

MINUTES

SPECIAL COUNCIL MEETING

6pm Tuesday 31 January 2023 Community Hub Maryborough, and livestreamed

COUNCIL MEMBERS

Grace La Vella Liesbeth Long Geoff Lovett Chris Meddows-Taylor Gerard Murphy Wayne Sproull Anna de Villiers

CONFIRMED AT THE COUNCIL MEETING HELD ON 28 FEBRUARY 2023



1. COMMENCEMENT OF MEETING AND WELCOME

IN ATTENDANCE

Councillors

Geoff Lovett Liesbeth Long (via videoconference) Wayne Sproull Grace La Vella Chris Meddows-Taylor Anna de Villiers

Officers

General Manager Corporate Performance Mick Smith General Manager Infrastructure Assets and Planning Matthew Irving General Manager Community Wellbeing Emma Little

Cr Lavella welcomed all to the meeting, and recited an Acknowledgement of Country and the Council Prayer.

2. APOLOGIES

Nil

3. LEAVE OF ABSENCE

Nil

4. CONFLICTS OF INTEREST

The CEO Lucy Roffey declared a material conflict of interest in the item to be considered for the reason she is a member of the Advisory Board of Homes Victoria, which has a material interest in the matter.

The CEO was absent from the meeting and has not been involved in preparing or reviewing any associated reports in relation to this planning permit, or in attendance at any briefings, hearings or meetings in relation to the proposal.



5. REPORTS

5.1. PLANNING PERMIT APPLICATION NO. D075/22 FOR THE SUBDIVISION OF 20 DWELLINGS, 25 MARGARET STREET MARYBOROUGH.

The report presented the Planning Permit Application no. D075/22 for the subdivision of 20 dwellings, 25 Margaret Street Maryborough.

MOTION:

That Council, having caused notice of planning permit application no. D075/22 to be given under section 52 of the Planning and Environment Act 1987 and the Central Goldfields Planning Scheme and having considered all the matters generally required, resolves to grant a planning permit and issue a Notice of Decision to Grant a Permit in respect of planning permit application no. D075/22 for the land known and described as 25 Margaret Avenue, Maryborough, for the development of the land for 20 single dwellings, associated 20-lot staged subdivision of the land, removal of native vegetation, waiver of car parking requirements, alteration of access to a road in a Transport Zone 2, and associated buildings and works, in accordance with the endorsed plans and subject to the following conditions:

Endorsed plans

1. The development and subdivision allowed by this permit must be generally in accordance with the plans and/or documents endorsed as part of this permit and must not be altered or modified without the written consent of the responsible authority.

Formal plan of subdivision

2. The formal plan of subdivision submitted for certification must be in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the further written consent of the responsible authority.

General amenity

3. The development and the appearance of the subject land permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality.

Construction activities

- 4. The development must be managed during construction to the satisfaction of the responsible authority so that the amenity of the area is not detrimentally affected through the:
 - a) Transport of materials, goods, or commodities to or from the land.



- b) Appearance of any building, works or materials.
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, litter, dust, wastewater, waste products, grit, or oil.
- d) Presence of vermin or animals.
- 5. All earthworks are to be designed and constructed to avoid soil erosion. All fill is to be compacted, batters are to be topsoiled and revegetated and all drainage is to be diverted around the disturbed areas/batters. Drainage from benched areas, batters and access tracks is to be diverted on nonscouring grades to stable vegetated areas. Several drainage points are to be used to avoid concentration of drainage water.

Asset protection

6. At all times, the permit holder/landowner must ensure that the operation and condition of Council assets (including street trees, drains and roads) are not damaged by the site construction works. If the responsible authority deems Council assets have been detrimentally affected or damaged by development

Completion of landscaping

7. Before the occupation of the development or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

Use of parking areas

8. Areas set aside for the parking and movement of vehicles, as shown on the endorsed plans, must be maintained in a usable and safe condition to the satisfaction of the responsible authority. The areas must be made available for the parking and movement of vehicles and must not be used for any other purpose.

Provision for waste collection

9. Provision must be made for an acceptable pick-up point for waste collection services to the satisfaction of the responsible authority.

Staged subdivision

10. The subdivision must proceed in the order of stages as shown on the endorsed plan(s) unless otherwise agreed in writing by the responsible authority.



Occupation of development

- 11. The development of any stage permitted by this permit must not be occupied until:
 - a) The access and parking area(s) shown on the endorsed plan(s) have been constructed to the requirements and satisfaction of the responsible authority.
 - b) The garden and landscape area(s) shown on the endorsed plan(s), including external fixtures such as clotheslines, storage sheds and rainwater tanks, have been provided and completed to the requirements and satisfaction of the responsible authority.

Completion of development

- 12. Prior to the issue of a Statement of Compliance for stage 1 under the Subdivision Act 1988, the development of stage 1 permitted under this permit of must be completed including that:
 - a) The access and parking area(s) shown on the endorsed plan(s) must be constructed to the requirements and satisfaction of the responsible authority.
 - b) The garden and landscape area(s) shown on the endorsed plan(s) including external fixtures such as clotheslines, storage sheds and rainwater tanks must be provided and completed to the requirements and satisfaction of the responsible authority.
- 13. Prior to the issue of a Statement of Compliance for stage 2 under the Subdivision Act 1988, the development of stage 2 permitted under this permit of must be completed including that:
 - a) The access and parking area(s) shown on the endorsed plan(s) must be constructed to the requirements and satisfaction of the responsible authority
 - b) The garden and landscape area(s) shown on the endorsed plan(s) including external fixtures such as clotheslines, storage sheds and rainwater tanks must be provided and completed to the requirements and satisfaction of the responsible authority.

Public open space contribution

- 14. Prior to the issue of the Statement of Compliance, a monetary contribution of an amount equal to 5% of the current value of all the land within the subdivision shall be paid to the responsible authority. If the land is subdivided in stages; the contribution may be paid proportionally to the area of the lots being created.
- 15. The permit holder or landowner must pay on demand the Council's reasonable costs and expenses to provide valuation



for payment in lieu of open space. Mandatory subdivision conditions 16. The owner of the land must enter into an agreement with: a) 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 (NBN) will not be provided by optical fibre. 17. 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 b) a suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre. Engineering 18. Prior to the issue of a Statement of Compliance (or as otherwise stated) the following must be undertaken by the permit holder/landowner to the requirements and satisfaction of the responsible authority (alternative requirements may be approved, in writing, by Council's Manager Infrastructure): Roads 19. Prior to the commencement of the subdivision and development allowed by this permit, three copies of a subdivision road

19. Prior to the commencement of the subdivision and development allowed by this permit, three copies of a subdivision road layout and road reserve plan that is drawn to scale and fully dimensioned must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must



show:

- a) Extension of Margaret Avenue from Sutton Road (Pyrenees Highway) to the existing constructed sealed road formation north of Tobruk Avenue, to provide access to Lots 1 to 10 from Margaret Avenue.
- b) The Margaret Avenue road formation as a 7.55m-wide roadway with a 6.35m wide seal.
- c) An extension from McPherson Avenue to the common property/driveway that incorporates a court bowl to allow general traffic to turn around before entering the common area, to provide access to Lots 11 to 20.
- d) The McPherson Avenue road formation as a 7.65m-wide roadway with a 6.45m wide seal.
- 20. The road formations of Margaret and McPherson Avenues must be designed and constructed in accordance with the Council's Road Management Plan 'Road Hierarchy' with design service level standards to Urban Access 1 road standard. This includes a pavement depth of 250mm minimum, with pavement design to be verified via subgrade and pavement materials testing (CBR), and with kerb and channel to both sides, to the satisfaction of the responsible authority.
- 21. McPherson Avenue shall be designed to show the intersection with Elizabeth Street, with traffic priority given to McPherson Avenue.
- 22. Margaret and McPherson Avenues shall both be designed to accommodate and contain road surface stormwater drainage.
- 23. The road surfacing of Margaret and McPherson Avenues shall be sealed to the satisfaction of the responsible authority.
- 24. Prior to any relevant works, the permit holder/landowner must make an application for a road occupation permit(s) and have this approved. All works constructed or carried out must be in accordance with the approved permit(s) and any plan(s).

Access

- 25. Vehicle access to Lots 1 to 10 must be provided from the road frontage to Margaret Avenue.
- 26. Vehicle access to Lots 11 to 20 must be provided from the common area via McPherson Avenue.
- 27. Vehicle crossovers must be constructed for Lots 1 to 10 in Margaret Avenue and to provide access to the common area from McPherson Avenue. Such crossovers/driveways must be



of concrete construction and be from kerb to property boundary (refer Infrastructure Design Manual Standard Drawing 240) to the satisfaction of the responsible authority.

- 28. Prior to any relevant crossover/driveway works, the permit holder/landowner must make an application for a vehicle crossing/driveway permit (or permits) and have this approved. All works constructed or carried out must be in accordance with the approved permit(s) and any plan(s).
- 29. Once constructed, the vehicle crossing(s)/driveway(s) must be thereafter maintained by the landowner to the satisfaction of the responsible authority.

Kerbs

30. Kerb and channel must be provided on both sides to all proposed roads and shall be a modified SM2 profile.

Footpaths

- 31. As part of the subdivision road layout and road reserve plan, footpath layout plans must be submitted to and approved by the responsible authority if they are to their satisfaction.
- 32. A concrete footpath must be provided along the western side of Margaret Avenue from the northern end of the proposed subdivision connecting to the existing path that is to the south of the proposed subdivision. The concrete footpath shall be 1.5 metres wide and at a depth of 125mm with SL72 mesh reinforcement and an offset of 300mm from property boundaries.

Street lighting

- 33. Street lighting must be provided on street light poles, adequately located in Margaret Avenue and McPherson Avenue, to the satisfaction of the responsible authority.
- 34. Prior to installation of the street lighting, details of location, type and design must be submitted to and approved by the responsible authority. The design must be one of a standard LED approved by Powercor.

Drainage

- 35. Prior to the commencement of any works, subdivision drainage plans must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of this permit.
- 36. Prior to the commencement of any drainage works, a Stormwater Management Strategy detailing all proposed stormwater quality works within the subject land must be



submitted to and approved by the responsible authority. When approved, the strategy will be endorsed and will then form part of this permit.

- 37. As part of the roadway design for Margaret Avenue, a roadway drainage system must be included that ensures water drains away from the roadway.
- 38. An underground drainage system must be designed and constructed in accordance with the current Australian Rainfall and Runoff Flood Analysis and Design for a 10- year annual recurrence interval.
- 39. The permit holder/landowner must design and construct a drainage system to drain the development to the legal point of discharge.
- 40. A legal point of discharge shall be provided for each lot to the kerb and channel in Margaret Avenue at the northern end of the subdivision.
- 41. All stormwater shall be accommodated and treated within the subdivision in accordance with Infrastructure Design Manual Clause 19, including any overland stormwater flows that flow into the subdivision from external sources.
- 42. Stormwater and surface water drainage from lots, driveways and roadways shall be designed for stormwater quality and quantity to comply with the Best Practice Environmental Management Guidelines for Urban Stormwater (CSIRO) 1999 and to the satisfaction of the responsible authority.

Landscaping

- 43. Upon completion of all works, all nature strips must be levelled, topsoiled, and seeded. Alternate landscaping methods may be undertaken, but must be approved in writing, by the responsible authority prior to being undertaken.
- 44. Five street trees must be placed in the nature strip on Margaret Avenue. The trees shall be Fuchsia Gum and placed in front of Lots 1, 3, 5, 7, and 9. The trees must be planted prior to the issue of the Statement of Compliance and maintained by the permit holder/landowner for a period of 24 months following planting. Any tree that dies within this time must be replaced at the expense of the permit holder/landowner with the same species, unless agreed in writing with the responsible authority.

Defects liability

- 45. A defects liability period of 12 months will apply to all civil construction works undertaken.
- 46. Handover of nature strips, road-related assets, and stormwater



drainage and treatment system assets will occur at the end of the defects liability period, where the condition and operation/function of each asset will be to the satisfaction of the responsible authority.

47. In the period up to handover, the operation/ function/ maintenance/ repairs of nature strips, road-related assets, and stormwater drainage and treatment system assets will be the responsibility of the permit holder, where the operation/function of each asset is to be to the satisfaction of the responsible authority.

Prior to Certification

- 48. Prior to Certification of the Plan of Subdivision, site plans that are drawn to scale, fully dimensioned, and inclusive of a proposed timeline of works must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of this permit. The plans must be in digital format (*.dwg) and with hard copies provided. The plans must be generally in accordance with the submitted/application plans but modified to show:
 - a) Detailed civil drawings of all proposed roads, including the ability to accommodate a garbage truck and vehicle turnaround facilities.
 - b) Construction access routes (subdivision and dwellings).
 - c) Vehicle crossovers.
 - d) Any traffic control facilities.
 - e) Drainage (including computations and water-sensitive urban design treatment measures) and legal point of discharge for each lot (house drains).
 - f) Stormwater retention and treatment.
 - g) Streetlights and any signage.
 - h) Landscaping

Prior to any works

- 49. Prior to the commencement of any works, the permit holder/landowner must ensure all civil drawings are to the satisfaction of the responsible authority and approved. The responsible authority is to be paid a fee of 0.75% of the total construction costs for these road works (for the approval of the plans) plus 2.5% for supervision of construction.
- 50. Prior to the commencement of any works, the permit holder/landowner must provide temporary garbage collection



points for developed properties during the staged subdivision construction, to the satisfaction of the responsible authority.

General Requirements

- 51. All works constructed or carried out must be in accordance with the approved plans and specifications.
- 52. Only the approved subdivision construction access points shall be utilised or developed, unless with the prior consent of the responsible authority.

Department of Environment, Land, Water and Planning

Notification of permit conditions

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

Protection of native vegetation to be retained

- 54. Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at:
 - a) A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - b) Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning. The protection fence must remain in place until all works are completed to the satisfaction of the department.

- 55. Except with the written consent of the department, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - a) vehicular or pedestrian access;
 - b) trenching or soil excavation;
 - c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
 - d) construction of entry and exit pits for underground services; or
 - e) any other actions or activities that may result in adverse impacts to retained native vegetation.

Native vegetation offsets



	SHIRE COUNCIL
56.	Native vegetation removal must be in accordance with the extent specified in the Native Vegetation Removal report 313- 20220614-020 dated 14/06/2022. The total area of native vegetation permitted to be removed is 0.205 hectares, comprised of one large scattered tree and seven small scattered trees.
57.	To offset the removal of 0.205 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
	 A general offset of 0.036 general habitat units located within the North Central Catchment Management Authority boundary or Central Goldfields municipal district;
	• have a Strategic Biodiversity Value score of at least 0.122.
	 provide protection for at least one large tree
	• must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).
<u>Offset evidence</u>	
58.	Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be:
	a) an established first party offset site. This must include:
	 a security agreement signed by both parties, and
	 a management plan detailing the 10-year management actions and ongoing management of the site;
	to the satisfaction of the Department of Environment, Land, Water and Planning and approved by the Responsible Authority.
	Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification;
	and/or
	b) credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.
	A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.
59.	Within 30 days of endorsement of the offset evidence by the



responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Environment, Land, Water and Planning at p&a.north@delwp.vic.gov.au.

Goulburn-Murray Water

- 60. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- 61. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
- 62. All works within the subdivision must be done in accordance with EPA Publication 960 "Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites", September 2004.
- 63. All stormwater discharged from the site must meet the requirements of Standard C25 as specified in clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the responsible authority.

Country Fire Authority

Mandatory BMO condition

64. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Endorsement of Bushfire Management Plan

65. Before the development starts, the Bushfire Management Plan prepared by Central Highlands Environmental Consultancy (Version 1 dated 15 April 2022) must be endorsed by the responsible authority to form part of the permit. Once endorsed, the plan must not be altered unless otherwise agreed in writing by the Country Fire Authority and the responsible authority.

Fire Hydrants

- 66. Before the Statement of Compliance is issued under the Subdivision Act 1988, the following requirements must be met to the satisfaction of the Country Fire Authority:
 - a) An above or below ground operable hydrant must be installed within the McPherson Street court bowl at the entry



to the proposed subdivision.

b) The hydrant must be identified with marker posts or vertical surface markers, white road triangles and blue road reflectors (as applicable).

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

Transport for Victoria

- 67. Prior to certification of the plan of subdivision, unless otherwise agreed in writing by the Head, Transport for Victoria, a Functional Layout Plan must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plan must be endorsed by the responsible authority and will then form part of the permit. The plan must show sealing of the intersection bellmouth at the intersection of Margaret Avenue and the Pyrenees Highway.
- 68. Prior to the release of a Statement of Compliance, unless otherwise agreed in writing by the Head, Transport for Victoria, the following roadworks must be completed at the intersection of Margaret Avenue and the Pyrenees Highway at no cost to and to the satisfaction of the Head, Transport for Victoria:
 - a) Sealing of the intersection bellmouth.
 - b) Any other works required.

Central Highlands Water

- 69. Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to section 8(1)(a) of the Subdivision Act 1988.
- 70. Reticulated sewerage facilities must be provided to each lot by the owner of the land (or permit holder, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the permit holder/landowner.
- 71. A reticulated water supply must be provided to each lot by the owner of the land (or permit holder, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the permit holder/landowner.
- 72. The permit holder/landowner must provide easements to the satisfaction of the Central Highlands Region Water Corporation,



which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.

73. If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

Powercor

- 74. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with section 8 of that Act.
- 75. The permit holder/landowner shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

Note: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the permit holder/landowner.

76. The permit holder/landowner shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Note: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

77. When required by the Distributor, the permit holder/landowner shall set aside areas with the subdivision for the purposes of establishing a substation or substations.

Note: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

- RESERVES established by the permit holder/landowner in favour of the Distributor.
- SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years.

The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

78. The permit holder/landowner shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the



positioning existing easements.

Note: Existing easements may need to be amended to meet the Distributor's requirements. Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party.

Permit expiry

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

- a) The development is not started within three (3) years of the date of this permit.
- b) The development is not completed within six (6) years of the date of this permit.
- c) The plan of subdivision is not certified under the Subdivision Act 1988 within three
- d) (3) years of the date of this permit; or
- e) Registration of the plan of subdivision is not completed within six (6) years of the certification of the plan of subdivision under the Subdivision Act 1988.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards (for a request to extend the time to commence a development) or twelve months after the permit expires (for a request to extend the time to complete the development).

Permit notes:

Offset requirements are determined in accordance with DELWP (2017) Guidelines for the removal, destruction or lopping of native vegetation. Please visit

https://www.environment.vic.gov.au/native-vegetation/native-vegetation for further information.

This permit is issued pursuant to the provisions of the Central Goldfields Planning Scheme and does not relieve the permit holder of the necessity to obtain a building permit pursuant to the Building Act 1993 prior to commencement of any construction or works on any part of the site.

Moved: Cr Murphy

Seconded: Cr Lovett

Carried



Crs Murphy, Lovett and Sproull and Chris Meddows-Taylor spoke in favour of the motion.

6. MEETING CLOSURE

The Meeting closed at 6.19pm.

The next Council Meeting will be held at 6pm Tuesday 28 February 2023.