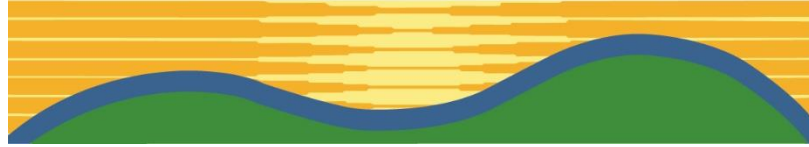


MITCHELL SHIRE COUNCIL



**ORDINARY COUNCIL
MEETING
MINUTES**

MONDAY 20 MAY 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
20 MAY 2019**

THE MEETING OPENED: 7.00pm

COUNCILLORS PRESENT

Cr Annie Goble	Central Ward
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
Cr Bob Cornish	South Ward

OFFICERS PRESENT

Mr David Turnbull	Chief Executive Officer (left the meeting at 7.16pm and did not return)
Mr Laurie Ellis	Director Governance and Corporate Performance
Ms Mary Agostino	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 D. Atkinson.

2 APOLOGIES AND LEAVE OF ABSENCE

COUNCIL RESOLUTION

MOVED: CR. D. LOWE

SECONDED: CR. A. GOBLE

THAT the apology for this meeting received from Cr R. Eldridge 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. B. CORNISH

SECONDED: CR. B. HUMM

THAT the Minutes of the Ordinary Council Meeting held 15 April 2019, as circulated, be confirmed.

CARRIED

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

Nil

7 ADVOCACY AND COMMUNITY SERVICES

7.1 RESPONSE TO NOM 927 SMALL TOWN FIRE PREVENTION AND MITIGATION

Author: Adam Evans - Local Laws Coordinator

File No: CM17/223

Attachments: Nil

SUMMARY

This report provides a response to Notice of Motion No. 927 relating to reviewing the current fire prevention roadside slashing and spraying works. With specific focus on increasing the area of roadside slashing and spraying activities conducted for fire prevention works within the speed reduction zones of townships to improve fire prevention measures.

The report highlights the liability of slashing VicRoads roads. If Council acknowledges that there is a municipal fire risk on one section of road, all VicRoads roads would need to be assessed by Mitchell Shire Council.

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. A. GOBLE

COUNCIL RESOLUTION

THAT this item be deferred, and an amended report be provided which addresses the following:

1. This report does not address the fundamental question underlying the original Notice of Motion which was how we as a Council institute proper fire prevention measures into the rural/urban interface areas of our towns and make our communities safer.
2. This report has not incorporated previous notice of motions which set in place measures and procedures to be followed if there are identified fire hazards on the approaches and within our towns.
3. This report also fails to address the costs involved in making the approaches to our towns safer, especially within the speed reduction zones.
4. Further it may be beneficial to await the findings and recommendations of the current roadside Fire Management Plan being conducted by MFMPC, however a way forward, needs to be in place before the next fire season.

CARRIED UNANIMOUSLY

REQUEST FOR LEASE - 12 MOYLE STREET SEYMOUR (CONT.)

8 GOVERNANCE AND CORPORATE PERFORMANCE

8.1 REQUEST FOR LEASE - 12 MOYLE STREET SEYMOUR

Author: Teresa Hendy - Property Officer

File No: CP/07/051

Attachments: 1. Location Plan of 12 Moyle Street
2. Premise Currently Leased at 12 Moyle Street

SUMMARY

A report to the 18 March 2019 Council Meeting discussed the request from Goulburn Valley Health for a new lease for the premise at 12 Moyle Street Seymour for a term of 12 months from 1 July 2019 to 30 June 2020.

At the March 2019 Ordinary Council Meeting, the following resolutions were carried:

THAT Council:

1. Authorise the giving of Public Notice under sections 190 and 82(A)2 of the *Local Government Act 1989* to advertise the intention to enter into a lease for the premise at 12 Moyle Street Seymour with Goulburn Valley Health for a term of 12 months, being from 1 July 2019 until 30 June 2020.
2. Seek and accept public submissions under s223 of the *Local Government Act 1989* in response to the Public Notice.
3. Hear submitters at a meeting of the Community Questions and Hearing Committee.

Public Notice has now been completed for the intention to enter into the lease and this report discusses the results of the public notice process and makes recommendations that a new lease be entered into with Goulburn Valley Health.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. F. STEVENS

THAT Council:

1. Note that the legislative processes as required under section 190, section 82A and section 223 of the *Local Government Act 1989* have been completed in relation to the proposal to enter into a lease with Goulburn Valley Health for the occupation of the Council owned property known as 12 Moyle Street, Seymour.
2. Having completed the legislative processes as noted in Recommendation 1 of this report with no submissions received, resolve that Council enter into a lease with Goulburn Valley Health on the proposed terms, being a 12 month lease from 1 July 2019 to 30 June 2020 and the lease fee of \$95,751.26 for the occupation of the premise at 12 Moyle Street, Seymour.

REQUEST FOR LEASE - 12 MOYLE STREET SEYMOUR (CONT.)

3. Authorise the signing of the lease with Goulburn Valley Health for the premises at 12 Moyle Street, Seymour for the 12 month term of 1 July 2019 to 30 June 2020 and the lease fee of \$95,751.26.

CARRIED UNANIMOUSLY

8.2 CONSIDERATION OF THE PROPOSED SALE OF LAND - POWLETT STREET KILMORE

Author: Teresa Hendy - Property Officer

File No: CP/05/040

Attachments:

1. Powlett Street Title Details
2. Council's Land on Powlett Street
3. Overviews of Powlett Street Land
4. Submission to Proposal

SUMMARY

Council owns a small parcel of land located on the western side of Powlett Street Kilmore. The land has been in the ownership of Council (Shire of Kilmore, Mitchell Shire Council) since 1990. The land has been occupied by Kilmore Central Ford since the opening of their car dealership business and forms part of the display yard.

The report to the Council Meeting of 18 February 2019 discussed the consideration of the sale of the land to Kilmore Central Ford and the matters associated with the sale of the land. At the meeting, Council subsequently resolved the following:

THAT Council:

1. Consider the sale proposed, being the sale of land at 119-125 Powlett Street Kilmore (part) contained in Volume 10011 Folio 804 (as per the Title in Attachment 1) and signify support to continue the necessary steps under the *Local Government Act 1989* section 189 to give public notice for the proposed sale.
2. Authorise the giving of Public Notice under section 189 of the *Local Government Act 1989* of the proposed sale of land at 119-125 Powlett Street Kilmore (part) contained in Volume 10011 Folio 804 (as per the title in Attachment 1). The Public Notice would be published in a local newspaper and on Council's website.
3. In accordance with section 223 of the *Local Government Act 1989*, receive written submissions and hear from submitters at a meeting of the Community Questions and Hearings Committee.
4. At a later date, consider a Council report containing recommendations pertaining to the proposed sale of the land.

Public Notice has been completed and this report discusses that process and recommends the next steps towards the proposed completion of the sale and transfer of the land.

CONSIDERATION OF THE PROPOSED SALE OF LAND - POWLETT STREET KILMORE (CONT.)

COUNCIL RESOLUTION**MOVED:** CR. R. SANDERSON**SECONDED:** CR. B. HUMM**THAT** Council:

1. Note that the legislative processes as required under section 189, section 82A and section 223 of the *Local Government Act 1989* have been completed in relation to the consideration of the sale of the land in Powlett Street, Kilmore, contained in Volume 10011 Folio 804.
2. Note that submission/s have been received and heard in relation to the consideration of the proposed sale of the land in Powlett Street Kilmore, contained in Volume 10011 Folio 804.
3. Grant that the land owned by Council in Powlett Street and contained in Volume 10011 Folio 804 is deemed to be surplus to requirements due to the land not serving, and most unlikely at a future time to serve, any operational, strategic or community purpose.
4. Authorise the signing of all required forms and legal documentation, including a Section 173 Agreement, to complete the sale and transfer of the Council owned land in Powlett Street, Kilmore contained in Volume 10011 Folio 804 to the adjacent land owner by private treaty at the sale price determined by a qualified and independent valuer appointed by Council.
5. The land will not be sold at less than market value, as valued by a professional qualified valuer.

CARRIED UNANIMOUSLY

8.3 PROPOSED DECLARATION OF PUBLIC HIGHWAY - PART WANDONG AVENUE

Author: Teresa Hendy - Property Officer

File No: CP/06/012, St/01/001

Attachments: 1. Area proposed to be declared public highway

Reference: CM18/307

SUMMARY

The ownership and management of the land adjacent to the constructed road (Wandong Avenue) has long been the subject of uncertainty (area shown in Attachment 1).

The proposal to declare the whole of the land (shown in Attachment 1) as a public highway would create certainty for future management of the land. The proposal has been advertised to the community by giving public notice and requesting submissions in response to the public notice.

This report follows Council Reports from 15 October 2018, 18 February 2019 and 15 April 2019 which discussed issues associated with the land on both sides of Wandong Avenue where the road abuts Rail Street.

The recommendations of the Council Reports are as follows:

15 October 2018

THAT Council:

1. Propose to declare the northern section of Wandong Avenue, Wandong (adjacent to Rail Street), and as shown on Attachment 1 of this report, as a public highway.
2. Authorise the giving of Public Notice under Section 223 of the *Local Government Act 1989* of the intention to declare the section of Wandong Avenue, as shown on Attachment 1, a public highway under Section 204(1) of the *Local Government Act 1989*. The Public Notice would be published in a local newspaper and on Council's website.
3. In accordance with Section 223 of the *Local Government Act 1989*, receive written submissions and hear from submitters at a meeting of the Community Questions and Hearings Committee.

18 February 2019

THAT Council:

1. Determine that the area shown in Attachment 1 of this report, being the northern section of Wandong Avenue adjacent to Rail Street, is reasonably required for

PROPOSED DECLARATION OF PUBLIC HIGHWAY - PART WANDONG AVUNUE (CONT.)

- public use, both for immediate vehicle and pedestrian use and to allow for future planning for public, Council and utility uses and services.
2. Authorise the giving of public notice to give effect to Recommendation 1, by the publication of a notice of declaration of public highway under section 204(1) of the *Local Government Act 1989* of the area shown in Attachment 1 of this report in the *Victoria Government Gazette*.
 3. After the giving of public notice, authorise the preparation of a title Plan for the land declared as public highway and application by Council to become the registered proprietor of the land declared as public highway, as shown in Attachment 1 of this report.

Following the Council meeting of 18 February 2019, it came to light that Officers inadvertently did not provide all parties the opportunity to be heard in accordance with Section 223 of the *Local Government Act 1989* and that a new resolution on the matter of declaring Part Wandong Avenue a Public Highway would be required after submitters had the opportunity to be heard by the Community Questions and Hearings Committee.

The Council resolution of 18 February 2019 could not be acted upon without having provided procedural fairness as is required by the Act, therefore this required Council to consider the proposal anew.

The subsequent report of 15 April 2019 proposed a way forward to ensure that the submissions were treated in accordance with the Act and Council could advance to make a new resolution once they had considered all submissions, written and verbal.

The resolution of the Meeting of 15 April 2019 is as follows:

15 April 2019**THAT** Council:

1. Reconsider the decision made at the Ordinary Council Meeting of 18 February 2019, Item 2, which gives effect to the declaration of public highway of part of Wandong Avenue (as shown in Attachment 1), noting that Council cannot proceed with the resolution having not fulfilled its requirements under the *Local Government Act 1989* to provide opportunity for submitters to be heard in accordance with section 223 of the *Local Government Act 1989*.
2. Officers invite the submitter and all other objectors who wished to be heard in support of their submission made in regard to the proposed declaration of public highway of part Wandong Avenue to the meeting of the Community Questions and Hearing Committee meeting scheduled for Monday 13 May 2019.
3. Hear the submitters at the Community Questions and Hearings Committee and report back to Council with a full representation of the submitter's views and concerns.

PROPOSED DECLARATION OF PUBLIC HIGHWAY - PART WANDONG AVUNUE (CONT.)

This report provides the background and information around the proposal for the declaration as public highway of part of Wandong Avenue to inform the consideration of the proposal in conjunction with the submission/s to the Community Questions and Hearings Committee.

In summary the report recommends that, in recognition of the long-established use of the whole of the land by vehicle and pedestrian traffic, it is considered that the area under discussion and shown in Attachment 1 of this report is considered reasonably required for public use and that support be given for the publication of a Gazettal Notice to give effect to the declaration of a public highway.

COUNCIL RESOLUTION

MOVED: CR. D. LOWE

SECONDED: CR. A. GOBLE

THAT Council:

1. Determine that the area shown in Attachment 1 of this report, being the northern section of Wandong Avenue adjacent to Rail Street, is reasonably required for public use, both for immediate vehicle and pedestrian use and to allow for future planning for public and community uses, and Council and utility services.
2. Authorise the giving of Notice to give effect to Recommendation 1, by the publication of a Notice of declaration of public highway under section 204(1) of the *Local Government Act 1989* of the area shown in Attachment 1 of this report in the Victoria Government Gazette.
3. After the giving of the Notice, authorise the preparation of a title plan for the land declared as public highway and application by Council to become the registered proprietor of the land declared as public highway, as shown in Attachment 1 of this report.

CARRIED UNANIMOUSLY

8.4 PROPERTY ACQUISITION AND DISPOSAL POLICY

Author: Michael Freeman - Strategic Assets Coordinator

File No: CM/03/005

Attachments: 1. Property Holding, Acquisition and Disposal Policy

SUMMARY

The Property Holding, Acquisitions and Disposal Policy has been drafted to ensure property transactions are conducted in accordance with the highest standards of probity, relevant legislation and align with Council strategies and policies.

The Policy will provide criteria which will support integrity, impartiality, accountability and transparency in property transaction decisions and it will ensure Council is achieving its strategic goals in its property management decisions.

Following the consideration of the Draft Policy at the February 2019 Ordinary Council meeting community feedback was sought through a consultation period. The Policy was advertised under the Council News column in the North Central Review and The Telegraph newspapers, as well as on the Engaging Mitchell website over a six week period. No submissions were received from the public regarding the draft Policy and the Policy is now recommended for endorsement.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. F. STEVENS

THAT Council adopt the Property Holding, Acquisition and Disposal Policy.

CARRIED UNANIMOUSLY

8.5 FINANCIAL REPORT FOR THE PERIOD ENDING 31 MARCH 2019

Author: *Hannah White - Management Accounting Coordinator*

File No: *FN/12/001-02*

Attachments: 1. *Financial Report for the period ending 31 March 2019*

SUMMARY

This report along with the attachment allows Council to monitor its financial performance.

Cr A. Goble left the meeting 7.17PM

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. D. LOWE

THAT Council endorses the contents and changes proposed within the Financial Report for the period ending 31 March 2019 and Attachment 1 – Financial Report for the nine months ending 31 March 2019.

CARRIED UNANIMOUSLY

8.6 AUSTRALIA DAY AWARDS COMMITTEE TERMS OF REFERENCE

Author: Lidia Harding - Governance & Corporate Accountability Coordinator

File No: CL/05/020

Attachments: 1. Australia Day Awards Committee Terms of Reference

SUMMARY

This report amends the Australia Day Awards Committee Terms of Reference.

COUNCIL RESOLUTION

MOVED: CR. D. LOWE

SECONDED: CR. B. CORNISH

THAT Council adopt the Australia Day Awards Committee Terms of Reference as at Attachment 1 with the following amendment to Membership: Four Councillors nominated by Council on an annual basis including the Mayor (who will act as Chair) and three other Councillors so that there is at least one Councillor from each Ward on the Committee. Where possible it is preferred at least one on these Councillors has previous experience on the Australia Day Committee and if possible as a Chair.

CARRIED UNANIMOUSLY

Cr A. Goble returned to the meeting 7.17PM

ASSEMBLY OF COUNCIL RECORD (CONT.)

8.7 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. B. HUMM

SECONDED: CR. R. SANDERSON

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

CARRIED UNANIMOUSLY

9 DEVELOPMENT AND INFRASTRUCTURE

9.1 COMMUNITY ROADS FUNDING REFERENCE GROUP - TERMS OF REFERENCE

Author: *Tim Partridge - Manager Engineering and Major Projects*

File No: *CM18/105*

Attachments: 1. *Community Roads funding Reference Group*

SUMMARY

Terms of Reference have been prepared outlining the purpose, roles and membership criteria for the future establishment of a Community Roads Funding Reference Group.

This draft Terms of Reference is shown in Attachment 1 of this report and is presented for Council approval.

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. F. STEVENS

THAT Council:

1. Endorse and adopt the Terms of Reference for the establishment of a Community Roads Funding Reference Group.
2. Officers publicly advertise for prospective community members to join this reference group.
3. Receives a report at a future Council meeting with officer recommendations for community member appointments to this group.

CARRIED UNANIMOUSLY

9.2 DELATITE ROAD, SEYMOUR - BRIDGE CONSTRUCTION OPTIONS AT WHITEHEADS CREEK

Author: Pushpa Gunawardhana - Capital Works Coordinator

File No: CR17/540

Attachments: 1. Upgrade Options Report

SUMMARY

This report summarises the preliminary investigations undertaken into upgrade options for the existing ford located over the Whiteheads Creek on Delatite Road in Seymour.

These preliminary investigations include a hydraulic assessment of three (3) upgrade options along with preliminary costings to assist Council in deciding what design standard to adopt for a future upgrade of the existing ford.

The report also makes a recommendation on the most favourable option based on the assessment results.

AMENDMENT

COUNCIL RESOLUTION

MOVED: CR F. STEVENS

SECONDED: CR. A. GOBLE

THAT Council:

1. Adopt a 1 in 10 year flood design standard as the preferred standard for a future upgrade of the Delatite Road crossing of the Whiteheads Creek.
2. Refers the detailed design of a new culvert structure over the Whiteheads Creek to the 2019-2020 Capital Works budget process for 'Shovel Ready' funding consideration by the end of that financial year.
3. Subject to the completion of a detailed design, refers the upgrade of the Delatite Road ford over the Whiteheads Creek to the 2020-2021 Capital Works budget process for funding consideration.

LOST

The vote resulted in as follows:

For:

CR. A. GOBLE
CR. R. SANDERSON
CR. F. STEVENS

Against:

CR. D. ATKINSON
CR. B. CHISHOLM
CR. B. CORNISH

Abstained:

DELATITE ROAD, SEYMOUR - BRIDGE CONSTRUCTION OPTIONS AT WHITEHEADS CREEK (CONT.)

CR. B. HUMM
CR. D. LOWE

COUNCIL RESOLUTION

MOVED: CR D. LOWE

SECONDED: CR. B. HUMM

THAT Council defer until June Council Meeting

CARRIED UNANIMOUSLY

9.3 OLD GOULBURN RIVER BRIDGE - FUTURE WORKS

Author: *Tim Partridge - Manager Engineering and Major Projects*

File No: *CM18/353*

Attachments:

1. *Detailed Design for Pedestrian Structure*
2. *Structural Timber Rehabilitation Plan*
3. *Old vs. New Bridge Refurbishment Methodologies*
4. *Cable Stabilisation Works*
5. *Rehabilitation and Refurbishment Preliminary Cost Estimate*
6. *Statement of Heritage Significance*

SUMMARY

To update Council on the progress of impending works to complete stabilisation works of the Old Goulburn River Timber Bridge structure.

This report also outlines the previous design work prepared for the future rehabilitation and re-use of the timber heritage structure and seeks approval from Council to re-engage with the community for the review and advancement of these designs.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. F. STEVENS

THAT Council:

1. Progress work on the Old Goulburn River Bridge as per the project stages below;
 - a) Complete Stage 1 works to stabilise the timber structure.
 - b) Engage with the local community for the review of the bridge rehabilitation plan (as per Attachment 2) and the original refurbishment plan (as per Attachment 1) and revised refurbishment plan (as per Attachment 3).
 - c) In partnership with the community, review, update and finalise detailed design plans and costings for the rehabilitation and refurbishment of the bridge utilising the funding committed in the 2018-2019 Capital Works program.
 - d) Obtain a new permit from Heritage Victoria for the proposed works.
 - e) Continue to seek external grant funding for the rehabilitation and refurbishment works.
 - f) Stage 2 works – Rehabilitation of damaged and deteriorated timber elements (timing TBC subject to funding)

OLD GOULBURN RIVER BRIDGE - FUTURE WORKS (CONT.)

- g) Stage 3 works – Refurbishment i.e. installation of new pedestrian structure and ancillary works (timing TBC subject to funding)

CARRIED UNANIMOUSLY

9.4 PLANNING PERMIT APPLICATION PLP186/18 FOR SUBDIVISION OF THE LAND AT 8 RIDD COURT SEYMOUR

Author: Amy King - Statutory Planner

File No: PLP186/18

Attachments:

1. Plan of Subdivision
2. Planning Policy Framework
3. Clause 56 Assessment

SUMMARY

Property No.:	103759
Title Details:	Lot 2 on PS409317R (Volume 10346 / Folio 043)
Applicant:	Peyton Waite Pty Ltd
Zoning:	General Residential Zone – Schedule 1
Overlays:	Nil
Objections Received:	4
Cultural Heritage Management Plan Required:	No
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



(Aerial image of subject site – 8 Ridd Court, Seymour)

PLANNING PERMIT APPLICATION PLP186/18 FOR SUBDIVISION OF THE LAND AT 8 RIDD COURT SEYMOUR (CONT.)

Planning permit application PLP186/18 was received by Council for a multi-lot subdivision of the land at 8 Ridd Court in Seymour. The site is zoned General Residential Zone with no overlay controls applicable.

The application was publicly notified via letters to adjoining landowners and occupiers and a sign on the property frontage. Four objections were received which are summarised and addressed in later sections of this report. This application is proceeding to a Council meeting given the number of objections received.

The main issues considered later in this report relate to lot layout and connectivity.

It is recommended to issue a notice of decision to grant a planning permit subject to conditions.

COUNCIL RESOLUTION

MOVED: CR. D. LOWE

SECONDED: CR. A. GOBLE

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a notice of decision to grant a planning permit in respect of Application No. PLP186/18 for a multi-lot subdivision at Lot 2 on PS409317R, Volume 10346 / Folio 043), known as 8 Ridd Court Seymour, subject to the following conditions:

General:

1. Before the Certification of the Plan of Subdivision under the *Subdivision Act 1988*, amended plans 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 three copies must be provided. The plans must be generally in accordance with the [application plans/advertised plans] but further modified to show:
 - (a) Plan is to be amended to include removal of existing court bowl and provision of 7.3m wide road through to the northern property boundary, including appropriate mechanisms for the turning of vehicles to the satisfaction of the Responsible Authority.
2. The layout of the subdivision as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.
3. Construction activities 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) inappropriate storage of any works or construction materials;
 - (c) hours of construction activity;
 - (d) emission of noise, artificial light, vibration, smell, fumes, smoke,

PLANNING PERMIT APPLICATION PLP186/18 FOR SUBDIVISION OF THE LAND AT 8 RIDD COURT SEYMOUR (CONT.)

- vapour, reflection or glare, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil;
- (e) presence of vermin; and
- (f) in any other way.

to the satisfaction of the Responsible Authority.

4. Before a plan of subdivision is certified, a layout plan with street names, in accordance with the naming rules for places in Victoria and a written response provided to justify the choice of names, must be provided to and approved by the Responsible Authority.
5. Before the issue of a Statement of Compliance under the *Subdivision Act* 1988, the permit holder must pay to the Responsible Authority a cash payment equivalent to 5% of the site value of all the land in the subdivision in lieu of the provision of land for Public Open Space, unless otherwise agreed in writing by the Responsible Authority.
6. Before the issue of a Statement of Compliance under the *Subdivision Act* 1988, the permit holder must erect signage stating 'Road Closed' to the satisfaction of the Responsible Authority.

Landscaping requirements

7. Before the plan of subdivision is certified under the *Subdivision Act* 1988, a detailed landscape plan must be submitted to and approved by the Responsible Authority. **A fee is payable for the assessment of these plans.** When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - (a) all new plantings including their layout to be provided in any public open space area including streetscapes, parklands, water retention areas, buffer zones, service corridors, and environmental reserves.
 - (b) Street tree planting using species that provide safe canopy tree cover, unless otherwise agreed
 - (c) a detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant. All species selected must be to the satisfaction of the Responsible Authority
 - (d) details regarding specific planting techniques to be undertaken, such as planting methodology, root barriers, fertilizer, or any other requirements;
 - (e) the proposed layout, materials and finishes of paths, areas of pavement, playgrounds, play items, structures and street and park furniture
 - (f) detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural

PLANNING PERMIT APPLICATION PLP186/18 FOR SUBDIVISION OF THE LAND AT 8 RIDD COURT SEYMOUR (CONT.)

- elements such as retaining walls, details of drainage infrastructure, utility services, irrigation and water supply infrastructure
- (g) the removal of all existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds from the land
 - (h) mechanisms for the exclusion of vehicles from reserve areas
 - (i) location and details of public lighting. Any proposed public lighting is to be provided in line with Australian Standards AS/NZS 1158.3.1:2005 – Lighting for roads and public spaces and must not consist of non-standard lighting
 - (j) fencing details for all allotment boundary fencing abutting a reserve to be transferred to Council

all to the satisfaction of the Responsible Authority.

8. Before the issue of a Statement of Compliance under the *Subdivision Act 1988*, or by any later date that is approved in writing by the Responsible Authority, the landscape works shown on the endorsed landscape plans must be carried out and completed to the satisfaction of the Responsible Authority.
9. The landscaping is to be maintained for a minimum period of 24 months from practical completion of the landscaping including at least two full summers. During this period, any dead, diseased or damaged plants or landscaped areas are to be replaced to the satisfaction of the Responsible Authority.

Telecommunications requirements:

10. The owner of the land must enter into an agreement with:
 - (a) telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - (b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

- (a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with

PLANNING PERMIT APPLICATION PLP186/18 FOR SUBDIVISION OF THE LAND AT 8 RIDD COURT SEYMOUR (CONT.)

any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Goulburn Valley Water:

11. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment.
12. Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
13. Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation.
14. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
15. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
16. Disconnection of existing house Septic Tank, and directly connect to a sewer main of the Goulburn Valley Region Water Corporation.
17. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property.
18. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request.
19. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the *Subdivision Act 1988*.

PLANNING PERMIT APPLICATION PLP186/18 FOR SUBDIVISION OF THE LAND AT 8 RIDD COURT SEYMOUR (CONT.)

APA Group:

20. Easements in favor of “Australian Gas Networks (VIC) Pty Ltd” must be created on the plan to the satisfaction of APT.
21. The plan of subdivision submitted for certification must be referred to APT O&M Services Pty Ltd, in accordance with Section 8 of the *Subdivision Act 1988*.

Country Fire Authority:

Hydrants –

22. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:
 - a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
 - b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Note – CFA’s requirements for identification of hydrants are specified in ‘Identification of Street Hydrants for Firefighting Purposes’ available under publications on the CFA web site (www.cfa.vic.gov.au)

Roads –

23. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
 - a) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
 - b) Curves must have a minimum inner radius of 10 metres.
 - c) Roads must have a minimum trafficable width of:
 - 5.5m if parking is prohibited on one or both sides of the road,
 - 7.3m where parking is allowable on both sides of the road.
 - d) Provision shall be made at the end of all dead-end streets greater than 60m in length (whether or not created by staged construction) for turning a design vehicle to the satisfaction of the Responsible Authority.

PLANNING PERMIT APPLICATION PLP186/18 FOR SUBDIVISION OF THE LAND AT 8 RIDD COURT SEYMOUR (CONT.)

Engineering services:

24. Unless otherwise agreed in writing by the Responsible Authority, the development plan must be amended to reflect the proposed road to extend to the north boundary fence of 13 Parker Court Seymour.
25. Unless otherwise agreed in writing by the Responsible Authority, the development plan must be amended to reflect the requirements of the approved drainage strategy, to the satisfaction of the Responsible Authority.
26. Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of any works associated with the development start, a Drainage Strategy to the satisfaction of the Responsible Authority must be prepared. Once approved the strategy would be endorsed and form part of this permit. The Strategy should include:
 - (a) General sizing and specification of any retention and treatment facilities;
 - (b) Location of any proposed retention and treatment facilities;
 - (c) Typical details of proposed systems to be utilised;
 - (d) Evidence to support water quality improvements;
 - (e) Evidence to support appropriate retention;
 - (f) Major storm overland flow paths and requirements;
 - (g) Outfall works and proposals;
 - (h) Any required staging or interim facilities.

Unless otherwise agreed by the Responsible Authority, prior to the issue of a Statement of Compliance for the relevant stage, 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.

27. Unless otherwise agreed to in writing by the responsible Authority, before the plan of subdivision is certified for any stage of the subdivision under the *Subdivision Act 1988*, a functional layout plan for the stage of subdivision must be submitted to and approved by the Responsible Authority. The functional layout plan must be drawn to scale with dimensions. The functional layout plan must be generally in accordance with the application plans but incorporate the following:
 - (a) a subdivision layout drawn to scale, including lot areas, lot numbers and widths of road reserves
 - (b) topography and existing features, including contours for the subject land and any affected adjacent land
 - (c) the location of all trees existing on the land, including dead trees and those that overhang the land from adjoining land

PLANNING PERMIT APPLICATION PLP186/18 FOR SUBDIVISION OF THE LAND AT 8 RIDD COURT SEYMOUR (CONT.)

- (d) details of tree protection zones for all trees to be retained on the land
 - (e) any trees proposed for removal from the land
 - (f) typical cross-sections for each street type, dimensioning individual elements and services offsets and any other spatial requirements
 - (g) a table of offsets for all utility services and street trees
 - (h) location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls
 - (i) the proposed minor drainage network and any land required for maintenance access
 - (j) the major drainage system, including any watercourse, lake, wetland, silt pond, and/ or piped elements showing preliminary sizing
 - (k) overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination
 - (l) drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for construction and maintenance
 - (m) preliminary location of reserves for electrical kiosks
 - (n) works external to the subdivision, including both interim and ultimate access requirements
28. 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:
- (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,

PLANNING PERMIT APPLICATION PLP186/18 FOR SUBDIVISION OF THE LAND AT 8 RIDD COURT SEYMOUR (CONT.)

- 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 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.

PLANNING PERMIT APPLICATION PLP186/18 FOR SUBDIVISION OF THE LAND AT 8 RIDD COURT SEYMOUR (CONT.)

- (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:
 - i. 80% retention of the typical annual load of total suspended solids
 - ii. 45% retention of the typical annual load of total phosphorus; and
 - iii. 45% retention of the typical annual load of total nitrogen.
 - (dd) Each lot must be provided with one drainage discharge point.
 - (ee) 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.
 - (ff) 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.
29. Unless otherwise agreed by the Responsible Authority under section 21(1)(b)(ii) of the *Subdivision Act 1988*, prior to the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, all works shown on the approved construction plans must be constructed or carried out in accordance with the plans and to the satisfaction of the Responsible Authority.
30. The discharge of water from each of the proposed lots must be controlled around its limits to prevent any discharge onto any adjacent property or streets other than by means of an approved drainage system discharged to an approved outlet in a street or to an underground pipe drain to the satisfaction of the Responsible Authority.
31. Before any works associated with the subdivision start, a Construction Management Plan must be submitted to, and be to the satisfaction of the Responsible Authority. The Construction Management Plan will then be endorsed and form part of the planning permit. The Construction Management Plan must include details of:

PLANNING PERMIT APPLICATION PLP186/18 FOR SUBDIVISION OF THE LAND AT 8 RIDD COURT SEYMOUR (CONT.)

- (a) A Site Management and Safety Plan including, but not limited to, the following:
 - i. Locations of temporary on-site facilities such as equipment storage areas, litter control compounds, contractor rest and car parking areas and the likes;
 - ii. On-site safety procedures;
 - iii. Relevant service authority and emergency services contact details;
 - iv. Site access address for emergency vehicles;
 - v. Working hours and days;
 - vi. Site specific safety and risk analysis;
 - vii. Methods to ensure the recommendations of any approved Cultural Heritage Management Plan applying to the land are carried out.

 - (b) An Environmental Management Plan including, but not limited to, the following:
 - i. Methods to contain dust, dirt and mud within the subject site, and the method and frequency of clean up procedures;
 - ii. Sediment control techniques to ensure that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the storm water drainage system;
 - iii. Stormwater management and water quality control procedures;
 - iv. Methods to prevent and manage illegal dumping on the land;
 - v. Tree Protection Zones around the trees to be retained as shown on the endorsed plans;
 - vi. Machinery wash down areas, clearly fenced and located in disturbed areas, which ensure that all machinery entering and exiting the land is weed and pathogen free;
 - vii. Methods to ensure that contractors working on the land are aware of the requirements of the Construction Management Plan and any other obligations of the planning permit.

 - (c) A Traffic Management Plan including, but not limited to, the following:
 - i. Proposed haulage routes to and from the subject land;
 - ii. Expected frequency of vehicle movements to and from the land;
 - iii. Site access arrangements for construction vehicles;
 - iv. Measures proposed to mitigate traffic impacts resulting from construction vehicles accessing the land.
 - v. Working hours and after hours traffic signage plan
- All works must be undertaken in accordance with the endorsed

PLANNING PERMIT APPLICATION PLP186/18 FOR SUBDIVISION OF THE LAND AT 8 RIDD COURT SEYMOUR (CONT.)

Construction Management Plan to the satisfaction of the Responsible Authority.

32. All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Responsible Authority.
33. All lot filling on the site must be carried out, supervised, completed and recorded in accordance with AS 3798 - 2007 (Guidelines on earthworks for commercial and residential developments) to the satisfaction of the Responsible Authority. All fill must be certified clean fill as defined by the Environment Protection Agency (EPA) and no fill accepted from the general public. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*, evidence must be provided to demonstrate compliance with the above Australian Standard, to the satisfaction of the Responsible Authority.
34. Unless otherwise agreed to in writing by the Responsible Authority, prior to the issue of a Statement of Compliance for each stage of the subdivision under the *Subdivision Act 1988*, the permit holder must pay a design checking for landscaping as per the adopted Council fees and charges to the satisfaction of the Responsible Authority.
35. Unless otherwise agreed to in writing by the Responsible Authority, prior to the issue of a Statement of Compliance for each stage of the subdivision under the *Subdivision Act 1988*, the permit holder must pay a supervision of landscaping works of 2.50% of the costs of assets handed over to council for the development as per the adopted Council fees and charges to the satisfaction of the Responsible Authority.
36. Before the issue of a Statement of Compliance for each stage of the subdivision under the *Subdivision Act 1988*, the following must be submitted to the satisfaction of the Responsible Authority unless otherwise agreed in writing by the Responsible Authority:
 - (a) A complete set of "as constructed plans" of site works in digital file format 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

PLANNING PERMIT APPLICATION PLP186/18 FOR SUBDIVISION OF THE LAND AT 8 RIDD COURT SEYMOUR (CONT.)

- drainage infrastructure, open space data in accordance with the "O-Spec" Standard, road and footpath data in accordance with "R-Spec" Standards and B-Spec for building data.
- (d) A report containing a maintenance regime for all Water Sensitive Urban Design features.
 - (e) Any relevant infrastructure manuals, specifications or maintenance requirements for assets to be handed over.
 - (f) A CCTV video recording and report of all completed stormwater drains greater than 150mm diameter.
 - (g) 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*.

Permit expiry:

37. This permit will expire if one of the following circumstances applies:

- (a) The plan of subdivision is not certified within 2 years of the date of this permit;
- (b) The registration of the relevant stage of subdivision is not completed within five years from the date of certification of the plan of subdivision.

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

CARRIED

The vote resulted in as follows

For:

CR. D. ATKINSON
CR. B. CHISHOLM
CR. B. CORNISH
CR. A. GOBLE
CR. B. HUMM
CR. D. LOWE
CR. R. SANDERSON

Against:

CR. F. STEVENS

Abstained:

9.5 PLANNING PERMIT APPLICATION PLP319/17 FOR REMOVAL OF NATIVE VEGETATION AT 175 NORTHERN HIGHWAY WALLAN

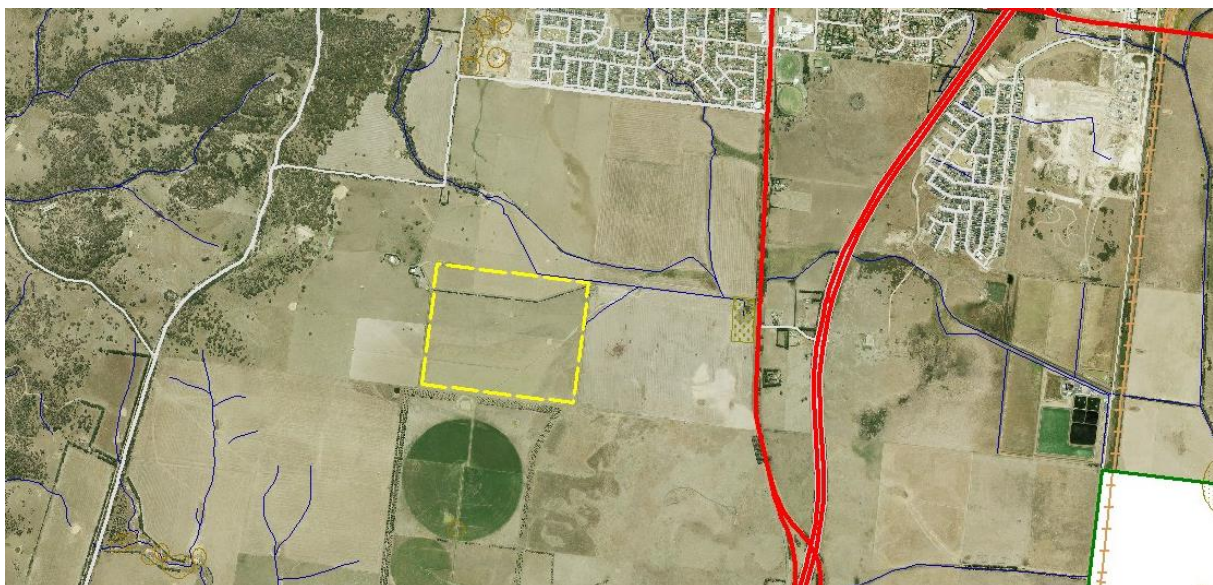
Author: *Holly Sawyer - Senior Statutory Planner*

File No: *PLP319/17*

- Attachments:**
1. *175 Northern Highway Wallan - site plan*
 2. *175 Northern Highway Wallan - Planning Policy Framework*
 3. *Wallan South PSP Vegetation Mapping*

Property No.:	110841
Title Details:	Portion 33A Parish of Wallan Wallan Volume 10685 Folio 331 Crown Allotment 31 Parish of Wallan Wallan Volume 10685 Folio 328
Applicant:	Crystal Creek Properties Pty Ltd
Zoning:	Farming Zone
Overlays:	None
Objections Received:	None
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



PLANNING PERMIT APPLICATION PLP319/17 FOR REMOVAL OF NATIVE VEGETATION AT 175
NORTHERN HIGHWAY WALLAN (CONT.)

SUMMARY

The subject site consists of two allotments within a larger landholding to the south of the Wallan township. The subject lots are located within the Farming Zone and are not affected by any overlays. This site is located within the Wallan South Precinct Structure Plan (PSP) area.

The application is seeking approval to remove native vegetation consisting of 3.708 hectares of native grassland. The main considerations herein are in relation to the potential loss of biodiversity and meeting the objectives for avoiding and minimising vegetation loss.

The application was advertised via letters to the adjoining landowners to the south of the subject site. No objections were received.

It is recommended to support the application to ensure there is no net loss to biodiversity to the state through the provision of biodiversity offsets.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. D. LOWE

THAT Council defer to the June Council Meeting.

CARRIED

The vote resulted in as follows

For:

CR. D. ATKINSON
CR. B. CHISHOLM
CR. B. CORNISH
CR. A. GOBLE
CR. D. LOWE
CR. R. SANDERSON
CR. F. STEVENS

Against:

CR. B. HUMM

Abstained:

9.6 PLANNING PERMIT APPLICATION PLP344/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 7 DWELLINGS AT 7 MCCARTHY COURT WALLAN

Author: Mathew Mertuszka - Principal Planner

File No: PLP344/18

- Attachments:**
1. Relevant Policies
 2. Plans
 3. Rescode Assessment

Property No.:	PLP344/18
Title Details:	Lot 1 on Plan of Subdivision 200848M
Applicant:	M Property
Zoning:	General Residential Zone – Schedule 1
Overlays:	Nil
Objections Received:	6 objections received at the time of this report
Cultural Heritage Management Plan Required:	No, not in an area of aboriginal cultural heritage significance
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



PLANNING PERMIT APPLICATION PLP344/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 7 DWELLINGS AT 7 MCCARTHY COURT WALLAN (CONT.)

SUMMARY

The application is seeking to construct seven dwellings on a lot. The proposal will result in six double storey dwellings and one single storey dwelling. The existing dwelling on the land will be demolished. This application must be decided at a Council in accordance with Council's instrument of delegation for receiving 4 or more objections during public notification.

The lot has an area of 1,998 square metres (sqm) and is located on the northern side of McCarthy Court, Wallan.

The application was advertised by posting notices to adjoining property owners and occupiers and posting a sign on the premises. A total of six objections have been received. The concerns raised related to overdevelopment of the site, lack of on street car parking and footpaths, failure to comply with neighbourhood character, overlooking concerns, loss of amenity due to size, bulk of the development, generation of increased traffic and noise and loss of established trees.

Given the residential zoning, existing services and the site's location within an easy walking distance of the Wallan Town Centre, public transport, schools, and parks, this provides for an appropriate context to increase residential densities.

In officer's assessment the proposal demonstrates compliance with the relevant policies and provisions of the Mitchell Planning Scheme. It is therefore recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

COUNCIL RESOLUTION

MOVED: CR. B. CORNISH

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 Refusal to Grant a Planning Permit in respect of Application No. PLP344/18 for Buildings and works for the construction of 7 dwellings at Lot 1 on Plan of Subdivision 200848M, known as 7 McCarthy Court, Wallan, subject to the following grounds:

1. The proposal is inconsistent with Clauses 11.02-1S (Supply of Urban Land), 21.07-1 (Residential development) and 21.11-9 (Wallan) as the development would be inconsistent with the existing and preferred neighbourhood character.
2. The proposal is inconsistent with Clause 15.01-2 (Building Design) and Clause 32.08 (General Residential Zone) of the Mitchell Planning Scheme as the built form character is inconsistent with the existing or preferred neighbourhood character.
3. The proposal fails to satisfy Standard B1 (Neighbourhood character objective) of Clause 55 of the Mitchell Planning Scheme and would result in a poor built form outcome for the area that fails to respond to the existing or

PLANNING PERMIT APPLICATION PLP344/18 FOR BUILDINGS AND WORKS FOR THE CONSTRUCTION OF 7 DWELLINGS AT 7 MCCARTHY COURT WALLAN (CONT.)

preferred neighbourhood character.

4. The proposal fails to satisfy Standard B22 (Overlooking objective) of Clause 55 of the Mitchell Planning Scheme and would result in poor amenity for future residents of these dwellings and adjoining dwellings.
5. The proposed development does not respond appropriately to Clause 65 (Decision guidelines) of the Mitchell Planning Scheme and would not result in the orderly development of the area.

CARRIED UNANIMOUSLY

9.7 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. R. SANDERSON

SECONDED: CR. F. STEVENS

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

CARRIED UNANIMOUSLY

10 EXECUTIVE SERVICES

Nil Reports

11 NOTICES OF MOTION

11.1 NOTICE OF MOTION: NO. 962 - FUNDING FOR FOOTPATHS AND TRAILS

Author: *Councillor Rhonda Sanderson*

File No: *GV/10/024*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 20 May 2019.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. A. GOBLE

THAT Council Officers prepare a report to Council regarding:

a) funding (including new, upgrade and maintenance) for Mitchell Shire Council footpaths and trails in 2016-2017, 2017-2018, 2018-2019 budgets and 2019-2020 proposed budget;

b) an indication of how many years' worth of 'missing links' paths currently remain outstanding, at the current rate of construction.

CARRIED UNANIMOUSLY

11.2 NOTICE OF MOTION: NO. 963 - COMMUNITY HALL, SEYMOUR

Author: *Councillor Rhonda Sanderson*

File No: *GV/10/024*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 20 May 2019.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. F. STEVENS

THAT Council officers provide a report considering options for the provision of a community hall for Seymour.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

MOVED: CR. B. CORNISH

SECONDED: CR. A. GOBLE

THAT an extension of speaking time be granted.

CARRIED UNANIMOUSLY

11.3 NOTICE OF MOTION: NO. 964 - FUNDING OF REGIONAL WASTE MANAGEMENT GROUPS

Author: Councillor Bob Humm

File No: WM/04/001-05

Attachments: Nil

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 20 May 2019.

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. A. GOBLE

THAT the Mayor write to The Honourable Lily D'Ambrosio, Minister for Environment and Climate Change to express that Mitchell Shire like the Campaspe Shire Council also have concerns with Governments decision to reduce funding to the Regional Waste Management Groups.

Mitchell Shire believes this decision will have impact upon the work that Goulburn Valley Waste and Resource Recovery Group (GVWRRG) have considered and planned for into the future for our region.

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 April 2019 and also other activities attended as a Council representative.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. B. HUMM

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

CARRIED UNANIMOUSLY

13 GENERAL BUSINESS

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

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. B. CORNISH

THAT the Mayor write to the President of Sri Lanka on behalf of the Mitchell Shire community to express our heartfelt condolences on the shocking events of 21 April 2019.

CARRIED UNANIMOUSLY

14 URGENT BUSINESS

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

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. D. LOWE

THAT the confidential urgent business item 15.6 Contract 132234 Capping and Rehabilitation of Seymour and Mitchell Landfills be submitted into the agenda for consideration.

CARRIED UNANIMOUSLY

15 CONFIDENTIAL BUSINESS

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

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 8.35pm

15.1 Confirmation of Minutes of previous Confidential Meeting

15.2 Contract Award RFT132487 - Preferred Consultant Panel for Traffic, Transport Services and Quantity Surveying

s89(2)(d) contractual matters.

15.3 Contract No 132198 - Recyclables, Acceptance and Sorting (VISY Pty Ltd) - Update

s89(2)(d) contractual matters.

15.4 Quarry Material Supply

s89(2)(d) contractual matters.

15.5 Host Town Australia Day 2020

s89(2)(d) contractual matters, and s89(2)(h) any other matter which the Council or special committee considers would prejudice the Council or any person.

15.6 Urgent Business - Contract 132234 Capping and Rehabilitation of Seymour and Mitchell Landfills

s89(2)(d) contractual matters.

15.7 Re-opening of Meeting to members of the public

COUNCIL RESOLUTION

MOVED: CR. B. CORNISH

SECONDED: CR. B. HUMM

CARRIED UNANIMOUSLY

The meeting was re-opened to members of the public at 8.52pm

16 DATE OF NEXT MEETING

The next Ordinary meeting of Council is scheduled to be held on Monday 24 June 2019 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7.00pm.

17 CLOSE OF MEETING

The meeting was declared closed at 8.52pm.

Confirmed this Monday, 24 June 2019

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Chairperson
Mayor, Cr Bill Chisholm