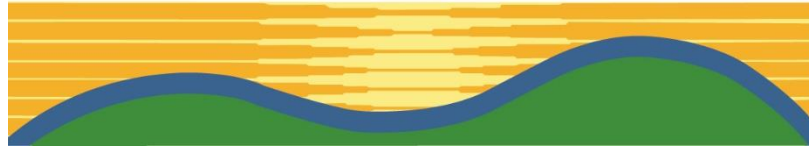


MITCHELL SHIRE COUNCIL



**ORDINARY COUNCIL
MEETING
MINUTES**

MONDAY 15 JULY 2019

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF
THE MITCHELL SHIRE COUNCIL HELD AT MITCHELL
CIVIC CENTRE, 113 HIGH STREET BROADFORD ON
15 JULY 2019**

THE MEETING OPENED: 7.02pm

COUNCILLORS PRESENT

Cr David Atkinson	Central Ward	
Cr Bob Humm	Central Ward	
Cr Bill Chisholm	North Ward	(Chairperson)
Cr Rhonda Sanderson	North Ward	
Cr Fiona Stevens	North Ward	
Cr David Lowe	South Ward	

OFFICERS PRESENT

Ms Mary Agostino	Acting Chief Executive Officer
Mr Laurie Ellis	Director Governance and Corporate Performance
Ms Jo Wilson	Acting Director Advocacy and Community Services
Mr Mike McIntosh	Director Development and Infrastructure
Ms Lidia Harding	Governance and Corporate Accountability Coordinator

1 WELCOME AND GOVERNANCE DECLARATION

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

The Mayor acknowledges the traditional owners of the Taungurung Nation and pay his respect to their Elders past and present, and its emerging and future leaders.

The declaration was read by Cr B. Humm.

2 APOLOGIES AND LEAVE OF ABSENCE**COUNCIL RESOLUTION****MOVED:** CR. F. STEVENS**SECONDED:** CR. B. HUMM

THAT the apology for this meeting received from Cr B. Cornish, Cr R. Eldridge, Cr A. Goble be accepted.

CARRIED UNANIMOUSLY

3 DISCLOSURE OF CONFLICTS OF INTEREST

In accordance with Section 79 of the Local Government Act 1989.

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**COUNCIL RESOLUTION****MOVED:** CR. F. STEVENS**SECONDED:** CR. D. LOWE

THAT the Minutes of the Ordinary Council Meeting held 24 June 2019, as circulated, be confirmed with an amendment to Item 9.5 Delatite Road, Seymour – Bridge Construction Options at Whiteheads Creek as follows:

1. Adopt a *minimum* 1 in 5-year flood design standard as the preferred design standard for a future upgrade of the Delatite Road crossing of the Whiteheads Creek.

CARRIED UNANIMOUSLY

5 PETITIONS AND JOINT LETTERS

In accordance with Clause 66 of Local Law No. 4 – Meeting Procedures.

Nil

6 PRESENTATIONS

In accordance with Clause 65 of Local Law No. 4 – Meeting Procedures

6.1 YOUTH COUNCIL - SWEARING IN CEREMONY**SUSPENSION OF STANDING ORDERS****MOVED:** CR. R SANDERSON**SECONDED:** CR. F STEVENS**THAT** standing orders be suspended for the swearing in of the 2019 Mitchell Youth Council.**CARRIED UNANIMOUSLY**

Standing orders were suspended at 7.07pm.

The Swearing in of the 2019 Mitchell Youth Council (Advisory Committee) of Mitchell Shire Council.

Cr B. Chisholm, Mayor, facilitated the swearing in of the 2019 Mitchell Youth Council and election of Youth Mayor and Youth Deputy Mayor. 9 Youth Councillors took the oath of office. Following the call for nominations for the office of Youth Mayor and Youth Deputy, Cr B. Chisholm, Mayor declared Ebony Layley elected as Youth Mayor and Thomas Starkey elected as Youth Deputy Mayor.

RESUMPTION OF STANDING ORDERS**MOVED:** CR. R SANDERSON**SECONDED:** CR. D ATKINSON**THAT** Standing orders be resumed.**CARRIED UNANIMOUSLY**

Standing orders recommenced at 7.29pm.

7 ADVOCACY AND COMMUNITY SERVICES

7.1 CAT CURFEW SUNSET TO SUNRISE

Author: Adam Evans - Local Laws Coordinator

File No: LL/06/186

Attachments: Nil

SUMMARY

Mitchell Shire Councils Domestic Animal Management Plan (DAMP) was endorsed in July 2018 and proposed the implementation of a cat curfew from sunset to sunrise. Community engagement has been undertaken to gain feedback from the community before implementation of the curfew.

At present Mitchell Shire Council does not have an order in place that requires cat owners to confine their cats to their premises. However, under section 25 of the *Domestic Animals Act 1994* which in part states;

25 Cats found at large

- (1) If a cat is found at large outside the premises of the owner of not securely confined to the owners premises, in a municipal district or a specified part of a municipal district in respect of which an order under this section has been made, during the hours specified in the order, the owner is guilty of an offence
- (2) A Council may, by resolution, make an order under this section.

Based on the outcomes of the engagement process, it is proposed that an order is imposed for a cat curfew sunset to sunrise across the municipality.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. D. ATKINSON

THAT Council:

1. Implement Mitchell Shire Council Cat Curfew from sunset to sunrise to take effect three (3) months from the date of this resolution.
2. The wording of the order by resolution be the following;

“If a cat is found at large outside the premises of the owner between sunset and sunrise, the owner is guilty of an offence under section 25 of the *Domestic Animals Act 1994*.

CARRIED UNANIMOUSLY

7.2 FROMELLES MEMORIAL WALL UPDATE

Author: Luke Douglas - Recreation Development Officer

File No: CS/04/011

Attachments:

1. Memorial Site Park Map
2. Image 1 - The Battle
3. Image 2 - The Aftermath

SUMMARY

This report provides an update on a proposal by the Broadford RSL to construct a two-sided mosaic wall at Memorial Park in Broadford depicting the Battle of Fromelles.

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. R. SANDERSON

THAT Council:

1. Provides in-principle support to the Broadford RSL to construct the mosaic wall pending the outcome of the community consultation process and subject to final approval by Council.
2. Amend site map to alternate location identified as possible location for siting.

CARRIED UNANIMOUSLY

7.3 LIFE STAGES STRATEGY

Author: Sarah Fisher-Cooke - Partnerships Officer
Rebecca Sirianni - Advocacy, Social Policy and Partnership Coordinator

File No: CS/19/005

Attachments: 1. Mitchell Shire Life Stages Strategy

SUMMARY

The Mitchell Shire Life Stages Strategy (draft) is a framework that aspires that all people within Mitchell Shire are valued, supported, connected, resilient, healthy and well as they transition through the life stages.

This report outlines the Mitchell Shire Life Stages Strategy; including details of the context, development, and completed and planned consultation.

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. R. SANDERSON

THAT Council endorse the draft Mitchell Shire Life Stages Strategy prior to going out to public comment.

CARRIED UNANIMOUSLY

7.4 DHHS MENS SHED GRANT

Author: Buffy Leadbeater - Coordinator Community Development/Youth Services

File No: CS/12/085

Attachments: 1. DHHS Mens Shed Grant PowerPoint

SUMMARY

Men's sheds are safe and practical places for men to meet, make social connections and actively participate in local communities.

The Victorian Government Men's Shed funding round provides up to \$1m per annum for grants that can be used to build new men's sheds or to refurbish existing men's sheds. Eligible men's shed groups can apply for a grant of up to \$80,000 however there is a requirement to match the funding 2:1.

To be eligible for funding, applicants must be a Victorian Local Government Authority (LGA) or incorporated not-for-profit organisations (not-for-profit organisations who apply must have a legal status and an Australian Business Number).

There are currently two local areas interested in the establishment of a local Men's Shed - Wallan and Hidden Valley. Both options are still under investigation and no land has been secured for either option.

AMENDMENT

COUNCIL RESOLUTION

MOVED: CR. D. LOWE

SECONDED: CR. B. HUMM

THAT Council resolve:

1. That Council staff submit an application for a Men's Shed grant for an installation on the "Village Green" at Hidden Valley Boulevard and that this application be made prior to 23 July 2019 for inclusion in the 2019 Men's Shed Grants.
2. To investigate and explore the options for providing a Men's Shed installation in or around the Wallan Township and to undertake community engagement as necessary.

COUNCIL RESOLUTION

MOVED: CR. D. LOWE

ASSEMBLY OF COUNCIL RECORD (CONT.)

SECONDED: CR. D. ATKINSON

THAT an extension of time be granted.

CARRIED

The vote resulted in the following:

For:	Against:	Abstained:
CR. D. ATKINSON	CR. R. SANDERSON	
CR. B. HUMM	CR. F. STEVENS	
CR. D. LOWE		
CR. B. CHISHOLM		

THE AMENDMENT WAS LOST ON THE CASTING VOTE OF THE MAYOR

The vote resulted in the following:

For:	Against:	Abstained:
CR. B. HUMM	CR. D. ATKINSON	
CR. D. LOWE	CR. B. CHISHOLM	
	CR. R. SANDERSON	
	CR. F. STEVENS	

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. R. SANDERSON

THAT Council:

1. Resolve to postpone the application for the 2019 DHHS Men's Shed grants.
2. Use the next six months to explore three land parcels across Wallan and Hidden Valley as well as undertake community engagement.

CARRIED

The vote resulted in the following:

For:	Against:	Abstained:
CR. D. ATKINSON	CR. B. HUMM	
CR. B. CHISHOLM	CR. D. LOWE	
CR. R. SANDERSON		
CR. F. STEVENS		

ASSEMBLY OF COUNCIL RECORD (CONT.)

8 GOVERNANCE AND CORPORATE PERFORMANCE**8.1 ASSEMBLY OF COUNCIL RECORD****Author:** *Lidia Harding - Governance & Corporate Accountability Coordinator***File No:** *CL/04/013-02***Attachments:** 1. *Assembly of Council Record*

SUMMARY

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

COUNCIL RESOLUTION**MOVED:** CR. R. SANDERSON**SECONDED:** CR. F. STEVENS**THAT** Council receive and note the record of assembly of Councillors.**CARRIED UNANIMOUSLY**

8.2 INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987

Author: Lidia Harding - Governance & Corporate Accountability Coordinator

File No: GV/06/016

Attachments: 1. *Instrument of Appointment and Authorisation*

SUMMARY

The *Local Government Act 1989* provides for the appointment of Authorised Officers for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

The Chief Executive Officer, by authority conferred by instrument of delegation from Council dated 16 October 2017, makes these appointments.

Under the *Planning and Environment Act 1987*, however, Authorised Officers can only be appointed by Council resolution as the Act prohibits delegation of the power to appoint Authorised Officers under the Act.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. D. ATKINSON

THAT in the exercise of the powers conferred by Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*, Mitchell Shire Council resolves that:

1. The member of Council staff referred to in the *Instrument of Appointment and Authorisation* at Attachment 1 be appointed and authorised as set out in the Instrument.
2. The *Instrument of Appointment and Authorisation* comes into force immediately after the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it, or until the Authorised Officer ceases to be a member of Council staff.
3. The *Instrument of Appointment and Authorisation* be signed and sealed.

CARRIED UNANIMOUSLY

8.3 COUNCIL SUBMISSION - LOCAL GOVERNMENT BILL 2019

Author: Lidia Harding - Governance & Corporate Accountability Coordinator

File No: LS/01/013

Attachments: 1. Local Government Bill Reform Paper
2. Mitchell Shire Council Submission to Local Government Bill 2019

SUMMARY

The State Government made a commitment to complete a comprehensive review to the *Local Government Act 1989*. The Local Government Bill Reform Paper (Attachment 1) was released for public consultation in June 2019 following extensive consultation of the 2018 Bill which lapsed when Parliament ceased before the November 2018 State election. Submissions are due by 17 July 2019. This report seeks Council's endorsement on a draft submission prepared by Council Officers.

COUNCIL RESOLUTION

MOVED: CR. D. LOWE

SECONDED: CR. D. ATKINSON

THAT Council:

1. Endorse the attached submission to the *Local Government Bill 2019*.
2. Provide a copy of the attached submission to all Local State Members of Parliament and the Victorian Local Government Association.

CARRIED UNANIMOUSLY

9 DEVELOPMENT AND INFRASTRUCTURE

9.1 PLANNING ENFORCEMENT ACTION AT 210 TALLAROOK PYALONG ROAD, TALLAROOK - MUSIC EVENT 19-22 APRIL 2019

Author: James McNulty - Manager Development Approvals

File No: PL6067/06.01

Attachments: 1. Noise Impact Assessment Report

SUMMARY

Planning Permit PL6067/06.01 allows for the use of the land at 210 Tallarook Pyalong Road, Tallarook for a place of assembly (annual music event with ancillary uses for accommodation and a food and drink premises) in accordance with the endorsed plans. The permit includes limits on hours for the serving of alcohol, requirements for emergency management and noise limitations. The permit also mirrors the requirements of State Environment Protection Policy (SEPP) No. 2 – Control of Music Noise from Public Premises.

Local community had expressed concern about the noise generated at previous events on the site and therefore Council engaged the services of an acoustic engineer to establish if the event was being conducted within the limits established within the planning permit. Council officers also attended the event and attended a number of complainant properties throughout the running of the event with a particular emphasis on noise sensitive times after 10 pm and until 12 noon the next day.

The acoustic engineer's findings identified that music was audible at noise sensitive locations (residential dwellings) within the noise sensitive time of 10pm until 12 noon the next day. This represents a breach of the planning permit conditions. The findings also highlighted that the decibel readings were within the permitted levels for the entire weekend. It was further observed by officers in attendance that on the Sunday night an out-door stage operated beyond its permitted times representing a second breach of the permit.

Planning Infringement Notices have been issued in respects of each breach identified with both being paid. Action taken has been informed by legal advice.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. B. HUMM

THAT Council:

1. Establish a Mitchell Shire Pest Plant and Animal Taskforce with representatives from public land managers and local community representatives involved in weed management
2. Adopt the attached Terms of Reference for the Mitchell Shire Pest Plant and Animal Taskforce.

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

3. Note that an operational budget of \$4,500 is required to establish this initiative.
4. Explore funding contributions from government stakeholders to ensure the long-term viability of the Taskforce.
5. Nominate Councillor Chisholm as a representative for the Mitchell Shire Pest Plant and Animal Taskforce.
6. Evaluate the effectiveness of the Taskforce in twelve (12) months.

CARRIED UNANIMOUSLY

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

9.2 PLANNING ENFORCEMENT ACTION AT 210 TALLAROOK PYALONG ROAD, TALLAROOK - MUSIC EVENT 19-22 APRIL 2019

Author: James McNulty - Manager Development Approvals

File No: PL6067/06.01

Attachments: 1. Noise Impact Assessment Report

SUMMARY

Planning Permit PL6067/06.01 allows for the use of the land at 210 Tallarook Pyalong Road, Tallarook for a place of assembly (annual music event with ancillary uses for accommodation and a food and drink premises) in accordance with the endorsed plans. The permit includes limits on hours for the serving of alcohol, requirements for emergency management and noise limitations. The permit also mirrors the requirements of State Environment Protection Policy (SEPP) No. 2 – Control of Music Noise from Public Premises.

Local community had expressed concern about the noise generated at previous events on the site and therefore Council engaged the services of an acoustic engineer to establish if the event was being conducted within the limits established within the planning permit. Council officers also attended the event and attended a number of complainant properties throughout the running of the event with a particular emphasis on noise sensitive times after 10 pm and until 12 noon the next day.

The acoustic engineer's findings identified that music was audible at noise sensitive locations (residential dwellings) within the noise sensitive time of 10pm until 12 noon the next day. This represents a breach of the planning permit conditions. The findings also highlighted that the decibel readings were within the permitted levels for the entire weekend. It was further observed by officers in attendance that on the Sunday night an out-door stage operated beyond its permitted times representing a second breach of the permit.

Planning Infringement Notices have been issued in respects of each breach identified with both being paid. Action taken has been informed by legal advice.

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. R. SANDERSON

THAT Council receive and note the information contained in this report.

CARRIED UNANIMOUSLY

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

9.2 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION

Author: *James McNulty - Manager Development Approvals*

File No: *CL/04/004*

Attachments: *Nil*

SUMMARY

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.

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. R. SANDERSON

THAT Council receive and note the report on the Victorian Civil and Administrative Tribunal Hearings and Activities carried out under delegation.

CARRIED UNANIMOUSLY

9.3 PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN

Author: Holly Sawyer - Senior Statutory Planner

File No: PLP034/19

Attachments:

1. Clause 55 Assessment
2. Planning Policy Framework
3. Proposed plans - 21 Station Street Wallan

Property No.:	109577
Title Details:	Lot 1 on Plan of Subdivision 344785P Volume 10371 Folio 461
Applicant:	Whiteman Property & Associates
Zoning:	Township Zone
Overlays:	Land Subject to Inundation Overlay
Objections Received:	Four
Cultural Heritage Management Plan Required:	No, the subject site is not located within an area of Aboriginal cultural heritage sensitivity
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

SITE MAP



SUMMARY

The application is seeking approval for the use and development of the land for a mixed use development comprising of apartments, childcare centre, retail premises

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

(including shops, supermarket, bottle shop, café and tavern), sale and consumption of liquor, removal of native vegetation, reduction in car parking requirements and creation of carriageway easement.

The application was advertised via letters to adjoining landowners and occupiers and those within the surrounding area along Station Street. A sign was also displayed on the site fronting Station Street. A total of four objections have been received at the time of writing this report.

The primary matters are the appropriateness of the proposed land uses within the context of the site and surrounds, drainage and access considerations, the proposed car parking reduction and hours of operation and service of liquor.

This report recommends that a Notice of Decision to Grant a Planning Permit be issued for the proposed use and development of the land, as it is considered that the proposal is consistent with the strategic significance of the site in relation to its proximity to the Wallan Station and residential growth within Wallan East. The proposal will result in a positive planning outcome, subject to conditions regarding restricting the hours of operation, delivery and service and sale of liquor to ensure that the amenity of the existing residential neighbourhood is not detrimentally affected.

AMENDMENT

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. F. STEVENS

THAT Council:

That Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Notice of Decision in respect of Application No. P034/19 for the use and development of the land for a mixed-use development comprising of apartments, childcare centre, retail premises (including shops, supermarket, bottle shop, cafés and tavern), sale and consumption of liquor, removal of native vegetation, reduction in car parking requirements and creation of carriageway easement at Lot 1 on Plan of Subdivision 344785P Volume 10371 Folio 461, known as 21 Station Street Wallan, subject to the following conditions:

Amended plans

1. Before the development starts, amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the application plans but further modified to show:
 - a) Removal of reference to public unisex toilet on the south side of café 7 within the overall ground floor plan (drawing C102).
 - b) Inclusion of appropriate toilets within the development which are accessible by the public and comply with Safer Design Guidelines.

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

- c) The link road (north-south) to the west (rear) of the development shall be configured as a road with two lanes of 3.2m minimum width, with ingress to the east treated as an entry treatment. Any 90-degree parking must make provision for the rear buffer distances to the running lane and the parking bays must be restrained from overhang to the footway (shared footway on the east side) and landscape strip (west).
- d) The locations of internal storage in accordance with Standard B30 of Clause 55 of the Mitchell Planning Scheme.
- e) An acoustic report prepared by a qualified acoustic engineer to demonstrate how the apartments will be acoustically treated to minimise noise transmissions from the adjacent railway line in compliance with Standard B40 under Clause 55 of the Mitchell Planning Scheme.
- f) The acoustic report must also address minimising noise impacts to the apartments from other proposed uses within the development.
- g) Plans of acoustic treatments to the proposed tavern area to prevent noise (particularly live music) affecting the residential amenity of the proposed apartments.
- h) A Parking Strategy that identifies appropriate parking restrictions for the car parking spaces along Station Street (adjacent to the subject site) and the proposed north-south road connection at the rear of the development, and for the identification of drop off and pick up spaces associated with the childcare centre.
- i) Relocation of the Bill's Horse Trough to be located within Council owned land, to the satisfaction of the Responsible Authority.
- j) Amended plans for the childcare to include appropriate and details buffer treatment to the outdoor play areas on the southern and western boundaries to the carpark.
- k) A detailed waste management plan for the entire site taking account of the requirements of conditions 25, 26 and 27.
- l) Detailed design plans for the proposed public square.

General

- 2. The layout of the use and development and extent of vegetation removal as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.
- 3. The apartments must be constructed in accordance with the endorsed acoustic report, to the satisfaction of the Responsible Authority.
- 4. The use and development must be managed so that the amenity of the area is not detrimentally affected through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any buildings, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, reflection or glare, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil;

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

- d) Presence of vermin; and
- e) In any other way.

To the satisfaction of the Responsible Authority.

5. Any materials or goods must be stored internal to the building or screened from public view to the satisfaction of the Responsible Authority.
6. All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
7. Loading areas must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
8. External lighting must be designed, baffled and located so as to prevent any adverse effect from light spill on adjoining land to the satisfaction of the Responsible Authority.
9. All external materials, finishes and paint colours are to be to the satisfaction of the Responsible Authority.
10. All new walls on or facing the boundary of an adjoining property must be cleaned and finished to the satisfaction of the Responsible Authority.
11. No plant, equipment or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building unless otherwise agreed in writing by the Responsible Authority.
12. All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed from public view to the satisfaction of the Responsible Authority.
13. The permit holder must ensure that the proposed clock structure is at all times operational and accurate and the maintenance of the proposed clock tower (or any similar structure) is undertaken by, and to the cost of, the body corporate to the satisfaction of the Responsible Authority.

Hours of Operation

Tavern

- 14. The use of the tavern must only operate between the hours of 7am to 11pm Monday to Saturday and 10am to 11pm on Sunday.**

Childcare Centre

15. The use of the childcare centre must only operate between the hours of:

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

- 6:30am and 7:00pm Monday to Friday

unless otherwise agreed in writing by the Responsible Authority.

Hours of Delivery

16. Deliveries to or from the land must only occur between the hours of:

- 6am and 6pm Monday to Friday;
- 8am to 4pm Saturday to Sunday

unless otherwise agreed in writing by the Responsible Authority.

Sale and consumption of liquor

Packaged liquor

17. The sale of packaged liquor for consumption away from the subject site must only occur between the hours of:

- 9am and 10pm Monday to Sunday

unless otherwise agreed in writing by the Responsible Authority.

Consumption of liquor

18. The sale and consumption of liquor associated with the tavern must only occur between the hours of 12 noon and 11pm Monday through Sunday.

Maximum patron/childcare numbers

Tavern

19. No more than 100 patrons in association with the use of the land as a tavern may be permitted on the land at any one time unless otherwise agreed in writing by the Responsible Authority.

Childcare centre

20. No more than 125 children may be permitted to receive care on the land at any one time unless otherwise agreed in writing by the Responsible Authority.

Noise

21. Noise emanating from the premises must comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority.

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

22. No amplified music, announcements or broadcasts are to be audible beyond the property boundary of the land.
23. All security alarms must be of a silent type and be directly connected to a security service to the satisfaction of the Responsible Authority.
24. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to the level satisfactory to the Responsible Authority.

Waste Management

25. Provision must be made on the land for the storage and collection of waste and recyclables. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
26. Waste and recyclables must only be collected between the hours of 6am to 6pm Monday to Friday unless otherwise agreed in writing by the Responsible Authority.
27. The removal of waste and recyclables from the site must be undertaken in accordance with the Waste Management Plans prepared by Frater named 'Apartments, 21 Station Street, Wallan' and 'Childcare, 21 Station Street, Wallan' prepared 20 December 2018

Landscaping

28. Before the development starts, a detailed landscaping 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 landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions. The landscape plan must show:
 - a) The locations of all landscaping works to be provided on the land;
 - b) The locations of any trees to be retained or removed from the land (including details of species and size);
 - c) A detailed schedule of all proposed trees, shrubs and groundcovers (including species for the proposed green walls), including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant (species should be low maintenance and drought tolerant);
 - d) Details of the proposed surface finished of pathways and driveways;
 - e) Details of the irrigation system to be used on land following completion of the landscaping works.
29. Before the use commences, all landscaping works as shown on the

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

endorsed plan must be carried out and completed to the satisfaction of the Responsible Authority. When the landscaping works have been completed, written confirmation must be provided to the satisfaction of the Responsible Authority that landscaping of the land has been undertaken in accordance with the endorsed landscaping plans.

30. The landscaping is to be maintained for a period of 24 months including at least two full summer periods from practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be replaced to the satisfaction of the Responsible Authority.
31. Any weed infestations resulting from soil disturbance and/or the importation of sand, gravel and other material must be controlled during the construction period to ensure that there is no weed spread outside of the subject site to the satisfaction of the Responsible Authority.
32. Before the use commences, all noxious weeds on the land must be eradicated to the satisfaction of the Responsible Authority

Native Vegetation

33. Before works start, the permit holder must advise all persons undertaking the vegetation removal/works on land of all relevant conditions of this permit.
34. In order to offset the removal of 0.031 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements:
 - a) The offset must:
 - i. Contribute a gain of 0.011 general habitat units;
 - ii. Be located within the Mitchell Shire Council or Port Phillip and Westernport Catchment Management Authority boundary; and
 - iii. Have a strategic biodiversity score of at least 0.288.
35. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. Offset evidence can be either:
 - a) A security agreement to the required standard, for the offset site or sites, including a 10-year offset management plan;
 - b) A credit register extract from the Native Vegetation Credit Register.
36. Every year, for ten years, after the Responsible Authority has approved the offset management plan, the applicant must provide notification to

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

the Responsible Authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.

Note: This condition does not apply to offsets on the native vegetation credit register as these including monitoring requirements.

Heritage

37. Before the development commences, a fully detailed method statement outlining the removal, repair and relocation of the horse trough and its associated timber infrastructure must be submitted to and approved by the Responsible Authority. When approved, the statement will be endorsed and will then form part of the permit. The method statement must be prepared by a suitably qualified heritage professional and must full describe and clearly demonstrate that the removal and relocation will be carried out carefully and the trough safeguarded, and that the repairs utilize appropriate materials and methods. Upon completion of the works in accordance with the endorsed method statement, the Responsible Authority must be notified and will inspect the completed works.
38. Prior to the use commencing, interpretation must be provided in a prominent location, as close as possible to the current location of the trough. This must provide a brief history of Annis and Bill's Horse Troughs and refer to the new location of the trough. The nature and wording of this interpretation must be approved by the Responsible Authority prior to it being undertaken. Following installation of the interpretation, the Responsible Authority must be notified and will inspect the completed interpretation.

Engineering

39. Unless otherwise agreed in writing by the Responsible Authority and prior to occupancy, a minimum 6.0m wide carriageway easement for right of way must be provided over the east-west common property connection from Station Street to the new road on the western boundary of the site. Right of way must be set aside for public vehicle access between the two roads, until such time a road connection can be suitably provided to the satisfaction of the Responsible Authority.
40. Unless otherwise agreed in writing by the Responsible Authority, before the use commences, the permit holder must upgrade the Station Street frontage to a residential standard in accordance with the requirements under the Engineering Design and Construction Manual and to the satisfaction of the Responsible Authority. Specific details include:
 - a) Fully sealed pavement widening;
 - b) Intersection construction and pavement tie in at the ingress and egress point of the development;

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

- c) Indented car parking (to both the eastern and western sides of Station Street);
 - d) Kerb and channel;
 - e) Underground drainage connecting existing road reserve drainage into an approved outlet system;
 - f) Underground conduits for all service utilities;
 - g) Appropriate intersection treatment and traffic management measures, demonstrating adequate sight distances and stopping distances;
 - h) Appropriate survey marks; and
 - i) Line marking, road side barriers and signage.
41. Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of any works associated with the development, a Drainage Strategy to the satisfaction of the Responsible Authority must be prepared. Once approved, the strategy will be endorsed and form part of the permit. The Strategy must include (as applicable):
- 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;
 - g) Outfall works and proposals;
 - h) Any required staging or interim facilities.
- Unless otherwise agreed by the Responsible Authority, prior to the use commencing, all works shown as part of the endorsed drainage strategy must be constructed or carried out in accordance with that strategy to the satisfaction of the Responsible Authority.
42. Unless otherwise agreed to in writing by the Responsible Authority, prior to the use commencing, the permit holder must provide suitable onsite parking to the satisfaction of the Responsible Authority.
43. Unless otherwise agreed to in writing by the Responsible Authority, prior to the use commencing, the permit holder must provide suitable vehicle manoeuvrability that facilitates forward moving ingress and egress from the development site to the satisfaction of the Responsible Authority.
44. Unless otherwise agreed to in writing by the Responsible Authority, prior to the use commencing, the permit holder must provide bin storage within the development to the satisfaction of the Responsible Authority.
45. Before any road and/ or drainage works associated with the subdivision for any stage start, detailed construction plans to the satisfaction of the Responsible Authority must be submitted to and approved by the

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

Responsible Authority. The plans must be drawn to scale with dimensions. The plans must include (as applicable):

- 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 the approved functional layout plan, relevant landscape plan and plan of subdivision for the relevant stage of the subdivision.
- 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 and pavement widths to be in accordance with relevant Mitchell Shire Council Standards.
- f) All intersection treatments to allow Council's waste collection vehicles to manoeuvre in a forward direction without the need for reversing.
- g) 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.
- h) Verge widths around all bends, intersections and within court bowls must not be less than 3m in width.
- i) Solid white centreline pavement marking and raised reflective pavement markings (RRPM) on all 90-degree bends on through roads.
- j) Vehicle crossings must be provided to each lot in accordance with Mitchell Shire Council Standards.
- k) 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 Mitchell Shire Council Standards.
- l) Shared paths as required within streets and reserves. All shared paths must be a minimum 2.5m in width and be in accordance with Mitchell Shire Council Standards.
- m) All court heads to allow Council's waste collection vehicles to access and egress from the courts in a forward direction.
- n) Provision of a temporary turning area with sufficient size in locations where the road terminates at stage boundaries to allow waste collection vehicles to access and egress in a forward direction.
- o) Provision of public lighting with underground electricity supply to all streets, footpaths, bus stops and to major pedestrian and bicycle links.
- p) 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 (preferred), T5 or CFL), should be utilised.
- q) Access to all public buildings, pathways and road crossings shall comply with the Disability Act 2006 and be to the satisfaction of the

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

Responsible Authority.

- r) Provision of street name plates to the Mitchell Shire Council Standard, including a schedule of individual signs and associated street numbers.
 - s) 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.
 - t) The location and provision of vehicle exclusion mechanisms abutting reserves.
 - u) Details of the proposed treatment and provision for lot boundary fencing adjoining all reserves other than road reserves.
 - v) Permanent survey marks.
 - w) Survey details of the canopy trunk location and size of all trees to be removed or retained and associated tree protection zones.
 - x) Details in relation to all filling on the land that must be compacted to specifications approved by the Responsible Authority.
 - y) The underground relocation of all existing aerial services, on the services layout plan.
 - z) 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.
 - aa) 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.
 - bb) Underground drainage must be provided and any other drainage works necessary for the transmission of drainage as required to the approved outfall.
 - cc) 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 by the Responsible Authority:
 - dd) 80% retention of the typical annual load of total suspended solids
 - ee) 45% retention of the typical annual load of total phosphorus; and
 - ff) 45% retention of the typical annual load of total nitrogen.
 - gg) Each lot must be provided with one drainage discharge point.
 - hh) All lots within the proposed development abutting or adjoining a watercourse or water body must have a minimum 600mm freeboard above the 1 in 100 year flood level of the water course or water body.
 - ii) Roads and allotments are to be designed such that the allotments are protected with a minimum 300mm freeboard against the 1 in 100 flooding, where the water level exceeds 50mm above the top of kerb.
46. Unless otherwise agreed by the Responsible Authority prior to the commencement of the use, 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.

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

47. The discharge of water from the development site 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.
48. Unless otherwise agreed to in writing by the Responsible Authority, prior to the use commencing, the development site must be connected to an underground drainage system and underground outfall including an on-site detention system to control flows to pre-development levels and treat stormwater wholly within the boundaries of the subject land, to the satisfaction of the Responsible Authority.
49. Unless otherwise agreed to by the responsible authority; before any works associated with the development start, management plans must be submitted to and deemed satisfactory by the Responsible Authority. The required management plans are:
- a) A Construction Management and Safety Plan to include the following:
- i. A Gantt chart for all aspects of works including civil and all other authority specific works;
 - ii. A liaison officer for direct contact by residents and the responsible authority;
 - iii. Location of site office;
 - iv. Methods to contain dust and mud including clean up frequency and control frequency;
 - v. Details of proposed stock pile heights, locations, materials and volumes;
 - vi. Details proposed storage areas;
 - vii. Methods to control unauthorised personal entering the site;
 - viii. Methods to keep the site presentable being free of debris, rubbish and stockpiled material;
 - ix. Company OH&S management organisation chart;
 - x. Methods to ensure that appropriate PPE is always worn by all personal on site;
 - xi. Subcontractors, suppliers and external testing company contact list; and
 - xii. Proposed working hours.
- b) An Environmental Management Plan to include the following:
- i. Sediment control techniques to ensure that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the storm

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

- water drainage system, waterways, roads, streets or reserves;
 - ii. Methods to control erosion and the flow of water to nominated points of discharge;
 - iii. Methods to prevent and manage illegal dumping on the land;
 - iv. Methods to ensure that only EPA clean fill material is imported/exported to and from the site;
 - v. Methods for weed and pathogen management;
 - vi. Designated machinery wash down and storage location;
 - vii. Methods to protect Environmental fauna and flora;
 - viii. Methods to control spill and storage of hazardous chemicals;
 - ix. Methods identify, report, and protect the discovery of archaeological and or heritage objects;
 - x. Methods to ensure that contractors working on the land are aware of the requirements of the all Management Plans and any other obligations of the planning permit.
- c) A Traffic Management Plan include 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 and emergency vehicles; and
 - iv. A signage plan including working hours signage and after-hours signage to control both vehicle and pedestrian movements as required.
50. Before the use commences, 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 both PDF 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.

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

- g) 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 a minimum of twelve (12) months in accordance with Section 17(4) of the *Subdivision Act 1988*.
51. Any road(s), footpath(s) and/or other infrastructure damaged as a result of the construction works (including but not limited to trenching and excavation for utility service connections, movement of vehicle and the likes), must be reinstated to the satisfaction of the Responsible Authority and at the cost of the permit holder.
52. All proposed roads, pavements and other infrastructure are to be constructed in accordance with Mitchell Shire Council Standard Drawings and Specifications, to the satisfaction of the Responsible Authority.

Car parking and loading/unloading of vehicles

53. Before the use starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- a) Fully constructed;
 - b) Properly formed to such levels that may be used in accordance with the plans;
 - c) Surfaced with an all weather surface or seal coat (as appropriate);
 - d) Drained and maintained in a continuously usable condition;
 - e) Line marked to indicate each car space, loading bay and/or access lane;
 - f) Clearly marked to show the direction of traffic along access lanes and driveways.

To the satisfaction of the Responsible Authority.

54. Car spaces, access lanes and driveways must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
55. All car parking spaces must be designed to allow vehicles to drive forwards both when entering and leaving the property.
56. No fewer than the number of car parking spaces shown on the endorsed plans must be provided on the land and along Station Street to the satisfaction of the Responsible Authority.
57. All car parking spaces identified within the endorsed Parking Strategy must be clearly signed in accordance with the time restrictions identified within the Strategy, unless otherwise agreed in writing by the Responsible Authority.

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

58. The loading and unloading of vehicles must only be carried out on the land within the designated loading bays and must not disrupt the circulation and parking of vehicles on the land.

Bicycle parking

59. No fewer than seven (7) bicycle parking spaces must be provided on the land to the satisfaction of the Responsible Authority.
60. Bicycle access and parking spaces must at all times be clearly signed and marked to the satisfaction of the Responsible Authority.

Transport for Victoria

61. Before the development starts, or other time agreed in writing with the Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
- a) The removal of the proposed roundabout in front of the subject site;
 - b) The removal of the angle car parking proposed on the western side of Station Street;
 - c) The works proposed for Station Street;
 - d) The interaction of the subject site with Wallan Train Station;
 - e) The provision of pedestrian connection to Wallan Train Station and/or the bus interchange to be built.
62. Prior to the occupation of the development, or other time agreed in writing with the Head, Transport for Victoria, all works outlined on the endorsed plans must be completed to the satisfaction of Public Transport Victoria at the full cost of the permit holder.
63. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Station Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria eight (8) weeks prior by telephoning 1800 800 007 or emailing bus.stop.relocations@ptv.vic.gov.au

Melbourne Water

64. Prior to the commencement of works/issue of building permit, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.

65. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses. Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water for comments. Appropriate sediment and litter control must be provided preventing any silt/debris discharging demonstrating the actions that will be carried out to minimise environmental degradation.
66. Prior to the commencement of works/issue of building permit associated with the application, a stormwater management strategy must be submitted and approved by Melbourne Water and Mitchell Shire Council. The Strategy must demonstrate the following:
- a) The proposed alignment for any 1 in 5 year drainage infrastructure and any associated overland flow paths directions for the 1 in 100 year ARI flood event.
 - b) That the lot layout adequately accommodates the overland flows and the current layout and/or number of lots may need to change. Overland flow path must be designed and constructed to comply with the floodway safety criteria outlined within Melbourne Water's Land Development Manual.
 - c) It may be necessary to obtain Council and downstream land owners approval for proposed overland flow path.
 - d) The details of the outfall/s for the development. The developer is to negotiate with the downstream landowners to obtain a free draining outfall through their property. Approval is to be forwarded to Melbourne Water.
 - e) Calculate the appropriate flow volumes and flood levels for the 100-year ARI storm event within the property.
 - f) It is necessary to control the discharge from the subdivision to the existing capacity of the downstream drainage system.
 - g) Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
 - h) The proposed development is draining towards federally listed species of very high significance. Melbourne Water (in conjunction with DELWP) will be conducting studies with external stakeholders to implement measures to protect the existing environmental values. In the interim it is expected that all upstream properties

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

conduct an ecological, hydraulic and hydrology study to determine the existing flow regime (predeveloped) and its impacts caused by the proposed development (post development).

- i) Herbaceous wetland requirements:
 - i. Water quality – freshwater (the community definition excludes salty sites), not calcareous.
 - ii. Must be sometimes wet and sometimes dry.
 - iii. Water depth (in wet) phase should be <600mm, and usually <300mm.
 - iv. Dry phase should optimally be 8-9 months, but up to ~10 years is tolerable.
 - v. Wet phase should optimally be 3-4 months, but up to ~2 years is tolerable.
 - vi. Frequency – wet 5 to 7 years out of year 10.
 - vii. Timing – optimal months of inundation are June to November, but any month is tolerable.

67. Demonstrate all new floor levels are a minimum of 600mm above the 1 in 100 year flood level associated with an existing or proposed Melbourne Water asset.

68. Any road or access way intended to act as a stormwater overland flow path must be design and constructed to comply with the floodway safety criteria outlined within Melbourne Water’s Land Development Manual.

69. Any temporary outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s).

70. Prior to the issue of a certificate of occupancy, outfall drain must be constructed along the frontage at no cost to Melbourne Water in accordance with Wallan Street Drain Strategy. Plans must be submitted to Council and Melbourne Water consent.

71. Prior to the issue of a certificate of occupancy, Engineering plans (Road and Drainage) of the development (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and any overland flow paths for the 100 year ARI storm event. A Certified Survey Plan may be required following our comments on the engineering drawings.

72. Prior to the issue of a certificate of occupancy, if a Certified Survey Plan (CSP) is required, the CSP prepared by or under the supervision of a licensed land surveyor, showing levels reduced to the Australian Height

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

Datum, must be submitted to Melbourne Water to demonstrate that the land has been filled in accordance with Melbourne Water's requirements. The CSP must show 1 in 100 year flood levels associated with any existing or proposed Melbourne Water's asset.

Permit Expiry

73. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit;
 - b) The development is not completed within four years of the date of this permit;
 - c) The use is not started within four years of the date of this permit;
 - d) The use is discontinued for a period of two years;
 - e) The vegetation removal is not started within two years of the date of this permit; or
 - f) The vegetation removal is not completed within three months of the date the works started.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

Notes:

Council Building Services Unit

Please note that this approval does not constitute a Building Permit. You should enquire with Council's Building Services Unit on 5734 6200 to determine whether a building permit is required for your proposal.

Council Engineering Services Unit

A road-opening permit must be obtained from Council's Engineering Services Unit before any vehicle crossover is constructed.

A legal point of discharge must be obtained from Council's Engineering Services Unit before any drainage infrastructure is constructed.

A plan checking fee of 0.75 per cent of the cost of the works proposed on a site plan (including detailed landscaping plans) and a supervision fee of 2.5 per cent of the cost of constructing the works may be charged by Council.

LOST

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

COUNCIL RESOLUTION

MOVED: CR. D. LOWE

SECONDED: CR. B. HUMM

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Notice of Decision in respect of Application No. P034/19 for the use and development of the land for a mixed-use development comprising of apartments, childcare centre, retail premises (including shops, supermarket, bottle shop, cafés and tavern), sale and consumption of liquor, removal of native vegetation, reduction in car parking requirements and creation of carriageway easement at Lot 1 on Plan of Subdivision 344785P Volume 10371 Folio 461, known as 21 Station Street Wallan, subject to the following conditions:

Amended plans

1. Before the development starts, amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the application plans but further modified to show:
 - a) Removal of reference to public unisex toilet on the south side of café 7 within the overall ground floor plan (drawing C102).
 - b) Inclusion of appropriate toilets within the development which are accessible by the public and comply with Safer Design Guidelines.
 - c) The link road (north-south) to the west (rear) of the development shall be configured as a road with two lanes of 3.2m minimum width, with ingress to the east treated as an entry treatment. Any 90-degree parking must make provision for the rear buffer distances to the running lane and the parking bays must be restrained from overhang to the footway (shared footway on the east side) and landscape strip (west).
 - d) The locations of internal storage in accordance with Standard B30 of Clause 55 of the Mitchell Planning Scheme.
 - e) An acoustic report prepared by a qualified acoustic engineer to demonstrate how the apartments will be acoustically treated to minimise noise transmissions from the adjacent railway line in compliance with Standard B40 under Clause 55 of the Mitchell Planning Scheme.
 - f) The acoustic report must also address minimising noise impacts to the apartments from other proposed uses within the development.
 - g) Plans of acoustic treatments to the proposed tavern area to prevent noise (particularly live music) affecting the residential amenity of the proposed apartments.
 - h) A Parking Strategy that identifies appropriate parking restrictions for the car parking spaces along Station Street (adjacent to the subject site) and the proposed north-south road connection at the rear of the development, and for the identification of drop off and pick up spaces associated with the childcare centre.
 - i) Relocation of the Bill's Horse Trough to be located within Council owned land, to the satisfaction of the Responsible Authority.

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

- j) Amended plans for the childcare to include appropriate and details buffer treatment to the outdoor play areas on the southern and western boundaries to the carpark.
- k) A detailed waste management plan for the entire site taking account of the requirements of conditions 25, 26 and 27.
- l) Detailed design plans for the proposed public square.

General

- 2. The layout of the use and development and extent of vegetation removal as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.
- 3. The apartments must be constructed in accordance with the endorsed acoustic report, to the satisfaction of the Responsible Authority.
- 4. The use and development must be managed so that the amenity of the area is not detrimentally affected through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any buildings, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, reflection or glare, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil;
 - d) Presence of vermin; and
 - e) In any other way.To the satisfaction of the Responsible Authority.
- 5. Any materials or goods must be stored internal to the building or screened from public view to the satisfaction of the Responsible Authority.
- 6. All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 7. Loading areas must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 8. External lighting must be designed, baffled and located so as to prevent any adverse effect from light spill on adjoining land to the satisfaction of the Responsible Authority.
- 9. All external materials, finishes and paint colours are to be to the satisfaction of the Responsible Authority.
- 10. All new walls on or facing the boundary of an adjoining property must be cleaned and finished to the satisfaction of the Responsible Authority.

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

11. No plant, equipment or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building unless otherwise agreed in writing by the Responsible Authority.
12. All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed from public view to the satisfaction of the Responsible Authority.
13. The permit holder must ensure that the proposed clock structure is at all times operational and accurate and the maintenance of the proposed clock tower (or any similar structure) is undertaken by, and to the cost of, the body corporate to the satisfaction of the Responsible Authority.

Hours of Operation

Tavern

14. The use of the tavern must only operate between the hours of 7am to 11pm Monday to Thursday, 7am to 1am (the following morning) Friday to Saturday and 10am to 11pm Sunday unless otherwise agreed in writing by the Responsible Authority.

Childcare Centre

15. The use of the childcare centre must only operate between the hours of:
 - 6:30am and 7:00pm Monday to Friday

unless otherwise agreed in writing by the Responsible Authority.

Hours of Delivery

16. Deliveries to or from the land must only occur between the hours of:
 - 6am and 6pm Monday to Friday;
 - 8am to 4pm Saturday to Sunday

unless otherwise agreed in writing by the Responsible Authority.

Sale and consumption of liquor

Packaged liquor

17. The sale of packaged liquor for consumption away from the subject site must only occur between the hours of:
 - 9am and 10pm Monday to Sunday

unless otherwise agreed in writing by the Responsible Authority.

Consumption of liquor

18. The sale and consumption of liquor associated with the tavern must only occur between the hours of:

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

- 12 noon and 11pm Monday to Thursday and Sunday;
- between 12 noon and 1am (the following morning) Friday to Saturday

unless otherwise agreed in writing by the Responsible Authority.

Maximum patron/childcare numbers

Tavern

19. No more than 100 patrons in association with the use of the land as a tavern may be permitted on the land at any one time unless otherwise agreed in writing by the Responsible Authority.

Childcare centre

20. No more than 125 children may be permitted to receive care on the land at any one time unless otherwise agreed in writing by the Responsible Authority.

Noise

21. Noise emanating from the premises must comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority.
22. No amplified music, announcements or broadcasts are to be audible beyond the property boundary of the land.
23. All security alarms must be of a silent type and be directly connected to a security service to the satisfaction of the Responsible Authority.
24. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to the level satisfactory to the Responsible Authority.

Waste Management

25. Provision must be made on the land for the storage and collection of waste and recyclables. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
26. Waste and recyclables must only be collected between the hours of 6am to 6pm Monday to Friday unless otherwise agreed in writing by the Responsible Authority.
27. The removal of waste and recyclables from the site must be undertaken in accordance with the Waste Management Plans prepared by Frater named 'Apartments, 21 Station Street, Wallan' and 'Childcare, 21 Station Street, Wallan' prepared 20 December 2018

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

Landscaping

28. Before the development starts, a detailed landscaping 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 landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions. The landscape plan must show:
- a) The locations of all landscaping works to be provided on the land;
 - b) The locations of any trees to be retained or removed from the land (including details of species and size);
 - c) A detailed schedule of all proposed trees, shrubs and groundcovers (including species for the proposed green walls), including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant (species should be low maintenance and drought tolerant);
 - d) Details of the proposed surface finished of pathways and driveways;
 - e) Details of the irrigation system to be used on land following completion of the landscaping works.
29. Before the use commences, all landscaping works as shown on the endorsed plan must be carried out and completed to the satisfaction of the Responsible Authority. When the landscaping works have been completed, written confirmation must be provided to the satisfaction of the Responsible Authority that landscaping of the land has been undertaken in accordance with the endorsed landscaping plans.
30. The landscaping is to be maintained for a period of 24 months including at least two full summer periods from practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be replaced to the satisfaction of the Responsible Authority.
31. Any weed infestations resulting from soil disturbance and/or the importation of sand, gravel and other material must be controlled during the construction period to ensure that there is no weed spread outside of the subject site to the satisfaction of the Responsible Authority.
32. Before the use commences, all noxious weeds on the land must be eradicated to the satisfaction of the Responsible Authority

Native Vegetation

33. Before works start, the permit holder must advise all persons undertaking the vegetation removal/works on land of all relevant conditions of this permit.
34. In order to offset the removal of 0.031 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

meets the following requirements:

- a) The offset must:
 - i. Contribute a gain of 0.011 general habitat units;
 - ii. Be located within the Mitchell Shire Council or Port Phillip and Westernport Catchment Management Authority boundary; and
 - iii. Have a strategic biodiversity score of at least 0.288.
35. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. Offset evidence can be either:
 - a) A security agreement to the required standard, for the offset site or sites, including a 10-year offset management plan;
 - b) A credit register extract from the Native Vegetation Credit Register.
36. Every year, for ten years, after the Responsible Authority has approved the offset management plan, the applicant must provide notification to the Responsible Authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.

Note: This condition does not apply to offsets on the native vegetation credit register as these including monitoring requirements.

Heritage

37. Before the development commences, a fully detailed method statement outlining the removal, repair and relocation of the horse trough and its associated timber infrastructure must be submitted to and approved by the Responsible Authority. When approved, the statement will be endorsed and will then form part of the permit. The method statement must be prepared by a suitably qualified heritage professional and must full describe and clearly demonstrate that the removal and relocation will be carried out carefully and the trough safeguarded, and that the repairs utilize appropriate materials and methods. Upon completion of the works in accordance with the endorsed method statement, the Responsible Authority must be notified and will inspect the completed works.
38. Prior to the use commencing, interpretation must be provided in a prominent location, as close as possible to the current location of the trough. This must provide a brief history of Annis and Bill's Horse Troughs and refer to the new location of the trough. The nature and wording of this interpretation must be approved by the Responsible Authority prior to it being undertaken. Following installation of the interpretation, the Responsible Authority must be notified and will inspect the completed interpretation.

Engineering

39. Unless otherwise agreed in writing by the Responsible Authority and prior to

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

occupancy, a minimum 6.0m wide carriageway easement for right of way must be provided over the east-west common property connection from Station Street to the new road on the western boundary of the site. Right of way must be set aside for public vehicle access between the two roads, until such time a road connection can be suitably provided to the satisfaction of the Responsible Authority.

40. Unless otherwise agreed in writing by the Responsible Authority, before the use commences, the permit holder must upgrade the Station Street frontage to a residential standard in accordance with the requirements under the Engineering Design and Construction Manual and to the satisfaction of the Responsible Authority. Specific details include:
- a) Fully sealed pavement widening;
 - b) Intersection construction and pavement tie in at the ingress and egress point of the development;
 - c) Indented car parking (to both the eastern and western sides of Station Street);
 - d) Kerb and channel;
 - e) Underground drainage connecting existing road reserve drainage into an approved outlet system;
 - f) Underground conduits for all service utilities;
 - g) Appropriate intersection treatment and traffic management measures, demonstrating adequate sight distances and stopping distances;
 - h) Appropriate survey marks; and
 - i) Line marking, road side barriers and signage.
41. Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of any works associated with the development, a Drainage Strategy to the satisfaction of the Responsible Authority must be prepared. Once approved, the strategy will be endorsed and form part of the permit. The Strategy must include (as applicable):
- 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;
 - g) Outfall works and proposals;
 - h) Any required staging or interim facilities.

Unless otherwise agreed by the Responsible Authority, prior to the use commencing, all works shown as part of the endorsed drainage strategy must be constructed or carried out in accordance with that strategy to the satisfaction of the Responsible Authority.

42. Unless otherwise agreed to in writing by the Responsible Authority, prior to the use commencing, the permit holder must provide suitable onsite parking to the

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

satisfaction of the Responsible Authority.

43. Unless otherwise agreed to in writing by the Responsible Authority, prior to the use commencing, the permit holder must provide suitable vehicle manoeuvrability that facilitates forward moving ingress and egress from the development site to the satisfaction of the Responsible Authority.
44. Unless otherwise agreed to in writing by the Responsible Authority, prior to the use commencing, the permit holder must provide bin storage within the development to the satisfaction of the Responsible Authority.
45. Before any road and/ or drainage works associated with the subdivision for any stage start, detailed construction plans 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 (as applicable):
 - 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 the approved functional layout plan, relevant landscape plan and plan of subdivision for the relevant stage of the subdivision.
 - 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 and pavement widths to be in accordance with relevant Mitchell Shire Council Standards.
 - f) All intersection treatments to allow Council's waste collection vehicles to manoeuvre in a forward direction without the need for reversing.
 - g) 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.
 - h) Verge widths around all bends, intersections and within court bowls must not be less than 3m in width.
 - i) Solid white centreline pavement marking and raised reflective pavement markings (RRPM) on all 90-degree bends on through roads.
 - j) Vehicle crossings must be provided to each lot in accordance with Mitchell Shire Council Standards.
 - k) 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 Mitchell Shire Council Standards.
 - l) Shared paths as required within streets and reserves. All shared paths must be a minimum 2.5m in width and be in accordance with Mitchell Shire Council Standards.
 - m) All court heads to allow Council's waste collection vehicles to access and

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

- egress from the courts in a forward direction.
- n) Provision of a temporary turning area with sufficient size in locations where the road terminates at stage boundaries to allow waste collection vehicles to access and egress in a forward direction.
 - o) Provision of public lighting with underground electricity supply to all streets, footpaths, bus stops and to major pedestrian and bicycle links.
 - p) 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 (preferred), T5 or CFL), should be utilised.
 - q) 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.
 - r) Provision of street name plates to the Mitchell Shire Council Standard, including a schedule of individual signs and associated street numbers.
 - s) 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.
 - t) The location and provision of vehicle exclusion mechanisms abutting reserves.
 - u) Details of the proposed treatment and provision for lot boundary fencing adjoining all reserves other than road reserves.
 - v) Permanent survey marks.
 - w) Survey details of the canopy trunk location and size of all trees to be removed or retained and associated tree protection zones.
 - x) Details in relation to all filling on the land that must be compacted to specifications approved by the Responsible Authority.
 - y) The underground relocation of all existing aerial services, on the services layout plan.
 - z) 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.
 - aa) 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.
 - bb) Underground drainage must be provided and any other drainage works necessary for the transmission of drainage as required to the approved outfall.
 - cc) 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 by the Responsible Authority:
 - dd) 80% retention of the typical annual load of total suspended solids
 - ee) 45% retention of the typical annual load of total phosphorus; and
 - ff) 45% retention of the typical annual load of total nitrogen.
 - gg) Each lot must be provided with one drainage discharge point.
 - hh) All lots within the proposed development abutting or adjoining a watercourse or water body must have a minimum 600mm freeboard above the 1 in 100 year flood level of the water course or water body.

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

- ii) Roads and allotments are to be designed such that the allotments are protected with a minimum 300mm freeboard against the 1 in 100 flooding, where the water level exceeds 50mm above the top of kerb.
46. Unless otherwise agreed by the Responsible Authority prior to the commencement of the use, 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.
47. The discharge of water from the development site 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.
48. Unless otherwise agreed to in writing by the Responsible Authority, prior to the use commencing, the development site must be connected to an underground drainage system and underground outfall including an on-site detention system to control flows to pre-development levels and treat stormwater wholly within the boundaries of the subject land, to the satisfaction of the Responsible Authority.
49. Unless otherwise agreed to by the responsible authority; before any works associated with the development start, management plans must be submitted to and deemed satisfactory by the Responsible Authority. The required management plans are:
- a) A Construction Management and Safety Plan to include the following:
 - i. A Gantt chart for all aspects of works including civil and all other authority specific works;
 - ii. A liaison officer for direct contact by residents and the responsible authority;
 - iii. Location of site office;
 - iv. Methods to contain dust and mud including clean up frequency and control frequency;
 - v. Details of proposed stock pile heights, locations, materials and volumes;
 - vi. Details proposed storage areas;
 - vii. Methods to control unauthorised personal entering the site;
 - viii. Methods to keep the site presentable being free of debris, rubbish and stockpiled material;
 - ix. Company OH&S management organisation chart;
 - x. Methods to ensure that appropriate PPE is always worn by all personal on site;

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

- xi. Subcontractors, suppliers and external testing company contact list; and
 - xii. Proposed working hours.
- b) An Environmental Management Plan to include the following:
- i. 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, waterways, roads, streets or reserves;
 - ii. Methods to control erosion and the flow of water to nominated points of discharge;
 - iii. Methods to prevent and manage illegal dumping on the land;
 - iv. Methods to ensure that only EPA clean fill material is imported/exported to and from the site;
 - v. Methods for weed and pathogen management;
 - vi. Designated machinery wash down and storage location;
 - vii. Methods to protect Environmental fauna and flora;
 - viii. Methods to control spill and storage of hazardous chemicals;
 - ix. Methods identify, report, and protect the discovery of archaeological and or heritage objects;
 - x. Methods to ensure that contractors working on the land are aware of the requirements of the all Management Plans and any other obligations of the planning permit.
- c) A Traffic Management Plan include 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 and emergency vehicles; and
 - iv. A signage plan including working hours signage and after-hours signage to control both vehicle and pedestrian movements as required.
50. Before the use commences, 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 both PDF 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

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

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) 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 a minimum of twelve (12) months in accordance with Section 17(4) of the Subdivision Act 1988.
51. Any road(s), footpath(s) and/or other infrastructure damaged as a result of the construction works (including but not limited to trenching and excavation for utility service connections, movement of vehicle and the likes), must be reinstated to the satisfaction of the Responsible Authority and at the cost of the permit holder.
52. All proposed roads, pavements and other infrastructure are to be constructed in accordance with Mitchell Shire Council Standard Drawings and Specifications, to the satisfaction of the Responsible Authority.

Car parking and loading/unloading of vehicles

53. Before the use starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- a) Fully constructed;
 - b) Properly formed to such levels that may be used in accordance with the plans;
 - c) Surfaced with an all weather surface or seal coat (as appropriate);
 - d) Drained and maintained in a continuously usable condition;
 - e) Line marked to indicate each car space, loading bay and/or access lane;
 - f) Clearly marked to show the direction of traffic along access lanes and driveways.

To the satisfaction of the Responsible Authority.

54. Car spaces, access lanes and driveways must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
55. All car parking spaces must be designed to allow vehicles to drive forwards both when entering and leaving the property.
56. No fewer than the number of car parking spaces shown on the endorsed plans must be provided on the land and along Station Street to the satisfaction of the Responsible Authority.
57. All car parking spaces identified within the endorsed Parking Strategy must be clearly signed in accordance with the time restrictions identified within the

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

Strategy, unless otherwise agreed in writing by the Responsible Authority.

58. The loading and unloading of vehicles must only be carried out on the land within the designated loading bays and must not disrupt the circulation and parking of vehicles on the land.

Bicycle parking

59. No fewer than seven (7) bicycle parking spaces must be provided on the land to the satisfaction of the Responsible Authority.
60. Bicycle access and parking spaces must at all times be clearly signed and marked to the satisfaction of the Responsible Authority.

Transport for Victoria

61. Before the development starts, or other time agreed in writing with the Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
- a) The removal of the proposed roundabout in front of the subject site;
 - b) The removal of the angle car parking proposed on the western side of Station Street;
 - c) The works proposed for Station Street;
 - d) The interaction of the subject site with Wallan Train Station;
 - e) The provision of pedestrian connection to Wallan Train Station and/or the bus interchange to be built.
62. Prior to the occupation of the development, or other time agreed in writing with the Head, Transport for Victoria, all works outlined on the endorsed plans must be completed to the satisfaction of Public Transport Victoria at the full cost of the permit holder.
63. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Station Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria eight (8) weeks prior by telephoning 1800 800 007 or emailing bus.stop.relocations@ptv.vic.gov.au

Melbourne Water

64. Prior to the commencement of works/issue of building permit, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.

65. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses. Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water for comments. Appropriate sediment and litter control must be provided preventing any silt/debris discharging demonstrating the actions that will be carried out to minimise environmental degradation.
66. Prior to the commencement of works/issue of building permit associated with the application, a stormwater management strategy must be submitted and approved by Melbourne Water and Mitchell Shire Council. The Strategy must demonstrate the following:
- a) The proposed alignment for any 1 in 5 year drainage infrastructure and any associated overland flow paths directions for the 1 in 100 year ARI flood event.
 - b) That the lot layout adequately accommodates the overland flows and the current layout and/or number of lots may need to change. Overland flow path must be designed and constructed to comply with the floodway safety criteria outlined within Melbourne Water's Land Development Manual.
 - c) It may be necessary to obtain Council and downstream land owners approval for proposed overland flow path.
 - d) The details of the outfall/s for the development. The developer is to negotiate with the downstream landowners to obtain a free draining outfall through their property. Approval is to be forwarded to Melbourne Water.
 - e) Calculate the appropriate flow volumes and flood levels for the 100-year ARI storm event within the property.
 - f) It is necessary to control the discharge from the subdivision to the existing capacity of the downstream drainage system.
 - g) Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
 - h) The proposed development is draining towards federally listed species of very high significance. Melbourne Water (in conjunction with DELWP) will be conducting studies with external stakeholders to implement measures to protect the existing environmental values. In the interim it is expected that all upstream properties conduct an ecological, hydraulic and hydrology study to determine the existing flow regime (predeveloped) and its impacts caused by the proposed development (post development).
 - i) Herbaceous wetland requirements:
 - i. Water quality – freshwater (the community definition excludes

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

- salty sites), not calcareous.
- ii. Must be sometimes wet and sometimes dry.
 - iii. Water depth (in wet) phase should be <600mm, and usually <300mm.
 - iv. Dry phase should optimally be 8-9 months, but up to ~10 years is tolerable.
 - v. Wet phase should optimally be 3-4 months, but up to ~2 years is tolerable.
 - vi. Frequency – wet 5 to 7 years out of year 10.
 - vii. Timing – optimal months of inundation are June to November, but any month is tolerable.
67. Demonstrate all new floor levels are a minimum of 600mm above the 1 in 100 year flood level associated with an existing or proposed Melbourne Water asset.
68. Any road or access way intended to act as a stormwater overland flow path must be design and constructed to comply with the floodway safety criteria outlined within Melbourne Water’s Land Development Manual.
69. Any temporary outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s).
70. Prior to the issue of a certificate of occupancy, outfall drain must be constructed along the frontage at no cost to Melbourne Water in accordance with Wallan Street Drain Strategy. Plans must be submitted to Council and Melbourne Water consent.
71. Prior to the issue of a certificate of occupancy, Engineering plans (Road and Drainage) of the development (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and any overland flow paths for the 100 year ARI storm event. A Certified Survey Plan may be required following our comments on the engineering drawings.
72. Prior to the issue of a certificate of occupancy, if a Certified Survey Plan (CSP) is required, the CSP prepared by or under the supervision of a licensed land surveyor, showing levels reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the land has been filled in accordance with Melbourne Water’s requirements. The CSP must show 1 in 100 year flood levels associated with any existing or proposed Melbourne Water’s asset.

Permit Expiry

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

73. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit;
 - b) The development is not completed within four years of the date of this permit;
 - c) The use is not started within four years of the date of this permit;
 - d) The use is discontinued for a period of two years;
 - e) The vegetation removal is not started within two years of the date of this permit; or
 - f) The vegetation removal is not completed within three months of the date the works started.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

Notes:

Council Building Services Unit

Please note that this approval does not constitute a Building Permit. You should enquire with Council's Building Services Unit on 5734 6200 to determine whether a building permit is required for this proposal.

Council Engineering Services Unit

A road-opening permit must be obtained from Council's Engineering Services Unit before any vehicle crossover is constructed.

A legal point of discharge must be obtained from Council's Engineering Services Unit before any drainage infrastructure is constructed.

A plan checking fee of 0.75 per cent of the cost of the works proposed on the engineering plan (including detailed landscaping plans) and a supervision fee of 2.5 per cent of the cost of constructing the works may be charged by Council.

CARRIED UNANIMOUSLY

9.5 SEYMOUR LEVEE CONSULTATION REPORT

Author: Mike McIntosh - Director Development and Infrastructure
Tim Partridge - Manager Engineering and Major Projects

File No: CT/04/146

Attachments: Nil

SUMMARY

This report outlines options, risks, opportunities and the estimated resourcing and financial commitment needed to undertake effective community consultation to understand community support for progressing the Seymour Levee project and community willingness to contribute funding.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. F. STEVENS

THAT Council:

1. Note the information contained in this report.
2. Adopt the consultation process outlined within this report.
3. Note the financial and resourcing commitment likely to be needed to undertake well-planned and effective consultation.
4. Allocate up to \$90,000 funding for consultation resources.

CARRIED ON THE CASTING VOTE OF THE MAYOR

The vote resulted in the following:

For:	Against:	Abstained:
CR. B. CHISHOLM	CR. D. ATKINSON	
CR. R. SANDERSON	CR. B. HUMM	
CR. F. STEVENS	CR. D. LOWE	

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. F. STEVENS

THAT an extension of time be granted.

CARRIED UNANIMOUSLY

10 EXECUTIVE SERVICES

Nil Reports

11 NOTICES OF MOTION**11.1 NOTICE OF MOTION: NO. 962- WHITEHEADS CREEK MASTERPLAN**

Author: *Councillor Annie Goble*

File No: *GT/01/003-03*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 15 July 2019.

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. R. SANDERSON

THAT Council officers prepare a report for the September 2019 Council meeting of their understanding of what is required to develop a masterplan for the Whiteheads Creek environs and surrounds to guide future planning, management and development that complements and enhances this natural asset.

CARRIED UNANIMOUSLY

NOTICE OF MOTION: NO. 963 - OFF LEAD DOG PARK (CONT.)

11.2 NOTICE OF MOTION: NO. 963 - OFF LEAD DOG PARK

Author: *Councillor Annie Goble*

File No: *LL/06/186*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 15 July 2019.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. R. SANDERSON

THAT Council officers investigate the possibility of the north west corner of the fenced area of the Kilmore Racetrack being designated as a formal off lead area for dogs and look at the supply of rubbish bins, installation of seats and beautification of the area.

CARRIED UNANIMOUSLY

12 DELEGATES REPORTS

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

Author: Lidia Harding - Governance & Corporate Accountability Coordinator

File No: CL/04/001-03

Attachments: 1. Councillor Delegate Report

SUMMARY

This delegate's report provides an update on activities and deliberations of groups and associations for which Councillors are an appointed delegate for the period June 2019 and also other activities attended as a Council representative.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. F. STEVENS

THAT the Delegate's Report on Overview and Update on Activities and Delegate Deliberation by Councillors for June 2019 be received and noted.

CARRIED UNANIMOUSLY

13 GENERAL BUSINESS

In accordance with Clause 30 of the Meeting Procedure Local Law.

Nil

14 URGENT BUSINESS

In accordance with Clause 31 of the Meeting Procedure Local Law.

Nil

15 CONFIDENTIAL BUSINESS**COUNCIL RESOLUTION**

MOVED: CR. R. SANDERSON

SECONDED: CR. D. ATKINSON

THAT in accordance with Section 89(2) of the *Local Government Act 1989*, Council resolves to close the meeting to members of the public to consider the following items which relate to matters specified under Section 89(2), as specified below.

CARRIED UNANIMOUSLY

The meeting closed to the public at 9.17pm

15.1 Confirmation Of Minutes Of Previous Confidential Meeting**15.2 Power Purchase Agreement**

s89(2)(d) contractual matters.

15.3 Delegate Report - Audit Committee

s89(2)(h) any other matter which the Council or special committee considers would prejudice the Council or any person.

15.4 Re-Opening Of Meeting To Members Of The Public**COUNCIL RESOLUTION**

MOVED: CR. R. SANDERSON

SECONDED: CR. B. HUMM

CARRIED UNANIMOUSLY

The meeting was re-opened to members of the public at 9.36pm

16 DATE OF NEXT MEETING

The next Ordinary meeting of Council is scheduled to be held on Monday 19 August 2019 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7.00pm.

17 CLOSE OF MEETING

The meeting was declared closed at 9.36pm.

Confirmed this Monday, 19 August 2019

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Chairperson
Mayor, Cr Bill Chisholm