of 100m equating to a total lot area of approximately 4,000 square metres.
- 3.2 The site is accessed via Northern Highway/ High Street which is the primary transport corridor for the town.
- 3.3 The subject site is currently being used partially as a vehicle storage operation associated with the adjacent property 130 High Street, Wallan.
- 3.4 The adjoining property has an approved planning permit PLP138/17 which has allowed for the development of land associated with a service station, motor vehicle repairs and alteration to a Road Zone Category 1 Road.
- 3.5 The subject site is currently partially used as an access point to service the towing and vehicle storage business that is sited at 130 High Street, Wallan.

PLANNING PERMIT APPLICATION PLP344/20 FOR USE OF THE LAND FOR A VEHICLE STORE (WAREHOUSE) AND ALTERATION TO ACCESS TO A ROAD ZONE - CATEGORY 1 AT 126 HIGH STREET, WALLAN (CONT.)

- 3.6 The subject site includes a heritage listed church building that is located centrally on the property. There are no significant land features on site and only a small amount of landscaping can be found directly surrounding the heritage building.

Planning background

- 3.7 Previous planning permits have been issued to the site which includes the following:
- P305440/08 was issued for use and development of land for a plant nursery with associated business identification signage and a reduction in carparking associated with a plant nursery requirement in accordance with the endorsed plans.
 - P306834/12 was issued for use and development of a telecommunication facility in accordance with the endorsed plans.
 - PLP126/16 was issued for use and development of part of the land for a car wash and alteration to a road in a Road Zone – Category 1.

Title/Restrictions/Agreements

- 3.8 The site is not encumbered by any covenants or agreements nor do any easements traverse through the property.

Surrounding area

- 3.9 The subject site is situated within the commercial precinct of Wallan and further surrounded by residential development.
- 3.10 The residential buildings are described as medium density developments that are all primarily accessed via a common property driveway associated with each site.
- 3.11 The nearest residential lots are sited to the east of the subject on the opposite end of Bentick Street approximately 22 metres from the subject site.
- 3.12 The surrounding commercial buildings to the north and south include a petrol station, trade supplies, retail premises and dwellings.
- 3.13 To the south of the subject site is Wellington Square Shopping Centre, Coles, Hadfield Park, Free Library and the Wallan Multi-Purpose Centre. The subject site is within a 600m catchment to all significant community infrastructure.

PLANNING PERMIT APPLICATION PLP344/20 FOR USE OF THE LAND FOR A VEHICLE STORE (WAREHOUSE) AND ALTERATION TO ACCESS TO A ROAD ZONE - CATEGORY 1 AT 126 HIGH STREET, WALLAN (CONT.)



Image 2. Surrounding area within a 600m distance (Source: Near Map GIS 2021)

PLANNING PERMIT APPLICATION PLP344/20 FOR USE OF THE LAND FOR A VEHICLE STORE (WAREHOUSE) AND ALTERATION TO ACCESS TO A ROAD ZONE - CATEGORY 1 AT 126 HIGH STREET, WALLAN (CONT.)

4. Proposal

4.1 The applicant is proposing to use the land for a vehicle store and use the existing heritage listed church as an office.

Vehicle Storage

4.2 The applicant is seeking to utilise the western part of the lot which includes the heritage building as an area for vehicle store to allow customers to collect their impounded vehicles.

4.3 Impounded vehicles will be stored within the proposed area. Impounded vehicles can be collected by appointment only. The accompanying drawings suggests that any car parked within this zone will only be allowed to be within the area for a maximum of 3 days.

4.4 The following areas are proposed within the vehicle storage area:

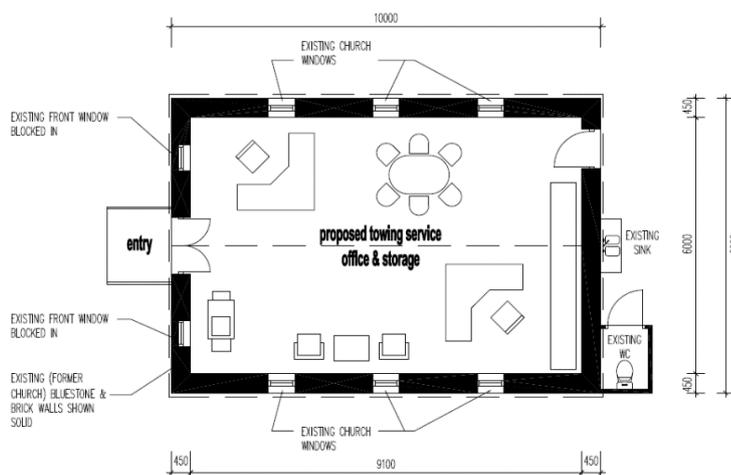
- Vehicle storage area for loading, unloading, assessment and pick-up;
- Customer and staff parking; and
- Driveway area.

4.5 Proposed hours are 24 hours a day, 7 days a week.

4.6 No buildings or works is being proposed as part of the application.

Existing heritage building

4.7 The applicant is seeking to fit out the existing heritage building with office furniture to provide the company with a place to do business. The proposed layout does not require any alterations to the existing building.



PLANNING PERMIT APPLICATION PLP344/20 FOR USE OF THE LAND FOR A VEHICLE STORE (WAREHOUSE) AND ALTERATION TO ACCESS TO A ROAD ZONE - CATEGORY 1 AT 126 HIGH STREET, WALLAN (CONT.)

Image 3. Proposed internal layout of the office area (Source: Application Material)

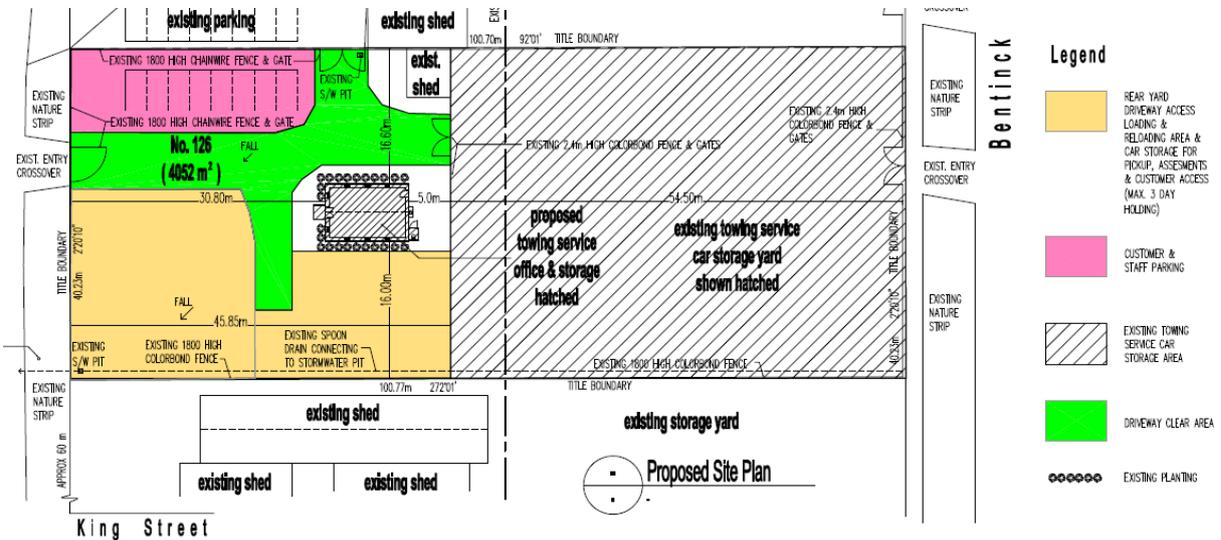


Image 4. Proposed use and different zones within the subject site (Source: Application Material)

5. Referrals

5.1 External

The application was referred to the following authorities under Section 55 of the *Planning and Environment Act 1987* pursuant to Clause 66 of the Scheme.

Authority	Response
Department of Transport (Roads)	The application was referred to Department of Transport (Roads) who provided consent to the proposal subject to amended conditions being included on the permit.

5.2 Internal

The application was discussed with council’s Strategic Planning Unit and Heritage Advisor. Concerns were raised about the intended use and the preservation of the existing heritage building.

PLANNING PERMIT APPLICATION PLP344/20 FOR USE OF THE LAND FOR A VEHICLE STORE (WAREHOUSE) AND ALTERATION TO ACCESS TO A ROAD ZONE - CATEGORY 1 AT 126 HIGH STREET, WALLAN (CONT.)

6. Planning Policy Assessment

Zoning

Commercial 2 Zone

- 6.1 The site is affected by the Commercial 2 Zone, **a planning permit is required** to use the land for a vehicle store as the proposed use does not provide a setback distance of 30 metres to land used for residential purpose.

Overlays

Design and Development Overlay – Schedule 10

- 6.2 The site is affected by the Design and Development - Schedule 10 pursuant to Clause 43.02 of the Scheme.
- 6.3 Pursuant to Clause 43.02-2 a planning permit is **not** required for the proposed change of use of the land as there are no buildings and works.

Heritage Overlay (HO212)

- 6.4 The site is affected by the Heritage Overlay pursuant to Clause 43.01 of the Scheme.
- 6.5 Pursuant to Clause 2 of the Schedule to Clause 43.01 – HO212 a planning permit is **not** required to alter the internal layout.

Particular Provisions

Land Adjacent to a Road Zone – Category 1

- 6.6 **A planning permit is required** to alter access to a road in a Road Zone, Category 1.
- 6.7 An application to alter the access to a Road Zone, Category 1 must be referred to the Roads Corporation under section 55 of the Act.

Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF)

- 6.8 There are a number of policies of the PPF and LPPF relevant to the consideration of this application. A full list of the applicable policies considered in the assessment are included as an attachment to this report.

Other Relevant Documents

Wallan Structure Plan (2015) and Wallan Town Centre Masterplan and Urban Design Framework (2016)

PLANNING PERMIT APPLICATION PLP344/20 FOR USE OF THE LAND FOR A VEHICLE STORE (WAREHOUSE) AND ALTERATION TO ACCESS TO A ROAD ZONE - CATEGORY 1 AT 126 HIGH STREET, WALLAN (CONT.)

- 6.9 The Wallan Structure Plan August (2015) and the associated Wallan Town Centre Masterplan and Urban Design Framework (2016) is an adopted document.
- 6.10 These documents are discussed regarding the proposal within the discussion chapter of the report.

7. Public Notification

- 7.1 The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987* by placing notice on site and letters to adjoining landowners and occupiers.
- 7.2 Following public notification, a total of 1 objection has been received for the proposal.
- 7.3 Concerns raised are paraphrased below, with a summarised officer response provided as follows:

Objection	Response
Mismanagement of the existing use as the landowner is currently using the lot without obtaining a permit;	Any mismanagement of the existing site will be investigated by the Responsible Authority However, the proposed use has not commenced, this has been confirmed through a site inspection and by the applicant.
The hours of operation are inappropriate for the surrounding area. Noise can be heard at various times of the night disrupting the peace and quiet at a time when nearby residents would be asleep	The proposed hours of operation will continue to cause disruption to nearby residents. This type of development is incompatible with residential amenity and more suited within an industrial precinct.
The upkeep of the business impacts the views for residents travelling on High Street as the site is untidy and does not provide a positive outcome for the community.	The proposed use will not rectify this outcome, as vehicles will be stored within the area adjacent to High Street. The subject site is more suited for use and/or development that celebrates the heritage building and contributes to the sense of place.

PLANNING PERMIT APPLICATION PLP344/20 FOR USE OF THE LAND FOR A VEHICLE STORE (WAREHOUSE) AND ALTERATION TO ACCESS TO A ROAD ZONE - CATEGORY 1 AT 126 HIGH STREET, WALLAN (CONT.)

7.4 Detailed responses to the above summarised comments and themes are provided within the discussion chapter of the report.

8. Discussion

Built Environment

- 8.1 Planning Policy Framework at Clause 15.01-S (Urban design) aims to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. Local planning policy reinforces this at clause 21.06-1 (Urban Environment) identifying the need to improve the presentation of towns and activity centres, particularly from highways, major roads and pedestrian levels.
- 8.2 The Wallan Town Centre Masterplan and Urban Design Framework identifies that any development within the Northern Gateway must contribute positively to the public realm as commercial activities within this area need to define the precinct and contribute positively to the growing community (page 112). Further, the Wallan Town Centre Master Plan (page 90) identifies the opportunity for large format and well-designed uses that increase the overall amenity and quality of built form within the vicinity of the subject site.
- 8.3 The location of the storage yard, no proposed landscaping and chain wire fencing along the front setback will not positively contribute to the public realm and streetscape.
- 8.4 It is determined that the proposal fails to promote good urban design along and Northern Highway (a primary transport corridor) and improve on the presentation of the streetscape. The proposal will limit redevelopment and opportunities that contribute to the improvement and appearance of the Wallan Town Centre. Lastly, the proposal is not considered to increase the overall amenity of the area.
- 8.5 The applicant was invited the opportunity to provide an alternative layout to the vehicle storage area and landscaping within the subject site to improve on the public realm and appearance from the streetscape. No response was provided. As such, the application does not fully consider or respond to the relevant Planning Policy Framework and The Wallan Town Centre Masterplans and Urban Design Framework.
- 8.6 As such, the proposal is at odds with the Planning Policy Framework at Clause 15.01-S (Urban design), Clause 21.06-1 (Urban Environment) of the Mitchell Planning scheme and the Wallan Town Centre Masterplan and Urban Design Framework.

Wallan Town Centre

PLANNING PERMIT APPLICATION PLP344/20 FOR USE OF THE LAND FOR A VEHICLE STORE (WAREHOUSE) AND ALTERATION TO ACCESS TO A ROAD ZONE - CATEGORY 1 AT 126 HIGH STREET, WALLAN (CONT.)

- 8.7 Local Planning Policy at Clause 21.11-9 (Wallan) specifically details the desired outcomes for Wallan this includes broad policy objectives which aims to:
- Reinforce Wallan's Country Town Character;
 - Create thriving, active and complementary local centres;
 - Make the Northern Highway a great 'country town' main street; and
 - Develop a great modern Victorian 'country town'.
- 8.8 The Wallan Structure Plan includes this site within the Wallan Town Centre – Core (page 31), the objective of this precinct is to create a thriving, active and complementary local centre. The proposed use of the land for a vehicle storage will limit the opportunity of the subject site to improve or enhance the desired town centre character and will fail to enhance or support the surrounding and desired retail activity in the precinct.
- 8.9 The application is relying on the existing use rights of the land at the rear, which is a car yard, but this does not mean that the proposal to expand the use must be supported. The application seeks to expand the operations of the car yard, however it does not appropriately provide justification as to how the proposal will compliment, improve or enhance the town centre of Wallan or the existing heritage church on site.
- 8.10 The proposed use limits the opportunity to improve the Wallan Country Town Character as the intended use is conflicting to the heritage elements of the land. It also limits the opportunity to celebrate the heritage building and further prevents the creation of high-quality architecture helping define the identity of Wallan. Supporting this development will limit the opportunity to improve the activation and appearance of the public realm.
- 8.11 As such, the proposal is at odds with the clear direction of the Local Planning Policy at Clause 21.11-9 (Wallan) of the Mitchell Planning Scheme and Wallan Structure Plan.

Amenity

- 8.12 Clause 13.07-1S (Land use compatibility) aims to avoid locating incompatible uses in areas that may be impacted by adverse offsite impacts from commercial, industrial and other uses.
- 8.13 The Commercial 2 Zone requires a decision maker to consider the effect that a warehouse use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects.
- 8.14 The proposal will expand the area of the vehicle storage yard and seeking to operate 24 hours a day, 7 days a week. The additional noise and light

PLANNING PERMIT APPLICATION PLP344/20 FOR USE OF THE LAND FOR A VEHICLE STORE (WAREHOUSE) AND ALTERATION TO ACCESS TO A ROAD ZONE - CATEGORY 1 AT 126 HIGH STREET, WALLAN (CONT.)

created from vehicles moving to and from the subject will impact on the amenity of the surrounding residents. The proposal would be better suited to an industrial area as noise and light spill is more accepted.

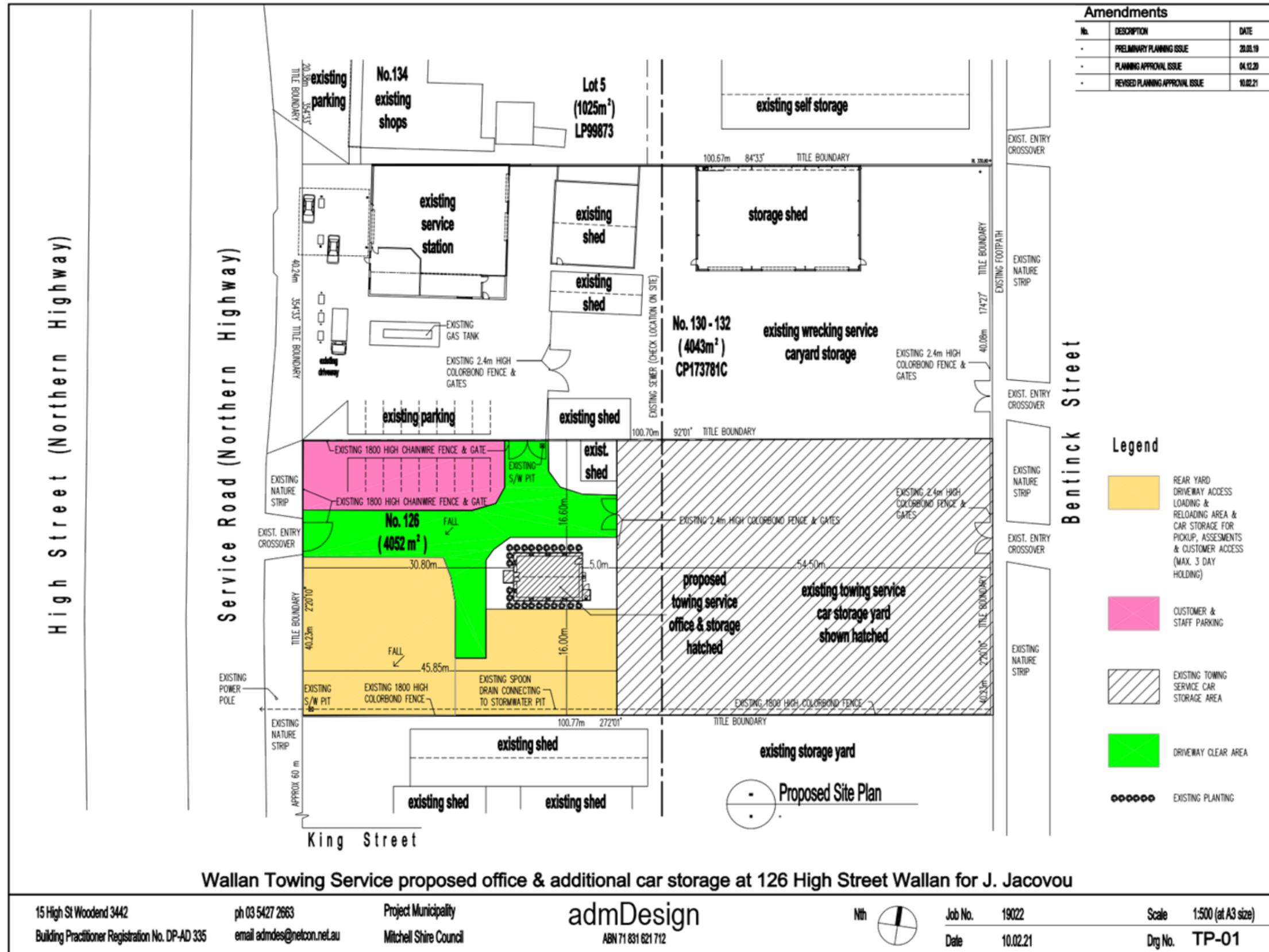
- 8.15 As such, the proposal is at odds with the Planning Policy Framework at Clause 13.07-1S (Land use compatibility) and the Commercial 2 Zone of the Mitchell Planning Scheme.

Heritage conservation

- 8.16 Planning Policy at Clause 15.03-1S (Heritage conservation) seeks to ensure the conservation of places of heritage significance. Encouraging appropriate development that respects places with identified heritage values.
- 8.17 Local Planning Policy at Clause 21.06-3 (Heritage) identifies the intrinsic value Mitchell's heritage has toward community, cultural and economic terms. Highlighting the importance of heritage toward the amenity and character as well as a cultural identity and sense of place. The Wallan Structure Plan (page 6) reinforces the importance of heritage requiring any proposed development to acknowledge and promote heritage to create an authentic sense of place for the precinct.
- 8.18 The heritage building that is found on site is former Methodist Church circa 1865. The siting and appearance of the development will detract from the visual amenity and character that the heritage building contributes to the precinct. The proposed re-use of the land surrounding the heritage building will not preserve or improve the heritage significance.
- 8.19 As such, the proposal does not comply with Planning Policy at Clause 15.03-1S (Heritage conservation) and Local Planning Policy at Clause 21.06-3 (Heritage), as the proposal does not promote the heritage significance of the existing building.

9. Conclusion

- 9.1 The proposed use of the land for a vehicle store (warehouse) is considered to be in conflict with the objectives of the State and Local Planning Policy and particular provision of the Mitchell Planning Scheme, the Wallan Structure Plan, the Wallan Town Centre Masterplan and Urban Design Framework, as the proposal will not contribute to the preferred character, adversely impact the significance of a heritage place and detracts from the sense of place and character of Wallan.
- 9.2 The proposed use of the land for a vehicle storage will limit the opportunity for any improvement to the town centre and further unlikely to enhance or support the surrounding retail activity.



Wallan Towing Service proposed office & additional car storage at 126 High Street Wallan for J. Jacovou

15 High St Woodend 3442
Building Practitioner Registration No. DP-AD 335

ph 03 5427 2663
email admDES@netcon.net.au

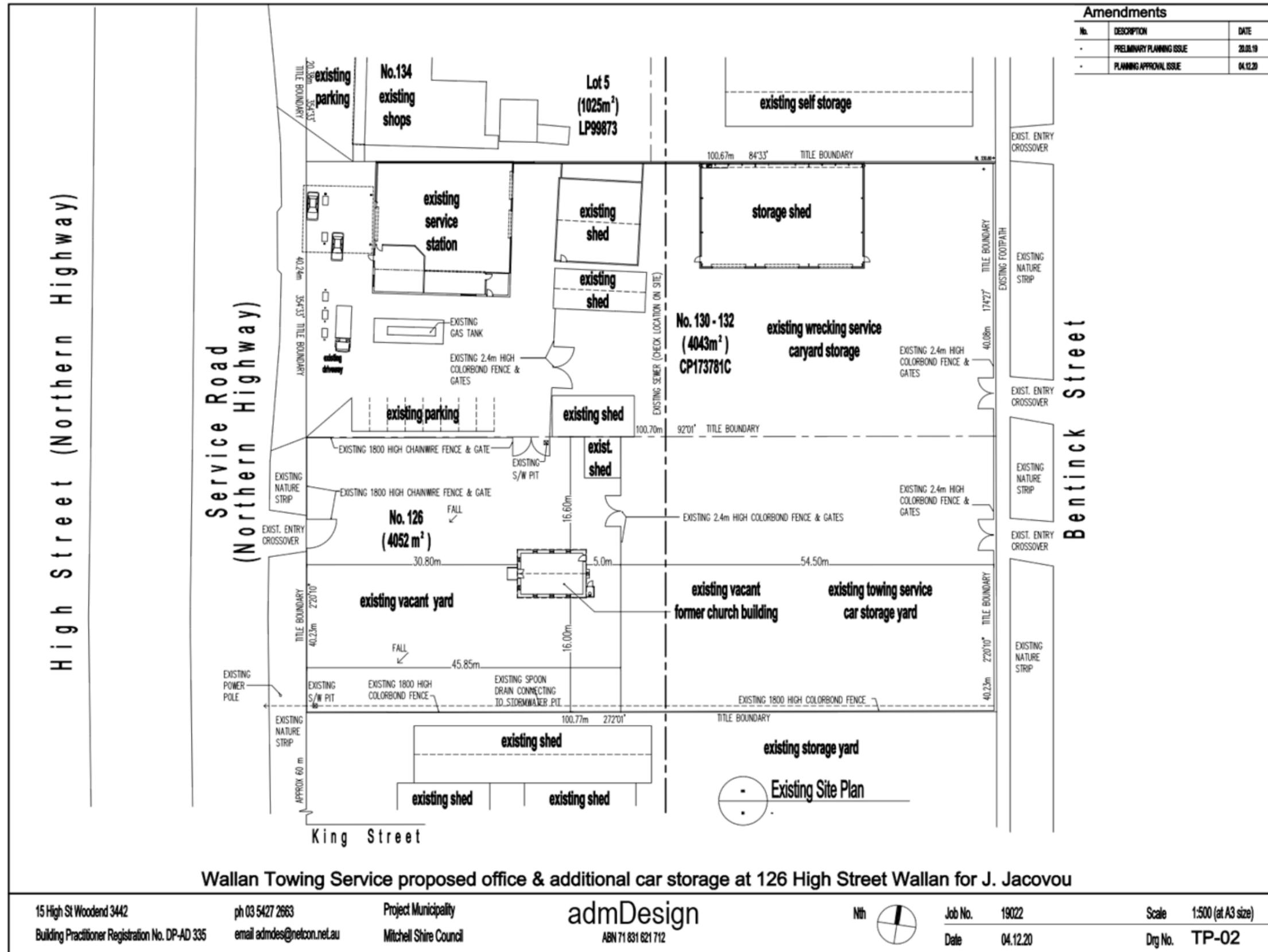
Project Municipality
Mitchell Shire Council

admDesign
ABN 71 831 621 712

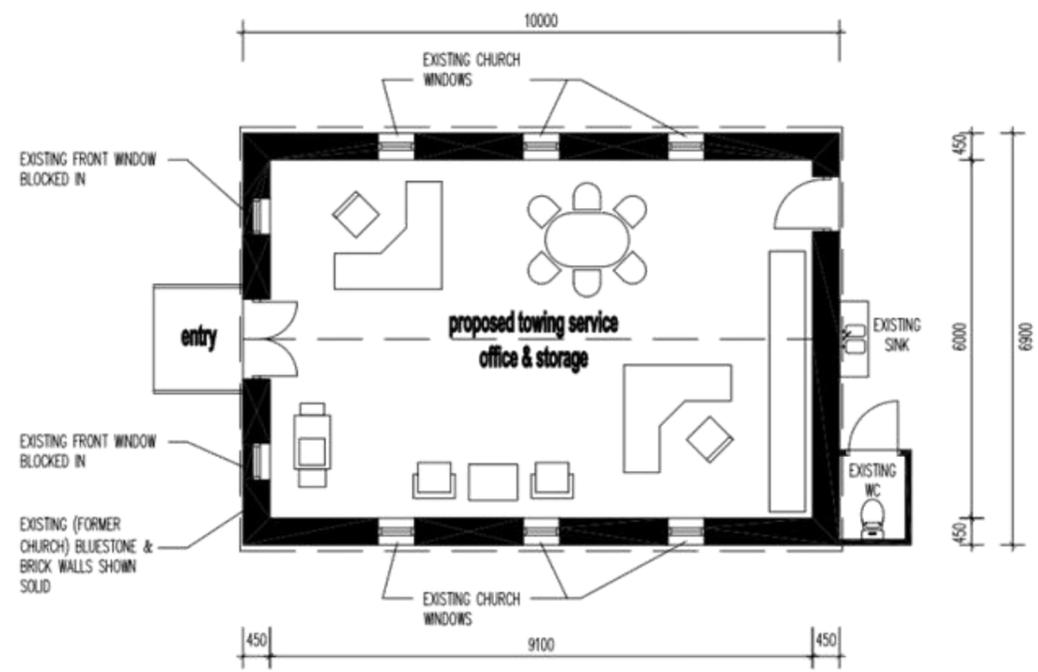


Job No. 19022
Date 10.02.21

Scale 1:500 (at A3 size)
Drg No. TP-01



Amendments		
No.	DESCRIPTION	DATE
-	PRELIMINARY PLANNING ISSUE	20.03.19
-	PLANNING APPROVAL ISSUE	04.12.20



Proposed Office Floor Plan

Wallan Towing Service proposed office & additional car storage at 126 High Street Wallan for J. Jacovou

15 High St Woodend 3442
Building Practitioner Registration No. DP-AD 335

ph 03 5427 2663
email admDES@netcon.net.au

Project Municipality
Mitchell Shire Council

admDesign
ABN 71 831 621 712



Job No. 19022
Date 04.12.20

Scale 1:100 (at A3 size)
Drg No. TP-03

Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Refusal to Grant a Planning Permit in respect of Application No. PLP344/20 for Use of the land for a vehicle store (Warehouse) and alteration of access to a Road Zone Category 1 at Crown Allotment 3 Section 23 Township of Wallan Parish of Wallan Wallan (Vol. 09421 Fol. 277), known as 126 High Street, Wallan, subject to the conditions outlined in Attachment 1:

1. The proposal does not meet the relevant objectives and strategies of clause:
 - a) Clause 11.01-1S – Settlement
 - b) Clause 11.02-2S – Structure Planning
 - c) Clause 11.03-3S – Peri-urban areas
 - d) Clause 13.07-1S – Land use compatibility
 - e) Clause 15.01-1S – Urban design
 - f) Clause 15.03-1S – Heritage conservation
 - g) Clause 21.06-1 – Urban environment
 - h) Clause 21.06-3 – Heritage
2. The proposal is inconsistent with Clause 21.11-9 – Wallan of the Mitchell Planning Scheme by failing to contribute to the preferred Town character; and by failing to preserve or enhance the sense of place and heritage.
3. The proposal does not satisfy the decision guidelines of Clause 34.02-7 (Commercial 2 Zone) as the proposed use will have an adverse impact on nearby existing uses and any proposed development.
4. The proposed use does not consider the objective of Clause 43.02- Schedule 10 (Design and Development Overlay) as the proposed outcome will not promote design that contributes to the provision of a safe, walkable and attractive environment.
5. The proposed use does not consider Clause 43.01 (Heritage Overlay) as the proposed use will have an impact on the heritage place.
6. The proposal is not consistent with the decision guidelines of Clause 65.01.

Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF)

The following clauses of the PPF and LPPF are considered relevant to this application	
Clause 11.01-1S Settlement	This clause is relevant and has the following objective: <i>To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.</i>
Clause 11.02-2S Structure Planning	This clause is relevant and has the following objective: <i>To facilitate the orderly development of urban areas</i>
Clause 11.03-3S Peri-urban areas	This clause is relevant and has the following objective: <i>To manage growth in peri-urban areas to protect and enhance their identified valued attributes</i>
Clause 13.07-1S Land use compatibility	This clause is relevant and has the following objective: <i>To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.</i>
Clause 15.01-1S Urban design	This clause is relevant and has the following objective: <i>To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.</i>
Clause 15.03-1S Heritage conservation	This clause is relevant and has the following objective: <i>To ensure the conservation of places of heritage significance.</i>
Clause 21.06-1 Urban environment	This clause is relevant and has the following objective: <i>To enhance the presentation of towns and their main road entrances</i>
Clause 21.06-3 Heritage	This clause is relevant and has the following objective: <i>To recognise and protect places of heritage, cultural and social significance.</i>
Clause 21.11-9 Wallan	This clause is relevant and has the following objective: <ul style="list-style-type: none"> • Reinforce Wallan's Country Town Character • Create opportunities for local employment • Create thriving, active and complementary local centres • Encourage a healthy mix of land uses that foster prosperity and activity • Make the Northern Highway a great 'country town' main street • Transform Wallan's shopping strip into a vibrant and engaging public space

10.3 PLANNING PERMIT APPLICATION PLP182/20 FOR DEMOLITION OF A HERITAGE BUILDING AND ASSOCIATED BUILDINGS AND WORKS AT 37 SYDNEY STREET, KILMORE

Author: Robert Ford - Principal Planner

File No: PLP182/20

Attachments: 1. Development Plans
2. Planning Policy Framework

Property No.:	106613
Title Details:	Lot 1 on Title Plan 014176V
Applicant:	Mr. Joseph Popa A2Z Building Services P/L
Zoning:	Commercial 1 Zone
Overlays:	Design and Development Overlay (DDO4) Heritage Overlay (HO99)
Objections Received:	Yes, a total of 6 objections have been received.
Cultural Heritage Management Plan Required:	Not Required.
Summary Recommendation	Notice of Refusal
Reason Reported to Council	Proposed Refusal of Planning Application. Number of objections received exceeds the threshold for officer delegation (4)
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

PLANNING PERMIT APPLICATION PLP182/20 FOR DEMOLITION OF A HERITAGE BUILDING AND ASSOCIATED BUILDINGS AND WORKS AT 37 SYDNEY STREET, KILMORE (CONT.)

1. Site Map



Figure 1 - NearMap aerial imagery of the subject site (February 2021).



Figure 2 - NearMap Aerial Imagery of the surrounds (February 2021)

PLANNING PERMIT APPLICATION PLP182/20 FOR DEMOLITION OF A HERITAGE BUILDING AND ASSOCIATED BUILDINGS AND WORKS AT 37 SYDNEY STREET, KILMORE (CONT.)

2. Summary

- 2.1 This report recommends that Council refuse to grant a planning permit for Planning Application PLP182/20 at 37 Sydney Street Kilmore for the demolition of a heritage building and associated buildings and works.
- 2.2 Following public notification of the application, a total of six (6) submissions (objections) were received. Points of objection generally regard the support for retention of heritage buildings, and that the proposal is at odds with policy within the Mitchell Planning Scheme.
- 2.3 The application has been referred internally to relevant departments. Concerns have been raised by Council's Heritage Advisor.
- 2.4 The proposal has been assessed and is considered to not be in accordance with the Planning Policy Framework and Heritage Overlay of the Mitchell Planning Scheme. Further, the proposed 'heritage response' does not provide any net community benefit, re-use or reactivation opportunities.
- 2.5 As such, the application is recommended for refusal.

RECOMMENDATION

THAT Council having complied with the relevant sections of the *Planning and Environment Act 1987*, resolve to issue a Notice of Refusal in respect of Application No. PLP182/20 for *Demolition of a heritage building and associated buildings and works* at Lot 1 TP 014176V, known as 37 Sydney Street Kilmore, subject to the grounds of refusal:

1. The proposal is inconsistent with the following Planning Policy Framework of the Mitchell Planning Scheme:
 - a) Clause 15.03-1S Heritage Conservation
 - b) Clause 21.06-3 Heritage
 - c) Clause 22.02 Heritage Policy
2. The proposal is inconsistent with the purposes and decision guidelines of Clause 43.01 Heritage Overlay
3. The proposal has not satisfactorily determined and provided justification for the suitability of the 'heritage value' proposed to be removed, and the suitability of the proposed 'heritage interpretation' response.
4. The proposed heritage response does not provide any net community benefit, re-use or reactivation of the opportunities.
5. The proposal is inconsistent with the decision guidelines of Clause 65 of the Mitchell Planning Scheme.

PLANNING PERMIT APPLICATION PLP182/20 FOR DEMOLITION OF A HERITAGE BUILDING AND ASSOCIATED BUILDINGS AND WORKS AT 37 SYDNEY STREET, KILMORE (CONT.)

ASSESSMENT

3. Site and Surrounds

Subject Site

- 3.1 The subject site is 668 square metres and is generally rectangular in nature with a frontage (width) of 6.4 metres to Sydney Street and side property boundaries of approximately 100 metres.
- 3.2 The site has two road interfaces, being Sydney Street (front, east) and Melbourne Street (rear, west).
- 3.3 The land has a slope of approximately 6 metres from west (Melbourne Street) to east (Sydney Street). The steeper portion of land subject to the highest gradient is to Melbourne Street (rear, west).
- 3.4 The building subject to this planning application is located within the eastern portion of the site, setback approximately 10 metres from the front property boundary.
- 3.5 Within the front setback of the building to Sydney Street sits a permitted food truck business Hektik Kebabs.
- 3.6 The rear of the site is grassed and void of any substantial canopy vegetation.



Figure 3 - Photograph of the subject building from the Sydney Street side.

PLANNING PERMIT APPLICATION PLP182/20 FOR DEMOLITION OF A HERITAGE BUILDING AND ASSOCIATED BUILDINGS AND WORKS AT 37 SYDNEY STREET, KILMORE (CONT.)



Figure 4 – Photograph of the southern side of the subject building.



Figure 5 - Photograph of the western interface of the subject building.

PLANNING PERMIT APPLICATION PLP182/20 FOR DEMOLITION OF A HERITAGE BUILDING AND ASSOCIATED BUILDINGS AND WORKS AT 37 SYDNEY STREET, KILMORE (CONT.)



Figure 6 - From the rear (western) side of the building looking towards Melbourne Street.

Title Restrictions and Agreements

- 3.7 Two easements are placed on the title, including E-1 - Party Wall and A-1 - Party Wall.
- 3.8 The easements are both located on the southern property boundary near to the Sydney Street frontage, ranging from 0.15 metres to 0.27 metres in width for a total length of 24.32 metres.
- 3.9 The title is not encumbered by any covenants or agreements.

Surrounding Area

- 3.10 The site is located within Kilmore Town Centre. The Sydney Street interface is generally typified by single or double storey commercial premises.
- 3.11 Melbourne Street is the secondary (rear) frontage of the site and is subject to a mix of residential properties (western side) or the rear of commercial tenancies that address to Sydney Street.
- 3.12 Nearby landmarks include:
 - Kilmore Customer and Library Service Centre, 150 metres south
 - Mill Street Mall, immediately on the eastern side of Sydney Street and Kilmore Creek 100 metres to the east
 - Union Street and Sydney Street intersection, 200 metres north

PLANNING PERMIT APPLICATION PLP182/20 FOR DEMOLITION OF A HERITAGE BUILDING AND ASSOCIATED BUILDINGS AND WORKS AT 37 SYDNEY STREET, KILMORE (CONT.)

4. Planning Background

4.1 The site has extensive planning history, including:

Application	Proposal	Result
PLA303013/02	External painting	Permit Issued
PL6143/06	External and internal renovations to shop, demolition and removal of shed, removal of native vegetation	Permit Issued via VCAT
PL6287/06	To subdivide the land into two lots, use and development of an office and car park waiver	Permit Issued
S200603/08	2 Lot Subdivision	Permit Issued
P306207/10	To demolish buildings in a heritage overlay	Refused
PLP023/18	Buildings and works for a takeaway food premises, display of signage and reduction in car parking requirements	Issued
PLP047/19	Use and development for a food and drink premises (food vans), demolition within the heritage overlay, sale and consumption of liquor, alteration of access to a Road Zone - Category 1 and reduction in car parking requirements	Refused

5. Proposal

5.1 The proposal includes two elements:

- To demolish the existing building;
- Undertake buildings and works.

Demolition

5.2 The existing building is to be demolished in full.

Buildings and Works

5.3 The proposal includes subsequent 'buildings and works' to provide a response on the site including:

PLANNING PERMIT APPLICATION PLP182/20 FOR DEMOLITION OF A HERITAGE BUILDING AND ASSOCIATED BUILDINGS AND WORKS AT 37 SYDNEY STREET, KILMORE (CONT.)

- Establish after demolition the bluestone footprint (external and internal walls) of the proposed (existing) building to be demolished, and to reinstate a bluestone footprint of the building previously demolished on the site. (see figure 8 below)
- Natural concrete paving slab to be provided.

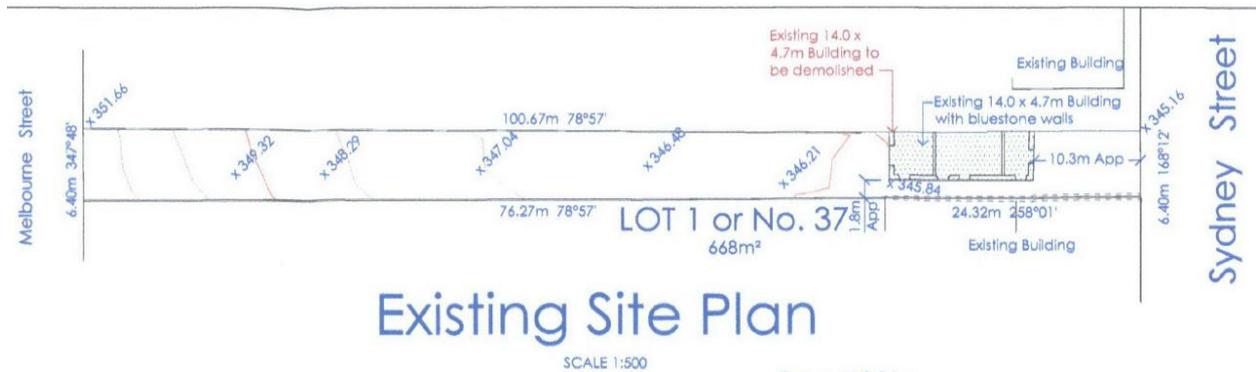


Figure 7 - Site Plan indicated the existing building to be demolished.

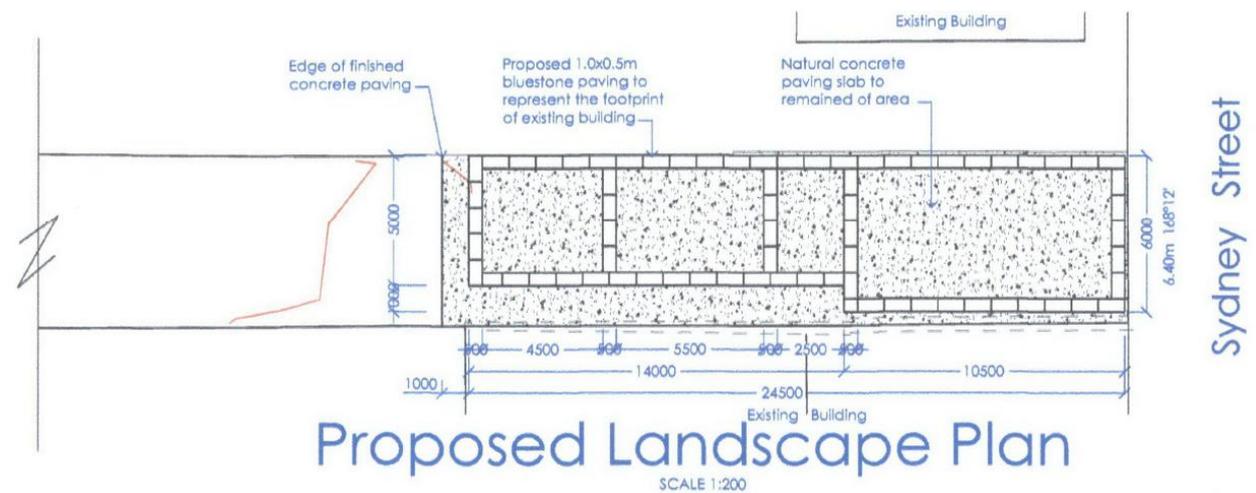


Figure 8 - Proposed building and works to provide a ground level bluestone outline of the buildings.

6. Referrals

External

6.1 The application was not required to be referred to any external referral authorities under section 55 of the *Planning and Environment Act 1987* (the Act) pursuant to Clause 66 of the Scheme.

Internal

6.2 The application was referred to internal departments who provided comment and have been documented in section 10 of this report.

PLANNING PERMIT APPLICATION PLP182/20 FOR DEMOLITION OF A HERITAGE BUILDING AND ASSOCIATED BUILDINGS AND WORKS AT 37 SYDNEY STREET, KILMORE (CONT.)

7. Planning Policy Assessment

Zoning

Clause 34.01 - Commercial 1 Zone (C1Z)

- 7.1 The proposal is subject to the Commercial 1 Zone (C1Z) of the Mitchell Planning Scheme.
- 7.2 Pursuant to Clause 34.01-4, a planning permit is required to construct or carry out works.

Overlays

Clause 43.01 - Heritage Overlay (Schedule 99)

- 7.3 The proposal is subject to the Heritage Overlay (Schedule 99 – Kilmore Town Centre Precinct – HO99) of the Mitchell Planning Scheme.
- 7.4 Pursuant to Clause 43.01-1, a planning permit is required to demolish or remove a building.

Clause 43.02 - Design and Development Overlay (Schedule 4)

- 7.5 The proposal is subject to the Design and Development Overlay (Schedule 4 – Kilmore Town Centre and Key Gateway Sites - DDO4) of the Mitchell Planning Scheme.
- 7.6 Pursuant to Clause 43.02-2, a planning permit is required to construct or carry out works.

Particular Provisions

Clause 52.29 - Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road.

- 7.7 The proposal is adjacent a Road Zone, Category 1.
- 7.8 The proposal does not seek to create or alter access to a Road Zone, Category 1, or to subdivide land.
- 7.9 As the proposal does not trigger a planning permit pursuant to Clause 52.29-2, this zone will no longer form part of this assessment.

General Provisions

Clause 65 – Decision Guidelines

PLANNING PERMIT APPLICATION PLP182/20 FOR DEMOLITION OF A HERITAGE BUILDING AND ASSOCIATED BUILDINGS AND WORKS AT 37 SYDNEY STREET, KILMORE (CONT.)

7.10 Before deciding on an application or approval of a plan, the responsible authority must consider as appropriate:

- The matters set out in section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework. The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area. The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts

Planning Policy Framework

7.11 Refer to the relevant attachments for a list of the relevant Planning Policy.

Other Relevant Documents

Kilmore Structure Plan (August 2016) and Kilmore Town Centre Masterplan

7.12 The Kilmore Structure Plan August 2016 and the associated Kilmore Town Centre Masterplan is an adopted document.

7.13 These adopted documents recognise the future pedestrian connectivity opportunities within the immediate vicinity of the site.

PLANNING PERMIT APPLICATION PLP182/20 FOR DEMOLITION OF A HERITAGE BUILDING AND ASSOCIATED BUILDINGS AND WORKS AT 37 SYDNEY STREET, KILMORE (CONT.)

7.14 These documents are discussed in regard to the proposal within the discussion chapter of the report.

8. Alignment to Council Plan

8.1 The proposal does not align with 'Responsible Planning' as it does not meet the strategic objectives and key strategies of the Council Plan.

9. Public Notification

9.1 The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987* by placing notices on site and letters to adjoining and nearby properties and landowners.

9.2 Following public notification, a total of six (6) objections have been received as of 16 April 2021, inclusive of four (4) from individuals and two (2) from societies and organisations.

9.3 Concerns raised are summarised and paraphrased as follows:

- Heritage buildings should be retained, not removed
- The proposal could remove possibly the oldest existing built form in Kilmore
- The full heritage significance of the site is not yet determined, and removal should not be allowed until assessments have been finalised
- Allowance of the building to fall into a state of disrepair and lack of maintenance is not suitable justification for removal
- The poor state of the building as suggested by the applicant may be incorrect
- The proposal is not in accordance with Council Policy (Clause 15.02, Clause 15.03, Clause 17.04-15 and Clause 43.01)
- Kilmore can celebrate historic buildings and re-use/improvement of the building can boost tourism and business

9.4 Responses to the above summarised comments and themes are provided within the discussion chapter of the report.

10. Discussion

Heritage Policy Context

10.1 Planning Policy Framework is direct and clear in relation to guidelines, policies, strategies and considerations for applications seeking to demolish buildings in a heritage overlay or with heritage value.

PLANNING PERMIT APPLICATION PLP182/20 FOR DEMOLITION OF A HERITAGE BUILDING AND ASSOCIATED BUILDINGS AND WORKS AT 37 SYDNEY STREET, KILMORE (CONT.)

10.2 Clause 15.03-1S Heritage Conservation has the overarching objective “to ensure the conservation of places of heritage significance” with a strategy to meet this objective of:

- Support adaptive reuse of heritage buildings where their use has become redundant.

10.3 Clause 21.06-3 Heritage also seeks to “manage heritage places to ensure their preservation” which seeks to be undertaken by the following key objectives and strategies:

- To recognise and protect places of heritage, cultural and social significance.
- Conserve and enhance the heritage places that distinguish each town.
- Support the preservation of heritage places threatened by development or neglect.

10.4 Clause 22.02 Heritage Policy applies to all applications within the Heritage Overlay. Relevant listed policy objectives include:

- To conserve and enhance buildings, features and precincts that help to convey how the Shire of Mitchell originated and developed over time.

10.5 A specific set of policies apply at Clause 22.02-3 that Council are required to consider for demolition applications including (but not limited to):

- Discourage the demolition of a significant or contributory heritage building unless the building is structurally unsound.
- Discourage the demolition of original chimneys, verandahs, shopfronts, fences and other elements that contribute to the significance of the heritage place.
- Ensure all applications for the total demolition of a heritage place are accompanied by an application for new development.

10.6 Clause 43.01 Heritage Overlay is also clear in its relevant purposes and decision guidelines which are discussed further within this chapter.

10.7 Summarised, these four key policies all have similar themes for consideration being:

- There is a need to conserve, preserve and enhance heritage buildings that assist in distinguishing the heritage character or history of each individual town and Mitchell Shire as a whole, and to provide for adaptive re-use of any building where appropriate.

PLANNING PERMIT APPLICATION PLP182/20 FOR DEMOLITION OF A HERITAGE BUILDING AND ASSOCIATED BUILDINGS AND WORKS AT 37 SYDNEY STREET, KILMORE (CONT.)

- Emphasis is provided that protection and preservation should be provided to buildings that are threatened by development or neglect.
- Demolition is generally discouraged, unless the building is structurally unsound, and it is policy for any application to demolish a heritage building be accompanied by an application for new development.

10.8 The application seeks demolition of the building, but has not appropriately provided justification within the application that either:

- The building in question does not need to be preserved.
- The building does not adequately add to the heritage character or history of Kilmore or Mitchell Shire.
- Adaptive reuse is not possible if the building was structurally unsound (discussed in greater detail below).
- A new proposal and/or a heritage interpretation response for the site justifies removal.

10.9 As part of the planning application process, the applicant was invited and recommended to provide additional supporting documentation in relation to the heritage value (or lack thereof) of the building proposed for demolition, to improve the heritage interpretation response or to provide for additional development. No additional information has been submitted to this regard.

10.10 As such, the proposal is at odds with the clear direction of the relevant heritage policy of the Mitchell Planning scheme.

Heritage Significance of the Existing Building

- 10.11 The application material relies on the assumption that the building is unsafe and a danger, outweighing the need for consideration of heritage value of the building.
- 10.12 Clause 43.01-8 Decision Guidelines states that the responsible authority must consider *“any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.”*
- 10.13 A Heritage Assessment of the site (History of 37 Sydney Street Kilmore, Dr Peter Mills, February 2018) details the history of the site, focusing on the buildings fronting Sydney Street back to c1861. The assessment acknowledges that buildings fronting Sydney Street are now demolished, but a single storey outbuilding has survived.

PLANNING PERMIT APPLICATION PLP182/20 FOR DEMOLITION OF A HERITAGE BUILDING AND ASSOCIATED BUILDINGS AND WORKS AT 37 SYDNEY STREET, KILMORE (CONT.)



Figure 9 - West side of Sydney Street c1861 (Vaheems & Co, photographer, c1861, SLV Photograph collection Accession No.H1837) and 37 Sydney Street located centrally (single storey, bluestone)

10.14 It is acknowledged that existing heritage citations and studies such as *Mitchell Shire Heritage Study Amendment C56 Heritage Citations April 2014 (Amended 2016)* focus on buildings fronting Sydney Street, due to the fact that the building to the rear had no visibility to Sydney Street.

10.15 As part of Planning Application P0627/10 for the demolition of the double-storey building fronting Sydney Street, Council's heritage advisor concluded that:

The rear single storey stone section is of considerable heritage value as a rare surviving 1850's structure within the Sydney Street precinct. It was originally a detached building. Its north wall was rebuilt in brick at an early date. This, and possibly the central 2-storey rear stairwell, could be restored, repaired and incorporated into a new adaptive re-use for the building.

I would like to discuss the design of the replacement building with the applicant and the possibility of retaining and restoring the existing rear sections of the building, particularly the 1850's stone section.

10.16 It is therefore reasonably assumed and has been acknowledged that the building subject to this application is a surviving structure dating back to the mid to late 1800's.

10.17 Notwithstanding, the heritage value of the building should be considered on its own merit and demolition of the building considered appropriately.

PLANNING PERMIT APPLICATION PLP182/20 FOR DEMOLITION OF A HERITAGE BUILDING AND ASSOCIATED BUILDINGS AND WORKS AT 37 SYDNEY STREET, KILMORE (CONT.)

- 10.18 The applicant has relied on a heritage statement prepared by Robyn Ridett dated May 2012 in relation to VCAT Review P2644/011 and Planning Application PL6143/06 which solely focuses on the heritage value of the now demolished building that fronted Sydney Street. As such, this information and report is irrelevant to the building in question.
- 10.19 The applicant was invited and recommended to provide additional supporting documentation such as a Heritage Report to determine the heritage value of the building. No additional information was submitted to this regard.
- 10.20 As such, the application does not fully consider or respond to the heritage value of the building or support demolition.

Existing Condition of the Existing Building

- 10.21 Within the application material submitted, an engineering report was provided which includes details of the structural integrity of the building.
- 10.22 This material concludes (summarised, paraphrased):
- Additional movement of the structure is due to deterioration.
 - The structure is unsafe and a danger to the public.
 - The structure requires demolition as a matter of urgency.
- 10.23 The application was reviewed by Councils Municipal Building Surveyor. The Municipal Building Surveyor's has advised:
- The building is repairable from a structural point of view, at cost.
 - The condition of the building is 'not great' and without any improvement works will continue to slowly deteriorate.
 - Documentation submitted by the applicant that the building is unsafe, and a danger has been peer reviewed by an independent engineer. This report has concluded that the building is not in a state of 'imminent danger' or is deteriorating rapidly but should continue to be monitored if improvement works are not undertaken to ensure.
- 10.24 As such, it is considered that the building may be repairable which would greatly align with the heritage policy outlined above.
- 10.25 Notwithstanding, if the building was not repairable, a suitable application for development (Clause 22.02-3: Ensure all applications for the total demolition of a heritage place are accompanied by an application for new development) has not been provided.

PLANNING PERMIT APPLICATION PLP182/20 FOR DEMOLITION OF A HERITAGE BUILDING AND ASSOCIATED BUILDINGS AND WORKS AT 37 SYDNEY STREET, KILMORE (CONT.)

Proposed Response and Works After Demolition

- 10.26 The proposal also regards buildings and works to construct an 'outline' of the floor plan of the proposed building to be demolished, as well as the building fronting Sydney Street already demolished.
- 10.27 The heritage interpretation response provided was deemed inadequate, and the applicant was advised to provide a Heritage Interpretation Response to provide additional support for the proposal that could include interpretation text, additional gateway features, landscaping etc, or consider reuse or partial reuse of the building.
- 10.28 Council Officers also suggested for the applicant to consider a net community benefit proposal inclusive of a pedestrian link throughout the site to continue pedestrian permeability from Kilmore Creek through to Melbourne Street, as identified within the Kilmore Town Centre Masterplan (August 2016).
- 10.29 The applicant acknowledged this may be an option, subject to a wider development of multiple sites. Ultimately, the application was not amended to include any additional use or development to align with Clause 22.02-3 to "ensure all applications for the total demolition of a heritage place are accompanied by an application for new development"
- 10.30 Council Officers have also queried how the existing use of the permitted food truck on-site will co-exist with the proposed heritage interpretation works, and no response have been provided to this.
- 10.31 As such, the proposed heritage interpretation response is deemed inadequate and does not justify the removal of the building.

Other Considerations and Correspondence History

- 10.32 Consideration must be given to how a decision on this application may result in moving forward.
- 10.33 It is acknowledged that a number of scenarios must be considered, based on current state of the building allowed by the owner, and the relevant assessments undertaken by Council's Municipal Building Surveyor and independent engineers. It is acknowledged:
- If the application is refused, the building may be allowed to deteriorate further resulting in Council being required to issue orders to demolish the building and no 'heritage response' will be provided on site.
 - If the application is approved in its current form and acted on by the permit applicant, the result will be an underwhelming appreciation and response to the relevant planning policy.

PLANNING PERMIT APPLICATION PLP182/20 FOR DEMOLITION OF A HERITAGE BUILDING AND ASSOCIATED BUILDINGS AND WORKS AT 37 SYDNEY STREET, KILMORE (CONT.)

- 10.34 It is noted that there are no specific obligations for a landowner to keep the building in any particular condition. The Heritage Overlay has overarching purposes or guidelines to conserve and enhance heritage places, however there is no enforceable obligation opportunities. From a Building Act and Building Regulations perspective, the only obligation regards where a building falls into a condition where it needs to be demolished as it is not deemed safe, Council have the ability to issue an emergency order to demolition.

11. Conclusion

- 11.1 The application proposes the demolition of a heritage building, and buildings and works associated with providing an outline of the building to be demolished and a building already demolished from the site.
- 11.2 It is considered that the proposal should not be supported for the reasons listed within the Recommendation section of the report, as discussed within the Discussion chapter of this report.

DEMOLITION NOTES

ENTIRE BUILDING REMOVAL

Where buildings are to be removed - The builder shall remove also the footings and replace the soil where the footings were and proof roll the soil.

All demolition work unless specifically stated otherwise shall be by the Builder.

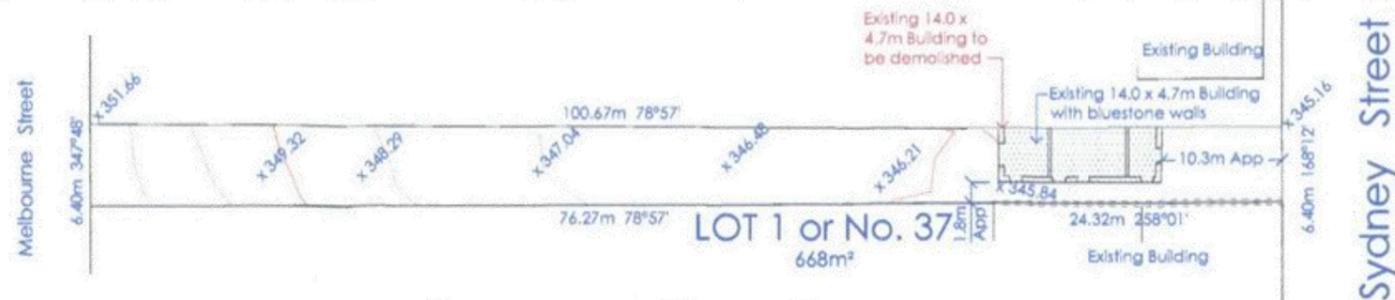
All demolished materials are the property of the builder. He is responsible for removing them from the site

ASBESTOS

Prior to commencing work the Builder shall engage and pay for an Asbestos Audit by an approved Asbestos Auditor on the site. The client shall receive a copy of the Audit on completion and prior to removal of any asbestos. Prior to removal of Asbestos the client shall be advised of any additional Variations as a consequence of the above

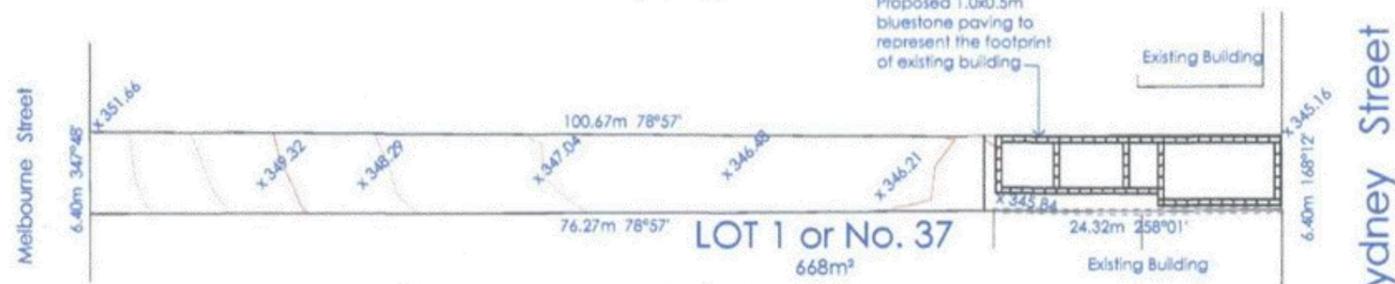
COMPLY WITH APPLICABLE CLAUSES OF THESE BUILDING STANDARDS Current Edition
 AS 2436 1981 Guide to noise control on construction, maintenance and demolition sites
 AS 2601 2001 Demolition of Structures

Public and Property Protection: Provide measures required by municipal and state ordinances, laws and regulations for the protection of surrounding property, footpaths, street, kerbs, the public, occupants and workmen during demolition operations. Comply with the above ordinances, laws, etc. in carrying out measures including barricades, fences, warning lights and signs, rubbish chutes, etc. No blasting for demolition purposes will be permitted. Exercise due care in executing this work. Make good to original condition, damage to structures to be retained and to adjacent property which results from demolition operations. Perform restoration work without expense to the proprietor. Pay fees in connection with this trade. Comply throughout with the current edition of the Building Code.



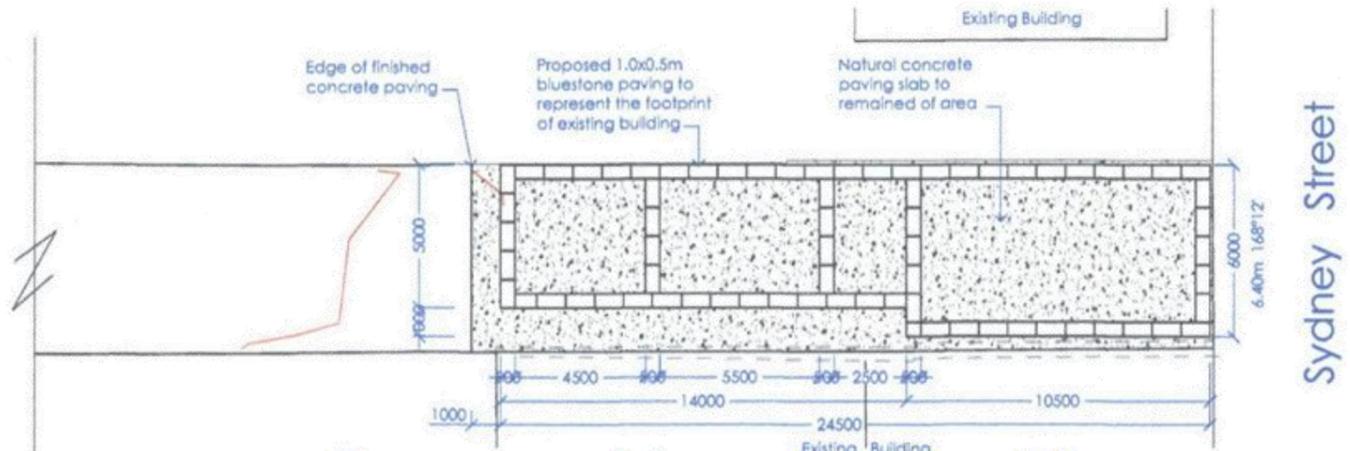
Existing Site Plan

SCALE 1:500



Proposed Site Plan

SCALE 1:500



Proposed Landscape Plan

SCALE 1:200

GENERAL
 All dimensions, site and soil conditions to be verified on site, by builder, prior to ordering or placing any materials.
 All work shall conform to the National Construction Code of Australia.
 Do Not scale drawings.
 This drawing is Copyright.

Amend No	Date	Detail	By
A	xx/xx/2020	N/A	BM

CLIENT Wilson Partners
PROJECT 37 Sydney Street, Kilmore
REGISTRATION NUMBERS VIC CDP-AD56576

Issue Date Version 1 - 20/7/2020 Drawing Status For Construction

CHECKED B. MACTIER
DATE JULY 2020
DRAWN B.MELLINGTON
DESIGNED CLIENT

SCALE AS NOTED @ A3 SHEET
DRAWING TITLE SITE PLAN
SHEET NO A1 of 1
JOB NO. 17682

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BRUCE MACTIER
 BUILDING DESIGNERS
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Planning Policy Framework (PPF) and Municipal Strategic Policy Framework (MSPF)**The following clauses of the PPF and MSPF are considered relevant to this application**

Clause 15 Built Environment and Heritage	<ul style="list-style-type: none"> • Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods. • Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.
Clause 15.03-1S - Heritage Conservation	<p><u>Objective</u></p> <ul style="list-style-type: none"> • To ensure the conservation of places of heritage significance. <p><u>Strategies</u></p> <ul style="list-style-type: none"> • Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance. • Retain those elements that contribute to the importance of the heritage place. • Encourage the conservation and restoration of contributory elements of a heritage place. • Ensure an appropriate setting and context for heritage places is maintained or enhanced. • Support adaptive reuse of heritage buildings where their use has become redundant.
Clause 21.06 - Built Environment and Heritage	<p><u>Key Issues</u></p> <ul style="list-style-type: none"> • Managing heritage places to ensure their preservation. <p><u>Objective</u></p> <ul style="list-style-type: none"> • To recognise and protect places of heritage, cultural and social significance <p><u>Strategies</u></p> <ul style="list-style-type: none"> • Conserve and enhance the heritage places that distinguish each town. • Conserve places that contribute to the further development of tourism. • Support the preservation of heritage places threatened by development or neglect.
Clause 22.02 – Heritage Policy	<p><u>Policy objectives</u></p> <ul style="list-style-type: none"> • To conserve and enhance buildings, features and precincts that help to convey how the Shire of Mitchell originated and developed over time.

- To ensure that the significance of heritage places is not diminished by the loss of any fabric, which contributes to the significance of the heritage place or precinct or by inappropriate new development.

Policy – Demolition

- Discourage the demolition of a significant or contributory heritage building unless the building is structurally unsound.
- Ensure that demolition of non-contributory elements takes account of nearby contributory or significant heritage places.
- Discourage the demolition of original chimneys, verandahs, shopfronts, fences and other elements that contribute to the significance of the heritage place.
- Ensure all applications for the total demolition of a heritage place are accompanied by an application for new development.

10.4 ROAD MANAGEMENT PLAN 2021 - CONSULTATION SUMMARY AND ADOPTION

Author: Gareth Antrobus - Roads Maintenance Coordinator

File No: ST/09/007

Attachments:

1. Draft Road Management Plan 2021 - For Adoption
2. Draft Road Management Plan 2021 - Fact sheet
3. Draft Road Management Plan 2021 - Key Stakeholders Register
4. Draft Road Management Plan 2021 - Submissions Register

1. Purpose

1.1 To report the consultation process relating to the draft Road Management Plan 2021 (RMP) and adopt the RMP 2021 (Attachment 1).

2. Background

2.1 The Road Management Plan (RMP), identifies Councils responsibilities, maintenance standards and inspection regimes as well as levels of service provided for all its road and footpath assets.

2.2 It is a legislative document falling under the *Road Management Act 2004* which dictates that Council must conduct a formal review of the plan every four years.

2.3 At the Council meeting held on the 17 May 2021, Council endorsed the draft Road Management Plan 2021 for community consultation, noting that Council;

1. *Endorse the draft Road Management Plan 2021 for community consultation in accordance with the requirements contained within the Road Management Act 2004 for a period no less than four (4) weeks.*
2. *Receive a report at the July 2021 Ordinary Council meeting summarising feedback received through the public consultation process and presenting the final Road Management Plan 2021 for adoption.*

3. Key Matters

3.1 Consultation ran for a five-week period opening on 25 May 2021 and closing 28 June 2021. This consisted of a web page been created on the 'Have Your Say' section of the Mitchell Shire web site, targeted consultation to key community groups, schools and transport companies.

3.2 Council received two submissions throughout the consultation period.

ROAD MANAGEMENT PLAN 2021 - CONSULTATION SUMMARY AND ADOPTION (CONT.)

- 3.3 Council receives, on average 4,200 customer enquiries through the Operations area each year. Approximately 50% of these relate to our roads, suggesting a high level of community interest.

Recommendation

THAT Council adopt the Road Management Plan 2021.

ROAD MANAGEMENT PLAN 2021 - CONSULTATION SUMMARY AND ADOPTION (CONT.)**4. Financial, Resource and Asset Management Implications**

- 4.1 There is no additional financial or resource implication to Council in adopting the draft Road Management Plan 2021.
- 4.2 The RMP implementation is supported by the annual budget set by Council. Funds are provided in the operating budget for road and footpath inspections, maintenance and repair and in the capital works budget for asset renewal and upgrade.
- 4.3 There will be little implication on future operational budgets as the levels of service outlined in the RMP are developed factoring Councils current and forecast budget. The plan cannot and should not contain levels of service that Council cannot deliver. This practise can lead to increased exposure to risks and civil liability issues.
- 4.4 It must be noted that current and future resourcing allows for the implementation of service levels set out within this proposed RMP only. Current resourcing levels are not indicative of investment level requirements regarding improving maintenance and general condition of our growing road network.

5. Consultation

- 5.1 The consultation period opened 25 May 2021 and closed 28 June 2021, a period of 33 days.
- 5.2 The consultation period was originally scheduled to close on 21 June 2021, however the was extended to 28 June 2021 to provide the community a greater opportunity to provide feedback. All key stakeholders were notified via email of the extension.
- 5.3 A copy of the RMP and benchmarking data, was uploaded to Councils website in the "Have Your Say" section, summarising the plan and calling for feedback.
- 5.4 Overall the page was viewed 73 times with documents being downloaded 35 times. This consisted of the RMP document being downloaded 18 times, the submission document being downloaded 10 times and the benchmarking data being downloaded 7 times.
- 5.5 Council directly emailed a fact sheet (Attachment 2), to 29 key stakeholders (Attachment 3), advising them of the purpose of the RMP and encouraging them to provide feedback.
- 5.6 Posts were placed on social media sites such as Facebook, promoting the consultation period and explaining the document.
- 5.7 The RMP document and the consultation process was discussed on local radio stations, with an article placed in local papers also.

ROAD MANAGEMENT PLAN 2021 - CONSULTATION SUMMARY AND ADOPTION (CONT.)

5.8 Council received two submissions during the consultation period (Attachment 4), requesting the upgrade of a fire access track and the construction of a new footpath. Both submissions do not apply to the RMP as they relate to either a publicly non-registered road, or the construction of a new asset.

6. Sustainability Implications (Social and Environmental)

6.1 The RMP identifies the responsibilities, maintenance standards and inspection regimes required to not only manage civil liability, but also sets out the foundations for Council's commitment to providing a sustainable and safe public road network for the community and other key stakeholders having regard to the resources and priorities of Council.

7. Policy and Legislative Implications

7.1 The adoption of the RMP will ensure compliance with the legislative requirements of the *Road Management Act 2004*, being a review of the RMP must be conducted every four years generally in line with a Council term.

8. Alignment to Council Plan

8.1 The plan establishes a management system for the management of all road related assets for which Council is the managing authority. This ensures a consistent level of service when complying with the following key strategy;

Establish and maintain high quality roads, footpaths, parks, recreation facilities, streetscapes, bike paths and public open spaces.

9. Conflict of Interest

9.1 No officers involved in the preparation of this report have any direct or indirect interest in this matter.

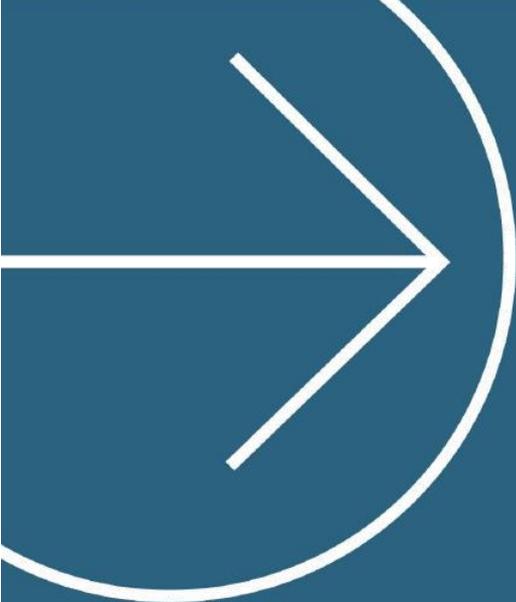
10. Risk Implications

10.1 Risk Ranking is determined using [ROHS201-G1-Corporate Risk Matrix](#). Risk is identified as Low, Medium, High or Very High.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Concerns raised by residents/stakeholders are not addressed.	Low	All requests for works are managed within the timelines and intervention levels contained within the RMP	Yes
Public dissatisfaction with the proposed levels of service.	Low	Communicate with residents that have expressed a concern, explaining how the RMP	Yes

ROAD MANAGEMENT PLAN 2021 - CONSULTATION SUMMARY AND ADOPTION (CONT.)

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
		works and the reasonings for not implementing their request.	
Compliance with service levels and Inspection frequencies	Medium	Monitor performance and ensure that repair times and inspection frequencies are within the available resources of Council.	Yes
Exposure to civil liability	Medium	Schedule maintenance activities in accordance with RMP intervention levels & maintenance repair times. Schedule Capital works & Renewal in accordance with asset condition data.	Yes
Reputational risk from low understanding of RMP details	Medium	Community are educated when lodging enquiries with Council averaging in excess of 2,000/year. With consultation for this RMP, education material was provided summarising what the documents purpose was.	Yes



**MITCHELL SHIRE.
DRAFT ROAD
MANAGEMENT PLAN
2021**



Version 5.0



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Revisions and Adoption Schedule

Document Control

Rev No	Date	Version / Changes
1.00	Aug 2004	First Edition
2.00	July 2009	Second Edition
3.00	June 2013	Third Edition
4.00	July 2017	Fourth Edition
5.00	June 2021	RMP Review as per s54(5) of Road Management Act 2004. <i>Amendments Summary:</i> <ul style="list-style-type: none"> • Changes to inspection program (Table 3) • Changes to defects type and intervention levels (Table 4) • Changes to response times (Table 4) • significant parks excluded • Changes to definitions on pages 3 – 5 • Changes to 2.3 • Changes 2.4.2 • Changes to 2.4.5 • Changes to 2.4.7 • Changes to 3.2 (table) • Changes 1.8 • Changes to 4.2 • Changes to 4.3 • Changes to 5.1 (Fig 5) • Changes to 5.6 • Changes to (Appendix 8)
5.01		Initial Draft issued for Public Comment
5.02		RMP 2021 – 2025 Adopted by Council

Mitchell Shire Council - Road Management Plan

The Mitchell Shire Council Road Management Plan (RMP) has been reviewed to meet legislative requirements of the Road Management Act 2004 (the Act) and the strategic directions adopted by the Council.

The RMP identifies responsibilities, maintenance standards and inspection regimes required to manage civil liability and demonstrate that Council, as the road authority, is responsively managing all the road assets under its control.

The Act has established a statutory framework for the management of public roads in Victoria. The Act, and any associated legislation as defined in the Act, applies to road authorities including Mitchell Shire Council.

Glossary of Terms

These terms have been defined to assist in the understanding of the RMP – the definitions in the Act are considered the source of these definitions and the Act would be considered at law as the overriding definition.

Term	Definition
Arterial Roads	<i>Freeways, Highways and Declared Main Roads which are managed by the State Government through VicRoads and/or Regional Roads Victoria.</i>
Code of Practice	<i>Code of Practice for Road Management Plans. Supporting document to the legislation, which provides practical guidance to Road Authorities in the making of RMPs.</i>
Condition Inspections	<i>Inspections conducted to assess the life of the road and footpath network and to prioritise major works.</i>
Consent Applications	<i>Applications made by other Road Authorities and Utilities companies to perform works on Council-managed roads.</i>
Day	<i>in terms of response times a day is a business (working) day excluding weekends and declared public holiday.</i>
Defect	<i>is a localised failure in an asset, for example potholes in a road surface or a joint displacement in a concrete pathway.</i>
"Exceptional Circumstances" Clause	<i>A clause included in the RMP that describes the conditions under which a Council can suspend its maintenance and inspection responsibilities under the RMP due to the occurrence of events outside their control. The "Exceptional Circumstances" Clause also details the process for reinstating the RMP.</i>
Hazard	<i>A defect or circumstance which may impact on road user safety.</i>
Infrastructure and works managers	<i>Staff of Road Authorities that are responsible for the management and maintenance of roads as determined by the classification system within the Road Management Act 2004 (Vic), and as contained in the roads register.</i>

Intervention Level	<i>The size of the defect at which the road authority has determined that the defect exceeds what is reasonably tolerable and requires rectification.</i>
Municipal Roads	<i>Roads for which the Council is the responsible Road Authority.</i>
Non-Road Infrastructure	<i>Includes infrastructure in, on, under, or over a road, which is not road infrastructure. The act provides examples of non-road infrastructure that includes gas pipes, water and sewerage pipes, cables, electricity poles, bus shelters, rail infrastructure, public telephones, mailboxes, roadside furniture and fences erected by utilities or providers of public transport.</i>
Other Roads	<i>Include roads in State reserves, and roads on private property. Council is not responsible for the care and maintenance of these roads.</i>
Pathways/ shared pathways	<i>A footpath, bicycle path or other area constructed or developed by a responsible road authority for use by members of the public other than with a motor vehicle but does not include any path: (a) which has not been constructed by a responsible road authority; or which connects to other land.</i>
Proactive Defect Inspections	<i>Inspections program to identify defects that are likely to pose a risk or serious inconvenience to users of the network or the wider community and to arrange for their remedy.</i>
Public Road Register	<i>List of roads within a municipality that a Council is responsible for. Council is required to keep a register under s.19 of the RMA.</i>
Reactive Inspections	<i>Inspections performed in response to a customer request or notification about the condition of the road, to assess whether the road contains an RMP defect that has reached the relevant intervention level.</i>
Responsible Road Authority	<i>The organisation responsible for the management of the road, as determined under s.37 of the Act.</i>
Road	<i>Includes a street; right of way; cull de sac; by-pass; bridge or ford; footpath; bicycle path or other land or works forming part of the road.</i>
Road Infrastructure	<i>The infrastructure which forms part of a roadway, pathway or shoulder, Including — > Structures forming part of the roadway, pathway or shoulder; and the road-related infrastructure; Materials from which a roadway, pathway or shoulder is made; such as asphalt, bitumen, gravel, lane markers and lines.</i>
Road Management Act (the Act)	<i>Road Management Act 2004 (Vic) The Act provides a statutory framework for the management of the road network in Victoria.</i>
Road Management Plan (RMP)	<i>A document developed by Councils to assist in the management of their road related duties and responsibilities, as defined in the Road Management Act.</i>
Road Related Infrastructure	<i>Infrastructure which is installed by the relevant road authority for road-related purposes to— > Facilitate the operation or use of the roadway or pathway; or</i>

	<p>> Support or protect the roadway or pathway. <i>Examples: Traffic islands, traffic management signage, traffic control sign, traffic light, kerb and channel, a bridge, culvert or ford, road drain or embankment, a noise wall, gate, post or board installed on the road reserve.</i></p>
Road Reserve	All the area of land that is within the boundaries of a road.
Rural	Rural is defined as a location in which the speed limit is >60km.
Roadside	<i>Any land that is within the boundaries of a road (other than the shoulders of the road) which is not a roadway or a pathway and includes the land on which any vehicle crossing or pathway which connects from a roadway or pathway on a road to other land has been constructed.</i>
Shared Zone	a road or network of roads where pedestrians, cyclists and vehicles share the roadway.
Temporary Works	Temporary works may include, but are not limited to: Warning signage, barriers, temporary patching, highlighting defects with contracting paint, and or a combination of a couple of methods
Urban	Urban is defined as a township in which the speed limit is 60km or less.

1 Introduction

1.1 Background

This Road Management Plan (RMP) is a document which describes management arrangements for public road and road-related assets within road reserves for which the Council is responsible. It sets out the foundations for Mitchell Shire Council's (Council) commitment to providing sustainable and safe public road networks for the community having regard to the resources and priorities of the Council.

For Council to show that it has met its duty of care to road users, it is required to demonstrate that it has in place a reasonable and affordable regime for inspecting the road network for hazards and for planning and implementing measures to mitigate or reduce the risk caused by those hazards.

The development, implementation and management of the RMP is consistent with and is supported by Council's policies, strategies, plans, systems, procedures and practices. Unless however, such policies, strategies, plans, systems, procedures or practices are incorporated by reference into the RMP, the RMP otherwise is, and at all times remains, a stand-alone and all-encompassing policy document of Council (for the inspection, repair and maintenance of public roads, paths, and road infrastructure within the municipality of the Mitchell Shire Council).

This plan is prepared in accordance with Part 4, Division 5 (s49 to s55) of the Road Management Act 2004 (the Act).

1.2 Role of Road Authority

The Act provides that Council as the road authority is to exercise its functions within an overall policy context and to consider the expectations of the community and the resources available, and the competing demands for those resources.

Council is responsible for the development of the RMP and must ensure it manages the inspection, maintenance and repair of the road network within available funding levels to ensure that a safe and efficient road network is provided for use by members of the public.

1.3 Purpose of the Road Management Plan

The RMP establishes a management system for the road management functions of Council to inspect, maintain and repair its public roads based on policy and operational objectives having regard to available resources. It also sets the relevant standard in relation to the discharge of duties in the performance of those road management functions. In simple terms, the RMP sets out a clear system of inspection and maintenance of the of the road and footpath network and in doing so minimises Councils exposure to risk.

In accordance with section 50 of the Road Management Act 2004, the purpose of this RMP is to:

- > establish a management system for the road management functions of the Council which is based on policy and operational objectives and available resources and
- > specify the relevant standards in relation to the discharge of duties in the performance of those road management functions.

1.4 Key stakeholders

There are numerous internal and external stakeholder groups of the community who are both users of the road network and/or are affected by a decision or activity. Council recognises the varying need of external and internal stakeholders depending on whether these stakeholders are the business community, residents, pedestrians, drivers or visitors. The figure 1 shows the relationship that exists between the Directorate of Development and Infrastructure and key stakeholders.

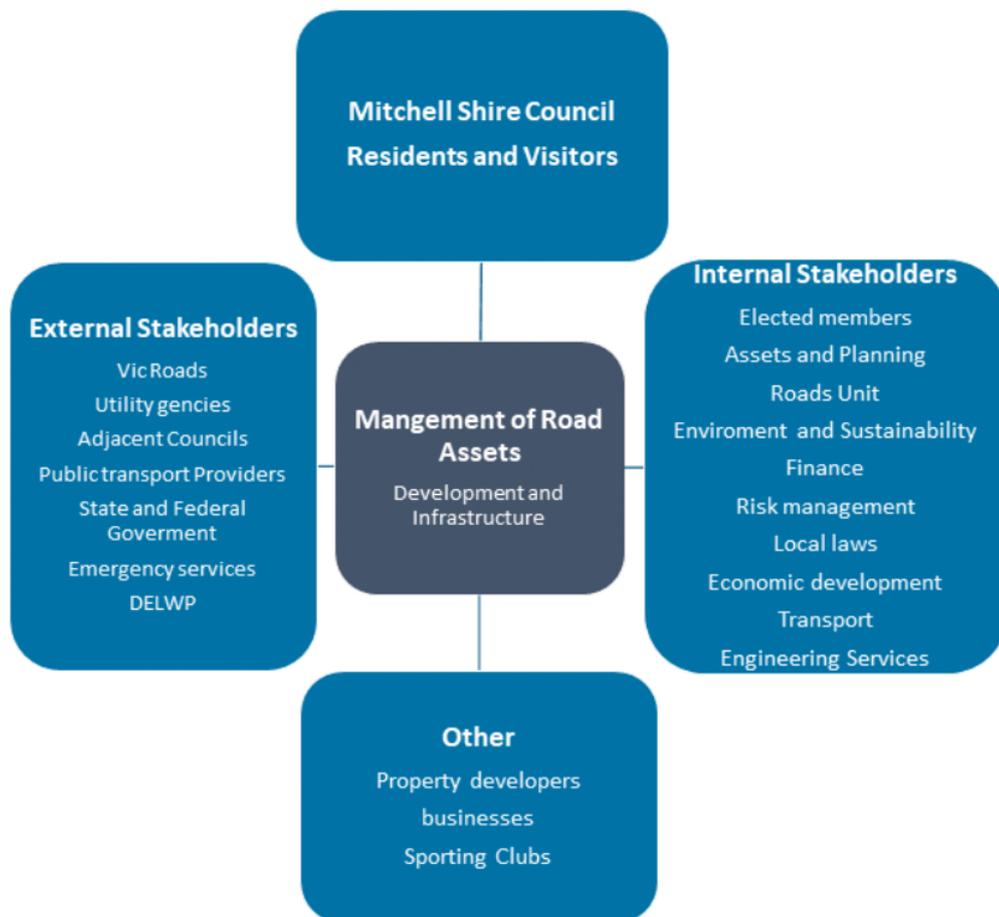


Fig 1: Key Stakeholders

1.5 Duties of road users

All road users have obligations prescribed in Section 17A of the Road Safety Act 1986 which states:

1. A person who drives a motor vehicle on a public highway must drive in a safe manner having regard to all the relevant factors including (without limiting the generality) the
 - > physical characteristics of the road;
 - > prevailing weather conditions;
 - > level of visibility;
 - > condition of the motor vehicle;
 - > prevailing traffic conditions;
 - > relevant road laws and advisory signs;
 - > physical and mental condition of driver
2. A road user other than a person driving a motor vehicle must use a public highway in a safe manner having regard to all the relevant factors.
3. A road user must-
 - > have regard to the rights of other road users and take reasonable care to avoid any conduct that may endanger the safety or welfare of other road users;
 - > have regard to the rights of the community and infrastructure managers in relation to road infrastructure and non-road infrastructure on the road reserve and take reasonable care to avoid any conduct that may damage road infrastructure and non-road infrastructure on the road reserve;
 - > have regard to the rights of the community in relation to the road reserve and take reasonable care to avoid conduct that may harm the environment of the road reserve.

1.6 Budget Provisions

The RMP implementation is supported by the annual Budget set by Council. Funds are provided in the Operating Budget for inspections, maintenance and repair and in the Capital Works Budget for asset renewal and upgrade. Council has a Strategic Resources Plan and a 10-year Long-term Financial Plan.

The financial resources allocated for the road infrastructure assets covered by this RMP are considered appropriate and reasonable having regard to the overall service delivery priorities of the Council.

Current and future resourcing allows for the implementation of service levels set out within this proposed RMP only. Current resourcing levels are not indicative of investment level requirements regarding improving maintenance and general condition of our growing road network.

The RMP in relation to the construction, inspection, maintenance and repair of those public roads within the municipal district of the Mitchell Shire Council for which the Council is the responsible road authority including in relation to suitable prioritisations for the maintenance and repair of road infrastructure on public roads is expressly declared by the Council to be a policy document of the Council which is based substantially on financial, economic, political, social, and environmental considerations.

The Council expressly records that the level of funding which it has chosen to provide to implement the existing road Management Plan has been significantly influenced by budgetary allocations and the constraints which they entail in terms of the allocation of limited Council resources.

1.7 Exceptional Circumstances

Council will make every effort to meet its commitments under its RMP. However, there may be situations or circumstances that affect Council's business activities to the extent that it cannot deliver on the service levels of the RMP. These include but are not limited to natural disasters, such as fires, floods, or storms, or a prolonged labour or resource shortage, due to a need to commit or redeploy Council staff and/or equipment elsewhere.

In the event that the Chief Executive Officer (CEO) of Council has considered the impact of such an event on the limited financial resources of Council and its other conflicting priorities, and determined that the RMP cannot be met, then pursuant to Section 83 of the Wrongs Act, the CEO will write to Council's Officer in charge of its RMP and inform them that some, or all, of the timeframes and responses within it are to be suspended.

Once the scope of the event/s have been determined, and the resources committed to the event response have been identified, then there will be an ongoing consultation between Council's CEO and Council's Officer responsible for the RMP, to determine which parts of it are to be reactivated and when.

Council will issue statements to residents advising of the suspension or changes to the service levels under the RMP and will include reference to how the work that will be done is prioritised and the period for which it is likely to be affected.

Details of the incident that led to the "Exceptional Circumstances" clause being activated, and then the process taken to re-enact the RMP, will be recorded and stored along with the RMP

1.8 Incident Claims

Any persons wishing to make a claim against a road authority in relation to the performance of the road management functions is to give notice of the incident in accordance with the requirements of section 115 of the Act, which deems a claim is to be submitted to Council within 30 days from the incident occurring. The Council is not liable for property damage less than the threshold stated in the section 110 of the Act.

1.9 Availability of the Plan and Associated Documents

The RMP, Register of Public Roads and related Codes of Practice are available on Council's website www.mitchelleshire.vic.gov.au. A hard copy can be made available from its office at 13 High St, Broadford VIC 3658, during office hours: 8.30 am to 5.00 pm each working day.

2 Road Asset Description

This section provides the details of road infrastructure and road-related infrastructure assets that are being covered under this RMP. It also outlines assets not covered under this RMP.

2.1 Overview

Mitchell Shire Council covers an area of 2861 square kilometres and includes Beveridge, Broadford, Bylands, Clonbinane, Forbes, Glenaroua, Glenhope, Glenhope East, Heathcote Junction, Heathcote South, High Camp, Hilldene, Hughes Creek, Kilmore, Kilmore East, Mia, Moranding, Northwood, Nulla Vale, Puckapunyal, Pyalong, Reedy Creek, Seymour, Sugarloaf Creek, Sunday Creek, Tallarook, Tooborac, Trawool, Tyaak, Upper Plenty, Wallan, Wallan East, Wandong, Waterford Park, Whiteheads Creek and Willowmavin. Mitchell Shire also includes parts of Avenel, Donnybrook, Flowerdale, Highlands, Mangalore, Strath Creek, and Tarcombe.

The Council has responsibility for;

- > 700 kilometres of sealed roads
- > 714 kilometres of unsealed (or gravel) roads
- > 316 kilometres of sealed and unsealed footpaths
- > 67 vehicle bridges
- > 41 pedestrian bridges

The management, maintenance and development of roads throughout Mitchell Shire is a shared responsibility between VicRoads, Mitchell Shire Council, the Department of Environment, Land, Water and Planning (DELWP), other Government Departments and private land- owners.

2.2 Assets covered

The road and road-related infrastructure assets covered in this RMP are those that exist within the roads nominated in the Register of Public Roads and includes,

- > Road surface and supporting pavement;
- > Road shoulders;
- > Footpaths and shared-use footpaths;
- > Traffic control devices (roundabouts, raised pavements etc.);
- > Line marking;
- > Traffic control signage; and
- > Kerb and channel.

Council has also designated certain areas adjacent to a public road as 'ancillary areas' which are recorded in the Register of Public Roads (i.e. car parks, service roads etc).

The Register of Public Roads establishes a road hierarchy and the relevant road categories are used only to differentiate service levels and maintenance standards.

It is important to note that this does not include every government road or every public highway within Council's municipal district, but only those which fit the definition of Public Roads within the Act. Importantly, this leaves the policy decision to Council to determine which of the municipal roads within its district 'is reasonably required for general public use'.

2.3 Assets not covered

The following road infrastructure is NOT maintained by the Council:

- > Any driveway or pathway providing access from private land to a public road either within a road reserve or on private land;
- > Roads or road related infrastructure under the responsibility of another authority, such as arterial roads, fire access tracks etc.;
- > Any unformed roads or roads not built to Council standards;
- > Any pathway not constructed by a responsible road authority, e.g. unconstructed pathways such as a foot (human or animal) trodden pathway.
- > Nature strips and roadside areas;
- > Car parking not controlled by Council;
- > Roads, lanes and access ways that are not listed in the road register;
- > Any asset belonging to utility and public transport companies such as utility poles, rail crossings, street lighting, water mains, sewerage, telecommunications etc.; and
- > Privately owned assets such as drainage connections to private properties, crossovers, overhanging structures, awnings etc.

In putting together Council's Register of Public Roads, emphasis has been placed on whether particular roads have been regularly maintained by Council in the past, the construction standard of any new or upgraded sections of road and the function of the road in the context of its requirements for general public use.

The roads within the municipal district which are NOT managed by Council typically fall into two categories:

- > Roads which are not municipal roads. These include arterial roads (managed by VicRoads), roads on crown reserves, state parks or state forests etc. (which are the responsibility of the relevant land manager) and private roads; and
- > Municipal roads which are deemed by Council not to be 'reasonably required for general public use.'

2.4 Demarcation and Agreements with other Authorities

The Code of Practice – 'Operational Responsibility for Public Roads' defines the limits of responsibility between road authorities for different parts or elements within the road reserve.

2.4.1 Duty of Owner or Occupier of Adjoining Land

Section 113 of the Act sets out the duty of care of owners or occupiers of land adjoining a road. This is to ensure that duty of care is taken to protect the stability of the road, their own safety and the safety of road users and the condition of road infrastructure.

Responsibilities for the owner/occupier include, but are not limited to the following:

- > Vehicle crossings (driveways) and pathways on road reserves that provide access to land adjoining a road. This does not however, prevent the responsible road authority from imposing conditions on the construction of these driveways and pathways;
- > All pipes, culverts and headwalls placed within the road reserve, required to provide access over a table drain. Responsibility of maintenance, including clearing of the pipes
- > Footpaths and overhanging vegetation. A landowner has the responsibility to keep a footpath clear of vegetation growing from their property. Under the provisions of Council's local laws, Council may direct the landowner to trim the overhanging branches.

- Controlling water, gravel or other debris related to private property which flow onto and or damage Council Road or related infrastructure.

2.4.2 Vehicle Crossovers/Driveways

Vehicle crossovers fall within the definition of “roadside” as per Section 40 of the Act and therefore are excluded from the statutory duty to inspect. In addition, as vehicle crossovers are considered “roadside”, Section 107 of the Act removes a road authority’s statutory and common law duties to inspect, maintain and repair the crossovers. As the crossovers provide access from the roadway to private land, therefore the responsibility of the property owner. However, the Council remains responsible for the section of footpath running through the crossover. This section of footpath is subjected to the same inspection and maintenance standards applied to the wider public footpath as set out in the RMP.

The following diagrams illustrate the layout of a typical vehicle cross-over showing the areas of responsibility of the road authority and that of the Property Owner:

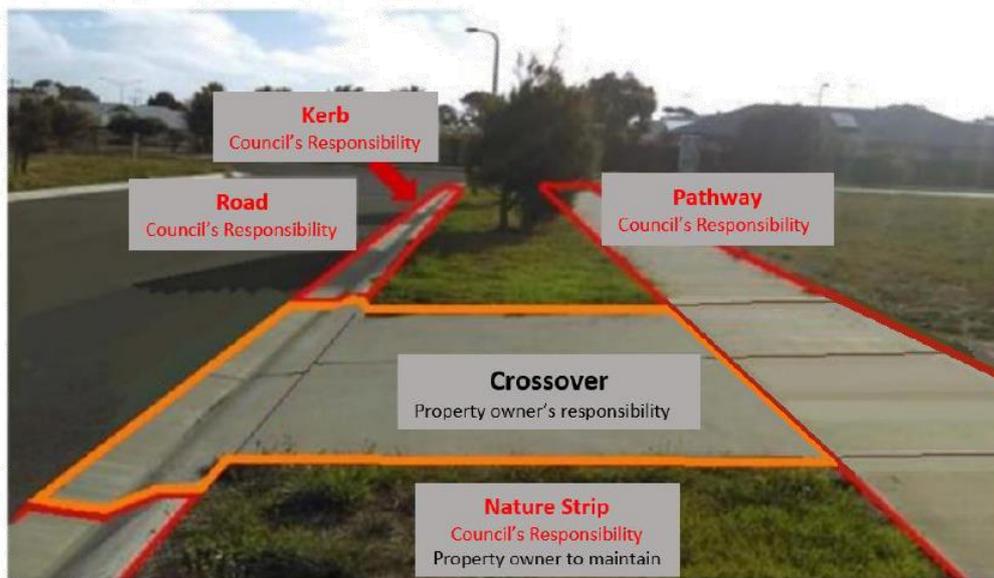


Fig 2: Typical Urban

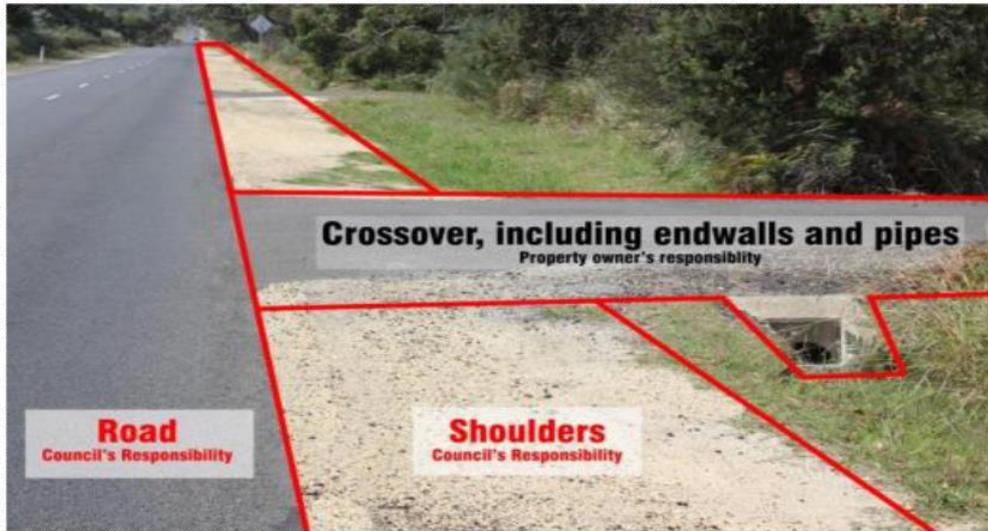


Fig 3: Typical Rural

2.4.3 Shared Road Responsibilities

During late 2008 and early 2009, Council and the then Department of Sustainability and Environment (now Department of Environment, Land Water and Planning), negotiated a Road Network Interface – Road Management Function Agreement. It highlights roads of shared responsibility and describes the section of the subject road, the coordinating authority, the responsible road authority, the public road status and some informative notes regarding the responsibilities. The roads which are subject to the agreement are:

- > Cockpit Road
- > Conical Hill Road
- > Cunningham Road
- > Davis Road, Jenkins Track, Jenkins No 2 Track Flynn Road/Willow Track
- > Freeman Road
- > Landscape Road
- > Peels Road
- > Reedy Creek Road

Where a road forms the boundary with neighbouring municipalities, Council has entered into an agreement regarding the operational and maintenance responsibilities in order to clearly assign maintenance responsibilities to one or the other authorities. The roads and maintenance responsibilities subject to these agreements are outlined in Appendix B

2.4.4 Power to Determine Standard of Construction, Inspection, Maintenance and Repair

Section 41 of the Act, which provides power to the Council to determine standard of construction, inspection, maintenance and repair which states the following:

“(1) the relevant road authority may determine the standard to which the relevant road authority will construct, inspect, maintain and repair roadways, pathways, road infrastructure and road related infrastructure.”

While determining standards the Council (as per sub-section (4) of section 41) must consider -

- a) the principal object of road management; and
- b) the works and infrastructure management principles; and
- c) any relevant direction made under section 22; and
- d) any relevant Code of Practice; and
- e) any relevant policy or policy decision under section 39.

2.4.5 Public (Off-street) Car Parks

Off-street carparks outside road reserves including open space and recreation reserves are not considered as road assets under the Act and are covered in the Road Asset Management Plan.

Sealed constructed car parks directly abutting the edge of constructed roads are considered as ancillary areas and are included in the Plan. The inspection frequency, intervention levels and response time obligations of these car parks will be the same as those for the abutting roads.

2.4.6 Repair of Damaged Council Assets

Unsealed constructed carparks within and on Council land will not form part of this plan. Such carparks will only be reactively inspected. Intervention levels and response time obligations of these car parks will be the same as those listed for unsealed access & service roads.

Where a party other than Council has damaged a Council asset or road, that party shall be responsible for repairing the damage to ensure that it is safe and operates at the level it previously operated at or higher.

Where secondary damage has been caused to Councils assets, such as subsidence from water damage, at a location other than the specific site of the asset works or repairs, the damage must be repaired by the responsible party.

2.4.7 Council responsibility for encroaching vegetation and overhanging tree branches

To ensure practical and safe functionality of Council's road and footpath network, Council is required to maintain the following clearances for vegetation overhanging Council assets:

Urban Areas

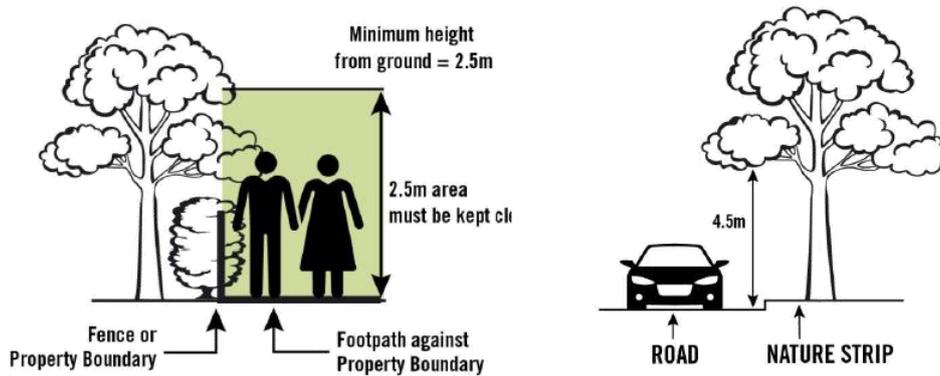
- > Urban Footpath
 - -Minimum Height clearance of 2.5m within the width of the constructed pathway.
- > Urban Road
 - -Minimum height clearance of <4.5m from the lip of kerb.
 - -Remove any vegetation that obscures line of sight of approaching vehicles at intersections or obscures traffic signage.

Rural Areas

> Rural Road

- -Maintain a minimum height clearance of <4.9m to a distance of 1.0m behind the back of drain or guidepost whichever is the greater.
- -Remove any vegetation that obscures line of sight of approaching vehicles at intersections or obscures traffic signage.

Urban:



Rural:

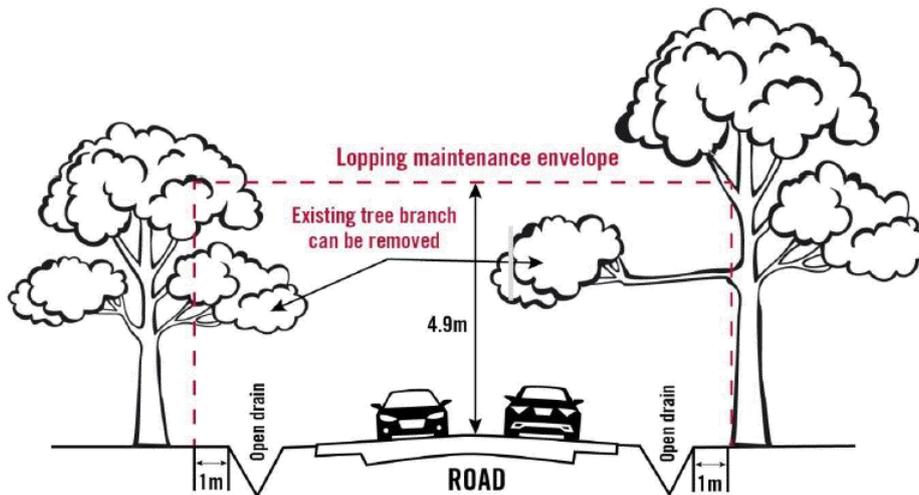


Fig 4: Pruning of overhanging tree branches

3 Road and Footpath Hierarchy

3.1 Register of Public Roads

Council maintains a Register of Public Roads in accordance with Section 19 of the Act. The Register is a stand-alone document titled "Mitchell Shire Council – Register of Public Roads" (The Register).

The Register specifies all roads and road categories that Council will be responsible for maintaining and repairing.

The Register also defines the general demarcations between private assets and Council assets. Where Council enters an arrangement with another organisation to carry out works on other public roads, the responsibility of Council is limited to the terms of that agreement.

The Register will be updated as required if new assets are constructed, identified /discovered, transferred or existing assets disposed of.

3.2 Road and Footpath Hierarchy

The Council uses a road hierarchy which assigns a functional classification to each public road or road segment within its district. These are included in the Register of Public Roads. It should be noted that the classifications are functionally based rather than being based on traffic volumes or the current standard of construction (except the sub-classification Unformed Access Road). Road Classification is summarised in Table 1 and Footpath Classification in Table 2.

Table 1: Road Classification

ROAD CLASSIFICATION	
Freeway/Highway	Freeways are the principle routes for the movement of goods and people.
Arterial Road	Arterial roads are the principle routes for the movement of goods and people. They are designed to take into consideration abutting land users.
Link	Provides linkages between collector roads and the arterial road network and between significant locations: <ul style="list-style-type: none"> • Links significant towns, locations and industries; • High percentage of through traffic; • Includes access to abutting properties; • Caters generally for higher traffic volumes and traffic speeds and for a higher percentage of heavy vehicles.
Collector	Collects and distributes traffic from access roads to the wider road network: <ul style="list-style-type: none"> • Provides property access in both urban and rural areas; • Provides access to minor locations and industries; • Moderate percentage of through traffic; • Caters for moderate traffic volumes and speeds.
Access Formed	Predominantly provides for direct access to properties and industries; <ul style="list-style-type: none"> • Caters for low traffic volumes and generally for low traffic speeds; • Low percentage of through traffic.

ROAD CLASSIFICATION	
Unformed access	<p>Unformed access roads:</p> <p>Has the same functional definition as Access Formed Road, but has a lower construction standard:</p> <ul style="list-style-type: none"> > Has poor road formation, often narrow and with poor alignment; > Often has little or no formal drainage; > Caters for emergency vehicles. > Non-public road.
Laneways	<p>Laneways are generally situated at the rear of properties. Their original purpose was to provide for night soil collection and rear property access. Laneways may or may not be accessible to vehicular traffic or pedestrian movement. Whilst laneways are maintained by Council to control vegetation growth via mowing etc, they do not fall under the maintenance requirements and intervention levels of this RMP.</p>
Fire Access	<p>A fire access track is specifically provided for access by the CFA to remote areas. These tracks are not intended for general day to day or public use and are only maintained at the explicit request of Regional CFA during planning for the upcoming fire season:</p> <ul style="list-style-type: none"> > Caters for 4x4 fire fighting vehicles, often at low speed; > May not be passable to traffic during winter; > Often narrow and with poor road formation and alignment. <p>Fire access tracks must:</p> <ul style="list-style-type: none"> > Have a minimum trafficable width of 3.5m and be substantially clear of encroachments for at least 0.5m on each side; > Be clear of encroachments at least 4m vertically

Table 2: Footpath Classification

FOOTPATH CLASSIFICATION	
Footpath Category 1	<p><u>Category 1 – High & Commercial Use Areas</u></p> <p>These are footpaths within town and village centres where public footpaths have been constructed. Primarily included in this category is any footpath specifically constructed as access to the central business areas (CBD).</p>
Footpath Category 2	<p><u>Category 2 – Strategic & Intermediate Use Areas</u></p> <p>Primarily included in this category is any footpath specifically constructed as access to Hospitals, Churches, Schools, Aged Hostels and strategic routes to areas of significance. These generally have less use than Category 1 footpaths.</p>
Footpath Category 3	<p><u>Category 3 – Infrequently Used</u></p> <p>Primarily included in this category is any footpath specifically constructed as access to residential areas and have less use than Category 2 footpaths.</p>
Footpath Category 4	<p>Category 4 – Granitic sand/Gravel</p>

	Primarily included in this category is any footpath which has been constructed by a responsible road authority. These pathways are mostly constructed from either crush rock or granitic sand.
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4 Inspection Standards and Service Level

4.1 General

In setting these inspection and response standards, Council has adopted a risk-based approach as per Risk Management Guidelines - ISO 31000:2018. The higher the road or footpath is on the hierarchy, the more the likelihood and the greater the consequence of an incident, resulting in an overall higher risk. Refer tables 1 and 2.

The main reasons for the inspection of road assets is therefore:

- > to identify hazards and act to minimise the risk of damage to the road and footpath users to an acceptable level; and
- > to identify defects in time and repair to prevent premature failure of the assets and minimise the financial impact to the community.

4.2 Road Defect Inspection Programs

4.2.1 Proactive Defect Inspection

The purpose of a road defect inspection is to identify defects that are likely to pose a risk or serious inconvenience to users of the network or the wider community and to arrange for their remedy. The frequencies for the various inspection types set out in Table 3, are based on the maintenance standards which are assigned to each road. In determining these frequencies, consideration has been given to the typical behaviour of road infrastructure and the time taken under normal circumstances for defects to develop. The inspection frequencies are considered to be reasonable taking these factors into account.

Table 3: Road Defect Inspection Frequencies

INSPECTION TYPE	SEALED	UNSEALED
LINK Road - Defect inspection	Twice a year	Twice a year
COLLECTOR Road - Defect inspection	Twice a year	Twice a year
ACCESS Road Formed- Defect inspection	Twice a year	Once a year
ACCESS Road Unformed	N/A	N/A
SERVICE Road - Defect Inspection	Twice a year	Once a year
BRIDGES - Level 1 Inspection (Check general serviceability of the structure)	Once a year	Once a year
Footpath Category 1	Twice a year	N/A
Footpath Category 2	Twice a year	N/A
Footpath Category 3	Once a year	N/A

Footpath Category 4	Once a year	Once a year
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4.2.2 Reactive Inspection

Reactive maintenance works are primarily identified via customer request. Council records all incoming and outgoing correspondence via its Customer Request Management system (CRM) or Councils after hours service provider. Council officers will assess the urgency of the issue based on their best assessment of the information provided. If the works are deemed as:

Emergency/Hazardous works (Road obstruction, flood, collapsed road pavement, etc) appropriate repairs or temporary works are to be undertaken within 4 hours, except under abnormal circumstances. A prime example of such a circumstance would be during a major event (fire, flood, rain, etc) where normally available resources are unavailable due to competing demands.

General Maintenance Works (Potholes, poor road surface, edge break, etc) enquires are to be inspected within 10 working days. Any required actions are documented and scheduled for works via Councils Asset Management System (AMS) in accordance with the related intervention levels and time frames outlined in Table 4. Upon confirmation of a defect that exceeds RMP intervention, hazard signage is to be erected until repairs are undertaken.

Example of Reactive workflow is outlined in Fig 5.

4.2.3 Condition Inspection

Condition inspections are undertaken once every 3 – 5 years for the entire road/ footpath network. The purpose of these inspections are to assist Council with its long-term asset management planning i.e. looking at the lifespan of the network to factor in long term budgetary/renewal considerations etc. Condition inspections are higher level inspection and focus on the overall general condition of the asset and not individual defects.

4.3 Defect Response Service Standards

Overall Council endeavours to use a proactive approach to road maintenance. To achieve this Council undertakes pro-active defect inspections of the road network at the intervals as indicated in Table 3. Any defect identified as having reached intervention levels will be addressed within the corresponding rectification time. Therefore, rectification times should be considered as the maximum time allowed.

The following Table 4 details the service levels and rectification times for the relevant maintenance standard for each of the road classifications under Council's RMP.

Table 4: RMP Response and Rectification Schedule

RMP RESPONSE AND RECTIFICATION SCHEDULE				
DEFECT TYPE	DEFECT DESCRIPTION	INTERVENTION LEVEL	CARPARK, LINK AND COLLECTOR	ACCESS AND SERVICE
ALL ROADS	Drains	>50% of drain capacity is reduced	3 months	6 months
	Pits & Culverts	>50% of capacity is reduced	3 months	6 months
	Guard Rails	Replace missing or hazardous guardrail	12 weeks	12 weeks
	Signage/Delineation (Regulatory)	Missing or >50% illegible	4 weeks	8 weeks
	Signage/Delineation (Traffic Advisory Signs)	Missing or >50% illegible	8 weeks	16 weeks
	Roadside vegetation. Line of sight Urban & Rural	Vegetation that obscures line of sight of approaching vehicles at intersections or obscures regulatory or advisory traffic signage	3 months	6 months
	Urban Roadside vegetation, height and width clearance	< 4.5m from the lip of kerb.	6 months	12 months
	Rural Roadside vegetation, height and width clearance	<4.9m clearance above traffic lanes < 1m clearance behind back of drain or guidepost whichever is the greater.	6 months	12 months
SEALED ROADS	Potholes	>300mm (w) and >75mm (d)	2 weeks	6 weeks
	Edge Drop Off	>100mm (d) over 50l/m	4 weeks	6 weeks
	Edge Breaks	>300mm (w) over 10l/m	4 weeks	6 weeks
	Shoulder Potholes	>75mm (d) and >450mm (w)	4 weeks	8 weeks
	Line marking	>50% faded line	6 months	12 months
	Pavement Depression	Failure or deformation is >200 mm when measured under a 2m straight edge	Repair within 6 months	Repair within 12 months
	Pavement Mounding, heaving or uplifting	Over 60mm gap between road pavement and top of heaving	6 months	12 months
	Kerb and Channel	>50mm dislodgment	6 months	12 months
UNSEALED ROADS	Potholes	> 400mm (w) and 100mm (d)	4 weeks	12 weeks
	Road Scouring (Traverse Rutting)	>150mm (d) and >200mm (w)	4 weeks	12 weeks
	Road Scouring (Longitudinal Rutting)	>150mm (d) and over 25 l/m	4 weeks	12 weeks
	Corrugations	>75mm (d) and over 50 l/m	6 weeks	12 weeks

RMP RESPONSE AND RECTIFICATION SCHEDULE			
FOOTPATHS AND SHARED PATHWAYS	Category 1 High & Commercial Use Areas	>25mm vertical defect	Mark with paint upon inspection, Repair within, 3 months
	Category 2 Strategic & Intermediate Use Areas	>25mm vertical defect	Mark with paint upon inspection, Repair within, 3 months
	Category 3 Infrequently Used	>25mm vertical defect	Mark with paint upon inspection, Repair within, 6 months
	All	Overhanging vegetation below 2.5m within the passageway.	12 months
	Category 1 & 2	Undulations, heave, subsidence on asphalt or paved pathways exceeding 40mm over a 1.2m straight edge	Mark with paint upon inspection Repair within 6 Months
	Category 3	Undulations, heave, subsidence on asphalt or paved pathways exceeding 40mm over a 1.2m straight edge	Mark with paint upon inspection Repair within 12 Months
	Category 4	Undulations, heave, subsidence on asphalt or paved pathways exceeding 50mm over a 1.2m straight edge	Mark with paint/sign upon inspection Repair within 12 Months
	Category 1 & 2	Pothole >100mm diameter and >25mm depth	Mark with paint upon inspection Repair within 6 Month
	Category 3	Pothole >100mm diameter and >25mm depth	Mark with paint upon inspection Repair within 12 Month
	Category 4	Pothole >100mm diameter and >50mm depth	Mark with paint/sign upon inspection Repair within 12 Months

5 Performance Management and Review

5.1 Management System to Inspect, Repair and Maintain

Council will occasionally receive information in relation to road hazards or emergency situations from members of the public which require a reactive response. A Council officer will assess the urgency of the matter based on their best assessment of the information received and wherever possible, through direct discussion with the person making the request. The appropriate inspection response time will be determined as part of this assessment outlined in Fig 5.

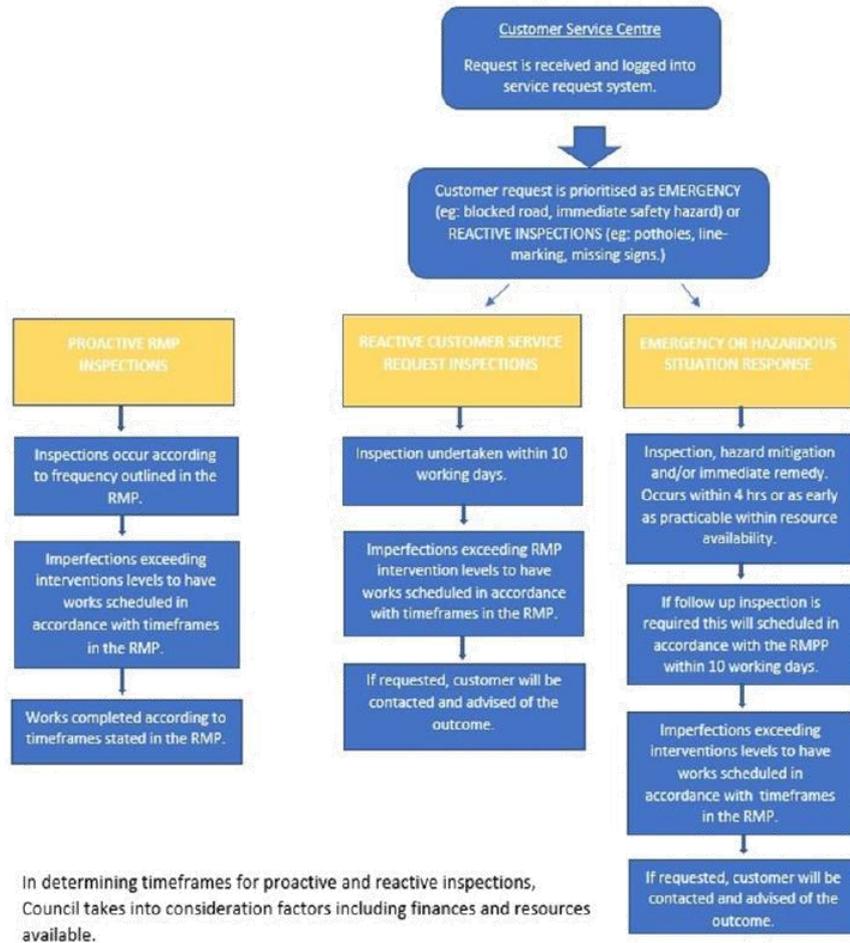


Fig 5: Management System to Inspect, Repair and Maintain Roads

The key feature of Council's 'management system' is to assist people using technology and computer systems helping officers to deliver service to the community within the statutory framework of the Act.

5.2 Customer Request Management System (CRM)

All requests and notifications received from the public are captured in Council's corporate customer request management system (CRM). Key functions of the CRM are:

- > Record keeping
- > Request tracking.

5.3 Road Reserve Inspection System

Council deploys a mobile application with key functions to facilitate field data capture. The application enables field inspector to establish whether a defect manifestation is above or below the prescribed intervention level before defect data is logged. Defect information collected during field inspection is remotely transmitted to the AMS database. Works are then allocated based on the response and rectification timelines listed in Table 3.

5.4 Asset Management Systems (AMS)

The Municipal Asset Management System is currently the primary asset database for all road assets and bridges. Key functions of the AMS are.

- > Logging and recording all programmed and reactive inspection data.
- > Logging and recording all required and completed maintenance activities.
- > Scheduling of works programs.
- > Monitoring compliance to the RMP

5.5 Maintenance Works Program

Works programs are developed from both the reactive CRM requests and the proactive defect inspection based on the required timelines to complete the works as specified in the relevant Service Level.

The works program provides a proactive approach to maintenance or other works required by assessing the existing condition to determine if it is below, meeting or above the required standard as specified. Works that are non-urgent and beyond the maintenance scope of works will be referred to Council's capital works program.

5.6 Emergency Responses and After Hour Service

Council has established a 24x7 hour response capability so that assistance can be quickly provided in the event of an emergency. After hours calls received are screened for public safety by a Council Officer.

Emergency means a situation which, due to the actual or imminent occurrence of an event, will:

- > endanger or threaten the safety or health of any person,
- > destroy or damage any property or infrastructure,
- > endanger the environment.

Sufficient stocks of warning signs and barricades are maintained for the implementation of temporary mitigation measures until the following working day. Backup resources are available to afterhours officer if required. The details resulting from the afterhours calls are recorded in CRM and the Asset Management System for any follow up action if required.

5.7 Managing Works within Road Reserve

In general, Council is the Co-ordinating Road Authority for all the public roads in the municipality. VicRoads is the Co-ordinating Road Authority for freeways and arterial roads.

The Act requires that any person intending to perform works within a road reserve must obtain the consent of the Co-ordinating Road Authority unless they are exempted under the Road Management (Works and Infrastructure) Regulations 2015.

6 Review of Road Management Plan

6.1 Performance Review

The performance of the RMP will be reviewed annually by the Roads Maintenance Coordinator in relation to the specified duties and actions in the plan and in relation to maintenance schedule and resource availability. More specifically performance will be measured against the following criteria;

- > Pro-active inspection frequencies are within the prescribed schedule.
- > Re-active inspections are undertaken within the prescribed time.
- > Inspected defects above intervention level are responded to within the prescribed time

The outcomes of the annual performance review will be reported to the Director Economy, Growth and Infrastructure. The Manager Operations and Parks is responsible for preparing this report. Any recommendations of findings will be formally reported to the Audit and Risk Committee, which may result in minor amendments to this plan.

Where major discrepancies are found, matters shall be referred to the appropriate officer in Council for rectification and actioning.

Independent audits *may* be undertaken by Council's internal auditors or by external auditors such as Council's insurers as directed by Council's Audit and Risk Committee.

6.2 Review of Road Management Plan

If the adopted level of service, i.e. defect intervention level and/or rectification response time, is not achievable, the level of maintenance effort may need to be varied. The level of service, the anticipated quantity of works and Council's budget and resources would have to be reviewed and revision made to future version of the RMP.

A formal review, in accordance with Sections 8(3) of the Road Management (General) Regulations 2016, will be conducted every four years generally in line with a Council term (within the period of 6 months after each general election or by the next 30 June, whichever is later, unless the Minister administering that Act extends the period under Section 125(4) of that Act)

Any revision of the RMP would subject to the consultation and approval processes as detailed in s54 of the Act.

7 References

- > Code of Practice for Operational Responsibility for Public Roads (Published in Government Gazette no. s267, Friday, 17 December 2004)
- > Code of Practice under Road Management Act (Published in Government Gazette no. s174, Tuesday, 30 May 2017)
- > Local Government Act 2020 (Vic)
- > Road Management Act 2004 (Vic)
- > Road Management (General) Regulations 2016
- > Road Management (Works and Infrastructure) Regulations 2015

- > Wrongs Act 1958 (Vic)
- > OHS Act 2004 (Vic)

APPENDIX A: List of Roads Managed by VicRoads

The following roads within Mitchell Shire Council are managed and maintained by VicRoads:

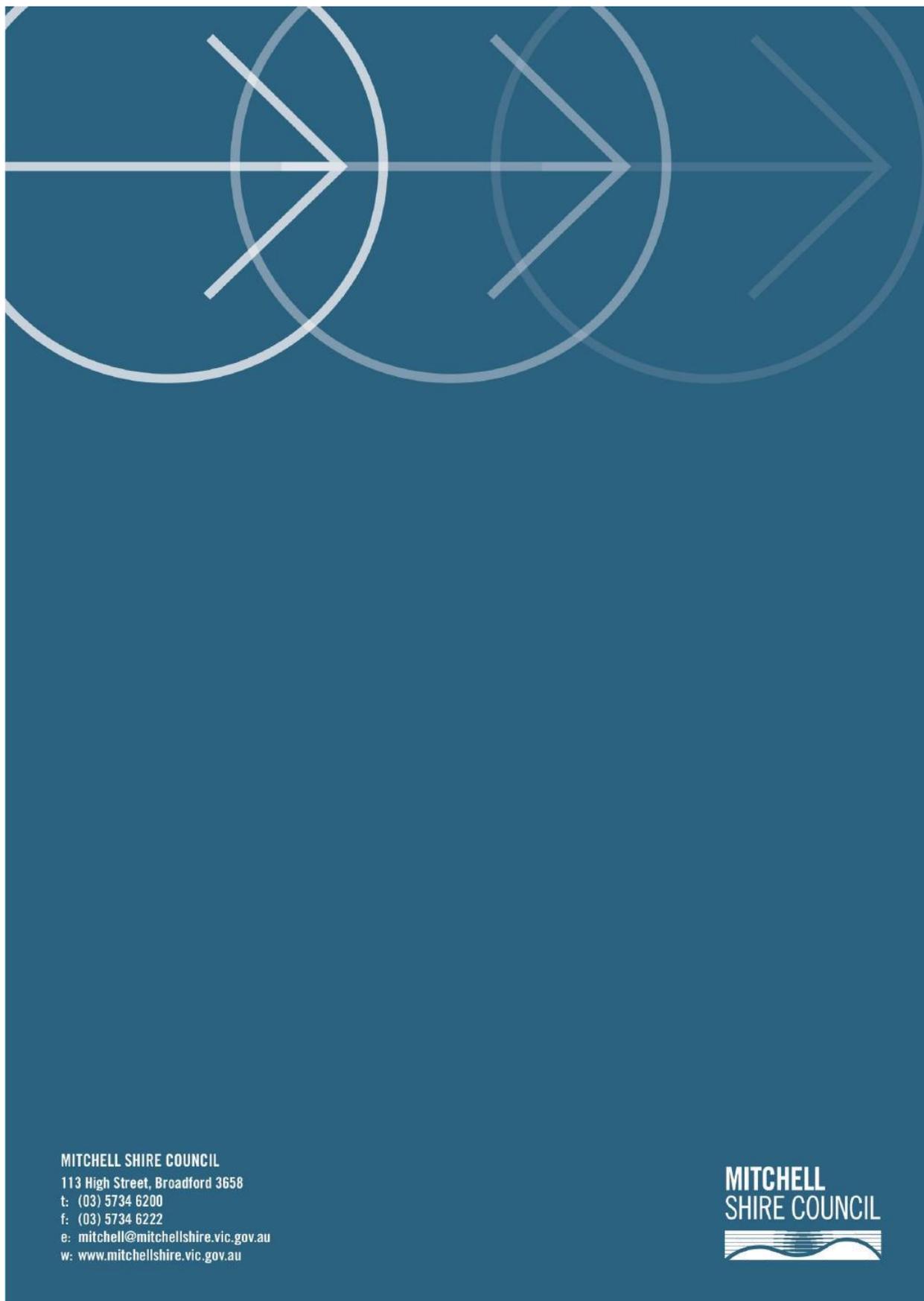
ROAD	LOCALITY
Anzac Avenue	Seymour
Broadford Kilmore Road	Moranding
Broadford Kilmore Road	Broadford
Broadford Kilmore Road	Kilmore
Emily Street	Seymour
Epping Kilmore Road	Wallan
Epping Kilmore Road	Heathcote Junction
Epping Kilmore Road	Wandong
Epping Kilmore Road	Upper Plenty
Foote Street	Kilmore
Goulburn Valley Freeway	Mitchell Shire
Goulburn Valley Highway	Seymour
Goulburn Valley Highway	Whiteheads Creek
Goulburn Valley Highway	Trawool
Goulburn Valley Highway	Seymour
High Street	Wallan
High Street	Broadford
Hume Freeway	Mitchell Shire
Kilmore Lancefield Road	Forbes
Kilmore Lancefield Road	Kilmore
Lancefield Tooborac Road	Nulla Vale
Lancefield Tooborac Road	Tooborac
Main Road	Tallarook
Northern Highway	High Camp
Northern Highway	Moranding
Northern Highway	Bylands
Northern Highway	Beveridge
Northern Highway	Wallan
Northern Highway	Kilmore
Northern Highway	Tooborac
Northern Highway	Pyalong
Powlett Street	Kilmore
Seymour Tooborac Road	Mitchell Shire
Springridge Boulevard	Wallan
Strath Creek Road	Tyaak

ROAD	LOCALITY
Strath Creek Road	Reedy Creek
Strath Creek Road	Broadford
Sydney Street	Kilmore
Tallarook Street	Seymour
Upper Goulburn Road	Mitchell Shire
Wallan Whittlesea Road	Upper Plenty
Wallan Whittlesea Road	Wallan
Wandong Road	Wandong
Wandong Road	Kilmore
Watson Street	Wallan

A map showing roads that are managed by VicRoads is available at www.mitchellshire.vic.gov.au.

APPENDIX B – Maintenance Responsibility Agreements

Road Name	Agreement	Responsible Authority
Gunns Gully Road	Maintenance of boundary Road	Hume City Council
Mangalore Road	Maintenance of boundary Road	Strathbogie Shire Council
Hatfield Road East	Maintenance of boundary Road	Whittlesea City Council
Boland Road	Maintenance of boundary Road	Macedon Ranges Shire Council
McGraths Lane	Maintenance of boundary Road	Macedon Ranges Shire Council
Simon Hill Road	Maintenance of boundary Road	Macedon Ranges Shire Council
Emu Flat Baynton Road	Maintenance of boundary Road	Macedon Ranges Shire Council
Hill Road	Maintenance of boundary Road	Macedon Ranges Shire Council
Hardings Road	Maintenance of boundary Road	Macedon Ranges Shire Council
Lancefield Pyalong Road	Maintenance of boundary Road	Macedon Ranges Shire Council
Mission Hill Road	Maintenance of boundary Road	Macedon Ranges Shire Council
Old Kilmore Lancefield Road	Maintenance of boundary Road	Macedon Ranges Shire Council
Spit Staff Gully Road	Maintenance of boundary Road	Macedon Ranges Shire Council
Scrubby Camp Road	Maintenance of boundary Road	Macedon Ranges Shire Council
Tooborac Bayton Road	Maintenance of boundary Road	Macedon Ranges Shire Council
Watchbox Road	Maintenance of boundary Road	Macedon Ranges Shire Council
Blacksmiths Lane	Maintenance of boundary Road	Bendigo City Council
Burke & Wills Track	Maintenance of boundary Road	Bendigo City Council
Heathcote East Baynton Road	Maintenance of boundary Road	Bendigo City Council
Newlans Lane	Maintenance of boundary Road	Bendigo City Council
Branding Yard Lane	Maintenance of boundary Road	Bendigo City Council
Heathcote Springs Plains Road	Maintenance of boundary Road	Bendigo City Council
McDonalds Lane	Maintenance of boundary Road	Bendigo City Council
Horans Track	Maintenance of boundary Road	Murrindindi Council
Murchison Spur Road	Maintenance of boundary Road	Murrindindi Council
Willow Track	Maintenance of boundary Road	Murrindindi Council

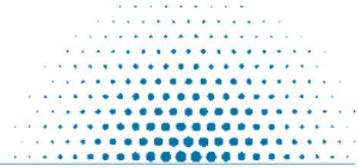


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MITCHELL SHIRE COUNCIL.

Information Sheet



Have your say on our roads and footpath network

We've released the Draft Road Management Plan (RMP) for the next four years. If you would like to know more, head to www.engagingmitchellshire.com

Draft Road Management Plan is now available for review

Why am I receiving this flyer?

We're contacting users of our road and footpath network to have their say on our draft RMP.

What is an RMP and why is it on consultation?

The RMP will cover a host of service levels including intervention levels and repair timeframes related to road and footpath defects.

Our RMP will outline the way we manage all our roads and footpaths across the municipality and when those assets will be inspected or repaired.

The RMP is prepared in accordance with Part 4 of

the Road Management Act 2004 and supported by Council's current policies, strategies and practices, including Council's adopted budget and Rural Roadside Environmental Management Plan.

It is a legislative requirement for Council to consult the community on the Road Management Plan when it is reviewed every four years. We need to consider community feedback and invite you to participate.

Framework and benchmarking

The RMP will describe the way in which Council is to fulfill its road management obligations based on a

framework of hierarchy, determined by the intended functionality of Council roads and footpaths.

We've also benchmarked our service levels to those of other Council's near Mitchell Shire.

You can review both the RMP and benchmarking results documents online.

Have your say

To have your say, head to www.engagingmitchellshire.com or call us on 5734 6200.

Submissions close at 9am, Monday 28 June 2021.

Contact:

If you need more information, please contact Council's Operations and Parks Manager Andrew Dodd on 5734 6200 or at andrew.dodd@mitchellshire.vic.gov.au

Contact us:
t: (03) 5734 6200
e: mitchell@mitchellshire.vic.gov.au
w: www.mitchellshire.vic.gov.au

RMP - Community Consultation Register - June 2021

Stakeholder/	Role/Reason for inclusion	Action	Date completed	Consulted stakeholder details
Road user groups and public transport	Regular users and will need to have the chance to have their say	Flyers via email to <ul style="list-style-type: none"> - Seymour Buses, - taxi companies - local road businesses (through ecodev) 	03/06/2021	Emails sent to: <ul style="list-style-type: none"> - Seymour Coaches: admin@seymourcoaches.com.au - Seymour Taxi Service: seymourtaxi@gmail.com - Crown Cabs: admin@crowncabs.com.au
Emergency services	Use road regularly	Flyers via email to <ul style="list-style-type: none"> - CFA - Ambulance - Police - SES 	03/06/2021 Ambulance sent on 9/6. Seymour SES sent on 9/6.	Emails sent to: <ul style="list-style-type: none"> - CFA: admin.d12@cfa.vic.gov.au - Ambulance: mitchell.stm@ambulance.vic.gov.au; seymour.teammanager@ambulance.vic.gov.au; wallan.teammanager@ambulance.vic.gov.au; kilmore.teammanager@ambulance.vic.gov.au - Police: kilmore.uni@police.vic.gov.au; seymour.uni@police.vic.gov.au; wallan.uni@police.vic.gov.au; - SES Kilmore: john.koutras@members.ses.vic.gov.au - SES Seymour: seymour@ses.vic.gov.au
Rate payer groups	Community Group	Flyers via email to	03/06/2021	Email sent to: <ul style="list-style-type: none"> - KADRRRA: aklaver@bigpond.net.au
Schools	Regular users	Flyers via email to local schools	03/06/2021	Emails sent to: <i>PS=Primary SC=secondary</i> <ul style="list-style-type: none"> - Assumption College: reception@assumption.vic.edu.au - Beveridge PS: beveridge.ps@education.vic.gov.au - Broadford PS: broadford.ps@education.vic.gov.au

RMP - Community Consultation Register - June 2021

Stakeholder/	Role/Reason for inclusion	Action	Date completed	Consulted stakeholder details
				<ul style="list-style-type: none"> - Broadford SC: broadford.sc@edumail.vic.gov.au - Darraweit Guim PS: darraweit.guim.ps@education.vic.gov.au - Kilmore PS: kilmore.ps@education.vic.gov.au - Puckapunyal PS: puckapunyal.ps@education.vic.gov.au - Pyalong PS: pyalong.ps@education.vic.gov.au - St Mary's College Seymour: office@smseymour.catholic.edu.au - St Patrick's Kilmore: principal@spkilmore.catholic.edu.au - Seymour College: seymour.co@education.vic.gov.au - Tallarook PS: tallarook.ps@education.vic.gov.au - The Kilmore International School: enquiries@kilmore.vic.edu.au - Tooborac PS: tooborac.ps@edumail.vic.gov.au - Upper Plenty PS: upper.plenty.ps@education.vic.gov.au - Wallan PS: wallan.ps@education.vic.gov.au - Wallan SC: wallan.sc@edumail.vic.gov.au - Wandong PS: wandong.ps@edumail.vic.gov.au - Willowmavin PS: willowmavin.ps@edumail.vic.gov.au

Road Management Plan 2021 Consultation Submissions

Note: personal details have been deleted.

Date received	Submission Details	Council Action
31/5/2021	<p>Hi,</p> <p>I see the Roadside Management Plan RMP review is underway (https://engagingmitchellshire.com/rmp-survey).</p> <p>In accordance with the Monument Hill Fuel Management Plan  Monument Hill FMP Accompanying Report Final.pdf one of the actions is the upgrade of the Fire Access Track to a trafficable two wheel drive standard (and consider gazetting this on Councils Road Register).</p> <p>I have listed below the sections of the Plan that relate to the upgrade.</p> <p>Is this possible to include as per to the RMP review?</p> <p>Thank you,</p>	<p>No action taken in relation to the Road Management Plan 2021.</p> <p>Advised customer that the request is not related to the Road Management Plan. Best way forward is to make a submission to Councils Engineering unit for consideration.</p>
18/6/2021	<p>Please confirm your consent to your name and locality being made public and your submission becoming part of the public record (if applicable)*</p> <p>No, I would prefer to make a private submission</p> <p>Write your submission here</p> <p>I am requesting a walk path in McNaughton close and William St. it is very difficult to walk in these two streets with a baby pushchair.</p> <p>How did you find out about the plan? Please select all that apply</p> <p>Local newsletter</p>	<p>No action taken in relation to the Road Management Plan 2021. Following correspondence sent.</p> <p>Hi,</p> <p>Thank you for your submission into the draft Road Management Plan relating to construction of a footpath on McNaughton Close and William Street, Wallan.</p> <p>The Road Management Plan document only covers maintenance and hazard response activities on council's network of roads, footpaths, and bridges.</p> <p>Unfortunately, it does not cover the construction of new roads or footpaths.</p> <p>Your request has merit however and I have taken the liberty of forwarding your email to our capital works department to see if any footpath construction activities are planned for that area.</p>

		<p>It is also worth noting that each year council requests input from residents on worthwhile capital projects, which seeks to inform budget priorities for the upcoming years budget.</p> <p>I would encourage you to submit a footpath construction request at the next budget input session scheduled for later this year (timing not yet confirmed).</p> <p>Please keep your eye out for advertisements in the media and local newspapers as budget planning begins later this year for 2022/23.</p> <p>Thanks again for your enquiry,</p>
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10.5 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION

Author: Ricardo Ramos - Manager Development Approvals

File No: CL/04/004

Attachments: Nil

1. Purpose

1.1 The following is a summary of planning activity before the Victorian Civil and Administrative Tribunal (VCAT) as well as a list of decisions on planning permit applications dealt with under delegated powers for the period detailed.

2. Key Matters

Upcoming appeals

2.1 The following is an update of the upcoming VCAT appeals.

APPEAL DATE	REFERENCE NOS.	ADDRESS	PROPOSAL	APPEAL AGAINST
Deferred - VCAT to set provide new hearing date	VCAT – P1542/2019 Council – TP93/100	Hillview Drive, Broadford	Subdivision of the land into 25 lots and the removal of native vegetation	Appeal against Council's refusal to extend the completion date of the permit
21 July 2021	VCAT – P2492/2019 Council – PLP012/19	Hogan's Hotel, 88-94 High Street, Wallan	Construction of an extension, reduction in car parking, increase in licensed area and patron numbers	Conditions Appeal by applicant (indented car parking)
19 & 20 August 2021	VCAT – P93/2020 Council – P307127/12	160 Scotts Road, Tallarook	Use of the land for camping and use of existing buildings for a host farm and function centre	Appeal against Council's refusal to approve an amendment to a planning permit
6 August 2021	VCAT – P1055/220 Council – PLP121/20	(540) 74 Davidson Street Broadford	Multi lot subdivision and removal of vegetation	Failure to determine
30 August 2021	VCAT – 1888/2020 Council PLP055/20	111 Northern Highway, Kilmore	Construction of a major promotion sign	Appeal against Council's refusal to grant a planning permit

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

29 July 2021	VCAT – P447/2021 Council P306552/11.0 2	22 Dempsey Road, Seymour	Amendment to existing permit for a restricted place of assembly	Objector appeal against Council's approval of an amendment to a planning permit
15 thru 18 November 2021	VCAT – P832/2021 Council – PLP217/19	61 Minton Street, Beveridge	Use and development of the land for industry (concrete batching plant) and reduction in bicycle parking requirements.	Appeal against Council's refusal to grant a planning permit
31 January 2022	VCAT – P11037/2021 Council – PLP069/20	158 King Street, Wallan	Multi-lot subdivision	Failure to determine

VCAT decisions since last report

2.2 No decisions have been made at VCAT since the last report.

3. Activities Carried out Under Delegation

3.1 A list of planning permit applications dealt with under delegated powers for the month of June 2021 is included below.

Permit No.	Address	Description of Permit	Decision	Date Approved
South Ward				
PLP040/21	245 Camerons Lane BEVERIDGE	Use and development of land for a Telecommunications Facility	Planning Permit	31/05/2021
PLP147/21	23 Poppy Drive WALLAN	Two lot subdivision	Planning Permit	8/06/2021
PLP053/21	149 Dudley Street WALLAN	Multi-lot subdivision	Planning Permit	9/06/2021
PLP207/20	31 Raglan Street WALLAN	Development of multiple dwellings and reduction in one car parking space	Planning Permit	22/06/2021
PLP090/20.01	1 Lewis Street BEVERIDGE	Staged Multi-lot subdivision	Amended Planning Permit	24/06/2021
Central Ward				

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

Permit No.	Address	Description of Permit	Decision	Date Approved
PLP131/21	780 O'Gradys Road WANDONG	Development of the land for an outbuilding	Planning Permit	1/06/2021
PLP055/21	8 Johnson Court KILMORE	Development of the land for two or more dwellings	Planning Permit	4/06/2021
PLP171/21	2 Lowell Court KILMORE	Development of the land for an outbuilding	Planning Permit	4/06/2021
PLP343/20	20 Sydney Street KILMORE	Installation and display of business identification signs.	Planning Permit	8/06/2021
PLP338/20	140 Strath Creek Road BROADFORD	Alterations and additions to the existing warehouse	Planning Permit	8/06/2021
PLP100/21	20 Melrose Drive KILMORE	Buildings and works for an outbuilding	Planning Permit	9/06/2021
PLP110/21	22 Ram Circuit WALLAN	Development of land for a dwelling	Planning Permit	9/06/2021
PLP006/21	3 Mill Road KILMORE	Two lot subdivision	Notice of Decision	8/06/2021
PLP347/20	57 North Mountain Road HEATHCOTE JUNCTION	Use of the land for a store	Planning Permit	18/06/2021
PLP003/21	39 Sutherland Street KILMORE	Development of the land for partial demolition, alterations and extensions to an education centre	Planning Permit	21/06/2021
PLP157/21	40 Ram Circuit WALLAN	Development of land for a single dwelling	Planning Permit	21/06/2021
PLP270/20	2 Cochrane Court WANDONG	Development of the land for an outbuilding	Planning Permit	24/06/2021
PLP090/17.01	120 North Mountain Road HEATHCOTE JUNCTION	Use and development of the land for the construction of a dwelling and 2 lot subdivision (re-subdivision)	Amended Planning Permit	24/06/2021
North Ward				
PLP150/19	36 Victoria Street SEYMOUR	The development of multiple dwellings on a lot in a General Residential Zone Schedule 1 and construction of a building and carry out buildings and works in a Heritage Overlay Schedule 308 and Land Subject to Inundation Overlay.	Planning Permit	1/06/2021

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

Permit No.	Address	Description of Permit	Decision	Date Approved
PLP202/20	Lot E Delatite Road SEYMOUR	Native Vegetation Removal	Planning Permit	3/06/2021
PLP281/20	215 Anzac Avenue SEYMOUR	Development of the land for four dwellings and creation of access to a Road Zone Category 1	Planning Permit	3/06/2021
PLP264/17.01	605 Sungarrin Road TALLAROOK	Development of the land for the construction of a dwelling and outbuilding	Amended Planning Permit	28/05/2021
PLP116/21	38 Old Hume Highway TALLAROOK	Development of the land for a dwelling, two associated agricultural buildings and removal of native vegetation	Planning Permit	2/06/2021
PLP166/21	290 Sungarrin Road HILLDENE	Development of the land for an agricultural building	Planning Permit	4/06/2021
PLP102/21	50 Goulburn Street SEYMOUR	Partial demolition and buildings and works for an extension to an existing dwelling.	Planning Permit	4/06/2021
PLP138/21	775 Upper Goulburn Road WHITEHEADS CREEK	Development of the land for a dwelling and agricultural outbuilding	Planning Permit	4/06/2021
PLP027/21	975 Upper Goulburn Road WHITEHEADS CREEK	Development of the land for an agricultural building	Planning Permit	4/06/2021
PLP224/20	33 Violet Lane BROADFORD	Development of the land for a single dwelling	Planning Permit	9/06/2021
PLP086/20	7 Cameron Parade BROADFORD	Use and development of land for a transfer station and materials recycling facility.	Notice of Decision	9/06/2021
PLP060/20	3 Grey Box Court SEYMOUR	Development of the land for a dwelling and outbuilding	Amended Planning Permit	15/06/2021
PL6067/11.01	210 Tallarook Pyalong Road TALLAROOK	To use the land for a place of assembly (annual music festival with ancillary uses for accommodation and a food and drink premises)	Amended Planning Permit	18/06/2021
PLP168/21	38 Oak Street SEYMOUR	Multi-lot subdivision	Planning Permit	21/06/2021
PLP061/21	2370 Lancefield Tooborac Road TOOBORAC	Use of the land for a winery and ancillary licensed premises (cellar door) and alter access to a road in a Road Zone, Category 1	Notice of Decision	24/06/2021

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

Permit No.	Address	Description of Permit	Decision	Date Approved
PLP058/21	555 West Road PYALONG	Use and development of the land for group accommodation	Planning Permit	19/06/2021
PLP323/20	76 Ashes Bridge Road TALLAROOK	Use of land for a store and reduction in car parking requirements.	Notice of Decision	29/06/2021
PLP273/20	27 Sutherland Street BROADFORD	Development of the land for multiple dwellings	Notice of Refusal	29/06/2021
PLP188/21	210 Wickhams Lane GLENHOPE EAST	Development of the land for an agricultural building	Planning Permit	29/06/2021

RECOMMENDATION

THAT the information in the report be received and noted.

11 EXECUTIVE SERVICES

11.1 COUNCILLOR AND OFFICER CHARTER

Author: Brett Luxford - Chief Executive Officer

File No: CL/04/001-03

Attachments: 1. Councillor and Officer Charter

1. Purpose

1.1 To update the Councillor and Officer Charter.

2. Background

2.1 The Councillor and Officer Charter was first adopted by Council in September 2018 with a commitment that it be reviewed within 6 months of the October 2020 Council Election.

2.2 The Charter compliments the already adopted Councillor Code of Conduct, Employee Code of Conduct and governance principles in the *Local Government Act 2020*.

3. Key Matters

3.1 The Charter recognises the current positive working relationship and shared values that Councillors and Officers have and seeks to reconfirm the behaviours that have led to this and which should be continued. A recommitment to the Charter will result in better outcomes for the community, a motivated staff and high-quality decisions being made by Council and staff.

3.2 The Charter outlines the expected mutual behaviours of Councillors and staff, and the expectations of Councillors by staff and those of staff by Councillors.

3.3 In reviewing the Charter the addition of timely advice and information being provided to Councillors has been added as has having respect for officer's role/time and advice and negotiating real expectations.

Recommendation

THAT Council adopt the Councillor and Officer Charter at Attachment 1.

COUNCILLOR AND OFFICER CHARTER (CONT.)

4. Financial, Resource and Asset Management Implications

4.1 There are no financial, resource or asset management implications.

5. Consultation

5.1 The Charter was jointly prepared by Councillors and the Executive Leadership Team. Councillors were consulted at a Strategy Session on 28 June 2021.

6. Sustainability Implications (Social and Environmental)

6.1 There are no social and environmental implications.

7. Policy and Legislative Implications

7.1 This Charter is in line with the requirements of the Councillor Code of Conduct and governance principles in the *Local Government Act 2020*

8. Alignment to Council Plan

8.1 The Council Plan 2017-2021 provides for the preparation of a Councillor and Officer Charter.

9. Conflict of Interest

9.1 No officers involved in the preparation of this report have any direct or indirect interest in this matter.

10. Risk Implications

10.1 Risk Ranking is determined using [ROHS201-G1-Corporate Risk Matrix](#). Risk is identified as Low, Medium, High or Very High.

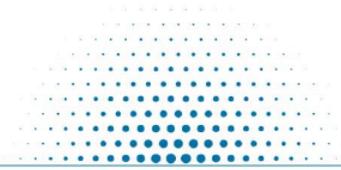
Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Breakdown of relationship between Councillors and officers	Low	Councillors and officers respect each other's roles and commit to this Charter	Yes

11. Discussion

11.1 The Councillor and Officer Charter will be reviewed again in 2023.

MITCHELL SHIRE COUNCIL.

Councillor and Officer Charter



Purpose

The Charter recognises relevant legislation, the *Councillor Code of Conduct* and *Employee Code of Conduct* and aims to compliment those by setting out agreed behaviours and commitments between the parties representing the best way to work together to achieve positive results for the community.

The Charter recognises the current positive working relationship and shared values that Councillors and Officers have and seeks to confirm the behaviours that have led to this and which should be continued.

Mutual Behaviours - Together the Officers and Councillors will:

- a) do what they say they will do and when they will do it
- b) be accountable
- c) have open and honest communications
- d) explore contemporary ideas - continuous improvement and innovation
- e) focus on the issues
- f) be respectful, (treat each other the way we wish to be treated)
- g) strive to work as a team
- h) demonstrate model behaviours (set the tone)
- i) present or have no surprises in open forums – provide a “heads up” in private prior to open forums e.g.: with Council reports
- j) be visionary
- k) plan for the future with a regard for the past
- l) engage with our community and ensure good communication in a meaningful and respectful manner

The Councillors expectations of staff - Considered delivery of frank and fearless advice by:

- a) having respect for Councillors in their role as elected representatives of the community and decision and policy makers. Staff will address Councillors by their title in public forums (e.g. Mr/Madam Mayor, Cr Smith) and not by their given name
- b) giving balanced and evidence-based research and professional advice
- c) being approachable, responsive and supportive of the Councillors' role
- d) receiving feedback from the Chief Executive Officer (CEO) on Councillors performance and interactions
- e) having an understanding of the community liveability - an intimate knowledge of the people and places the community interact with and who they make decisions for
- f) timely advice and information
- g) representing councils view and not that of their own when decisions are formally made

The Officers expectations of Councillors - Develop and maintain positive relationships by:

- a) ensuring Councillor/staff protocols are respected and observed
- b) being clear with requests
- c) having respect for officer's role/time and advice
- d) negotiating real expectations
- e) challenging recommendations based on evidence and research
- f) working together in the early phase of planning, policy development and key community initiatives
- g) demonstrating community leadership e.g., leading forums and presentations
- h) advocating and establishing clear priorities
- i) making informed decisions

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12 NOTICES OF MOTION

Nil Reports

13 DELEGATES REPORTS

Nil Reports

14 GENERAL BUSINESS

Nil Reports

15 GENERAL BUSINESS**16 URGENT BUSINESS****17 CONFIDENTIAL BUSINESS****RECOMMENDATION**

THAT in accordance with Section 66(1) and 66(2)(a) of the *Local Government Act 2020*, Council resolves to close the meeting to members of the public to consider the following items which relate to matters specified under Section 3(1), as specified below.

17.1 Confirmation of Minutes of previous Confidential Meeting

s3(1)h confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)

The Minutes of the previous confidential meeting of Council contain information that has been determined by Council to be confidential in accordance with s3(1) of the Local Government Act 2020.

17.2 Additional Funding for Projects RFT132725, RFT132768 and RFT132776

s3(1)(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

17.3 Delegate Report - Audit and Risk Committee

s3(1)(l) Information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

17.4 Re-opening of Meeting to members of the public

18 DATE OF NEXT MEETING

The next Ordinary meeting of Council is scheduled to be held on Monday 16 August 2021 at the Mitchell Council Chambers, 113 High Street Broadford, commencing at 7.00pm.

19 CLOSE OF MEETING