
10 ECONOMY, GROWTH AND INFRASTRUCTURE

10.1 SUBMISSION TO THE DRAFT LAND USE FRAMEWORK PLANS

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Attachments:

- 1. Growth Corridor Map - Mitchell Shire Council*
- 2. Land Use Plan Submission - Mitchell Shire Council*
- 3. Land Use Plan - Mitchell Shire Council Response*

1. Purpose

1.1 To outline key concerns in relation to the draft Land Use Framework Plans and to make a submission to the Department of Environment, Land, Water and Planning (DELWP) on the draft plan for its consideration.

2. Background

2.1 Plan Melbourne, the State's key planning policy that guides growth and change over a 30-year period, was finalised and approved in 2017.

2.2 As part of Plan Melbourne, there is an Implementation Plan which includes the preparation of regionally based land use framework plans.

2.3 The preparation and implementation of the land use framework plans are a priority action in Plan Melbourne.

2.4 Mitchell Shire is located within the proposed Northern Metropolitan Land Use Framework Plan (NLUFP).

2.5 DELWP has released the draft land use framework plans for consultation. The period for consultation closes on 24 October 2021.

3. Key Matters

3.1 The Draft Northern Metropolitan Land Use Framework Plan is a 30-year strategic vision to:

- Shape population and industry growth
- Inform plans for service and infrastructure development
- Guide public and private investment
- Protect the distinctive and historic characteristics of the Northern Metro region and
- Improve environmental resilience

SUBMISSION TO THE DRAFT LAND USE FRAMEWORK PLANS (CONT.)

- 3.2 The Draft NLUFP identifies various land uses that are generally consistent with the present (but somewhat outdated) Growth Corridor Plans. Pleasingly, the Draft NLUFP identifies the proposed Wallan Regional Park as part of the corridor.
- 3.3 Other than the identification of the proposed Wallan Regional Park, there is a lot of focus on established urban areas including clear emphasis towards already committed State Government led infrastructure projects, including the Suburban Rail Loop and Airport Rail project.
- 3.4 The strategy which is identified in the Draft NLUFP also indicates a clear willingness to drive increased population growth into the established areas, a statement which is at odds with projections for the northern growth corridor (ie. Mitchell will provide enough housing for approximate 25% to 30% of the planned growth to 2050).
- 3.5 In addition to the above, the Government is maintaining a commitment to extracting resources as priority. The priority is clear as the relevant section dealing with resources in the Draft NLUFP appears before any discussion on Integrated Transport, Liveability, Housing Choice and Strong Communities.
- 3.6 The Draft NLUFP identifies one of the key regional challenges in Melbourne's north as follows:
 - Extractive resources in the region, within and outside the UGB, require protection.
- 3.7 While there is an opportunity to be forward looking and visionary, the Draft NLUFP is conservative in its approach, particularly for the northern extent of the metropolitan region.
- 3.8 While there is a focus on large infrastructure project in Victoria such as North East Link, the Suburban Rail Link and the Airport Rail as creating a demand for stone resources, – there is little recognition of the even greater challenges of building the new frontier of Melbourne, in the designated growth areas.

Recommendation

THAT Council endorses the attached submission to the Draft Northern Metropolitan Land Use Framework Plan (NLFUP) and submits it to the Department of Environment, Water and Planning (DELWP) for its consideration.

SUBMISSION TO THE DRAFT LAND USE FRAMEWORK PLANS (CONT.)

4. Financial, Resource and Asset Management Implications

- 4.1 There are no financial or other resource implications associated with the preparation of this submission.

5. Consultation

- 5.1 The Land Use Framework Plans have been prepared and released by DELWP.
- 5.2 The consultation period is currently underway with a closing date for submissions by 24 October.

6. Sustainability Implications (Social and Environmental)

- 6.1 Should Government continue to aggressively pursue proposed quarries within the Extractive Industry Interest Areas (EIAs) and approve the Draft NLUFP in its present form there will likely be impacts on the environmental and landscape qualities within the Mitchell section of the growth corridor as well as how infrastructure is staged for the next two or three decades within the growth areas.
- 6.2 A preferred approach would be for a strategic review (the SERA) which takes a broader perspective to the supply of stone resources in the northern areas to occur urgently. A SERA study would examine all of the extractive industry resources in the Shire and protect and encourage quarrying outside of existing and proposed residential growth areas. This would meet Government policy objectives to meet extractive requirements and also maintain the integrity of residential growth areas
- 6.3 It is Council's view that decisions are being made in relation to stone resources which ignores important and overwhelming evidence and information on the significant economic opportunity costs involved in opening new quarries in the middle of urban growth areas as compared to the relatively small economic costs of transporting stone products from further afield over the course of a decade. .

7. Policy and Legislative Implications

- 7.1 The Land Use Framework Plans will inform the review and update of local planning schemes to align with Plan Melbourne
- 7.2 The implementation of these framework plans, via a future Planning Scheme Amendment, will be led by State Government.
- 7.3 If the Land Use Framework Plans are approved as currently proposed it will be difficult to resist proposals for quarries which are identified within the plans.

SUBMISSION TO THE DRAFT LAND USE FRAMEWORK PLANS (CONT.)

- 7.4 Officers are of the view that the planning process should include an independent advisory committee to consider submissions to any scheme amendment process to implement the Land use Framework Plans including the Draft NLUFP. This would allow Council's concerns with the draft policy to be heard, properly considered and dealt with on a rational evidence-based approach. It would also provide for a rigorous and independent review of submissions including Council's submissions and the proposed plans before they are finalised..

8. Alignment to Council Plan

- 8.1 Strategic Objective: Responsible Planning

To demand best practice outcomes when planning for future growth.

Relevant Key Strategies:

Plan for future growth and change through best practice design of services, infrastructure, open space and recreation facilities.

Prioritise environmental and sustainability outcomes in planning decisions.

Improve the liveability of Mitchell Shire.

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 Council are not considered or addressed.	High	Continue to advocate and work with industry and stakeholders to achieve best practice outcomes in our growth corridor.	Yes

11. Discussion

General

- 11.1 Melbourne's Northern Growth Corridor represents significant opportunity for growth and investment.

SUBMISSION TO THE DRAFT LAND USE FRAMEWORK PLANS (CONT.)

- 11.2 Over 10% of Melbourne's future growth, as forecast by Plan Melbourne, will be located within the Northern Growth Corridor.
- 11.3 Not only will there be significant residential growth, substantial job growth is also expected in the identified State Significant Employment Precincts which are intended to serve not only the areas within Mitchell Shire but also the northern growth areas of Melbourne.
- 11.4 The new Land Use Framework Plans, to some extent, reflect the current (somewhat outdated) Growth Corridor Plans.
- 11.5 In recent times, the focus for Melbourne's north has been in relation to land uses that have difficulty being accommodated in the established parts of Melbourne, including the disposal of toxic soil, commitments to quarantine facilities and a focus on attempting to establish additional quarries to supply infrastructure projects within Melbourne

12. Planning Challenges for the Corridor

Productivity

- 12.1 Unfortunately, while there is a clear focus on the protection and winning of resources, particularly in land that is identified in the Extractive Industry Interest Area (EIIA) within the northern growth corridor that focus does not seem to be based on any rational let alone compelling evidentiary material. In the context of the overwhelming availability of stone resources in Victoria including in relatively close proximity to Metropolitan Melbourne, one would have expected a cost benefit analysis of developing quarries closer to Melbourne in areas designated for urban development as compared to the costs associated with moving them away from those areas and incurring higher transport costs. Yet, the concept of net community benefit that supposed to underpins planning in Victoria seems to be absent in the analysis informing the decision to include quarries within designated urban growth areas.
- 12.2 It is inconsistent with orderly planning to 'plan in' a constraint, like a quarry, into the middle of one of Australia's largest urban growth corridors. This is especially the case given that in other changes to planning schemes in Victoria, the Government has made it more difficult to reign in the operation of quarries through imposing time limits on their operation.
- 12.3 Council has previously submitted extensive technical and economic evidence to Government in support of its position that there is a significant community cost associated with approving a quarry in the middle of a proposed residential area. The proposed quarry at Spring Hill for instance would introduce significant disruption to the orderly and proper development of the growth corridor impacting on optimum development sequencing in particular integrated transport connections. It seems outwardly that decisions are being driven by a blind adherence to a policy of winning stone resources at all costs when decisions in a planning sense should be made

SUBMISSION TO THE DRAFT LAND USE FRAMEWORK PLANS (CONT.)

- in a way that takes into account the economic and social costs of those decisions and balances competing objectives in favour of net community benefit.
- 12.4 It is understood the EIIA which is the basis of much of the decision making that is taking place was mapped in the 1990's when the nearest urban growth front in the northern region was south of Craigieburn.
- 12.5 Since then, the planning context has fundamentally changed, including the introduction of a legislated urban growth boundary, extending as far north as Wallan, and the application of the Northern Growth Corridor Plan.
- 12.6 In addition, there have been 10 Precinct Structure Plans (PSPs) approved (Hume, Whittlesea, Mitchell) and significant planned growth has taken full effect.
- 12.7 In the period between 2015 and 2021, nearly 10,000 residential lots have been constructed in the area from the Donnybrook Road corridor (south of the Mitchell Shire boundary) up to the township of Wallan in the north.
- 12.8 There are two plans within the document that identify the proposed quarry within the Beveridge North West PSP (Plan 4 – Northern Growth Corridor Plan and Figure 10 – Extractive Industry Interest Area in the Northern Metro Region). Yet there is little recognition of the extensive stone resources that exist in the northern region and there is little or no analysis of the extent of stone supply within existing quarries, planned quarries, or available through large advances in the recycling of masonry and rock.
- 12.9 Given the proposed quarry within the Beveridge North West PSP has no official status, it being merely an application, unlike the other quarries in the east of the corridor that was approved by VCAT, any reference to it in the Draft NLUFP should be deleted and at best any reference to a proposed quarry should be subject to considerable economic and social analysis.
- 12.10 Council acknowledges stone resources are needed to build key infrastructure and to assist in building our growth corridors. But, as it has been noted, there is no shortage of stone resources in Victoria or within easy reach of Melbourne.
- 12.11 In order to undertake the correct and orderly planning to secure long term protection of resources, Council recommends an approach where appropriate resources and sites are identified outside the UGB where there is likely to be less impact on the establishment of new communities.
- 12.12 While it is positive to see a commitment to providing commercial and industrial land in the growth areas, the aggressive and illogical commitment to extractive industry within this growth area flies in the face of other key pillars of the strategy in relation to Liveability, Strong Communities and Sustainable Resilience and is being pursued without any rational economic or social impact analysis.

SUBMISSION TO THE DRAFT LAND USE FRAMEWORK PLANS (CONT.)*Housing Choice*

- 12.13 The Draft NLUFP identifies the need to secure a minimum of 15-year residential land supply across the region.
- 12.14 Although it is important to have a pipeline of zoned land, its availability should not be used as justification to not plan ahead of this benchmark.
- 12.15 It is vital that PSPs and land is rezoned in the right manner but a simple metric of 15-years supply does not necessarily produce the outcomes intended by the NLUFP. Prices for land are influenced significantly by supply. Therefore, the economic costs of a quarry not only include the opportunity cost of not developing land in affected areas, but also by having regard to the higher prices that land commands due to supply issues.
- 12.16 It is crucial there is sufficient zoned land, but it is equally important to ensure the planning for existing and future PSPs are not held back because of the establishment of quarry that need not be established in that location based on supply side issues.

Integrated Transport

- 12.17 The three identified challenges (lack of capacity on north-south corridors, east-west connections, high level of car dependency) all apply to Mitchell Shire.
- 12.18 Unfortunately, this has not been translated into any solutions for the Mitchell part of the growth corridor.
- 12.19 The role of Wallan Station is undervalued. Not only is this the start of the future electrified metropolitan service, it will also play an important role as an interchange between (Regional) V-Line and Metro services.
- 12.20 Electrification of the railway line will provide opportunities for additional stations.
- 12.21 The distance between Beveridge to Wallan Station is 6 km and there is an opportunity for an additional station mid-way at Mt. Fraser. It is requested that the Land Use Framework Plans are amended to show a potential future rail station generally between Beveridge and Wallan.
- 12.22 The current spacing of these stations is very large and consequently the catchments of these station are enormous, particularly when compared to the established metro network.
- 12.23 The proposed north-south arterial through BIFT – connecting Wallan-Whittlesea Road with the OMR, is highly unlikely to be delivered in that location as Herne Swamp and an approved Clay Quarry form a fundamental barrier to the realisation of this connection.

SUBMISSION TO THE DRAFT LAND USE FRAMEWORK PLANS (CONT.)

- 12.24 These comments have been previously made by Mitchell Shire through the Principal Freight Network (PFN) review but no response from the Department of Transport has been received on this issue.

Liveability

- 12.25 A key direction is to protect the region's waterways, landscapes and biodiversity.
- 12.26 Council supports the welcome inclusion through the identification of the future Wallan Regional Park, a parkland that connects environmental values and landscape amenity stretching from the Merri Creek in the east, through to the Beveridge Foothills in the west.
- 12.27 Although the Wallan Regional Park is identified, this project should be considered consistently with the importance of the Merrifield Kalkallo Retarding Basin as both projects have the potential to provide for significant community and environment benefits.
- 12.28 There is an additional opportunity to recognise the potential of the Beveridge Foothills becoming a key open space node that protects significant landscape and hilltops adjoining the Urban Growth Boundary (west of Beveridge).
- 12.29 The document is inconsistent with how it designates the portion of Mitchell Shire within the Urban Growth Boundary as it appears in some metropolitan Melbourne maps but not all.
- 12.30 The concern is that the townships of Beveridge and Wallan which are experiencing significant population growth are not included in key initiatives such as the recent Northern Metropolitan Trails Program.
- 12.31 This chapter should include a direction around recognising the importance of urban design within public places. Aside from heritage places, there is no directions or actions specific to built form which are needed particularly around the delivery of metropolitan and major activity centres.

Strong Communities

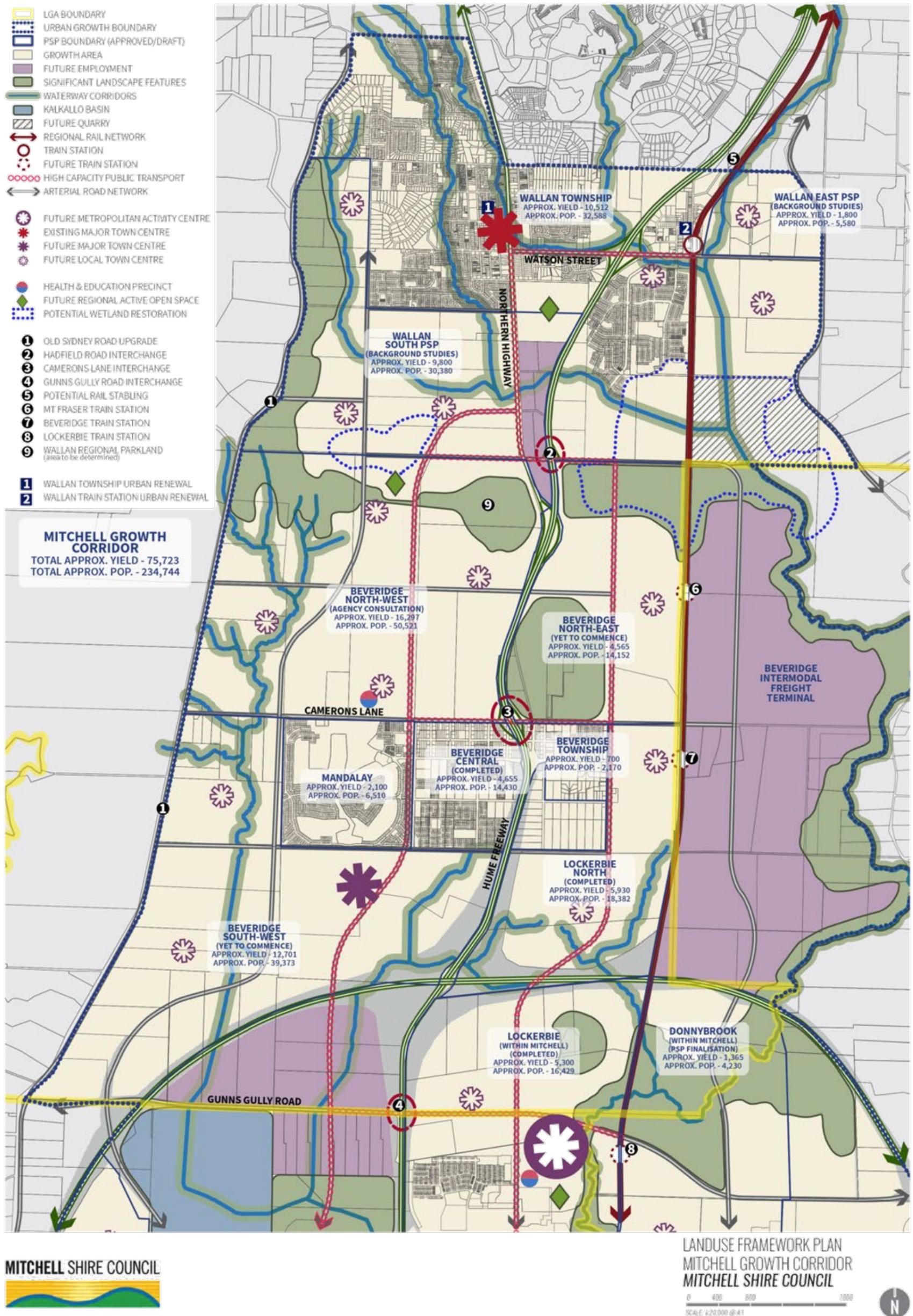
- 12.32 Stemming from Plan Melbourne, there is a strong focus on delivering the 20-minute neighbourhood across the region.
- 12.33 Council agrees with this initiative as it will drive improved liveability for our new communities.
- 12.34 This initiative, or policy, must inform outcomes that are delivered on the ground and become the strongest policy statement once implemented.
- 12.35 The notion of the 20-minute neighbourhood is fundamentally one of the key drivers behind Plan Melbourne and the Land Use Framework Plans.

SUBMISSION TO THE DRAFT LAND USE FRAMEWORK PLANS (CONT.)

- 12.36 It is mentioned 13 times in this section alone and must override other State policy statements that contradict the aspirations of the 20-minute neighbourhood.
- 12.37 Close access to local services, infrastructure and transport is critical to achieving the 20-minute neighbourhood principal. The existing Wallan Train station is located to the east of the township and will perform a significant role in the future transport network.
- 12.38 This is why Council believes the land to the immediate east of the rail corridor and south of Wallan – Whittlesea Road should be identified for a future residential masterplanned community.
- 12.39 The approved clay quarry to the south, a permit granted by VCAT where there was a level of agreement from VPA and DOT that the quarry could proceed and would not interfere with the orderly planning and development of the area, should now demarcate the land use difference from the BIFT related employment land uses south of it and a future residential community north of it.
- 12.40 Council therefore submits the relevant land use in this area should be identified as residential and should be reflected in any update to the NLUFP.

Sustainability and Resilience

- 12.41 Council supports the significant increase in urban tree canopy across the Northern Region to achieve 27% coverage by 2050.
- 12.42 The PSP Guidelines which are currently under review by the VPA will play a key role in achieving increased tree canopy across the newest suburbs in the growth areas.
- 12.43 Council recognises there are competing demands with increased requirements for dwelling density targets, servicing requirements and housing affordability pressures. These conditions combined can make the targets difficult to achieve.
- 12.44 Directions and strategies are needed to demonstrate stronger support towards the implementation of ESD and innovative projects in this space.
- 12.45 A proposed strategy will be required to formalise the implementation of the Sustainable Design Assessment in the Planning Process (SDAPP) Subdivision Framework which involves 16 partner Councils and being supported by the State Government and CASBE.
- 12.46 In addition, the NLUFP could be further bolstered by referencing Integrated Water Management, particularly the Upper Merri Creek Integrated Water Management project is noteworthy.





Mitchell Shire Council Feedback- Land Use Framework Plans

Chapter 3 _ Introduction

The Mitchell Shire section of the Northern Metropolitan Region is significant.

The Mitchell Shire component of the Northern Growth Corridor is approximately 8,000 hectares (or 80 square kilometres). For comparison of scale and context, the Moreland City Council area totals approximately 50 square kilometres.

The future population of Beveridge and Wallan alone, which is the majority of the area inside the UGB, will be home to over 200,000 people within the next 30 years.

The context above is part of the reason why long-term visionary planning is required to facilitate well planned change, growth and investment into the region. The new Land Use Framework Plans go some way in achieving this however, there is significant conflict between State Policy for growth areas and in our view, additional conflict from within the Framework Plans themselves.

The Northern Growth Corridor is one of Australia's largest linear growth corridors encapsulated by a legislated Urban Growth Boundary. There is substantial potential and opportunity in this part of the northern metropolitan region that will accommodate tens of thousands of new residents, who will reside in the next generation of master planned communities and will also have the ability to work within the region.

We feel the new approach to regional planning needs to have a greater future focus and begin to shape a bold vision for Melbourne's new northern frontier.

Chapter 4 _ Productivity

On the Northern Metro Productivity plan at Page 22 BIFT and Wallan East Pt 2 is shown as existing industrial land. We submit the land immediately south of Wallan-Whittlesea Road could be residential with the VCAT approved clay quarry further to the south to act as the defining area separating residential and employment.

The potential train station shown east of Beveridge Township is identified, however an additional train station between Beveridge and Wallan, in Councils view, is required to serve the planned significant residential catchments.

Direction 6:

- Green Wedges: Highlights the importance of Green Wedges for agricultural, tourism, recreation environmental, biodiversity and water supply. Notes agriculture in peri-urban



areas is under pressure to convert land to housing and smaller non-agricultural uses. Yet Mitchell's UGB boundary is primarily adjacent Farming Zone land instead of Green Wedge Zone land.

- Pg 33: Shows almost all of Mitchell's UGB area and BIFT land as an Extractive Industry Interest Area (EIIA). Also shows the proposed Beveridge North West quarry as a current a fait accompli.

It is positive to see a commitment to providing commercial and industrial land in the growth areas however, there appears to be an aggressive commitment to extractive industry within our growth areas, which flies in the face of the Liveability, Strong Communities and Sustainable Resilience sections.

Mitchell Shire offers the following well-founded view in this regard:

- It is incomprehensible to conceive that there would be a deliberate attempt to 'plan in' a constraint, like quarries, into the middle of one of Australia's largest urban growth corridors.
- It is understood the EIIA was mapped in the 1990's when the nearest urban growth front in the northern region was south of Craigieburn.
- Since then, the planning context has fundamentally changed, including the introduction of a legislated urban growth boundary, extending as far north as Wallan, and the application of the Northern Growth Corridor Plan.
- In addition, there have been 10 Precinct Structure Plans (PSPs) approved (Hume, Whittlesea, Mitchell) and significant planned growth has taken full effect.
- In the period between 2015 and 2021, nearly 10,000 residential lots have been constructed in the area from the Donnybrook Road corridor (south of the Mitchell Shire boundary) up to the township of Wallan in the north.
- There are two plans within the document that identify the proposed quarry within the Beveridge North West PSP (*Plan 4 – Northern Growth Corridor Plan* and *Figure 10 – Extractive Industry Interest Area in the Northern Metro Region*).
- Given the proposed quarry within the Beveridge North West PSP has no status, unlike the other quarry in the east of the corridor that was approved by VCAT, any reference to it in the NLUFP must be deleted.
- Council acknowledges resources are needed to build key infrastructure and to assist in building our growth corridors.
- In order to undertake the correct and orderly planning to secure long term protection of resources, Council would support an approach where appropriate resources and sites could be identified outside the UGB where there is likely to be less impact on surrounding communities.
- It is critical that the existing EIIA within the UGB be abandoned as there is serious risk that there will continue to be ongoing land use conflicts into the future.



- It is important to note that land inside the UGB also finite – and needs to be protected for urban purposes (not extractive industry).

Chapter 5 _ Housing Choice

- The NLUFP identifies the need to secure a minimum of 15-year residential land supply across the region.
- Although it is important to have a pipeline of zoned land this should not be used as justification to not plan ahead of this benchmark.
- It is vital PSPs and land is rezoned in the right manner but a simple metric of 15-years supply does not necessarily produce the outcomes intended by the NLUFP.
- It is crucial there is sufficient zoned land, but it is equally important to ensure the planning for existing and future PSPs are not held back because of one simple metric.
- In some instances, there will be more than a 15-year supply of zoned land and is considered appropriate in a greenfield context.
- This will result in competition within the corridor and will lift the standard of development and built form outcomes.
- Genuine diversification of the housing product available to the market is what is needed and various development fronts and competition in this corridor will drive that outcome.

Chapter 6 _ Integrated Transport

Mitchell Shire Council has prepared a (Draft) Integrated Transport Strategy in which we outline the necessary infrastructure to develop a residential growth corridor of over 200,000 people in the Mitchell part of the Northern Metro Region. We would appreciate an opportunity to discuss this strategy with the Land Use Framework Plan Team at the Department of Environment, Land, Water and Planning, as we think that is the most efficient way to outline the Strategy and the impacts this would have on the Transport chapter of Land Use Framework Plan.

Unfortunately, the Integrated Transport chapter of the Land Use Framework Plan is heavily focussed on the southern part of the Northern Metro Region. The area south of the Metropolitan Ring Road (M80) is getting most of the attention and with that, most of the investment proposed. The new greenfield areas are left with a strategy that does not provide enough information and is therefore setting up the outer areas to make the same mistakes as there is insufficient attention for the timely delivery of critical infrastructure.

State of Play

Northern Metro Region State of Play (Map 5 – p 73 and 74)

- The map does not make a distinction between existing Urban Area of Wallan and it to be developed Growth Area.
- It also does not show Wallan's (limited) existing bus network as it does in other areas.
- The Strategic Cycling corridors shown on this map are not existing.
- There is a lack of waterways shown that are shown in other Council areas.



- Showing the Beveridge Interstate Freight Terminal on an existing map is at odds, even if it is labelled “future”.

Figure 13. Public transport accessibility (p75)

- No data is shown for the entire Mitchell Shire area. Likely to be very low.

Regional Challenges

The three identified challenges (lack of capacity on north-south corridors, east-west connections, high level of car dependency) all apply to Mitchell Shire. Unfortunately, this has not been translated into any solutions for the Mitchell part of the growth area as there is a lot of infrastructure missing on the Integrated Transport Map:

Map 6. Northern Metro Region Integrated Transport 2050 (p. 79)

- The role of Wallan Station is undervalued. Not only is this the future start of line station for metro services, it will also play an important role as an interchange between (Regional) V-Line and Metro services, similar to Dandenong in the South-East.
- Electrification of the railway line will provide opportunities for additional stations. From Beveridge to Wallan Station is 6 km and there is an opportunity for an additional station halfway at Mt. Fraser. The current spacing of these stations is very large and consequently the catchments of these station are enormous, especially compared to the inner metropolitan stations.
- There is no local road network shown that addresses the capacity issues north-south and connectivity issues east-west.

Direction 12 Improve transport connections.

Strategy 41 is to improve north-south transport connections. In order to reflect this, Mitchell Shire is proposing the following north-south arterials to be shown on the map.

- Western Arterial through Wallan and Beveridge.
- Eastern Arterial (E14) including high capacity public transport.
- Hume Freeway (shown),
- Extended Wallara Waters Boulevard
- Epping-Kilmore Road (shown)

The arterial through BIFT – connecting Wallan-Whittlesea Road with the OMR, is highly unlikely to be delivered in that location as Hernes Swamp and an approved Clay Quarry form a physical barrier that cannot be avoided. These comments have been made through the Principal Freight network review but no response from the Department of transport has been received on this issue.

Strategy 40 is to improve east-west arterial road connections and east-west bus connectivity. To achieve this, we are proposing the following east-west crossings shown over the Hume Freeway and Railway line to be shown on the map.

- William Street / Kelby Lane,
- Watson Street / Wallan – Whittlesea Road (shown)
- Hadfield Road
- (midblock) connection Beveridge North-West with Beveridge North-East
- Camerons Lane,
- Donovans Lane,
- Gunns Gully Road.



With these roads identified, the level of detail will be similar to the level of detail shown in the southern part of the Metro Region.

Direction 14: Improve public and active transport access for major activity centres.

The electrification of the railway line between Craigieburn and Wallan and the possibility to add stations and higher frequency services is hardly covered in this section. Strategy 49 is very broad and does not show any urgency in providing significant public transport investment for the future 200,000 residents on this part of Melbourne. Without clear action and prioritisation, this corridor will remain underserved for the next decades and services will only be provided long after travel patterns have established.

Chapter 7 _ Liveability

Map 7:

- identifies sites of landscape values within the growth corridor, however much of these areas are being placed under pressure for extractive industries.
- Wallan Regional Park not shown.

Direction 18 – Protect and enhance the landscapes and biodiversity of the Northern Metro Region:

Should recognise the potential of the Beveridge Foothills becoming open space that protects significance landscape and hilltops adjoining the Urban Growth Boundary (west of Beveridge and Old Sydney Road).

Direction 19 – Strengthen the network of open spaces and trail connections across the Northern Metro Region:

Should include reference to the Wallan Regional Park feasibility study. It is mentioned in the State of Play but does not currently sit against a specific direction or action. This project should be considered consistently with the importance of the Merrifield Kalkallo Retarding Basin as both projects have the potential to provide for significant community and environmental benefits.

The document is inconsistent with how it designates the portion of Mitchell within the Urban Growth Boundary as it appears in some metropolitan Melbourne maps but not all. The concern is that the places of Beveridge and Wallan which are experiencing significant population growth are not included in key initiatives such as the recent Northern Metropolitan Trails Program.

This chapter should include a direction around recognising the importance of urban design within public places. Asides for heritage places, there is no directions or actions specific to built form which are needed particularly around the delivery of metropolitan and major activity centres.

Chapter 8 _ Strong Communities

Planning for Mitchell comments:

Mitchell Shire Council has no identified strategic locations, for a 2050 visioning document this is disappointing.

The document lacks long term innovation on regional social infrastructure planning across the northern growth corridor: Mitchell, Hume and Whittlesea.



The Plan should identify an integrated whole of government services and infrastructure planning framework for growth areas to facilitate Victorian government agency alignment and connection to the Precinct Structure Planning (PSP) process and support effective delivery of services and supporting infrastructure.

- Provision of land in terms of location and facility scale must be made for major regional facilities, whilst planned for at a regional level these must be located within an individual PSP area
- Planning for localised services, the early delivery of infrastructure to support outreach services and staged development of service hubs as the community grows and develops
-

Regional level facilities will include:

- Hospitals and associated medical facilities – critical infrastructure to support growth areas must be located appropriately to support access
- Community health – a key platform for the provision of primary care services that will need to expand with a growing community
- Justice and Emergency Services – Courts, VicPol, Fire Services Vic, Ambulance Victoria and VicSES
- Higher Education – RMIT, Latrobe, Kangan, GoTAFE

Comments referring to chapters: Strong Communities and Sustainability and Resilience

The draft Northern Land Use Framework lacks direction on how the Victorian planning system can better support growth and build resilience in new growth areas by ensuring that key facilities, services and infrastructure are provided prior to the introduction of facilities that could negatively impact vulnerable communities.

How does the Framework support new communities to build resilience in the first years of their development - It should reference and be concerned with the relationship between:

- The health, well-being and safety of the community;
- The accelerated development of resilience in new and emerging growth area communities; and
- Strategies that would simultaneously promote community resilience and minimise potential harm.

Resilience is the ability of people and the environment to absorb and positively advance in the face of significant changes, shock, stress and / or uncertainty. Achieving resilience is a greater challenge in new and emerging growth area communities compared to inner and middle metropolitan areas. In growth areas, the new home starts with an absence of most of the physical, social and economic facilities, including infrastructure, services, informal supports and networks that are readily available in more established areas.

The new and emerging community will be more resilient earlier in its life if the planning and delivery of new homes is matched by the early, comprehensive and integrated delivery of a well-considered range of opportunities, facilities, services and supports.

Refer to the report: **Building Resilience in New and Emerging Communities**, commissioned by the Northern Metropolitan Partnership, in partnership Mitchell Shire Council, City of Whittlesea and Hume City Council.

Regional Open space:



- Planning for regional open space and community facilities must be done in an integrated manner with other infrastructure and services such as roads, public transport, schools, activity centres and drainage – this is not acknowledged.
- Open space needs to be planned as an integrated network, connecting places, spaces and people - this is not accounted for on a regional aspect.
- Roads and open space need to be planned together to optimise cycling and other active transport opportunities for access to services such as schools, community facilities and retail services.

Chapter 8 Strong Communities Comments:

- Mitchell Shire is missing in the regional planning components of this document. Significant planning for regional facilities including education, health and Active open space stops in Hume LGA boundary.
- The document does not talk to Mitchell future growth until 2050 and does not articulate opportunities for regional facilities in the long term, after significant growth has occurred
- Beveridge South West town centre is a notable development that has not been included in this plan
- Page 108: Health and Education facility - this section focuses on tertiary education. There is little emphasis on Schools both Primary and Secondary and Kindergarten.
- Page 108: Health and Education facility - No specialist school have been identified in this section for the region or for Mitchell Shire
- Page 110: Regional Strengths – Dot point 1 does not sit well with challenges for health and education within northern region but particularly in Mitchell, higher rates on domestic violence, lower education attainment etc
- Page 110: Regional Strengths – Statement ‘strong network’ is inaccurate. Provision of one Hospital is not adequate for the size of population and complexity and social disadvantage being faced by community in this region
- Page 111: Map 8, second page – Map ID re: Major recreation facilities: map ID does not include any regional facilities (education, AOS, Health) within Mitchell Shire
- Page 113: Last Paragraph– *Opportunities for new active and passive recreation facilities that could be delivered through developer contributions as a part of new open space, include’:*
 - *Dot point 1 South of Wallan Town Centre:* This AOS should not be included in this list and should not be classified as a regional AOS facility. This AOS is needed for local provision for the residential population in this catchment. Land take will not be able to be accommodated as there will be additional pressure to accommodate regional facilities.
 - *Dot point 2 Beveridge North West:* 300 Northern as a regional facility should not be included on this list. This AOS is needed for local provision for the residential population in this catchment.
- Page 116 – Action 14: *“ACTIONS – Strong communities Action 14. Develop a methodology for a social infrastructure strategy for the Northern Metro Region. This would consider social infrastructure such as libraries, multi-use community and recreation facilities and assess how they can be used more flexibly and intensively. This could be a pilot project suitable for other regions.”*
- Wording should reflect that a ‘high-level regional’ social infrastructure strategy should be undertaken for the region. Local Councils have their own best-practice methodology for planning. A regional strategy would strengthen local level planning and understanding how these regional facilities will support Councils.



- The Plan does not reference or refer to the Victorian's Royal Commission in the Mental Health System. The Royal Commission into Victoria's Mental Health System highlighted key issues experienced across rural, regional and growth areas of Victoria, Melbourne.
- The challenge in growth areas is that the social supports and infrastructure the Report identifies as necessary, do not arrive until many years after the people do. Hence the importance of better forward planning and early delivery of health services and social infrastructure in new and emerging communities.
- The Royal Commission into Victoria's Mental Health System identified Mental Health and Wellbeing Services Hubs for adults and older adults and children and youth, the Plan is devoid of this the State Govt has made a commitment that State-wide services for those in need of specialist supports, delivered in a way that minimises the need for people to travel long distances to access care.

Infrastructure Victoria 30 Year Strategy identified for new and emerging communities in growth areas identifies the following actions – these should be addressed in the draft Plan:

- The Infrastructure Victoria 30th Strategy supported the importance of regional health and human services
 - Six key actions:
 - **72. Prioritise and oversee infrastructure delivery in growing communities**
 - In the next year, empower a government body to monitor infrastructure delivery in Victoria's new growth areas and priority urban renewal precincts, and proactively advise on delivery sequencing and funding. In the next five years, develop program business cases for growth areas and precincts that consider timing, sequencing and funding of infrastructure.
 - **73. Fund libraries and aquatic centres in growth areas**
 - In the next five years, increase funding to support local governments to plan and deliver libraries and aquatic recreation centres in Melbourne's seven growth area municipalities.
 - **74. Extend rail services in Melbourne's western and northern growth areas**
 - In the next two years, develop business cases to extend electrified metropolitan train services from Sunshine to Rockbank, from Craigieburn to Beveridge, and on the Wyndham Vale corridor, to be delivered by 2031. Deliver extra services to south-east Melbourne by running Rockbank services to Pakenham via the Melbourne Metro Tunnel. Consider adding extra stations on the Wyndham Vale and Melton corridors, and secure remaining land required for stations and stabling.
 - **75. Link outer suburbs to rail with 'next generation' buses**
 - In the next year, introduce 'next generation' bus services towards Clyde, Mornington Peninsula, Wollert and Armstrong Creek. In the next five years, complete feasibility studies to plan the ultimate development of public transport services on these corridors and secure remaining land required.
 - **76. Expand and upgrade Melbourne's outer suburban road and bus networks**
 - In the next 15 years, deliver a program of upgrades to Melbourne's arterial road, freeway and bus networks beyond

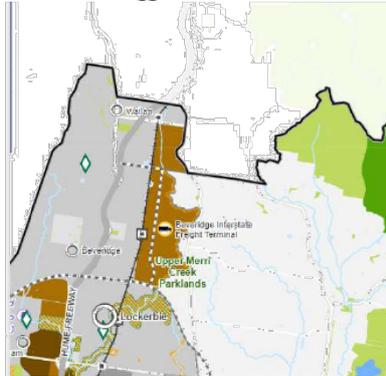


what is currently funded, focusing on congested roads and corridors in outer metropolitan and growth suburbs council areas.

- **77. Target 30% tree canopy coverage in new growth areas**
 - Over the next 30 years, achieve 30% tree canopy coverage in new growth areas by mandating coverage during precinct development, funding relevant Victorian Government agencies and local government to plant, replace and maintain canopy trees, and work with utility providers to remove barriers to tree planting.

Chapter 3 Introduction Comments:

- **Chapter 3 Map 1** (below): 25ha in Northern end of BNW PSP – has been identified as regional. This provision of AOS is needed for local provision. Additional land take would be required for regional AOS within Beveridge (see below map excerpt green Diamond). Density increased in PSP has impacted the ability of this AOS provision to be included as a regional facility. This should be removed as a regional facility.
- This is an opportunity for Advocacy that should be referring Infrastructure Victoria 30-year plan – clearly outlines that planning for electrification to Beveridge to occur to be delivered by 2030
- Data suggested from Infrastructure Victoria 30-year plan will be at capacity by 2030



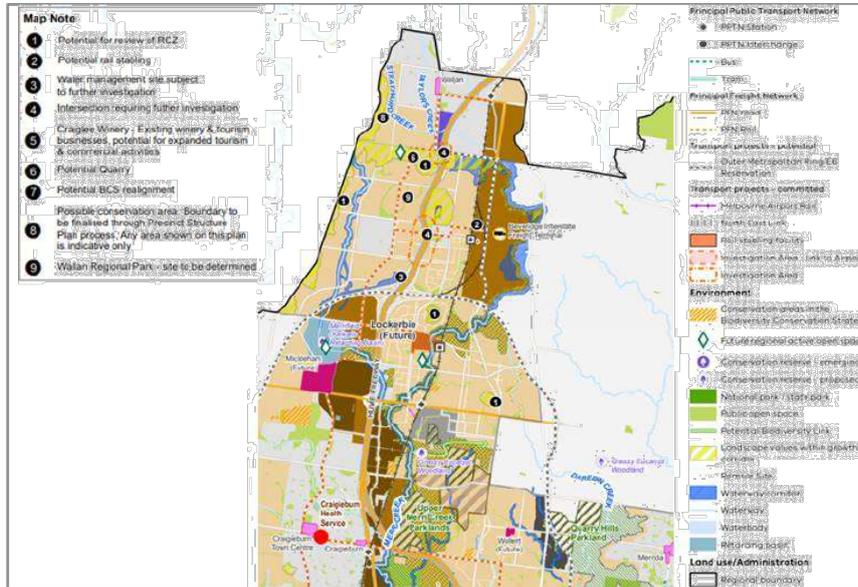
Chapter 5 Housing Choice Comments:

- Mitchell only has one 'indicative' walkable catchment in Wallan Town centre. Why is only one town centre identified as walkable? What has happened to the township in Beveridge South West?
- Page 66 Strategy 34: Affordable housing – *Facilitate more affordable housing across the region, particularly in locations that have good access to jobs, services and public transport*
 - This wording could be further enhanced and made clearer.
- The Beveridge Township area – it will be a significant town centre, with a mix of uses and residential densities. Council would like to see a greater emphasis in this regard.
- Page 66: Middle dot point – how is this recommendation for higher density (to 25dph) being reflected in PSP planning and link to State Government Housing policies.
- Page 69 – Northern Growth Corridor Plan Map- Mitchell Shire need to be involved in the planning for rail Stabling Yards. Map indicating end of electrification has significant



impacts on electrification for Wallan into the future and has considerable implications on community outcomes and liveability.

- Map 4 Northern Growth Corridor Plan - 69/70 – Dash Orange PFN Rail – has been used for road
 - Is this indicating a road will be used as a principal network for freight travel?
 - This map should be included in Section 6 transport
- *Whittlesea, Nillumbik and Hume LGAs have the lowest average hourly frequencies of public transport per stop compared to other local councils in the region (p. 72)* Mitchell Shire Council has NOT been referenced or captured.
- In Mitchell Shire Council Rail stations are distantly spaced, and the frequency of services is minimal. **Studies suggest 9,000 peak hour trips will not be met by 2031 if changes are not made.**
- The document should note - that every Victorian has the right to safe, secure and affordable accommodation and that a healthy social housing system is critical to meeting the housing requirements of all Victorians in need and the harmonious operation of all Victorian communities
- That social and affordable housing should be classified as another example of community or social infrastructure – no different to roads, sporting, cultural or other infrastructure that is determined as necessary to ensure a functional and healthy community.
- How does the draft Land Use Framework link and respond to the Victorian Governments Ten-Year Social and Affordable Housing Strategy for Victoria (currently being drafted)
- The Housing Choice section does not reflect the reality of housing affordability, living affordability
- Between 2016 and 2036 the number of households in rental stress in Hume and Whittlesea is expected to further double, with Mitchell Shire potentially having close to triple the number of households in rental stress in 2036 compared to 2016.
- The forecasts indicate that there could in the order of 24,000 households in rental stress across the municipalities by 2036, an additional 13,000 households.



Chapter 6: Comments

- Figure 13 – Public Transport accessibility in Northern Metro Region: Mitchell Shire has not been included in these transport calculations. Including time travelled for Mitchell population is imperative to understanding the transport patterns and implications for liveability for our communities.
- Map 6: Road Network comments - Cameron’s Lane interchange and Hadfield Road interchange should be included in Chapter 6 – identified in Housing map.
- Old Sydney Road should also be included due to its significance as North-South connector and the only other existing north-south road connection in the entire corridor.
- Watson Street should be identified as part of the road network.
- Page 83 – Indicative lines have a line going through the middle of Mandalay as a major transport route. This area has been developed. Suggest reviewing accuracy of transport route as this link would not be feasible.
- There is little emphasis on the role of buses in the public transport strategy and its connection to both rail and residential
- The map in chapter 6, along with the commentary in the Infrastructure Victoria, suggests that the current end of the metropolitan rail line would be Beveridge, NOT Wallan:
 - According to Infrastructure Victoria, the upgrade is required to Beveridge by 2030 due to the Seymour line only having capacity until this date
 - Rail stabling yards found on the map in the Housing chapter also support this conclusion, with the rail stabling yards being located just north of the Beveridge station. Further clarification is sought in this regard.

Chapter 7: Liveability Comments:

- Page 99 – Merri Creek/Wallan Regional Park to be included in ‘Regional Challenges’



- Integrated planning for Wallan regional park has not occurred. This is a major connection to the Merri Creek which is of national significance for both its biodiversity, water management and community connection.
Merri Creek:
- Direction 17 - Flood mitigation for primary waterway for Northern region and into the Northern suburbs of Melbourne as far as Brunswick.
- Direction 18 – Creek is a primary bio link connecting three creeks
- Direction 19 - Primary North west connection at the northern end of the Merri Creek

Chapter 9 Comments:

- Wallan regional park talks to all the elements in this strategy and will be incorporated into the Water management plan for the region

Chapter 9 _ Sustainability Resilience

Direction 26 – Increase urban tree canopy across the Northern Metro Region to achieve 27% coverage by 2050

The PSP Guidelines which are currently under review by the VPA will play a key role in achieving increased tree canopy across the newest suburbs in the growth areas. At times poor subdivision and housing design is making it difficult to even plant a street tree in front of a residential property. There are competing demands with increased requirements for dwelling density targets, servicing requirements and housing affordability pressures, however the VPA has an opportunity to provide guidance on this importance matter during the establishment of metropolitan Melbourne's newest communities.

Directions and strategies are needed to show stronger support towards the implementation of ESD and innovative projects in this space. A proposed strategy will need to be formalised to implement the Sustainable Design Assessment in the Planning Process (SDAPP) Subdivision Framework which involves 16 partner Councils and being supported by the State Government and CASBE.

There also need to be greater mention of Integrated Water Management – The Upper Merri Creek project is noteworthy for this region.

Chapter 10 _ Implementation Appendices

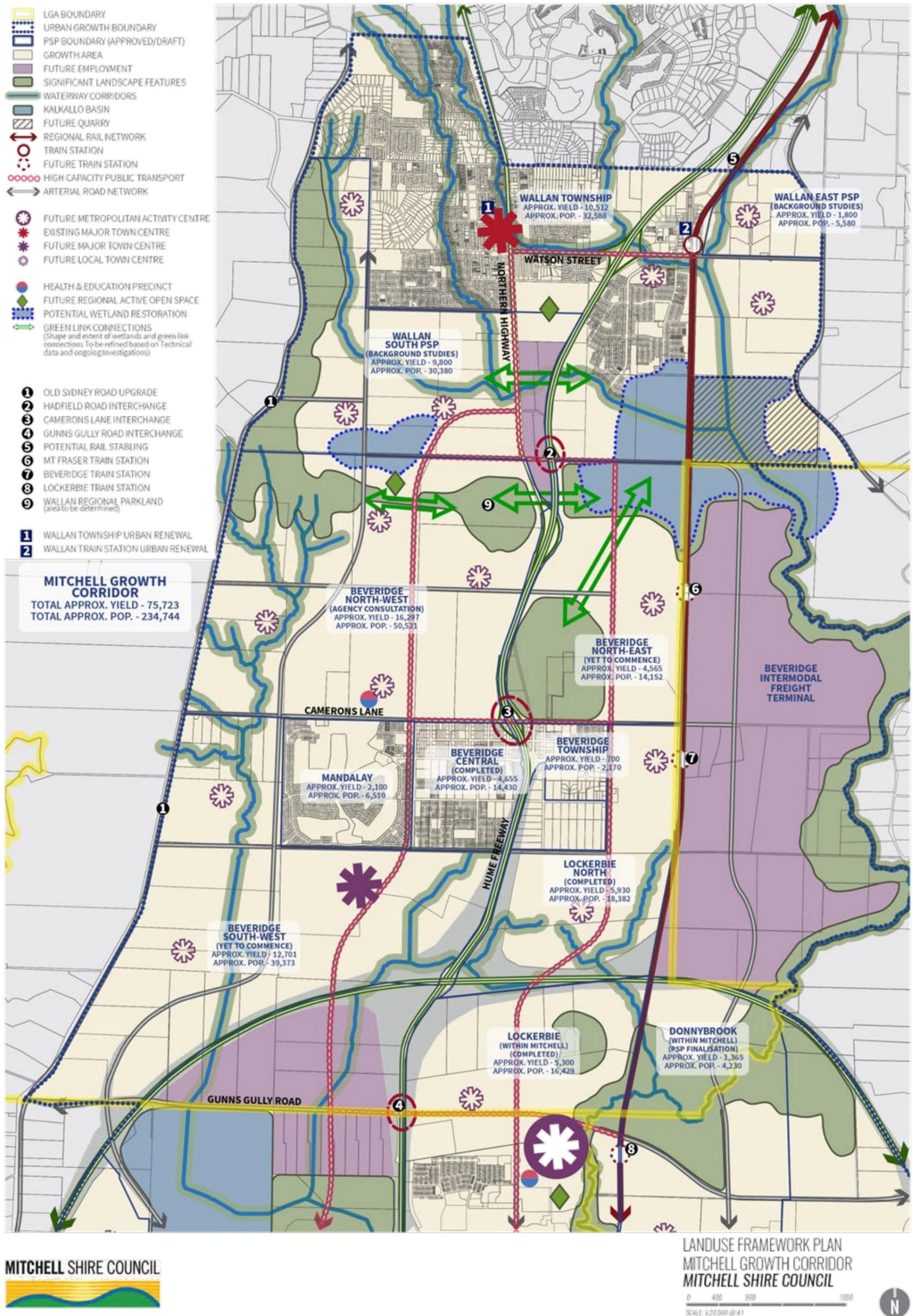
Clarity is sought on how the Northern Metropolitan LUPP is intended to be used alongside the North Growth Corridor Plan prepared in 2012. The LUPP has incorporated spatial information from these plans but does not provide the same level of guidance within the existing framework.

Strong support for Action 1 being identified as a short-term action. Prioritising the planning and infrastructure provision for the Lockerbie Metropolitan Activity Centre will provide significant benefit for the north growth corridor.

Councils have been identified as the lead agency for 2 actions which relate to the updating of planning schemes. Clarification will be required to understand what this will entail and the level of support that will be made available from DELWP, noting that Councils have been recently required to translate across to the Planning Policy Framework.



Action 5 should be mindful that housing supply is only one indicator/tool to influence the housing market. It should only be used as a guide and not the overall determining factor when assessing strategic planning initiatives.



10.2 PLANNING PERMIT APPLICATION PLP187/18 FOR MULTI-LOT SUBDIVISION REMOVAL OF NATIVE VEGETATION AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 20 UPPER GOULBURN ROAD, TALLAROOK

Author: Ben Micallef - Principal Planner
File No: PLP187/18
Attachments: 1. Plans
 2. Proposed Permit Conditions
 3. Planning Policy Framework
 4. Advertising Map

Property No.:	104146
Title Details:	Lot 1 on LP70755, Vol 8746, Fol 745
Applicant:	Paroissien Grant & Associates Pty Ltd on behalf of Achal Arora
Zoning:	Township Zone
Overlays:	Vegetation Protection Overlay – Schedule 1
Objections Received:	Yes, Seven objections received at the time of writing this report.
Cultural Heritage Management Plan Required:	Not Required
Summary Recommendation	Recommendation to Issue a Notice of Decision to Grant a Planning Permit
Reason Reported to Council	Number of objections exceeds delegate threshold
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 PLP187/18 FOR MULTI-LOT SUBDIVISION REMOVAL OF NATIVE VEGETATION AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 20 UPPER GOULBURN ROAD, TALLAROOK (CONT.)

1. Site Map



Figure 1 - Aerial of the subject site and surrounds (Source - Nearmap 2020)

2. Summary

- 2.1 The application is for the development of the land for the purposes of nine residential lots with an average lot size of 4639sqm, the provision of common property, the creation/alteration of access from a Road Zone and the removal of native vegetation.
- 2.2 The proposal is supported by internal departments and external referral authorities, namely the Department of Environment, Land, Water and Planning.
- 2.3 This application is before Council as more three objections were received during the public notification period.
- 2.4 The officer recommendation is for approval as the site responsive subdivision layout minimises the removal of vegetation and provides for suitably located large residential lots.

PLANNING PERMIT APPLICATION PLP187/18 FOR MULTI-LOT SUBDIVISION REMOVAL OF NATIVE VEGETATION AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 20 UPPER GOULBURN ROAD, TALLAROOK (CONT.)

RECOMMENDATION

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Notice of Decision to Grant a Planning Permit in respect of Application No. PLP187/18 for Subdivision of the land, Removal of native Vegetation and Creation and Alteration of access to a Road Zone, Category 1 at 20 Upper Goulburn Road, Tallarook subject to the conditions outlined in Attachment 1

3. Site and Surrounds

Subject Site Description

- 3.1 The site is an irregular shape, with a total area of approximately 4 hectares, located approximately 220m north-east of the Tallarook Railway Station. The property boundaries are as follows:
- A 280m frontage to Upper Goulburn Road, with vegetation located within the road reserve and portions of the Great Victorian Rail Trail.
 - The 140m eastern boundary adjoins a property subject to a dwelling, outbuildings and rural/farming pursuits
 - The 305m southern boundary adjoins a single parcel of land that is accessed via Lodge Street, Tallarook.
 - The 115m western boundary of the site and abuts the Tallarook Outdoor Swimming Pool and an unnamed creek.
- 3.2 A dwelling and associated outbuilding are located near to the southern/rear boundary, with a number of large native trees located throughout the site. The dwelling is accessed via a single crossover and driveway from Upper Goulburn Road.
- 3.3 A gentle slope covers the land, with the existing dwelling located on a minor ridge line, with land falling to Upper Goulburn Road to the north-west and to the creek to the south and south-east which incorporates a gully area.

Planning Background

- 3.4 No previous/relevant planning related outcomes have been determined for the site.

Title/Restrictions/Agreements

- 3.5 The copy of title and plan of subdivision submitted with the application indicates that an easement in favour of Goulburn Valley water, which runs diagonally in the northern portion of the site.

PLANNING PERMIT APPLICATION PLP187/18 FOR MULTI-LOT SUBDIVISION REMOVAL OF NATIVE VEGETATION AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 20 UPPER GOULBURN ROAD, TALLAROOK (CONT.)

Surrounding Area

- 3.6 The immediate surrounding area can be generally considered as a rural-residential living area, subject to a varied lot size, as well as subject to smaller and larger agricultural pursuits.
- 3.7 To the immediate north is Upper Goulburn Road and the Great Victorian Rail Trail located 250m north of the site. Further north are similar lots with dwellings, outbuilding, native vegetation and agriculture activities.
- 3.8 To the immediate east is a large parcel of land subject to a dwelling, various outbuildings, grazing land and horse pursuits. Land parcels dramatically increase in area further east away from the Tallarook township.
- 3.9 To the immediate south are properties accessed via Lodge Street, whilst Dabyminga Creek is located approximately 300m south of the site.
- 3.10 To the west is the Tallarook Outdoor Swimming Pool and a creek. Residential lots ranging from 700sqm to 1500sqm are located west to the swimming pool. Tallarook Station is located 250m to the west.



Figure 2 - Site and wider surrounds – (Nearmap aerial imagery, 2020)

PLANNING PERMIT APPLICATION PLP187/18 FOR MULTI-LOT SUBDIVISION REMOVAL OF NATIVE VEGETATION AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 20 UPPER GOULBURN ROAD, TALLAROOK (CONT.)



Figure 3 - Western interface of the site (indicated in blue) – (Nearmap aerial imagery, 2020)

4. Proposal

- 4.1 The application is seeking for approval of a single staged, 8 lot residential subdivision as well as for the removal of native vegetation and creation of a new accessway to a Road Zone, Category 1. Specifically, this entails:
- 8 residential lots, ranging from 4008sqm to 6313sqm to form an owners corporation with all lots accessed via 2954sqm of common property which will have a single access point to Upper Goulburn Road
 - Average lot size of 4639sqm
 - Building Envelopes and Waste Envelopes nominated for each lot, strategically placed to minimize vegetation removal and provide a suitable 60m buffer from the local creek
 - Removal of nominated native vegetation, being a total of 19 trees, partial loss of vegetation within five identified patches and a total assumed loss of 0.732ha of native vegetation.
 - Demolition of existing dwelling and outbuildings on site

PLANNING PERMIT APPLICATION PLP187/18 FOR MULTI-LOT SUBDIVISION REMOVAL OF NATIVE VEGETATION AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 20 UPPER GOULBURN ROAD, TALLAROOK (CONT.)

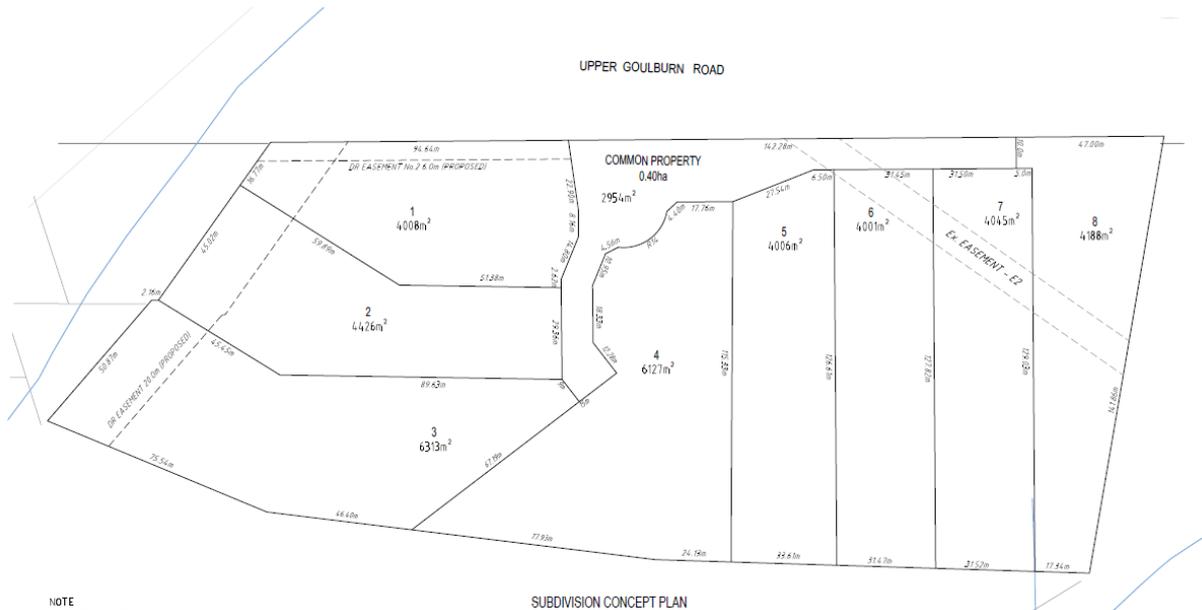


Figure 4 - Subdivision Concept plan of the proposal (Source - PGA, 2021)

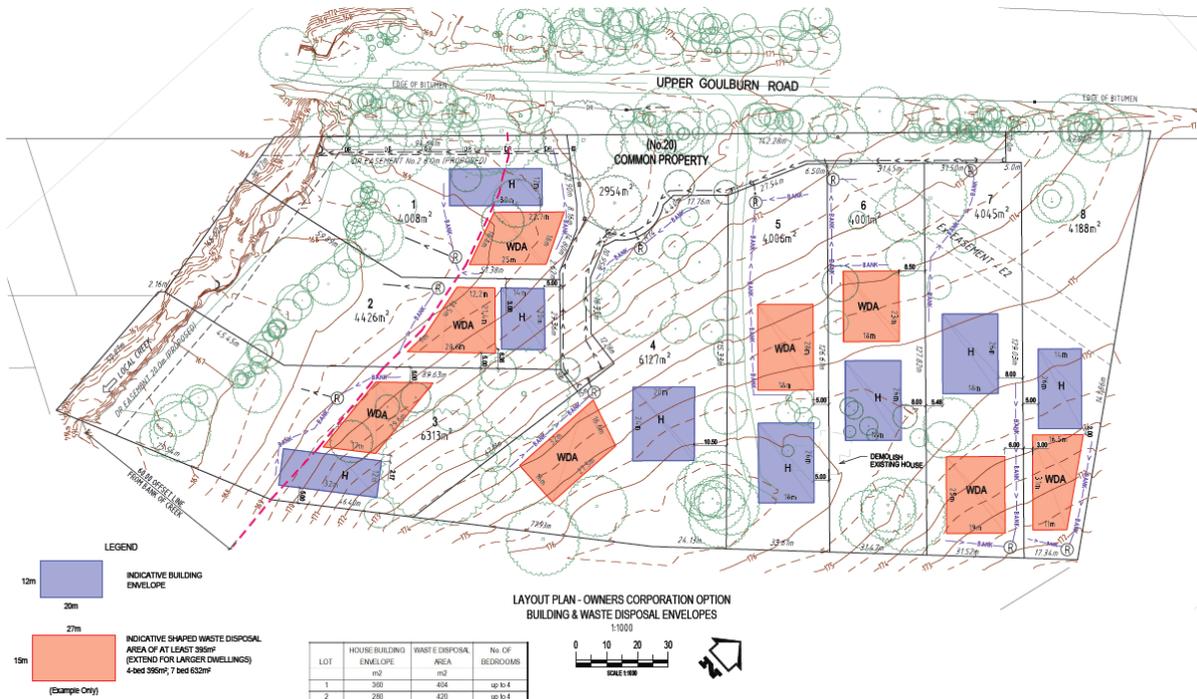


Figure 5 - Building & Waste Envelope Plan of the proposal (Source - PGA, 2021)

PLANNING PERMIT APPLICATION PLP187/18 FOR MULTI-LOT SUBDIVISION REMOVAL OF NATIVE VEGETATION AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 20 UPPER GOULBURN ROAD, TALLAROOK (CONT.)

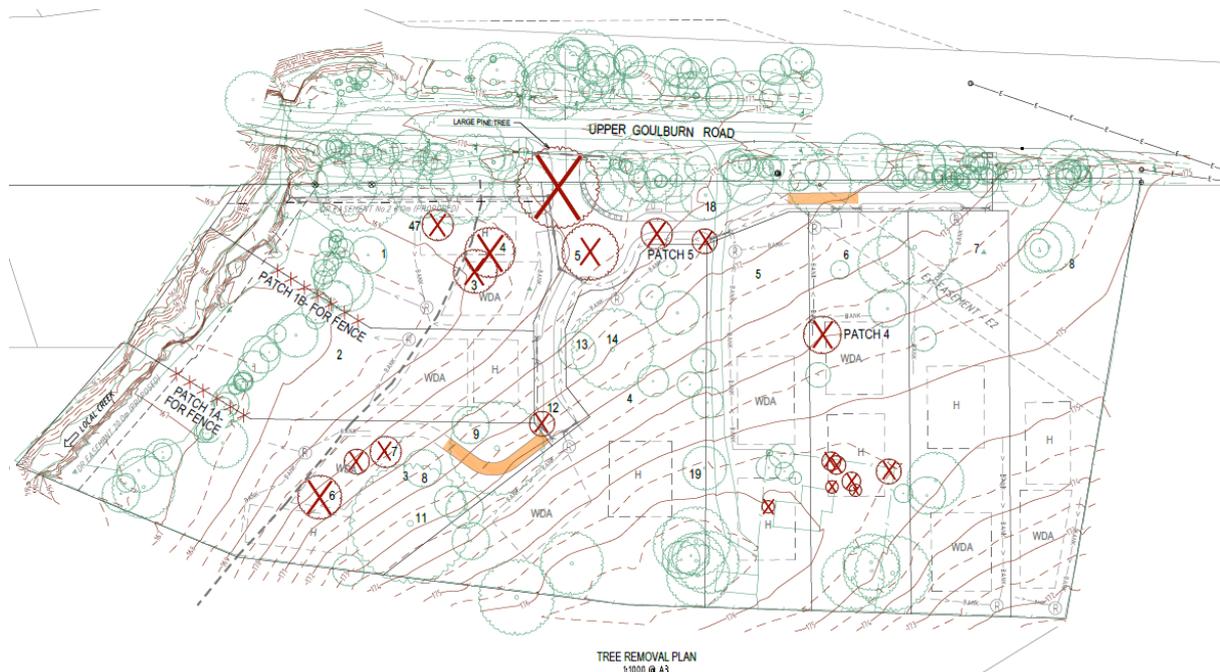


Figure 6 - Tree Removal Plan of the proposal (Source - PGA, 2021)

5. Planning Scheme Provisions

Zoning

Clause 32.05 – Township Zone

- 5.1 The site is subject to the Township Zone, Schedule 1 – Mitchell Townships (TZ). Pursuant to Clause 32.05-5. A **planning permit is required** to subdivide land.

Overlays

Clause 42.02 – Vegetation Protection Overlay

- 5.2 Portions of the site are subject to the Vegetation Protection Overlay, Schedule 1 – Roadside and Corridor Protection (VPO1). Pursuant to Clause 42.02-02, a permit is required to remove any vegetation specified in the Schedule to the overlay. No specific vegetation is specified in the overlay, and as such no permit is triggered.

- 5.3 As no planning permit is triggered, this Clause is no longer considered as part of this report.

Particular Provisions

Clause 52.17 – Native Vegetation

- 5.4 Pursuant to Clause 52.17-1, a **planning permit is required** to remove, destroy or lop native vegetation, including dead native vegetation.

PLANNING PERMIT APPLICATION PLP187/18 FOR MULTI-LOT SUBDIVISION REMOVAL OF NATIVE VEGETATION AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 20 UPPER GOULBURN ROAD, TALLAROOK (CONT.)

- 5.5 The proposal seeks to remove vegetation effected by the construction of the accessway and common property, as well as vegetation impacted by building envelopes and associated with assumed losses. In total, 19 trees are proposed to be removed.
- 5.6 An application to remove native vegetation must meet the requirements of the *Guidelines for the removal, destruction or lopping of native vegetation* (December 2017).

Clause 52.29 – Land Adjacent to a Road zone, Category 1 Or a Public Acquisition Overlay for a Category 1 Road

- 5.7 Pursuant to Clause 52.29-2, a permit is required to create or alter access to a Road Zone, category 1 or to subdivide land adjacent to a Road Zone, Category 1. Upper Goulburn Road is a Road Zone, Category 1

Clause 53.01 – Public Open Space Contribution and Subdivision

- 5.8 An application to subdivide land must make a contribution to Council for public open space, and the proposal is not exempt from this contribution.

Clause 56 – Residential Subdivision

- 5.9 An application to subdivide land in the Township Zone must meet the requirements of Clause 56 pursuant to Clause 32.08-3 of the Scheme.

Planning Policy Framework (PPF) and Municipal Strategic Policy Framework (MSPF)

- 5.10 There are a number of policies of the PPF and MSPF relevant to the consideration of this application. A full list of the applicable policies considered in the assessment of this application is included as an attachment to this report, with the most relevant being discussed later within this report.

6. Alignment with Council Plan

- 6.1 The proposal accurately aligns with the Mitchell Shire Council Plan 2017-2021, more specifically with the Responsible Planning strategic objective which is “*To demand best practice outcomes when planning for future growth*” and key strategies:
- 3.2 – Plan for a diversity of housing and households;
 - 3.2–Prioritise environmental sustainability outcomes in planning decisions.
 - 3.7 – Improve the liveability of Mitchell Shire; and
 - 3.8 – Support safe communities through best practice design and planning standards.

PLANNING PERMIT APPLICATION PLP187/18 FOR MULTI-LOT SUBDIVISION REMOVAL OF NATIVE VEGETATION AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 20 UPPER GOULBURN ROAD, TALLAROOK (CONT.)

7. Public Notification

- 7.1 Formal notification of the application was given by means of a sign being erected on-site, as well as letters to adjoining and nearby properties. Following changes to the plans the application was re-notified to same objectors of the application.
- 7.2 A total of 6 submissions were received during the first notification period, with a seventh submission being received during the second notification period. A response to the objection received is addressed in the section Objectors' Concerns later in this report.
- 7.3 The notification of this application has considered the Mitchell Advertising Planning Application Guidelines 2019.

8. Referrals

External

The application was referred to the following authorities under Section 52 and Section 55 of the <i>Planning and Environment Act 1987</i> pursuant to Clause 66 of the Scheme.	
Department of Environment, Land, Water and Planning	No objection subject to conditions
Department of Transport	No objections subject to conditions
Goulburn Broken Catchment Management Authority	No objections subject to conditions.

Internal

The application was referred to the following relevant internal departments whom have consented to the proposal either unconditionally or subject to standard conditions being placed on the permit.	
Engineering	No objections subject to standard conditions.
Environment	No objections subject to standard conditions.
Health	No objections subject to standard conditions.

9. Discussion

Removal of Native Vegetation

- 9.1 Bill Richdale Consulting have prepared a Vegetation Quality Assessment and Native Vegetation Removal Report for the proposal. The report concludes that:
- Five patches of native vegetation were identified as being effected by the proposed subdivision. Of these patches, all have "low" ecological

PLANNING PERMIT APPLICATION PLP187/18 FOR MULTI-LOT SUBDIVISION REMOVAL OF NATIVE VEGETATION AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 20 UPPER GOULBURN ROAD, TALLAROOK (CONT.)

value of 19 to 33 scores out of 100. Some patches are only partially effected.

- 15 Scattered trees are proposed for removal, with 19 trees in total (four located within the patches). Of the 15 scattered trees, seven are Eucalyptus Microcarpa's (Grey Box Eucalyptus) and six are Eucalyptus Camaldulensis' (River Red Gum). The impacted River Red Gums (Trees 3, 4, 5, 6, 18 & 47) are considered small (three) or medium (three), with no large River Reg Gums proposed for removal.
- A total of three (3) other large trees and 0.732ha of vegetation is considered impacted.

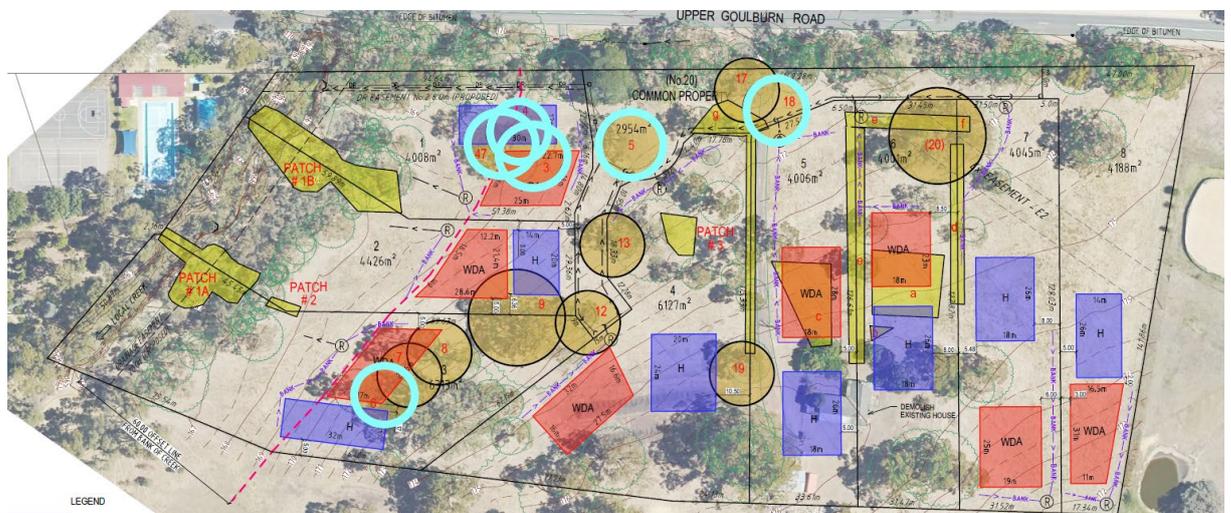


Figure 7 - Annotated excerpt from the layout plan showing the six River Red Gum trees to be removed (shown as light blue circles)

- 9.2 The bulk of the loss of native vegetation is directly caused and associated with the proposed Common Property, fencelines, dwellings and waste water treatment envelope – all of which have been determined unavoidable in this instance.
- 9.3 The five identified patches are characterised as a ‘grassy woodland’ biome, featuring a mixture of ground vegetation (native tussocks and exotic grasses), a variety of native shrubs (mainly Cassina shrub) and Eucalyptus seedlings.
- 9.4 Of the five patches, patches 1a, 1b and 2 are only considered lost due to the potential future provision of boundary fencing and the ‘assumed’ loss of vegetation 2 metres either side of the fences. There is a possible loss of 0.0335ha across these three patches however in reality this can be avoided and minimised. Notwithstanding this the application proposes to provide vegetation offsets for the entirety of the patch that is assumed lost.
- 9.5 Many iterations of plans have been submitted by the applicant, and Council Officers have worked closely with the applicant to seek to minimize the amount of vegetation proposed to be removed.

PLANNING PERMIT APPLICATION PLP187/18 FOR MULTI-LOT SUBDIVISION REMOVAL OF NATIVE VEGETATION AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 20 UPPER GOULBURN ROAD, TALLAROOK (CONT.)

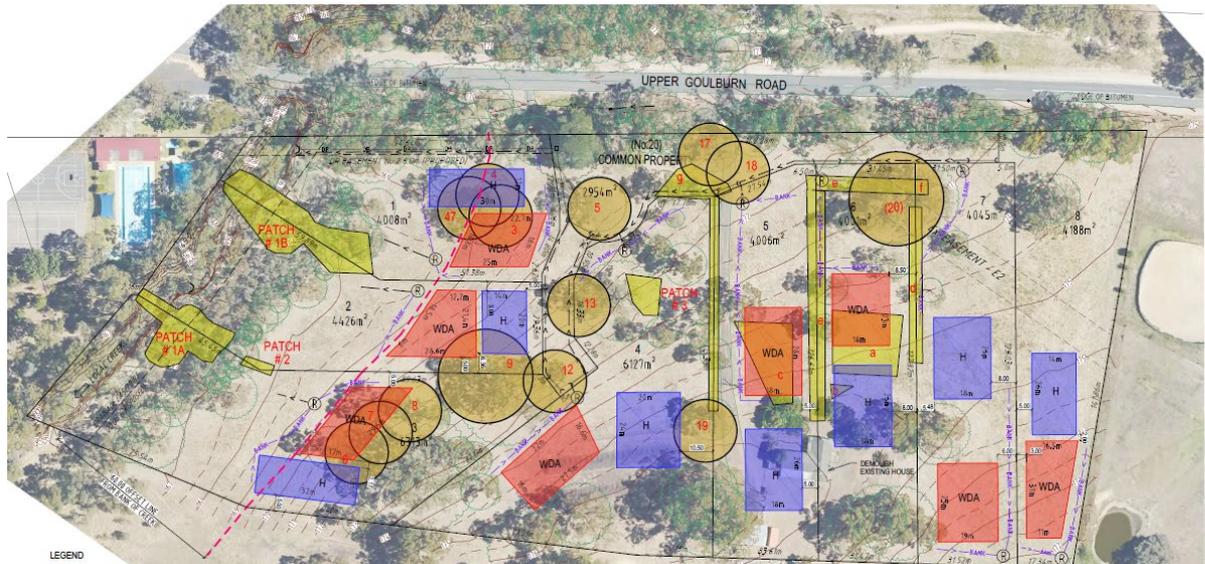


Figure 8 - Excerpt from the layout plan showing the location of scattered trees to be removed (yellow circles) and affected vegetation patches (yellow)

9.6 The proposal retains the majority of vegetation along the unnamed waterway (south-west portion of the site) and a number of large Eucalyptus Trees scattered throughout the site (as observed in Figure 9).

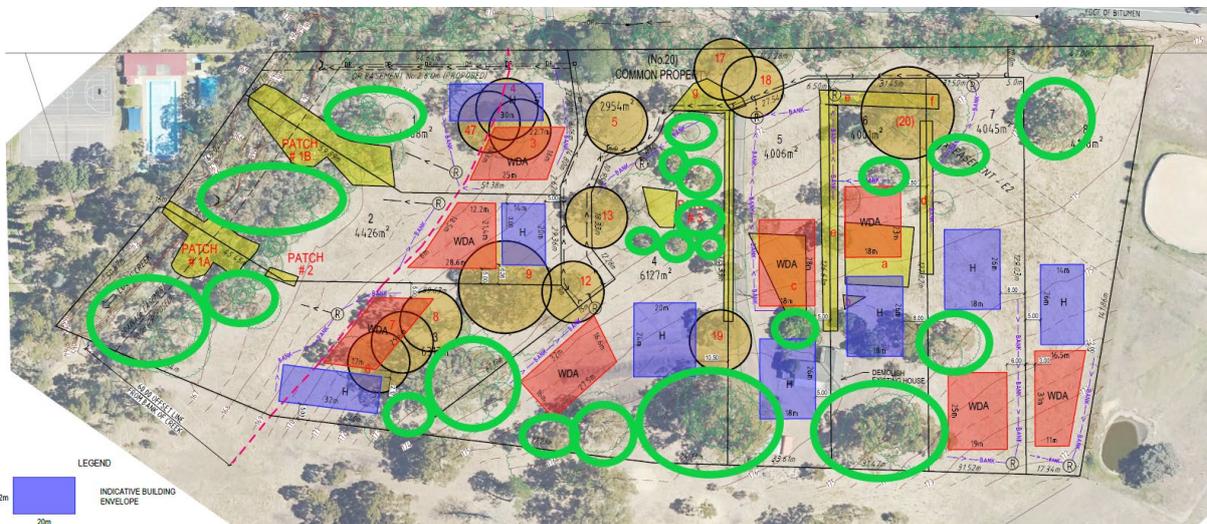


Figure 9 - Annotated layout plan showing building envelopes (blue), wastewater envelopes (red), Impacted vegetation (yellow) and vegetation to be retained (green circles)

9.7 It is noted that all trees on adjoining lots are proposed to be retained and will not be impacted by the subdivision.

9.8 Every effort has been taken to avoid the loss of native vegetation, which has been done by redesigning the subdivision so that all the proposed lots are larger than 0.4 hectares in size, meaning that native vegetation will not automatically be deemed lost (DELWP 2018). Any future proposal to remove native vegetation will require a planning permit on any of the lots.

PLANNING PERMIT APPLICATION PLP187/18 FOR MULTI-LOT SUBDIVISION REMOVAL OF NATIVE VEGETATION AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 20 UPPER GOULBURN ROAD, TALLAROOK (CONT.)

- 9.9 In addition, the Common Property street will be constructed of loose gravel, with minimal excavation to minimise the impact on nearby tree protection zones.
- 9.10 Additionally, during the application assessment process both Council's Environment Department and DELWP have considered that the proposed vegetation removal is an acceptable outcome, and has been avoided where possible and offsets have been provided in accordance with the DELWP *Guidelines for the removal, destruction or lopping of native vegetation December 2017*.

Response to Township Residential Zone and Neighbourhood Character

- 9.11 Purposes of the Township Zone include:
- *To provide for residential development and a range of commercial, industrial and other uses in small towns.*
 - *To encourage development that respects the neighbourhood character of the area*
- 9.12 The proposed subdivision facilitates for lots capable of accommodating future development that will respond to the existing and preferred character of the area.
- 9.13 The proposal provides added dwelling diversity by way of providing affordable lots to market that meets the requirements of the Township Zone.
- 9.14 The proposed average lot size is generally slightly larger or thereabouts with respect to the existing housing stock in the core Tallarook township and provides a positives contribution to the subdivision pattern of the area
- 9.15 The lot sizes appropriately contrast/transition to the broad acre character east of the subject site. The smaller township lots to the south and east range from 2000-3000sqm, and the larger rural lifestyle lots to the north and east are much greater in land size.
- 9.16 Furthermore, the provision of lots with an average area of 4639sqm responds to the generalised character of the Tallarook township.

PLANNING PERMIT APPLICATION PLP187/18 FOR MULTI-LOT SUBDIVISION REMOVAL OF NATIVE VEGETATION AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 20 UPPER GOULBURN ROAD, TALLAROOK (CONT.)



Figure 10 - Annotated Aerial noting the variation in average lot sizes across the broader Tallarook region with respect to the subject site.

- 9.17 The Township Zone or schedule does not specify a minimum lot size or density target required to be met. As such, the proposal responds to the purposes of the Township Zone by way of providing an appropriate subdivision layout and provision of diversity in lot sizes in comparison with the existing housing stock and the environmental constraints of the subject site.
- 9.18 The decision guidelines for subdivision in the Township Zone are also met, as the proposal is highly compliant with standards and objectives of Clause 56.

Response to Local Policy

- 9.19 Local Policy of the Mitchell Planning Scheme supports a subdivision of this nature. *Clause 21.01 Mitchell Shire* highlights the envisaged population and shift in demographics expected at both a township, shire and state level. Furthermore, the *Mitchell 2020 – Community Plan* highlights that diverse housing/lot opportunities are key to providing opportunities to both existing and future residents.
- 9.20 *Clause 21.02 Settlement* directs for objectives and strategies to (including but not limited to 'Plan for the orderly development of existing settlements'.
- 9.21 Ensure that new residential development proposals are based on 'full physical servicing' and that 'either relate directly to an existing town or

PLANNING PERMIT APPLICATION PLP187/18 FOR MULTI-LOT SUBDIVISION REMOVAL OF NATIVE VEGETATION AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 20 UPPER GOULBURN ROAD, TALLAROOK (CONT.)

community or that reinforce the physical links between towns and communities.'

- 9.22 *Clause 21.07 Housing* highlights that residential development in Mitchell has historically been “*dominated by at conventional, low and rural living densities.*” This Clause highlights that there will be a “*need to diversify housing choice and type*” in areas that allow for this via suitable zoning and other measures. Providing a variety and choice in future housing style and density is itemized as Objective 1 in relation to *Clause 21.07-1 Residential Development*.
- 9.23 *Clause 21.10 Infrastructure* ascertains that adequate physical infrastructure is required to provide for the orderly and planned development and growth of Mitchell Shire.
- 9.24 *Clause 21.11 Local Areas*, and specifically *Clause 21.11-7 Tallarook*, highlights the requirement for a balance of appropriate infill/residential development that “*protects the strong environmental and landscape setting of the town*”.

Response to Clause 65.02 Decision guidelines – Approval of an application to subdivide land:

- 9.25 Before deciding on an application to subdivide land, the responsible authority *must also consider, as appropriate and relevant to this application:*
- The suitability of the land for subdivision.
- 9.26 The land is located in the Township Zone, the purpose of which includes to provide for residential development and a range of commercial, industrial and other uses in small towns and to encourage residential development that respects the neighbourhood character. There is no minimum lot size in the Township Zone. It is considered that the land is suitable for subdivision in accordance with the zoning of the land.
- The existing use and possible future development of the land and nearby land.
- 9.27 It is probable that, should a permit be issued, the land would be developed by the construction of a dwelling on each lot. In consideration of the distinct town character and characteristics of the site, it is proposed to include restrictions to the building envelope to protect existing native vegetation.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- 9.28 There do not appear to be many vacant residential lots available in the Tallarook township area. The provision of appropriately sized, additional lots on the peripheral of the township is seen as a logical and appropriate extension to the existing township that is sensitive to the landscape.

PLANNING PERMIT APPLICATION PLP187/18 FOR MULTI-LOT SUBDIVISION REMOVAL OF NATIVE VEGETATION AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 20 UPPER GOULBURN ROAD, TALLAROOK (CONT.)

- The effect of development on the use or development of other land which has a common means of drainage.
- 9.29 Council's engineers have provided conditions to be placed on any permit issued to ensure satisfactory drainage, both of future lots and in relation to surrounding land.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- 9.30 The land is gently undulating and contains a range of minor and significant vegetation. Removal of vegetation has been minimized and permit conditions will ensure the ongoing preservation and health of trees contained within future lots.
- The density of the proposed development.
- 9.31 The density of subdivision varies, with the smallest lot being 4001sqm and the largest lot 6313sqm. There is no minimum size for lots in the Township zone and, when considered in relation to lots surrounding the site and in the general area, the density of the subdivision is considered appropriate to the township character and pattern.
- The area and dimensions of each lot in the subdivision.
- 9.32 The area of the lots varies between 4001sqm and 6313sqm with most of the lots having with functional dimensions resulting in roughly rectangular shaped lots with good frontage to the internal road/common property.
- The layout of roads having regard to their function and relationship to existing roads. The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- 9.33 This is a small subdivision with all lots having access to the single internal road. There will be easy and safe access to all lots for vehicles and pedestrians.
- The provision and location of reserves for public open space and other community facilities.
- 9.34 This is a small subdivision with no capacity or requirement for community facilities. A public open space contribution would be required as part of any permit issued.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- 9.35 The siting of building envelopes should not create a fire hazard for future dwellings.
- The provision of off-street parking.

PLANNING PERMIT APPLICATION PLP187/18 FOR MULTI-LOT SUBDIVISION REMOVAL OF NATIVE VEGETATION AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 20 UPPER GOULBURN ROAD, TALLAROOK (CONT.)

9.36 There is sufficient space on the lots for off street parking.

- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.

9.37 The lots would be connected to water and electricity services.

- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sillage within the boundaries of each lot.

9.38 Council's Environmental Health department have reviewed have indicated that each lot has the capacity to treat and retain all sewage and sillage within the boundaries of each lot subject to relevant conditions being placed on any permit issued.

- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

9.39 Native vegetation has been avoided and minimized where possible.

10. Consideration of Submissions

10.1 The proposal received a total of six objections during the public notification period. These submissions can be summarised by the following concerns raised:

- Proximity to the rail trail;
- Vegetation Removal;
- Protection of established trees; and
- Wastewater Runoff.

The objections are addressed below:

Proximity to the Great Victorian Rail Trail

10.2 The proposed location of the existing crossover is a result of balancing the safety of rail trail users, the preservation of vegetation along Upper Tallarook Road and within the subject site. Council's Engineering Department and the Department of Transport have reviewed the proposal and detailed engineering plans and have issued consent to the proposal.

10.3 Additionally, from a practical sense the provision of a crossover within close proximity to the rail trail does not pose an unreasonable safety risk. Vehicles entering or exiting the subject site will have substantially reduced their speed and pose no greater impact than the current flow of traffic on the 60km/h declared road.

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Figure 11 - Excerpt from the layout plan showing the location of the proposed common property with regards to the rail trail (shown in green)

Vegetation Removal

- 10.4 Further to the discussion within this report, the removal of native vegetation has been minimized and completely avoided where possible, with the bulk of vegetation site to be retained. In consideration of the site's zoning (Township Zone), close proximity to Tallarook Township and large proposed lot sizes, the removal of vegetation has been considered acceptable.
- 10.5 The proposal accords with the DELWP *Guidelines for the removal, destruction or lopping of native vegetation December 2017*. Consent has been issued by DELWP for the removal of native vegetation as it has been demonstrated that vegetation removal has been minimised and avoided where possible and offsets provided where this is inevitable.

Protection of established trees

- 10.6 A condition of permit will require a restriction to be implemented on title which limits the location of any dwelling an outbuilding within the prescribed building envelope. Additionally, as all lots are over 4000sqm, no native vegetation exemptions apply meaning the removal of native vegetation would require approval from Council.

Wastewater Runoff.

- 10.7 The proposal has been reviewed in detail by Council's Environmental Health Department and the Goulburn Broken Catchment Management Authority, who have consented to the proposal. The effluent fields for each lot have been considered sufficient and will not unreasonably impact the surrounding area. Conditions have been placed on the permit at the direction of the Catchment Management Authority to ensure that no buildings and works are to occur within 30 metres of the top of the bank of the waterway and

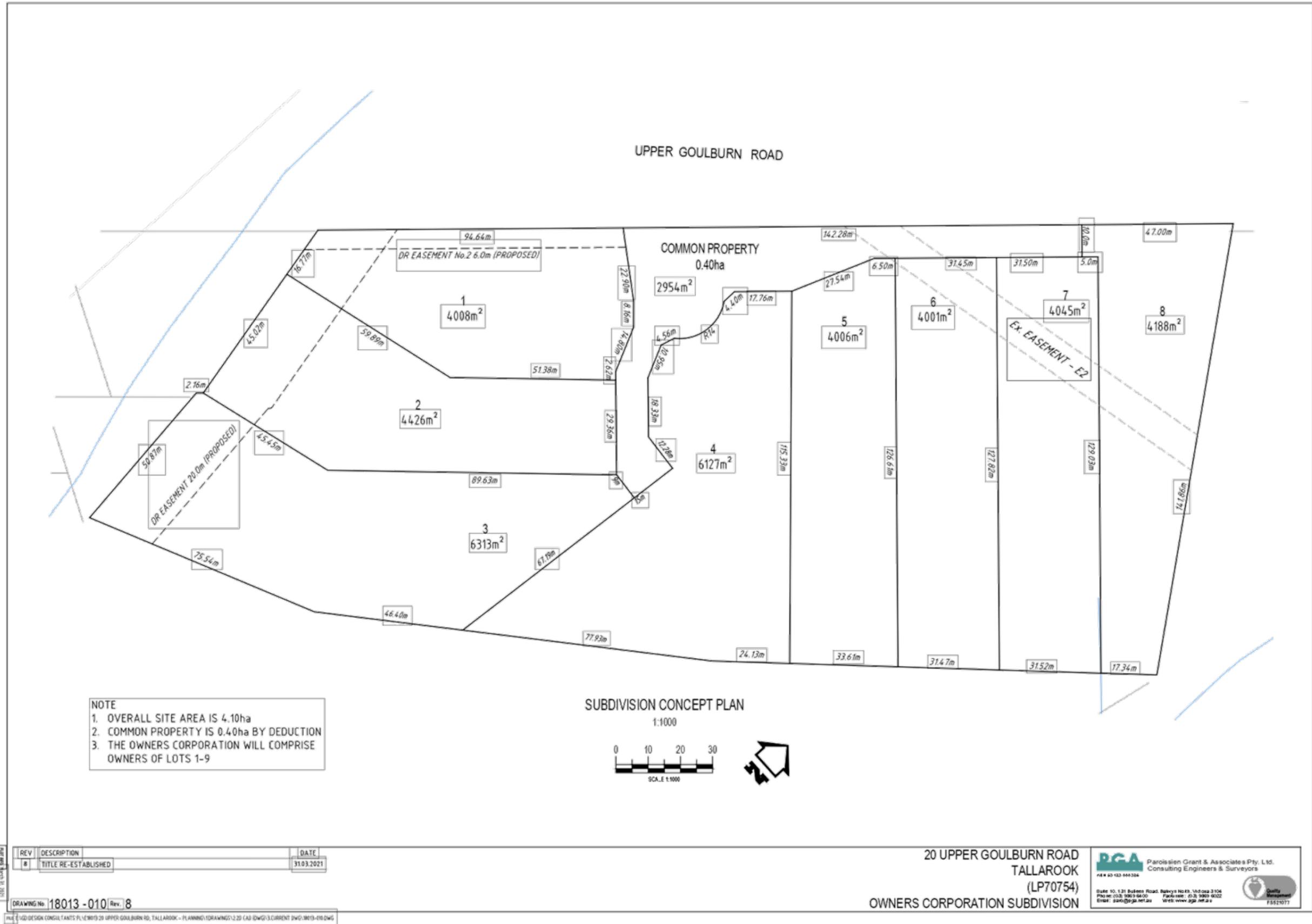
PLANNING PERMIT APPLICATION PLP187/18 FOR MULTI-LOT SUBDIVISION REMOVAL OF NATIVE VEGETATION AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AT 20 UPPER GOULBURN ROAD, TALLAROOK (CONT.)

effluent fields are setback a minimum of 60 metres from the waterway to manage this concern.

11. Conclusion

11.1 This report establishes the planning basis to support the proposal at 20 Upper Goulburn Road, Tallarook. In particular, this proposed development should be supported for the following reasons:

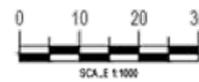
- The proposal responds to the purposes and guidelines of the Township Zone and the relevant subdivision decision guidelines;
- The proposed provision of lots over 4000sqm provide an appropriate response to the site's location and natural features'
- The removal of vegetation is considered appropriate and has been minimised, with the majority of native trees to be retained, whilst removal of vegetation will be in accordance with DELWP *Guidelines for the removal, destruction or lopping of native vegetation December 2017*; and
- The subdivision will not result in any unreasonable detrimental impacts to surrounding properties.





SUBDIVISION CONCEPT PLAN
(WITH AERIAL)

1:1000



REV	DESCRIPTION	DATE
5	TITLE RE-ESTABLISHED	31.03.2021

DRAWING No. 18013 - 011 Rev. 5

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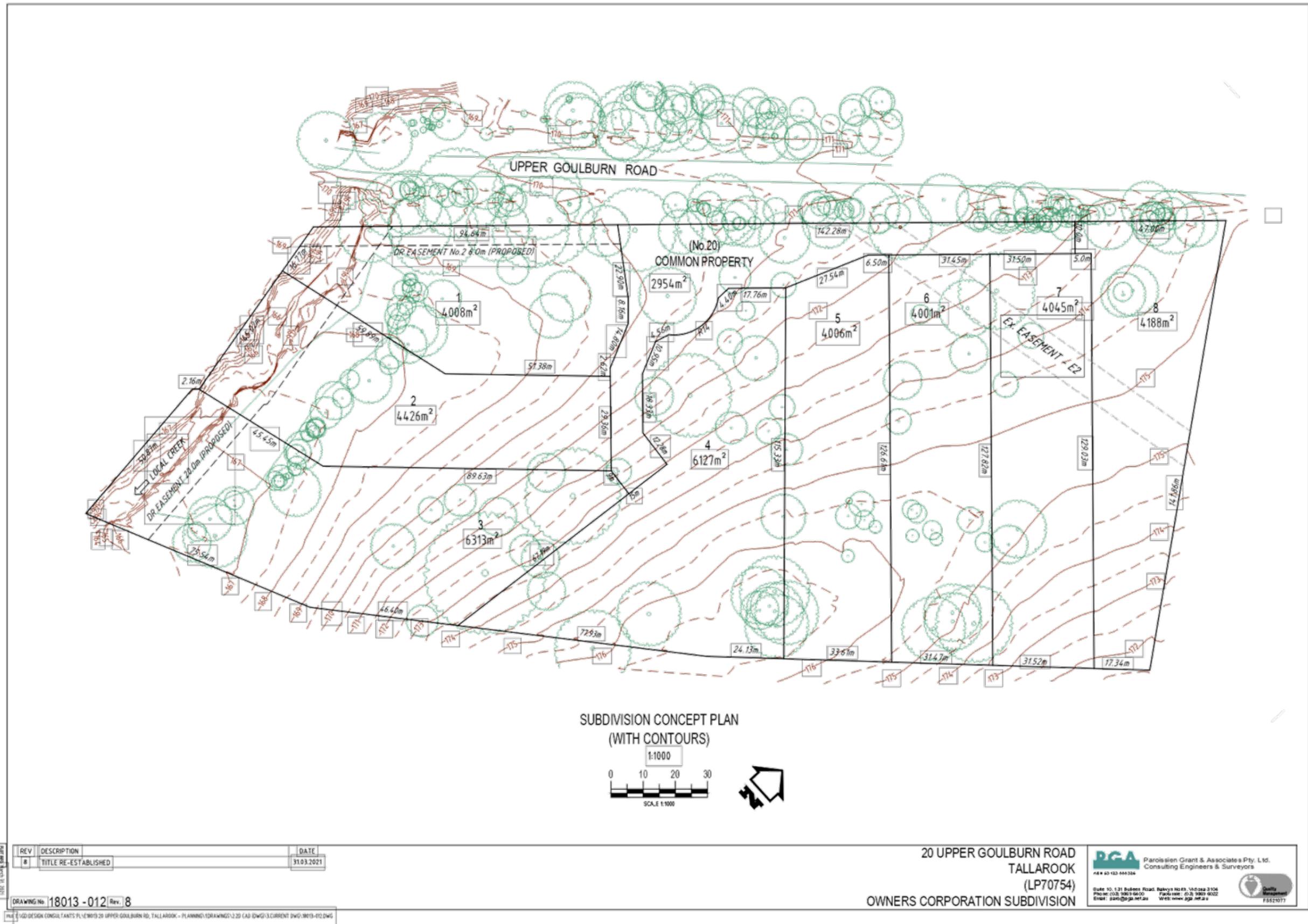
20 UPPER GOULBURN ROAD
TALLAROOK
(LP70754)

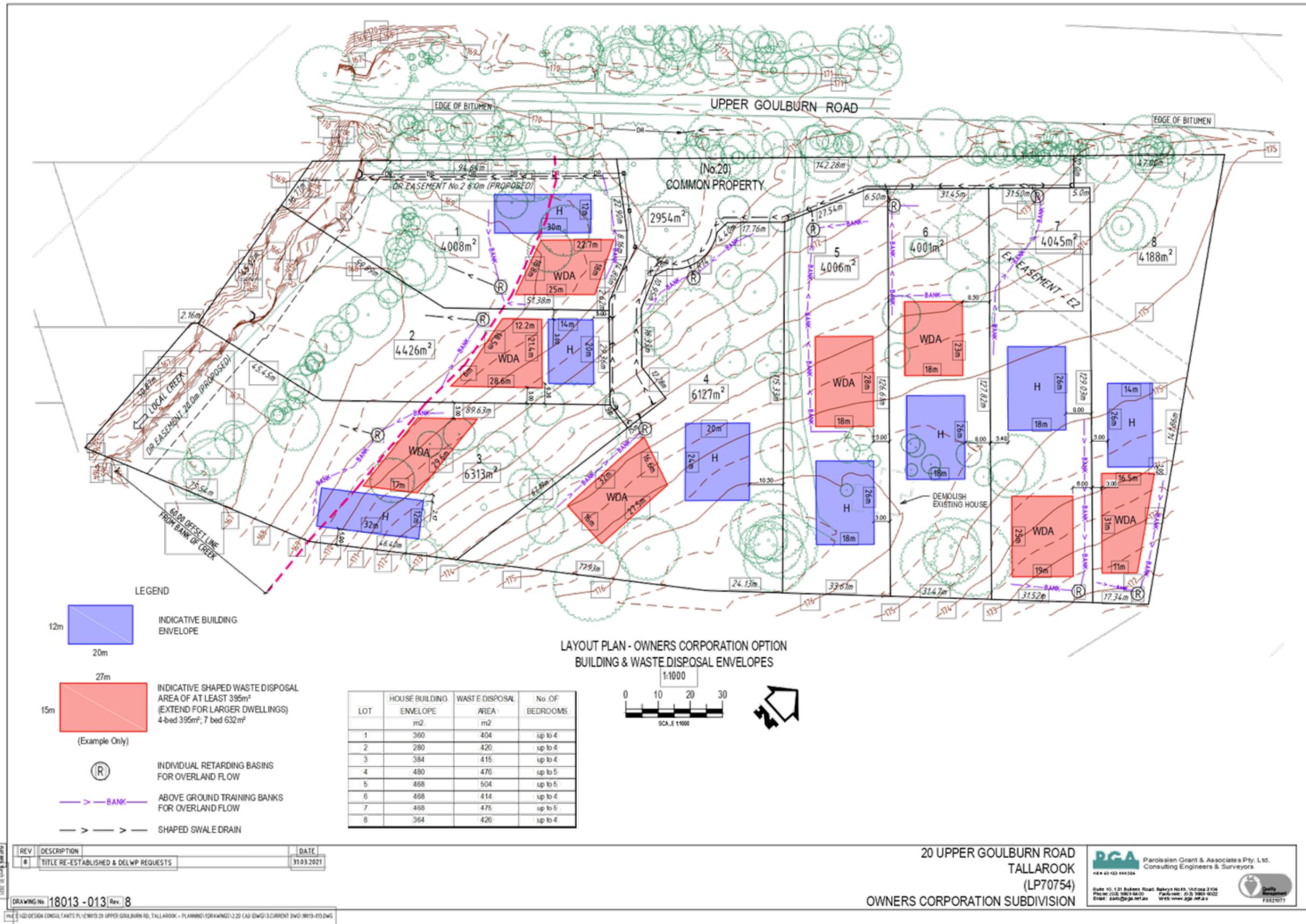
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REV	DESCRIPTION	DATE
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DRAWING No. 18013 - 013 Rev. 8

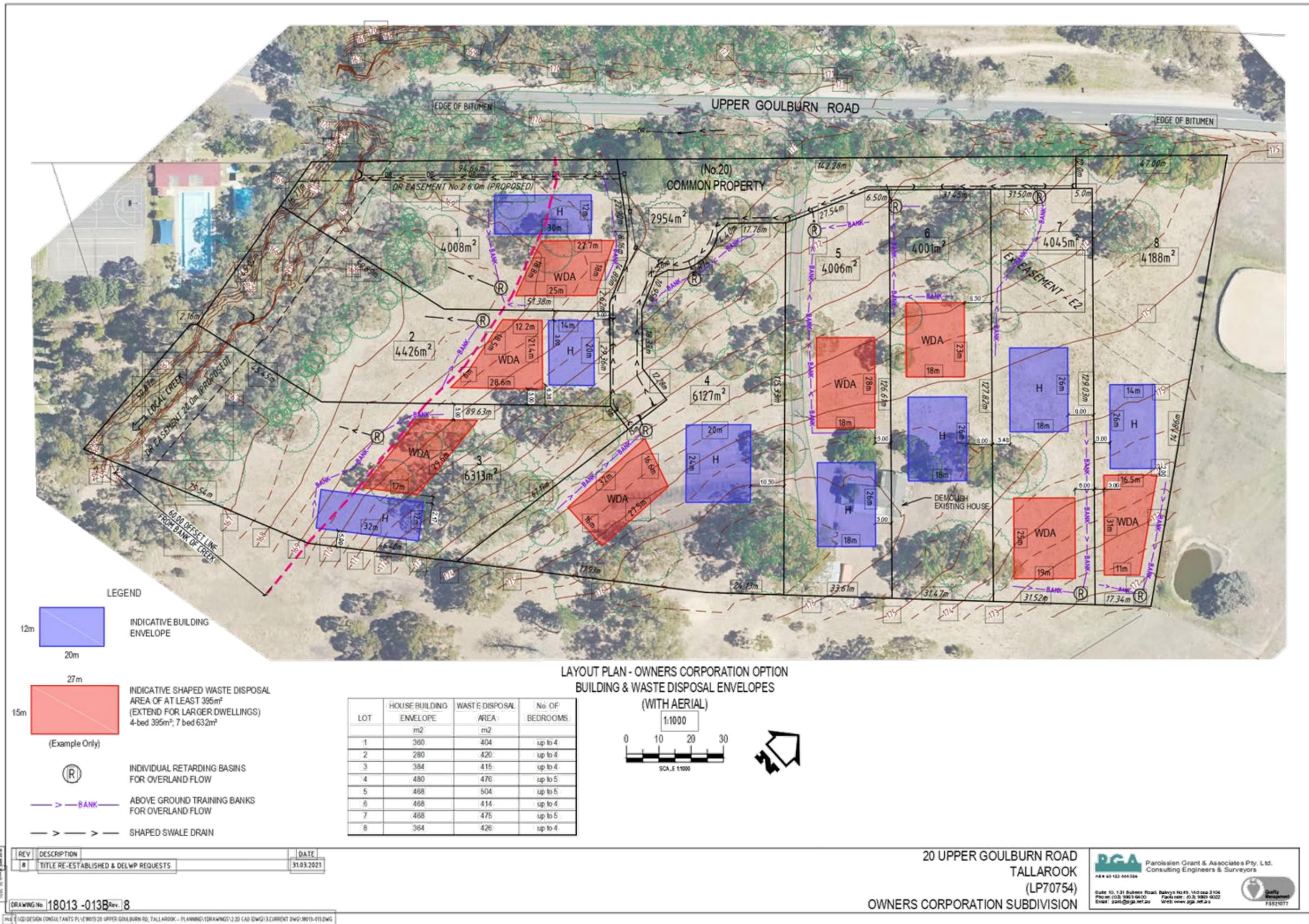
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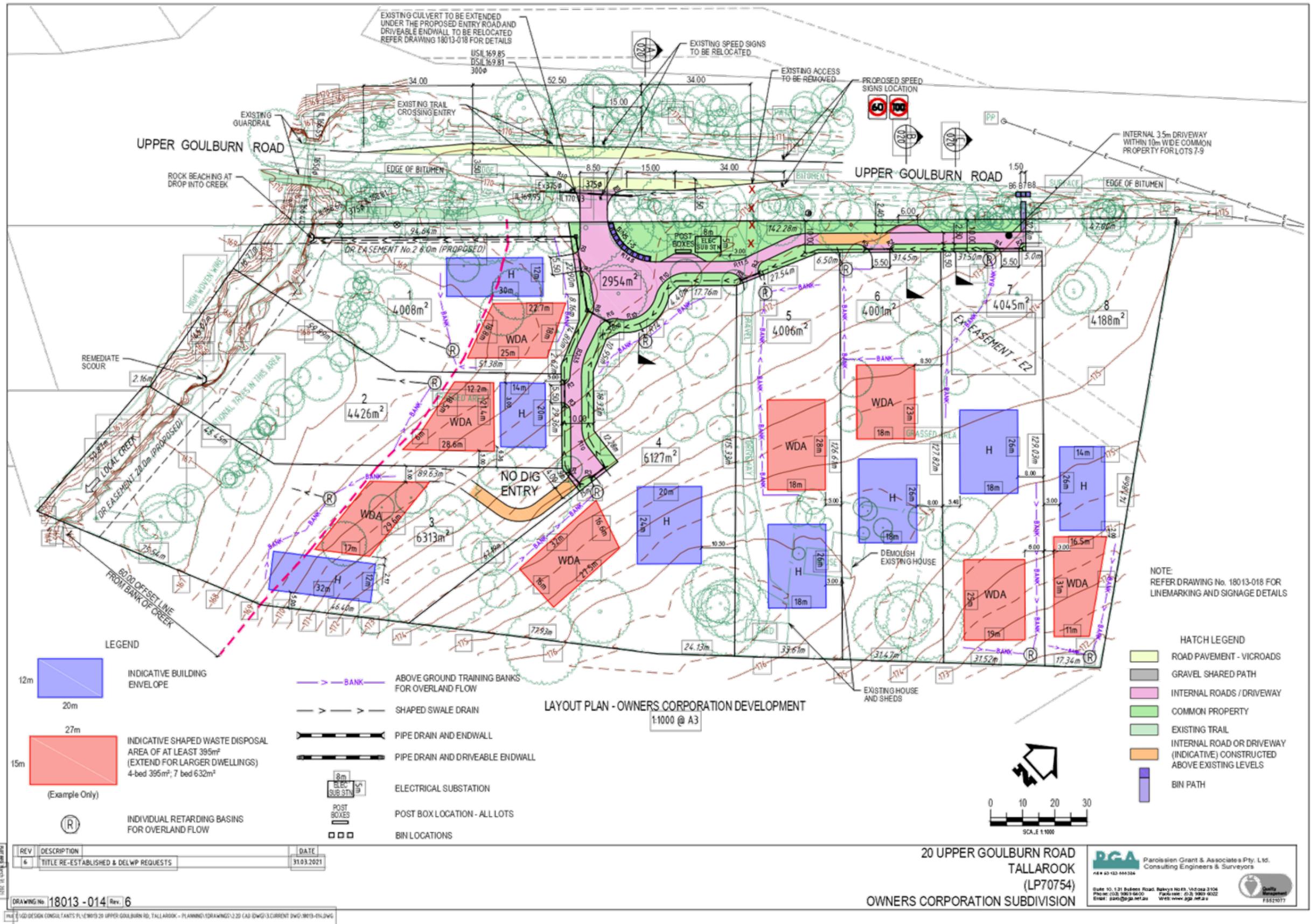
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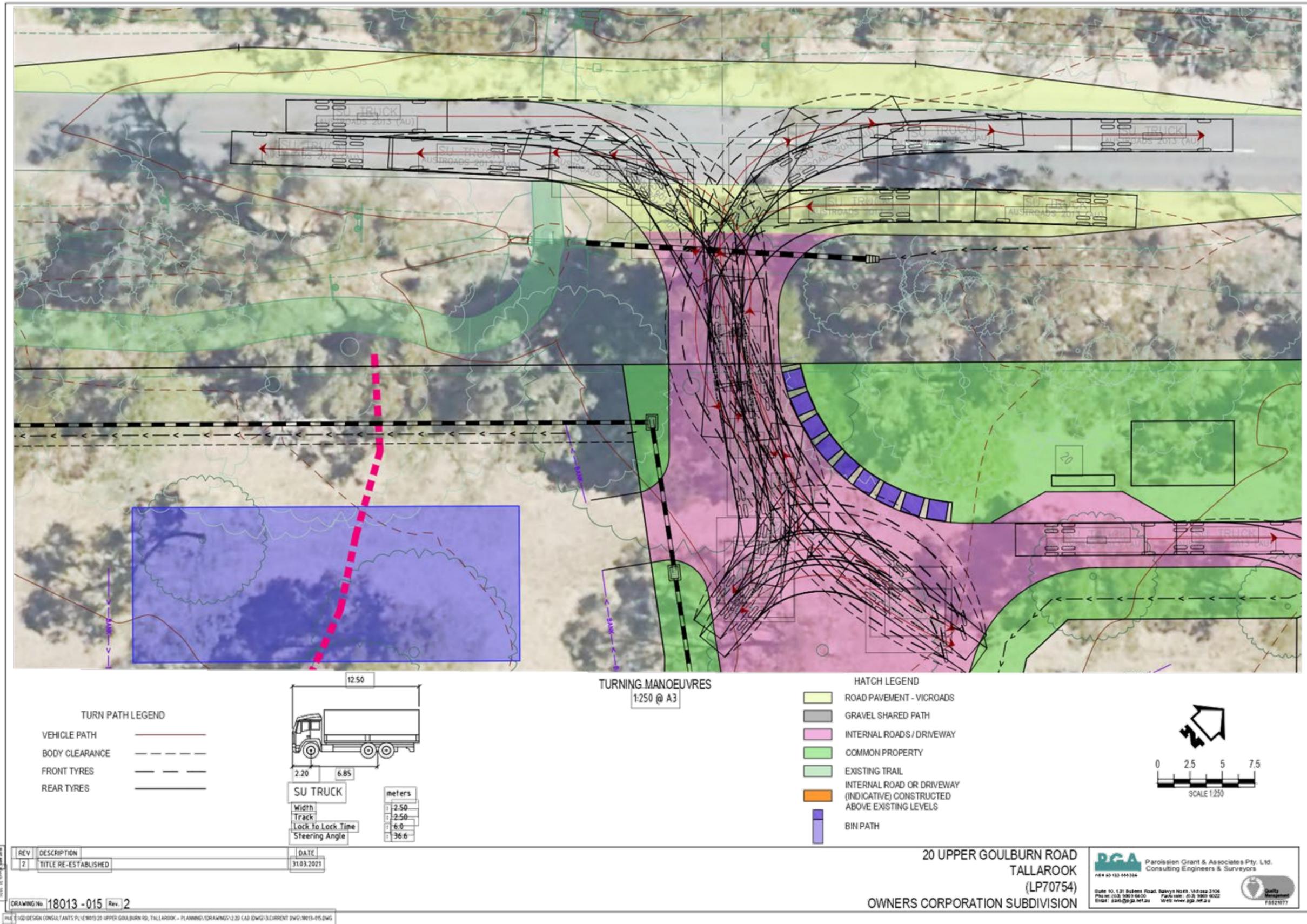
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DRAWING No: 18013 - 015 Rev: 2

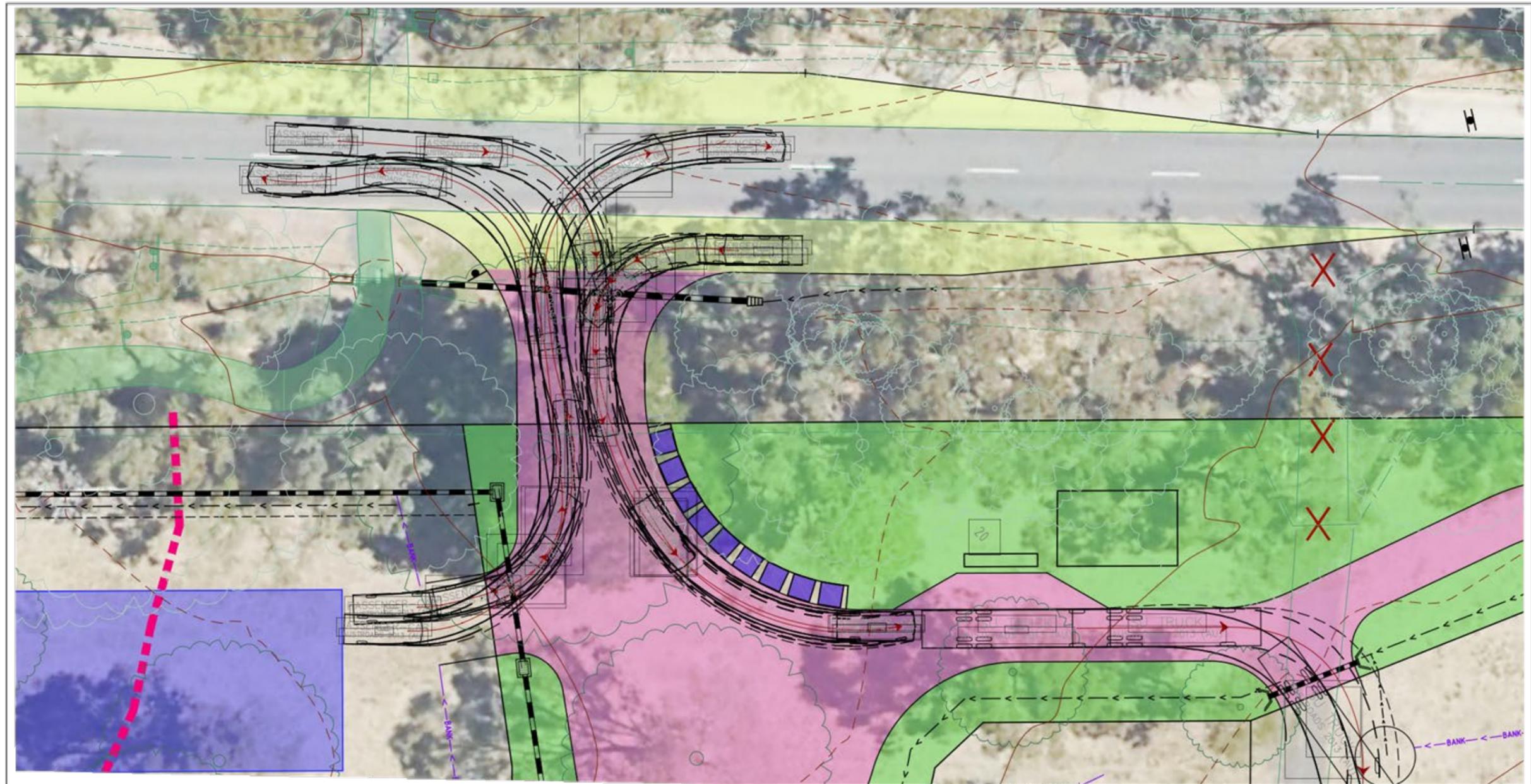
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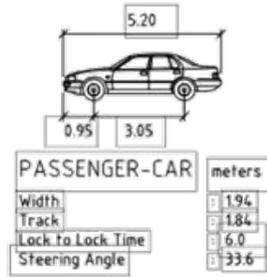
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TURN PATH LEGEND

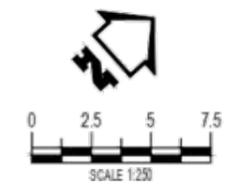
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BODY CLEARANCE	- - - -
FRONT TYRES	- - - -
REAR TYRES	—



TURNING MANOEUVRES
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HATCH LEGEND

	ROAD PAVEMENT - VICROADS
	GRAVEL SHARED PATH
	INTERNAL ROADS / DRIVEWAY
	COMMON PROPERTY
	EXISTING TRAIL
	INTERNAL ROAD OR DRIVEWAY (INDICATIVE) CONSTRUCTED ABOVE EXISTING LEVELS
	BIN PATH



REV	DESCRIPTION	DATE
2	TITLE RE-ESTABLISHED & DELWP REQUESTS	31.03.2021

DRAWING No. 18013 - 016 Rev. 2

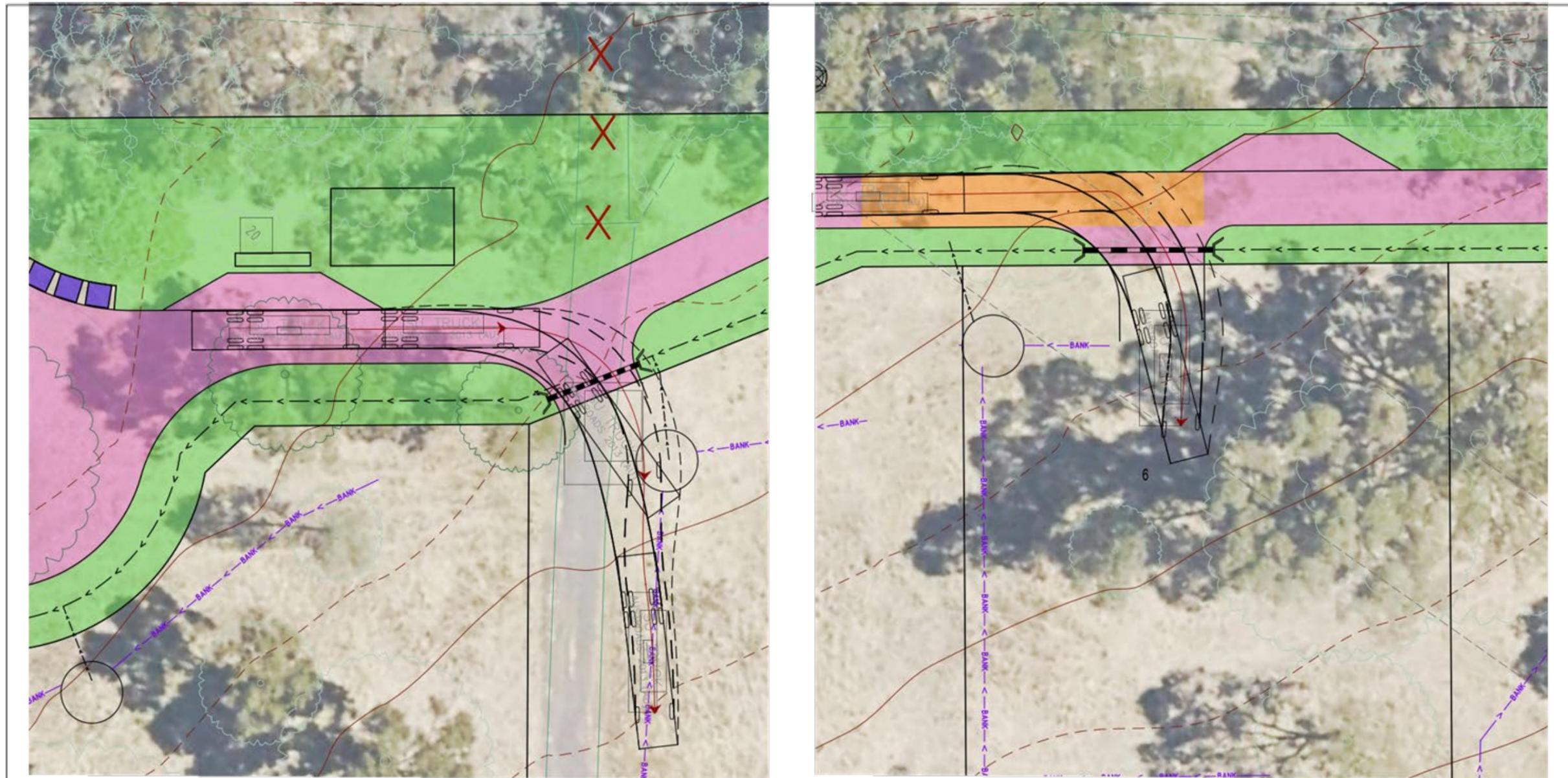
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TURNING MANOEUVRES
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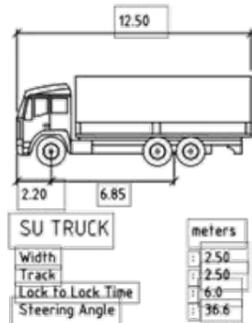
TURN PATH LEGEND

VEHICLE PATH ———

BODY CLEARANCE - - - - -

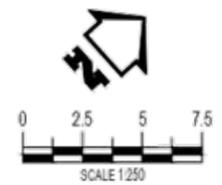
FRONT TYRES ———

REAR TYRES ———



HATCH LEGEND

- ROAD PAVEMENT - VICROADS
- GRAVEL SHARED PATH
- INTERNAL ROADS / DRIVEWAY
- COMMON PROPERTY
- EXISTING TRAIL
- INTERNAL ROAD OR DRIVEWAY (INDICATIVE) CONSTRUCTED ABOVE EXISTING LEVELS
- BIN PATH



REV	DESCRIPTION	DATE
2	TITLE RE-ESTABLISHED & DELWP REQUESTS	31.03.2021

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20 UPPER GOULBURN ROAD
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**Appendix 1 – Proposed Planning Permit Conditions – PLP187/18 – 20
Upper Goulburn Road, Tallarook**

1. The layout of the subdivision as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.

Section 173 Agreement

2. Before the plan of subdivision is certified for the first stage of the subdivision under the *Subdivision Act 1988*, a restriction must be placed on the Plan of Subdivision which provides for the following to the satisfaction of the Responsible Authority:
 - a) Any dwelling and associated outbuilding on a lot must be constructed within the building envelope applying to that lot, as shown on the endorsed plans, unless otherwise agreed to in writing by the Responsible Authority.

General Engineering Conditions

3. Unless otherwise agreed in writing by the Responsible Authority, prior to the statement of compliance a street sign nominating the common property as a '*private road*' or incorporate another traffic demarcation measure to the satisfaction of the Responsible Authority.
4. Unless otherwise agreed in writing by the Responsible Authority, prior to the submission of the detailed plans, a Drainage Strategy to the satisfaction of the Responsible Authority must be prepared. The Strategy should include:
 - a) General sizing and specification of any retention and treatment facilities;
 - b) Location of any proposed retention and treatment facilities;
 - c) Typical details of proposed systems to be utilised;
 - d) Evidence to support water quality improvements;
 - e) Evidence to support appropriate retention;
 - f) Major storm overland flow paths and requirements of public safety;
 - g) Outfall works and proposals;
 - h) Any required staging or interim facilities;
 - i) No stormwater is to discharge from the road reserve into private property
5. Unless otherwise agreed by the Responsible Authority, prior to the issue of a Statement of Compliance, under the Subdivision Act 1988 for the development, all works shown as part of the approved drainage strategy must be constructed or carried out in accordance with that strategy to the satisfaction of the Responsible Authority.
6. Unless otherwise agreed to in writing by the responsible Authority, before the plan of subdivision is certified for any stage of the subdivision under the *Subdivision Act 1988*, a functional layout plan for the stage of subdivision must be submitted to and approved by the Responsible Authority. The functional layout plan must be drawn to scale with dimensions. The functional layout plan must be generally in accordance with the application plans but incorporate the following:
 - a) a subdivision layout drawn to scale, including lot areas, lot numbers and widths of road reserves
 - b) topography and existing features, including contours for the subject land

- and any affected adjacent land
 - c) the location of all trees existing on the land, including dead trees and those that overhang the land from adjoining land
 - d) details of tree protection zones for all trees to be retained on the land
 - e) any trees proposed for removal from the land
 - f) typical cross-sections for each street type, dimensioning individual elements and services offsets and any other spatial requirements
 - g) a table of offsets for all utility services and street trees
 - h) location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls
 - i) the proposed minor drainage network and any land required for maintenance access
 - j) the major drainage system, including any watercourse, lake, wetland, silt pond, and/ or piped elements showing preliminary sizing
 - k) overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination
 - l) drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for construction and maintenance
 - m) preliminary location of reserves for electrical kiosks
 - n) works external to the subdivision, including both interim and ultimate access requirements
7. Before any road and/ or drainage works associated with the subdivision commence, detailed construction plans for the development and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions. The plans must include:
- a) All necessary computations and supporting documentation for any structure, traffic data, road safety audit and geotechnical investigation report.
 - b) All details of works consistent with any approved functional layout plan, relevant landscape plan and plan of subdivision for the development.
 - c) Design for full construction of streets and underground drainage, including measures to control / capture pollutants and silt.
 - d) Provision for all services and conduits (underground), including alignments and offsets, on a separate services layout plan.
 - e) All road reserve widths to be in accordance with relevant applicable Design Manual cross sections and standards.
 - f) All road pavement widths to be a minimum of 7.3m kerb to kerb and be in accordance with applicable Design Manual standards.
 - g) All intersection treatments to allow Council's waste collection vehicles to manoeuvre in a forward direction without the need for reversing. A S173 agreement is required for all proposed temporary cul de sacs within adjacent private property.
 - h) Where an intersection, bend or junction is part of a designated bus route, the design must allow for the movement of an ultra-low floor bus (ULFB 12.5m) and roundabouts at the intersection of two connector streets must be designed to accommodate an ULFB, 12.5 metres and all service and emergency vehicles.
 - i) Verge widths around all bends, intersections and within court bowls must not be less than 3m in width.
 - j) Solid white centreline pavement marking and raised reflective pavement

- markings (RRPM) on all bends on through roads.
- k) Vehicle crossings must be provided to each lot in accordance with applicable Design Manual standards.
 - l) Provision of concrete footpaths in all streets and reserves. All footpaths shall be a minimum 1.5 metres in width and be in accordance with applicable Design Manual standards.
 - m) Shared paths as required within streets and reserves. All shared paths must be a minimum 2.5m in width and be in accordance with applicable Design Manual standards.
 - n) All court heads to allow Council's waste collection vehicles (which are 9.6m in length) to access and egress from the courts in a forward direction.
 - o) Provision of a temporary turning area with sufficient size in locations where the road terminates at a stage or property boundary to allow waste collection vehicles to access and egress in a forward direction.
 - p) Provision of public lighting with underground electricity supply to all streets, laneways, footpaths, bus stops and to major pedestrian and bicycle links.
 - q) All street lighting must be designed in accordance with AS 1158. Non-standard street lighting will not be accepted, except where this provides continuity with existing lighting and is agreed by the Responsible Authority. A non-standard lighting fee will apply. Energy efficient lighting, (e.g. LED), should be utilised.
 - r) Access to all public buildings, pathways and road crossings shall comply with the Disability Act 2006 and be to the satisfaction of the Responsible Authority.
 - s) Provision of street name plates to the Mitchell Shire Council Standard, including a schedule of individual signs and associated street numbers.
 - t) Provision of underground drains of sufficient capacity to serve all lots being created which connect to a legal point of discharge including the provision of an inlet to each lot in accordance with applicable Design Manual standards.
 - u) The location and provision of vehicle exclusion mechanisms abutting reserves.
 - v) Details of the proposed treatment and provision for lot boundary fencing adjoining all reserves other than road reserves.
 - w) Permanent survey marks.
 - x) Survey details of the canopy trunk location and size of all trees to be removed or retained and associated tree protection zones.
 - y) Details in relation to all filling on the land that must be compacted to specifications approved by the Responsible Authority.
 - z) The underground relocation of all existing aerial services, on the services layout plan.
 - aa) The location of any earthworks (cut or fill) or service provision in a location outside the designated tree protection zone which does not adversely impact on the health and integrity of any trees to be retained.
 - bb) The drainage system of the proposed development must be designed to ensure that flows downstream of the land are restricted to pre-development levels unless increased flows are approved by the Responsible Authority.
 - cc) Underground drainage must be provided and any other drainage works necessary for the transmission of drainage as required to the approved outfall.
 - dd) All drainage works must be designed to meet the following current best

- practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (1999) unless otherwise agreed in writing by the Responsible Authority:
- i. 80% retention of the typical annual load of total suspended solids
 - ii. 45% retention of the typical annual load of total phosphorus; and
 - iii. 45% retention of the typical annual load of total nitrogen.
- ee) Each lot must be provided with one drainage discharge point.
- ff) Roads and allotments are to be designed such that the allotments are protected with a minimum freeboard against the 1 in 100 flooding, in accordance with applicable Design Manual standards.
8. Prior to the issue of a Statement of Compliance, unless otherwise agreed by the Responsible Authority under section 21(1)(b)(ii) of the Subdivision Act 1988, for the subdivision under the Subdivision Act 1988, all works shown on the approved construction plans must be constructed or carried out in accordance with the plans and to the satisfaction of the Responsible Authority.
9. The discharge of water from each of the proposed lots must be controlled around its limits to prevent any discharge onto any adjacent property or streets other than by means of an approved drainage system discharged to an approved outlet in a street or to an underground pipe drain to the satisfaction of the Responsible Authority.
10. Before any works associated with the subdivision start, a Construction Management Plan must be submitted to, and be to the satisfaction of the Responsible Authority. The Construction Management Plan must include details of:
- a) A Site Management and Safety Plan including, but not limited to, the following:
 - i. Locations of temporary on-site facilities such as equipment storage areas, litter control compounds, contractor rest and car parking areas and the likes;
 - ii. On-site safety procedures;
 - iii. Relevant service authority and emergency services contact details;
 - iv. Site access address for emergency vehicles;
 - v. Working hours and days;
 - vi. Site specific safety and risk analysis;
 - vii. Methods to ensure the recommendations of any approved Cultural Heritage Management Plan applying to the land are carried out.
 - b) A Site Environmental Management Plan including, but not limited to, the following:
 - i. Methods to contain dust, dirt and mud within the subject site, and the method and frequency of clean up procedures;
 - ii. Sediment control techniques to ensure that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the storm water drainage system;
 - iii. Stormwater management and water quality control procedures;
 - iv. Methods to prevent and manage illegal dumping on the land;
 - v. Tree Protection Zones around the trees to be retained as shown on the endorsed plans;
 - vi. Machinery wash down areas, clearly fenced and located in disturbed areas, which ensure that all machinery entering and exiting the land is weed and pathogen free;
 - vii. Methods to ensure that contractors working on the land are aware of the requirements of the Construction Management Plan and any other obligations of the planning permit.

- c) A Traffic Management Plan including, but not limited to, the following:
 - i. Proposed haulage routes to and from the subject land;
 - ii. Expected frequency of vehicle movements to and from the land;
 - iii. Site access arrangements for construction vehicles;
 - iv. Measures proposed to mitigate traffic impacts resulting from construction vehicles accessing the land.

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

11. All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Responsible Authority.
12. Before any road and drainage works associated with the subdivision start, evidence must be provided to demonstrate compliance with Australian Standard AS 3798 - 2007 (Guidelines on earthworks for commercial and residential developments), to the satisfaction of the Responsible Authority. All filling on the site affecting road and drainage infrastructure must be carried out to the satisfaction of, supervised by, and recorded in accordance with AS 3798 - 2007 (Guidelines on earthworks for commercial and residential developments) by, a qualified Geotechnical Engineer appointed by the Developer. All fill must be certified clean fill as defined by the Environment Protection Agency (EPA) and no fill accepted from the general public.
13. Prior to the issue of a Statement of Compliance for each stage of the subdivision under the Subdivision Act 1988, the following must be submitted to the satisfaction of the Responsible Authority unless otherwise agreed in writing by the Responsible Authority:
 - a) A complete set of "as constructed plans" of site works in digital file format in PDF, DXF and AutoCAD. The AutoCAD digital files must have a layer naming convention to enable identification of Council assets listed.
 - b) A Schedule of all sub-divisional civil work costs and asset quantities which include the following Council assets:
 - i. Total length of Roads, Footpath, Kerb and Channel,
 - ii. Total number of Bridges, WSUD features, Traffic calming devices,
 - iii. Total length of pipe and number of pits for Drainage,
 - iv. Total number of streetlights.
 - c) Asset information in digital format to include asset data in accordance with the "A-Spec" Standard, including D-Spec for drainage infrastructure, open space data in accordance with the "O-Spec" Standard, road and footpath data in accordance with "R-Spec" Standards and B-Spec for building data.
 - d) A report containing a maintenance regime for all Water Sensitive Urban Design features.
 - e) Any relevant infrastructure manuals, specifications or maintenance requirements for assets to be handed over.
 - f) A CCTV video recording and report of all completed stormwater drains greater than 150mm diameter.
 - g) Payment of the design checking (2.5%) and the overseer (0.75%) fees to the specified per cent of the total cost of all infrastructure to be handed over to Council.
 - h) A refundable maintenance bond of 5 per cent of the total cost of all infrastructure to be handed over to Council is to be held by Council for an agreed minimum period of twelve (12) months from road title issue, in

accordance with Section 17(4) of the Subdivision Act 1988.

Environmental Health Conditions

14. Prior to the commencement of construction of the dwelling or shed, plans of a suitable effluent disposal system and its location on the land must be approved in writing by the Responsible Authority.
15. All sewage and sullage waste water from the proposed development must be discharged into a new EPA approved on-site wastewater treatment system which retains all wastes within the boundaries of the land and is located within any wastewater envelope indicated on the endorsed plan. Approval to install or alter an onsite wastewater treatment system must be obtained from the Mitchell Shire Council Health Department.

Environment Conditions

16. Before any native vegetation is removed, evidence that an offset has been secured and meets the requirement of the permit must be provided to the satisfaction of the Responsible Authority. Offset evidence can be either:
 - a) A security agreement for the offset site or sites, including a 10 year offset management plan
 - b) A credit register extract from the Native Vegetation Credit Register
17. Prior to the commencement of any works, a vegetation retention plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The vegetation retention plan must be drawn to scale with dimensions and three copies must be provided. The vegetation retention plan must include:
 - a) Details of the extent of vegetation to be removed;
 - b) Details of native vegetation approved for removal in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (The State of Victoria Department of Environment, Land, Water and Planning 2017);
 - c) Details of all relevant environmental offsets;
 - d) Details of all vegetation nominated to be retained and protected, including tree protection zones and root protection zones. The protection zones must be shown on all relevant plans;
 - e) Details of tree/vegetation protection measures to be implemented and maintained for the duration of the works. The protection measures must be shown on all relevant plans;
 - f) Details of the registered location where removed vegetation is to be disposed of;
 - g) Where cleared vegetation is to be used as soil conditioner and/or mulch, details of compliance to the relevant Australian Standards must be provided.
18. Prior to the commencement of any works, tree protection measure(s) must be erected and/or installed around the trees nominated to be retained on the endorsed plans to define a tree protection zone (TPZ). The tree protection zone (TPZ) must be erected at a radius of 12 times the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk.
19. The boundaries of the tree protection/exclusion zones must be identified by the

Project Arborist and Superintendent prior to the commencement of any demolition, earthworks or construction works.

20. Prior to the commencement of works, the Responsible Authority must be notified to inspect the site and approve the extent of vegetation to be removed and approve the protection measures in place.
21. The tree protection measures must be installed as per the endorsed plans and remain in place until the completion of the development unless otherwise agreed in writing by the Responsible Authority. All tree protection measures must be in accordance with Australian Standard AS 4970:2009 – Protection of Trees on Development Sites.
22. Should any damage occur to any existing tree or other vegetation nominated to be retained and protected, or trees and vegetation adjoining the site, the permit holder must notify the Responsible Authority immediately. Damaged trees and/or vegetation must be rectified or replaced to the satisfaction of the Responsible Authority.
23. Prior to the commencement of any works, the permit holder must advise all persons undertaking the vegetation removal/works, environmental protection and management works on land of all relevant conditions of this permit.

Site-specific Environmental Management Plan (SEMP)

24. Before works start, a Site-specific Environmental Management Plan (SEMP) for each stage of the development, must be submitted to and approved by the Responsible Authority addressing the potential impacts of development works. The SEMP must be generally in accordance with 'doing it right on subdivision EPA 2004' and address methods for noise, dust, erosion and sediment control, waste and chemical management, flora/fauna protection, weed control, haulage routes and archaeological/heritage impacts.
25. The approved SEMP must be permanently displayed at the development site and implemented to the satisfaction of the Responsible Authority.
26. No earthworks, compaction or modification of existing drainage patterns may be undertaken which present a risk to any remnant trees, understory, or revegetation areas, to the satisfaction of the Responsible Authority.

Telecommunications

27. The owner of the land must enter into an agreement with:
 - a) Telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
28. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

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

DELWP Conditions*Earthworks*

29. All earthworks are to be designed and constructed to avoid soil erosion. All fill is to be compacted, and batters are to be topsoiled and revegetated. All drainage is to be diverted around the disturbed areas. Drainage from benched areas, batters and access tracks is to be diverted on non-scouring grades to stable vegetated areas. Several drainage points are to be used to avoid concentration of drainage water.

Watercourse protection

30. To protect the nearby waterways, no works office, toilet and service facility is to be established within 100 metres of any creek, channel or drainage line. Oils, greases, used grease cartridges, used oil filters, air filters and other construction works refuse, including old fencing wire and fence posts removed to undertake the works, will be properly disposed of away from the waterway according to EPA requirements.

Notification of permit conditions

31. Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.

Protection of native vegetation to be retained

32. Before works start, a plan to the satisfaction of Mitchell Shire, identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.
33. Except with the written consent of the responsible authority (Mitchell Shire), within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:
 - a) vehicular or pedestrian access
 - b) trenching or soil excavation
 - c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - d) entry and exit pits for the provision of underground services
 - e) any other actions or activities that may result in adverse impacts to retained native vegetation.

Native vegetation removal

34. Native vegetation removal must be in accordance with the extent specified in the Native Vegetation Removal report BIR_2021_013 dated 23 June 2021. 0.732 hectares, comprised of 0.299 hectares of patch native vegetation including 2 large trees, 1 scattered large tree and 12 scattered small trees.

Native vegetation offsets

35. The total area of native vegetation permitted to be removed is 0.732 hectares, comprised of 0.299 hectares of patch native vegetation including 2 large trees, 1 scattered large tree and 12 scattered small trees.
36. To offset the removal of 0.732 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
- A general offset of 0.222 general habitat units located within the Goulburn Broken Catchment Management boundary or Mitchell Shire Council municipal district
 - have a Strategic Biodiversity Value score of at least 0.506.
 - provide protection for at least 3 large trees
 - must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).

Offset evidence

37. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be:
- a) an established first party offset site. This must include:
- a security agreement signed by both parties, and
 - a management plan detailing the 10-year management actions and ongoing management of the site;

to the satisfaction of the Department of Environment, Land, Water and Planning and approved by the Responsible Authority.

Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification;

and/or

- b) credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.

Ausnet Conditions

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

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

Goulburn Broken CMA Conditions

39. Building and works must be setback a minimum of 30 metres from the top of bank of the waterway.
40. Effluent absorption fields and septic tanks must be setback a minimum of 60 metres from the top of bank of the waterway.
41. All works on waterways are subject to permit from the Goulburn Broken CMA under By-law No.3 Waterways Protection 2014.

Department of Transport Conditions

42. Prior to the Certification of the plan of subdivision, a functional layout plan prepared by a VicRoads pre-qualified consultant, must be submitted and approved by VicRoads to show (but not be limited to) the following:
 - a) A 7.5 metre (min) wide crossover in accordance with VicRoads standard drawing SD2066.
 - b) A basic right (BAR) turn treatment in accordance with Austroads (2017) Guide to Road Design Part 4, Figure A28.
 - c) A basic left (BAL) turn treatment in accordance with Austroads (2017) Guide to Road Design Part 4A, Figure 8.2.
 - d) All existing accesses / crossovers to abutting properties on both sides of the Upper Goulburn Road.
 - e) The closure and removal of the existing crossover and associated infrastructure.
 - f) Any existing or disused crossovers from the subject land made redundant to be removed and the nature strip area and fencing reinstated.
 - g) The following swept paths at 10 km/hr (min):

- i. Two B99 design vehicles in accordance with AS2890.1-2004 (turning left and right in and out respectively – and vice versa) with 0.5 metre clearances on both sides of the vehicle; and
- ii. A 12.5 metre single unit truck/bus at 12.5 metre radii (without clearances).

The swept paths must not overlap each other or other structures and must not encroach into any opposing lanes (including the clearances).

- h) Any existing or relocated services and signage; and
 - i) The removal of any existing vegetation, reorientation of table drains etc. along the Upper Goulburn Road.
43. Prior to the issues of a Statement of Compliance, the following works must be completed to the satisfaction of and at no cost to VicRoads:
- a) The construction of the BAR and BAL turn treatments;
 - b) The construction of the 7.5-metre-wide (min) sealed crossover;
 - c) The removal of all disused or redundant vehicle crossings (and the reinstatement of fencing etc); and
 - d) Any other works required.

Permit Expiry

44. This permit will expire if one of the following circumstances applies:
- a) The plan of subdivision for any stage is not certified within 2 years of the date of this permit;
 - b) The registration of the relevant stage of subdivision is not completed within five years from the date of certification of the plan of subdivision.

PLP187/18 – 20 Upper Goulburn Road, Tallarook – Planning Policy Framework

The following policies have been considered as part of the proposed subdivision:

Planning Policy Framework

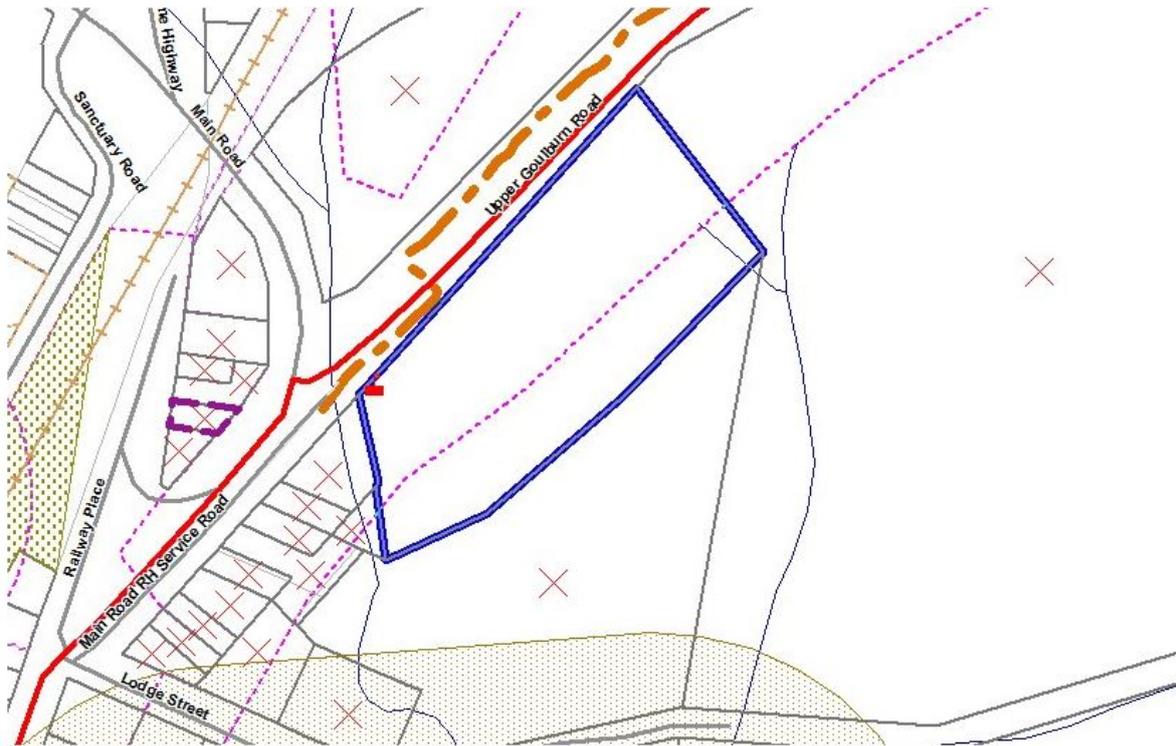
- Clause 11 – Settlement;
- Clause 11.02 – Managing Growth;
- Clause 12.01 – Biodiversity;
- Clause 12.03 – Water Bodies and Wetlands;
- Clause 13.03 – Floodplains;
- Clause 15.01 – Built Environment;
- Clause 15.02 – Sustainable Development;
- Clause 16.01 – Residential Development; and
- Clause 19.03 – Development Infrastructure.

Local Planning Policy Framework

- Clause 21.02 – Settlement;
- Clause 21.03 – Environmental and Landscape Values;
- Clause 21.06 – Built Environment and Heritage;
- Clause 21.07 – Housing;
- Clause 21.10 – Infrastructure; and
- Clause 21.11 – Local Areas.

Particular Provisions

- Clause 52.17 – Native Vegetation;
- Clause 52.29 – Land Adjacent to a Road Zone Category 1
- Clause 53.01 – Public Open Space Contribution;
- Clause 53.18 – Stormwater Management in Urban Development; and
- Clause 56 – Residential Subdivision.



10.3 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
22 & 24 March 2022	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
05 November 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
1 November 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

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

4 February 2022	VCAT – P11075 Council – PLP100/20	106 Wellington Street, Wallan	Development of the land for two dwellings	Failure to determine
4 February 2022	VCAT – P11256/2021 Council – PLP273/20	27 Sutherland Street Broadford	Development of the land for multiple dwellings	Appeal against Council's refusal to grant a planning permit
21 & 22 March 2022	VCAT – P11075 Council – PL6067/06.01	210 Tallarook Pyalong Road, Tallarook	Use of the land for a place of assembly (Music festival)	Appeal against Council's approval of an amendment to a planning permit

VCAT decisions since last report

(540) 74 Davidson Street Broadford – (PLP121/20) - Multi lot subdivision and removal of vegetation

2.2 Council moved a resolution to refuse Planning Permit PLP121/20, for a multi lot subdivision and removal of vegetation at (540) 74 Davidson Street Broadford at the 15 March 2021 Ordinary Council Meeting.

2.3 A failure to determine was lodged on 17 December 2020 with the hearing schedule for 6 August 2021. As a result of the hearing, VCAT sought to set aside the Responsible Authority's decision and grant the planning permit. The VCAT order granting the permit was issued on 20 September 2021.

2.4 Council refused the application on the following grounds:

- The proposal fails to meet requirements of Clause 11 (Settlement) as it relates to land use and transport integration. Specifically, it does not adequately address the long-term growth of Broadford in that it fails to adequately acknowledge the adjacent Davidson Street road reserve in accordance with Council's infrastructure design standards.
- The proposal fails to meet the objectives and strategies and decision guidelines outlined in Clause 15.01-3S (Subdivision design) and Clause 56.03-5 (Neighbourhood Character objectives) as the subdivision layout does not:
 - (i) Address the road reserve appropriately;
 - (ii) Provides poor integration to the streetscape as the internal road runs parallel to the existing road reserve; and
 - (iii) The small lot size does not respond to the existing subdivision pattern and character of the area.

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

- The proposal is inconsistent with the objectives and strategies of Clause 21.06-1 (Urban environment) as the subdivision layout does not implement crime prevention through urban design principles.
- The proposal fails to meet the objectives and standards of Clause 56.06-7 (Neighbourhood street network detail objective) as the internal road does not provide for the safe and efficient collection of waste and recycling materials from lots.
- The proposal fails to meet the objectives and standards of Clause 56.06-4 (Neighbourhood street network objective) and Clause 56.06-8 (Lot access objective) as the access to the lots is not safe for all vehicle movements and it does not provide safe vehicle access between roads and lots.
- The proposal fails to meet the decision guideline of Clause 65.02 (Approval of an application to subdivide land).

2.5 VCAT granted approval to the planning permit, in summary VCAT granted approval as:

- The proposed layout avoids the realignment of the gravel road to meet the requirements for a formal road construction that would result in loss of significant roadside vegetation.
- The design with a 5.5 metre pavement width meets the access lane width requirements and Council's Infrastructure Design Manual.
- The road width and turning area at its termination allows for two way traffic and vehicle turning.
- Safe access to the internal road is provided via an existing crossing to be widened and connect to the sealed part of Davidson Street.
- The draft Broadford Structure Plan in draft form and not adopted by Council, as such the draft Broadford Structure Plan has no status in the Mitchell Planning Scheme. Further the VCAT member stated the proposal will not compromise any future connections over the creek.
- Waste collection can be dealt with by a waste management plan subject the satisfaction of the Responsible Authority.
- The width of the accessway combined with the 4 metre building setback required on each lot will mean that dwellings on the proposed lots that will be setback at least 10 metres from the site frontage. This setback combined the retained trees on the road reserve will avoid the future built form appearing dominating or intrusive in the streetscape.

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

- The existing neighbourhood character showed a mix of housing styles, various siting layouts and diverse setbacks to front and side boundaries. In this setting the siting of future dwellings on the proposed subdivision will not appear discordant.

2.6 As such the Planning Permit was issued on 21 September 2021.

3. Activities Carried out Under Delegation

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

Permit No.	Address	Description of Permit	Decision	Date Approved
South Ward				
PLP100/20	106 Wellington Street WALLAN	Development of the land for two dwellings	Refusal	3/09/2021
PLP178/21	55 Siena Ridge WALLAN	Development of the land for a dwelling	Planning Permit	29/09/2021
Central Ward				
PLP140/21	O'Gradys Road KILMORE EAST	Buildings and Works associated with Railway Station upgrade within the Heritage Overlay	Planning Permit	1/09/2021
PLP175/21	7/47-51 Sydney Street KILMORE	Sale and consumption of liquor (licensed premises) associated with an existing restaurant.	Planning Permit	2/09/2021
PLP230/21	13 Commercial Drive WALLAN	Multi-lot Subdivision	Planning Permit	6/09/2021
PLP240/21	13 Commercial Drive WALLAN	Multi-lot Subdivision	Planning Permit	6/09/2021
PLP180/21	37 Clarke Street WALLAN	Installation and Display of Business Identification Signage	Planning Permit	6/09/2021
PLP187/21	46 Samson Brook Drive WALLAN	Development of the land for a dwelling	Planning Permit	6/09/2021
PLP167/21	8/11 Freeway Drive WALLAN	Use of the land for a restricted recreation facility and car parking reduction	Notice of Decision	6/09/2021
PLP225/21	11 Solitaire Way WALLAN	Development of the land for a dwelling	Planning Permit	6/09/2021
PLP278/20	1 Murray Street KILMORE	Development of the land for multiple dwellings	Planning Permit	8/09/2021
PLP231/21	20 Ram Circuit WALLAN	Development of the land for a dwelling	Planning Permit	10/09/2021
PLP063/21	5 Commercial Drive & 3-5	Multi lot subdivision	Planning Permit	14/09/2021

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

Permit No.	Address	Description of Permit	Decision	Date Approved
	Freeway Drive WALLAN			
PLP087/21	54 Newbridge Boulevard WALLAN	Multi-lot subdivision	Planning Permit	14/09/2021
PLP207/21	6 Staple Street WALLAN	Development of the land for a single dwelling	Planning Permit	14/09/2021
PLP216/21	16 Ram Circuit WALLAN	Development of the land for a dwelling	Planning Permit	16/09/2021
PLP209/21	54 Foxtail Circuit WALLAN	Development of the land for a dwelling	Planning Permit	16/09/2021
PLP223/21	46 Foxtail Circuit WALLAN	Development of the land for a dwelling within a land subject to inundation overlay	Planning Permit	22/09/2021
PLP339/20	21-23 George Street KILMORE	Development of the land for multiple dwellings and waiver of visitor car parking	Refusal	27/09/2021
PLP198/21	38 Newbridge Boulevard WALLAN	Development of the land for a dwelling in the Land Subject to Inundation Overlay	Planning Permit	28/09/2021
PLP268/21	26 Waranga Street WALLAN	Development of the land for a dwelling in a Land Subject to Inundation Overlay	Planning Permit	28/09/2021
PLP224/21	7 Solitaire Way WALLAN	Development of the land for a dwelling within the Land Subject to Inundation Overlay	Planning Permit	29/09/2021
PLP167/21	8/11 Freeway Drive WALLAN	Use of the land for a restricted recreation facility and car parking reduction	Planning Permit	29/09/2021
PLP222/20	38-50 Mill Road KILMORE	Multi-lot Subdivision, removal of native vegetation and creation of reserve	Planning Permit	29/09/2021
PLP154/21	3272 Epping Kilmore WANDONG	Installation and display of a floodlit promotion sign (mural).	Planning Permit	29/09/2021
PLP239/21	18 Waranga Street WALLAN	Buildings and works for the installation of a spa and safety barrier within a land subject to inundation overlay	Planning Permit	28/09/2021
PLP263/21	11 Stag Place WALLAN	Development of land for a dwelling within a land subject to inundation overlay	Planning Permit	21/09/2021
North Ward				
PLP170/21	25B Hamiltons Lane SUGARLOAF CREEK	Development of the land for an extension to existing dwelling	Planning Permit	2/09/2021

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

Permit No.	Address	Description of Permit	Decision	Date Approved
PLP020/18	40 Manse Hill Road SEYMOUR	Use and development of the land for a dwelling	Amended Permit	2/09/2021
PLP172/21	1/147 Anzac Avenue SEYMOUR	Multi lot subdivision	Planning Permit	3/09/2021
PLP221/21	2-4 Pollard Street SEYMOUR	Multi lot subdivision	Planning Permit	6/09/2021
PLP153/21	4 Longview Court PYALONG	Use and development of the land for a dwelling and outbuilding	Planning Permit	10/09/2021
PLP226/21	9 Red Box Court SEYMOUR	Development of the land for an outbuilding	Planning Permit	10/09/2021
PLP219/20.01	26 Morison Crescent SEYMOUR	Development of the land for two dwellings	Amended Permit	10/09/2021
PLP093/21	151 Burges Lane BROADFORD	Development of the land for a dwelling extension and removal of native vegetation.	Planning Permit	10/09/2021
PLP108/21	181 High Street BROADFORD	Development of the land for two dwellings, two lot subdivision and creation of access to a Road Zone Category 1	Planning Permit	15/09/2021
PLP124/21	6 Hillview Drive BROADFORD	Buildings and works for an outbuilding	Planning Permit	14/09/2021
PLP164/21	760 Lancefield Tooborac Road NULLA VALE	Development of the land for a dwelling and associated outbuilding.	Planning Permit	16/09/2021
PLP121/20	540 Davidson Street BROADFORD	Multi lot subdivision of land and removal of native vegetation	Planning Permit	20/09/2021
PLP140/20	Hillview Drive BROADFORD	Multi-lot subdivision, creation of a reserve and removal of native vegetation	Planning Permit	26/08/2021
PLP152/20	Hillview Drive BROADFORD	Multi-lot subdivision, creation of a reserve and removal of native vegetation	Planning Permit	26/08/2021
PLP186/21	270 Sunday Creek Road SUNDAY CREEK	Development of the land for an outbuilding	Planning Permit	29/09/2021

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

RECOMMENDATION

THAT the information in the report be received and noted.

10.4 RESPONSE TO NOTICE OF MOTION 999 - BURKE AND WILLS TRACK

Author: Andrew Dodd - Manager Operations and Parks

File No: CR/01/090

Attachments: 1. Burke and Wills Track - 5 Year Renewal Program

1. Purpose

- 1.1 To provide a response to Council relating to Notice of Motion 999 – Burke and Wills Track.

2. Background

- 2.1 At the Council meeting held on 17 May 2021, a Notice of Motion (NOM 999 – Burke and Wills Track) was adopted, relating to the current state of Burke and Wills Track.

- 2.2 The motion requested that;

‘Council officers prepare a Council report following the thorough physical examination of the current road condition (assessment audit) on the entire length of Burke and Wills Track, Mia Mia which details the findings of the inspection. The inspection should specifically examine the area within the boundaries of Mitchell Shire.’

3. Key Matters

- 3.1 A 12.2km section of Burke and Wills Track runs through Mitchell Shire Council, from just south of Watchbox Road, Glenhope, through to Heathcote-Redesdale Road, Mia Mia.
- 3.2 This stretch of road has been the source of previous community budget submissions and petitions relating to concerns surrounding its condition.
- 3.3 Previous condition data ratings have seen this stretch of road in totality, rated at a 3, or good condition.
- 3.4 A detailed visual assessment of the road (in 200m segments) has identified that whilst the road in its entirety is in fair condition, segments (approximately 40%) of it require renewal work to improve usability.
- 3.5 A five-year renewal program (Attachment 1), has been developed, to spread the large cost of these works, and create less impact on the capital program.

Recommendation

THAT Council endorse the proposed five-year renewal program (Attachment 1).

RESPONSE TO NOTICE OF MOTION 999 - BURKE AND WILLS TRACK (CONT.)

4. Financial, Resource and Asset Management Implications

- 4.1 This proposal would form part of the annual Road Renewal Program, which is allocated approximately \$4,800,000 annually.
- 4.2 Total works required in the short to medium term total an estimated \$1,500,000. Whilst this would have major implications on the current capital road renewal program should works be completed in one to three years, a five-year staged plan would see these works completed, minimising the impact on current programs.
- 4.3 Details of the proposed annual expenditure over the next five years as per Option 2 (preferred) of Section 11 of this report is below;

Works	2022/23	2023/24	2024/25	2025/26	2026/27	Total
Structural Patching	\$116,000	\$116,000	\$116,000	\$116,000	\$116,000	\$580,000
Minor Pothole Repair	\$60,000					\$60,000
Edge Break	\$24,000	\$24,000	\$24,000	\$24,000	\$24,000	\$120,000
Drainage Works	\$70,000	\$70,000				\$140,000
Reseal – Full Length					\$600,000	\$600,000
Total	\$270,000	\$210,000	\$140,000	\$140,000	\$740,000	\$1,500,000

5. Consultation

- 5.1 All relevant departments were consulted during the preparation of this report.

6. Sustainability Implications (Social and Environmental)

- 6.1 Nil.

7. Policy and Legislative Implications

- 7.1 This plan was developed in line with current legislation being the *Road Management Act 2004* and current Council policy being the *Road Management Plan 2021* and the *Road Asset Management Plan*.

8. Alignment to Council Plan

- 8.1 Strategic Objective – A Strong Community, Key Strategy 4.3 states;

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.

RESPONSE TO NOTICE OF MOTION 999 - BURKE AND WILLS TRACK (CONT.)

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?
Road condition falling below RMP interventions, increasing risk of community safety and public liability	Medium	Five-year program implemented, forming a risk-based approach for rectification	Yes
Increased community concern relating to this stretch of road, risking organisational reputation	Medium	Five-year program implemented, with a clear plan of renewing this stretch of road	Yes
Continued degradation of road surface, increasing future cost of renewal and increasing risk of community safety	Medium	Implementing this program will mitigate this risk before road surface degrades further	Yes
High cost of total works not being available and significantly impacting current renewal programs	High	Stretching the cost over five years will reduce the impact on current renewal program	Yes

11. Discussion

11.1 The section of Burke and Wills Track that runs through Mitchell Shire, is a 12.2km stretch of road consisting of a central paved surface and unsealed shoulders. The traffic flow on this road is relatively low in comparison to many roads within the municipality, and services a handful of rural properties. It is, however, a key link road for communities living in Glenhope East, Glenhope and Mia Mia.

11.2 As highlighted in Section 4 of this report, the total cost of renewal works associated with this stretch of road is approximately \$1,500,000, which is significant when considering the annual renewal program is allocated approximately \$4,800,000 annually.

11.3 Taking into consideration all information gathered during the road condition assessment audit, three options were considered and are summarised in the below table;

RESPONSE TO NOTICE OF MOTION 999 - BURKE AND WILLS TRACK (CONT.)

Option	Summary	Cost	Pro's/Con's
1	Renew Burke and Wills Track in the 2022/23 Financial Year, completing the works in one financial year	\$1,500,000	The works will be completed quickly, meaning any further degradation of the roads current condition will be mitigated This will have a significant impact on the current capital program, which would need additional investment of \$1,230,000
2	Deliver the renewal program over five years	\$1,500,000	This staged plan would see the renewal completed over an extended period of time, minimising the impact on the current capital program and requiring no additional funding. Whilst the works will not be completed as quickly as Option 1, taking into consideration the current condition of the road, traffic flows and use, this would be a practical approach.
3	Do Nothing	\$0	Whilst this option is the most beneficial financially and has no impact on the renewal program, there is risk of further degradation of the road surface, greater risk to the community and an increase reputational risk to the organisation.

11.4 Option 2 is considered the preferred option due to its balanced approach. This option has a lower impact on the current capital renewal program, requires no additional funding with works completed in a practical timeframe.

BURKE AND WILLS TRACK PROPOSED RENEWAL PROGRAM

A detailed visual assessment was carried out on the section of Burke and Wills Track running through Mitchell Shire. Whilst this stretch of road has previously been rated a 3, or good, in previous road condition reports, this inspection found many specific segments falling below this rating and requiring works.

The findings from the visual inspection were:

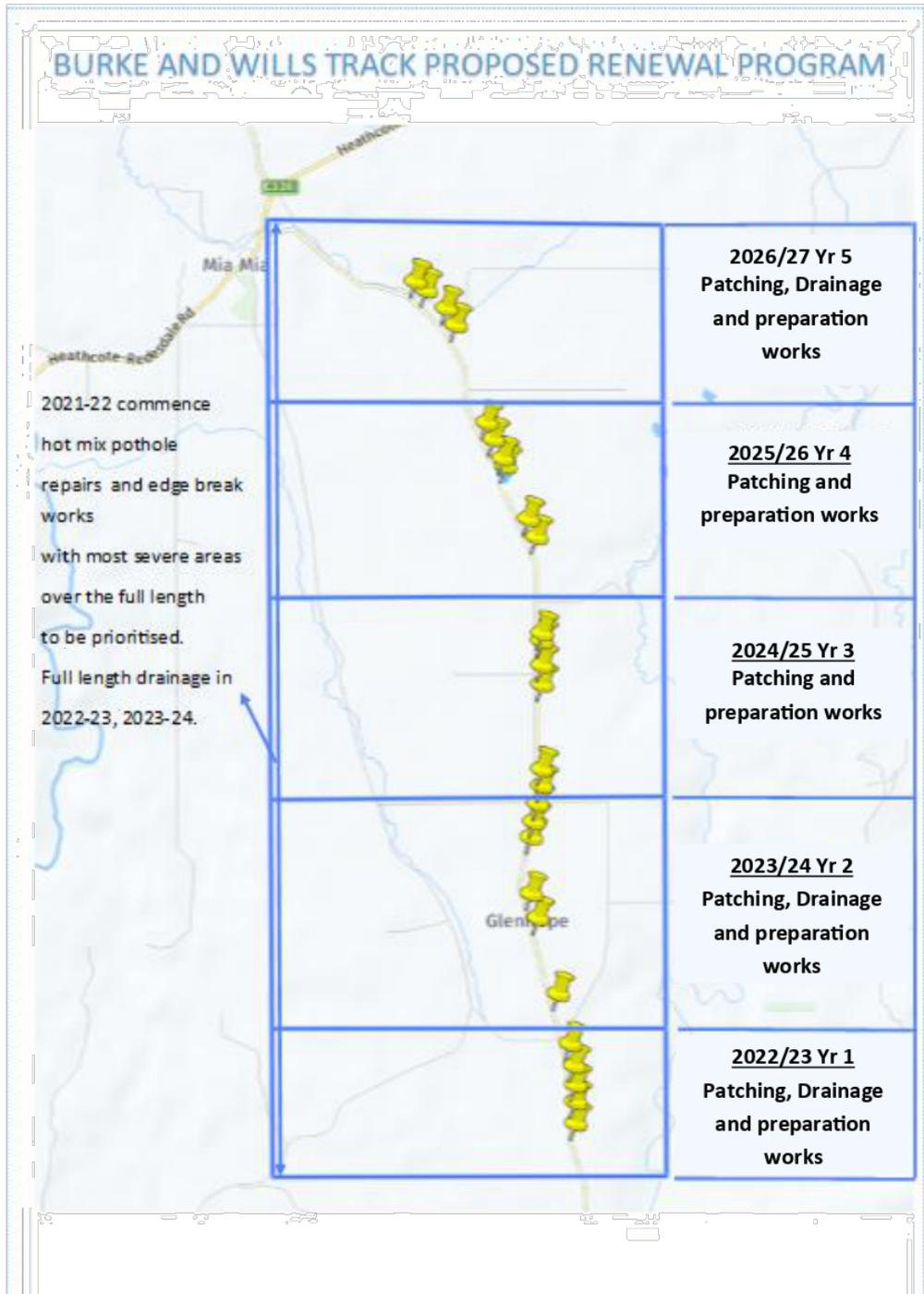
- 27 of the 200m segments were identified as in poor condition, this equates to 5.4kms of the 12.2kms or 44%.
- Within these segments isolated patching will be required as an approximation 6,000m² (approx. 12%)
- A high amount of edge break treatment is also required
- Cold mix repairs undertaken by our maintenance team will require hot mix asphalt replacement
- Some drainage works will be required to eliminate water ingress to the pavement in isolated sections

Taking into account the above and current traffic volumes, a program to get Burke and Wills Track ready for a reseal over a five-year period has been developed. Minor works to commence in the 2021-22 financial year utilising hot mix asphalt with major patching commencing in the 2022-23 financial year.

The program includes:

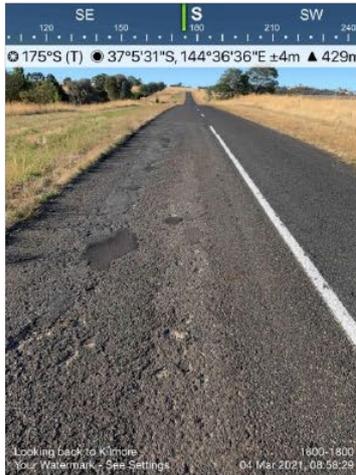
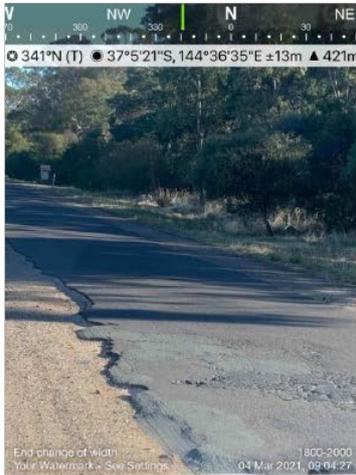
- Structural asphalt patching at an approximate cost of \$580,000 over approximately 12% of the pavement over a five-year period commencing at the southern end working north.
- Minor pothole repair with hot mix asphalt and replacement of areas of cold mix asphalt with hot mix in the first year at an approximate cost of \$60,000.
- Edge break repairs using hot mix asphalt over the life of the program at an approximate cost of \$120,000 commencing in the 2021-22 Financial year.
- Drainage works will be undertaken over years one and two, eliminating water ingress to the pavement at an approximate cost of \$140,000.
- Reseal of the length of the road in year 5 at an approximate cost of \$600,000.

Total approximate spend over the program is forecast to be \$1,500,000



Works	Yr1 – 2022/23	Yr2 – 2023/24	Yr3 – 2024/25	Yr4 – 2025/26	Yr5 – 2026/27	Total
Structural Patching	\$116,000	\$116,000	\$116,000	\$116,000	\$116,000	\$580,000
Minor Pothole Repair	\$60,000					\$60,000
Edge Break	\$24,000	\$24,000	\$24,000	\$24,000	\$24,000	\$120,000
Drainage Works	\$70,000	\$70,000				\$140,000
Reseal – Full Length					\$600,000	\$600,000
Total	\$270,000	\$210,000	\$140,000	\$140,000	\$740,000	\$1,500,000

Example Images of defects



11 EXECUTIVE SERVICES

Nil Reports

12 NOTICES OF MOTION

12.1 NOTICE OF RESCISSION: NO. 1010 - PROCUREMENT POLICY

Author: *Cr Louise Bannister*
Cr Annie Goble
Cr Christine Banks

File No: *CT/008/01*

Attachments: *Nil*

NOTICE OF RESCISSION

We hereby give notice of our intention to move the following motion at the Ordinary Council Meeting to be held on 18 October 2021.

MOTION

THAT Council rescind the following motion that was passed at the Ordinary Council meeting on 20 September 2021 for item 9.3 - Procurement Policy

“**THAT** Council adopt the Procurement Policy (Attachment 1).”

Signed: _____
Cr Louise Bannister

Signed: _____
Cr Annie Goble

Signed: _____
Cr Christine Banks

Date: 23 September 2021

12.2 NOTICE OF MOTION: NO. 1011 - ACCESS TO OFFICIAL BUSINESS INFORMATION

Author: Cr Louise Bannister

File No: GV/10/033

Attachments: Nil

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 18 October 2021.

MOTION

THAT Council officers undertake a review of the Councillor and Officer Charter 2021 and Councillor Code of Conduct 2021 with consideration to add/amend provisions as follows:

- a) That official business information accessible to one or more Councillors is accessible and provided to all Councillors. If one or more Councillors are in possession of official business information, then a Councillor should not exclude another Councillor from that information if it is requested. If a Councillor continues to refuse the sharing of official business information, then the information shall be available through the Chief Executive Officer.

- b) Review other provisions of the Councillor and Officer Charter 2021 and Councillor Code of Conduct 2021 as applicable.

1. Councillor Comment

- 1.1 Access to official business information - fair and equitable access of official business information to all Councillors ensures that official business information, which is possessed by one or more Councillors, can be requested and obtained by other Councillors. In the spirit of good governance, transparency and accountability, it is only reasonable that all Councillors have opportunity to access the same information of this nature. Confidentiality should not be considered a barrier to this provision as all Councillors are bound by the confidentiality clause as depicted in the *Local Government Act 2020*.

- 1.2 This provision within the Councillor and Officer Charter 2021 and Councillor Code of Conduct 2021 will ensure greater accountability by allowing Councillors to all have access to the same information. Further, by allowing equal access of information to all Councillors, this provision will enable greater confidence for Councillors in regards to decision making and will provide greater clarity to all Councillors in regard to the of sharing of information amongst themselves.

NOTICE OF MOTION: NO. 1011 - ACCESS TO OFFICIAL BUSINESS INFORMATION (CONT.)

1.3 In line with the Councillor and Officer Charter 2021, the Councillor Code of Conduct 2021, the *Local Government Act 2020*, this addition will:

- 1) Encourage transparency
- 2) Allow better constructive participation
- 3) Ensure Councillors are fully informed
- 4) Support open and honest communications, respectfulness and working as a team and;
- 5) Prevent exclusion.

2. Officer Comment

2.1 The Councillor and Officer Charter and Councillor Code of Conduct have both been adopted by Council in 2021 and can be reviewed at any time.

2.2 Any reference to 'official business information' sits best in these documents. The current Councillor Code of Conduct includes sections regarding confidential information in section 4.3. In practice, it is the officers intention to always share information that will be the subject of a council decision with all councillors, however this is not formally documented.

Signed: _____

Cr Louise Bannister

Date: 06 October 2021

12.3 NOTICE OF MOTION: NO. 1012 - ADDITIONAL CARPARKING IN KILMORE

Author: Cr Annie Goble

File No: PL/13/055

Attachments: Nil

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 18 October 2021.

MOTION

THAT the Chief Executive Officer provides a report to a Council meeting no later than December 2021 outlining prioritised options and costs for the provision of additional carparking within Kilmore to offset the loss of 34 on street carparks due to the Kilmore Rejuvenation Project.

1. Councillor Comment

- 1.1 At its meeting on 20 September 2021 Council resolved to proceed with the Kilmore Rejuvenation Project. This project will be central to the future growth and development of Kilmore. One key piece of feedback from the community during the consultation on the project was concern over the loss of 34 on street carparks. I consider it vital that Council plans for the replacement of these spaces.

2. Officer Comment

- 2.1 Three possible sites have been identified as having potential for development of additional carparking adding approximately 66 spaces.
- 2.2 Officers can prepare a report to Council with indicative costs to inform the 2022/2023 Capital Works Budget development process. This can be completed in-house within existing resources and can be brought to Council by December 2021.
- 2.3 Council may then consider the allocation of funds for detailed design and construction as part of the budget process.

Signed: _____
Cr Annie Goble

Date: 28 September 2021

13 DELEGATES REPORTS

Nil Reports

14 GENERAL BUSINESS

Nil Reports

15 URGENT BUSINESS**16 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.

16.1 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.

Error! Reference source not found..**2 RFT202134 - JJ Clancy Reserve
Kilmore, Netball Tennis Court and Lighting Project**

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

Error! Reference source not found..**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.

Error! Reference source not found..**4 Chief Executive Officer Performance
Review 2021**

s3(1)(f) Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

Error! Reference source not found..**5 Re-opening of Meeting to members of
the public**

17 DATE OF NEXT MEETING

The next Ordinary meeting of Council is scheduled to be held on Monday 22 November 2021 at the Mitchell Council Chambers, 113 High Street Broadford, commencing at 7.00pm.

18 CLOSE OF MEETING