



Murrindindi
Shire Council

Scheduled Meeting of Council

Minutes

Wednesday 3 May 2023
Yea Council Chamber
The Semi Circle
6:00 PM

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1 ACKNOWLEDGEMENT OF COUNTRY AND COUNCILLORS' PLEDGE

1.1 Acknowledgement of Country

The meeting was opened with the Mayor reading the following on behalf of the Murrindindi Shire Council:

“Murrindindi Shire Council is proud to acknowledge the Taungurung and Wurundjeri people as the traditional custodians of the land we now call Murrindindi Shire.

We pay our respects to their Elders past, present and emerging, who are the keepers of history, traditions, knowledge and culture of this land.”

1.2 Councillors' Pledge

“The Councillors, democratically elected to represent our community as the Murrindindi Shire Council, are committed to working together in the best interests of the people who live in our municipality, those who conduct business here and those who visit.”

2 PROCEDURAL MATTERS

2.1 Privacy Note

This public meeting is being streamed live via our Facebook page and website. A recording of the meeting along with the official Minutes of the meeting will also be published on our website.

2.2 Apologies and Request for Planned Leave

There were no apologies or requests for leave of absence tendered.

Present:

Councillors: J Walsh (Chair), K Haslam, S McAulay, S Carpenter, I Gerencser, E Lording, D Gallagher

In attendance:

Chief Executive Officer: Livia Bonazzi
Director Corporate and Shared Services: Michael Chesworth
Director Community Development: Andrew Paxton
Acting Director Assets and Development: Natalie Stewart
Acting Manager Governance and Risk: David Echeverry
Manager Customer Experience: Anna Cullen
Coordinator Planning: Cameron Fraser
Senior Planner: Trish Kubeil
Planning Officer: Nicole Maguire

2.3 Disclosure of Interest or Conflict of Interest

Cr S Carpenter declared a general conflict of interest in Agenda item 4.4 being Planning Application – High Street Median Strip, Yea – Outdoor Shelter due to being a board member of the Rotary Club of Yea.

3 PUBLIC PARTICIPATION

3.1 Open Forum

Jeanette Tilley spoke regarding Planning Application - 26 Hannas Road, Strath Creek.

RESOLUTION

Cr E Lording / Cr K Haslam

That a two minute extension of time be allocated to Jeannette Tilley.

CARRIED

Suzi Fratric spoke regarding Planning Application - 26 Hannas Road, Strath Creek.

Jan Newton spoke regarding Planning Application - 26 Hannas Road, Strath Creek.

Bernadette Thorpe spoke regarding Planning Application - 26 Hannas Road, Strath Creek.

Peter Doyle & Anthony Phillips spoke regarding Planning Application - 26 Hannas Road, Strath Creek.

RESOLUTION

Cr E Lording / Cr D Gallagher

That an extension of time be allocated to Open Forum to enable all community participants to have the opportunity to speak.

CARRIED

Gwen Pascoe spoke regarding Planning Application - 287 Smiths Road, Toolangi

David Moon spoke regarding Planning Application - 287 Smiths Road, Toolangi.

George Weda spoke regarding Planning Application - 287 Smiths Road, Toolangi.

RESOLUTION

Cr E Lording / Cr K Haslam

That a two minute extension of time be allocated to George Weda.

CARRIED

Brendan Ricci spoke regarding Planning Application - 287 Smiths Road, Toolangi.

Bernard Priestley spoke regarding Planning Application - 287 Smiths Road, Toolangi.

David Kirby spoke regarding Planning Application - 181 Switzerland Road, Ghin Ghin.

Andrew Murchie spoke regarding Planning Application - 181 Switzerland Road, Ghin Ghin.

Matthew Bailey spoke regarding Planning Application - 181 Switzerland Road, Ghin Ghin.

Ian Sichlau spoke regarding Planning Application - High Street Median Strip, Yea.

Kerry Burge spoke regarding the Leckie Park Trial.

Geoff Hall spoke regarding the Leckie Park Trial.

Joanna Thorburn spoke regarding the Leckie Park Trial.

Peter Briscoe spoke regarding the Leckie Park Trial.

3.2 Questions of Council

Two questions were received from Nonie Cook.

Question 1

By granting the permits applied for, there will be extra traffic on our already poorly maintained road. Will there be extra funds allocated to keep Allandale and Falls Roads properly maintained?

The Chief Executive Officer responded to Question 1:

Allandale Road currently carries a very low average daily traffic and the additional traffic generated by the proposed amendment to the planning permit is not considered to be significant for this type of road. There is a possibility that damage will occur during construction by heavy vehicles and Council will closely monitor this issue.

Question 2

Regarding the natural drainage issue with expected earthworks, who is the responsible authority ensuring properties further down the valley are not adversely affected by having less natural drainage/run-off?

The Chief Executive Officer responded to Question 2:

Drainage must be directed to points nominated by Council engineering staff and these will be to the natural drainage lines. The development is not allowed to concentrate stormwater and it does not propose any detention of stormwater so it is expected that there will be no net change to stormwater runoff downstream.

Two questions were received from Ivan Fratric.

Question 1

Will Council please prohibit the outdoor shelter from being powered, if in fact it is intended for use as a quiet area as claimed?

The Chief Executive Officer responded to Question 1:

The application material provided advises that the proposed shelter will not be connected to electricity. A planning permit is not required to connect a building to electricity. The applicant has consented to an additional condition to be added to the officers' recommendation and this will be discussed and considered by Council in agenda item 4.1.

Question 2

Will Council provide detail of its assessment of the suitability of the existing roads against Road Design Guidelines and the Road Management Act given its Engineering department has consented to the proposal?

The Chief Executive Officer responded to Question 2:

Council employs suitably qualified engineers to assess proposals taking into consideration a large number of issues including road standard, existing and expected traffic volumes, drainage and road safety.

Falls Road from Allandale Road to Broadford – Flowerdale Road is categorised as a Collector Road in Council's Road Hierarchy and the inspection and maintenance standards that apply are detailed in the Road Management Plan. The traffic on Falls Road, measured in average vehicles per day, is well below the threshold for a sealed collector road and the additional traffic generated by the proposed amendment to the planning permit is not considered to be significant for this category of road. Similarly, the current and predicted traffic volume on Allandale Road does not warrant sealing. If it is deemed necessary in the future to seal the roads, or if proposed by the community, all property owners that will receive a benefit will be required to contribute. As far as road safety is concerned, Council takes this very seriously and invests in improvements where necessary. There is however, an onus under the Road Safety Act for drivers to drive to the road conditions and this is restated in the Road Management Act.

The Mayor adjourned the meeting at 7.33 pm.

Cr Gerencser left the meeting at 7.33 pm.

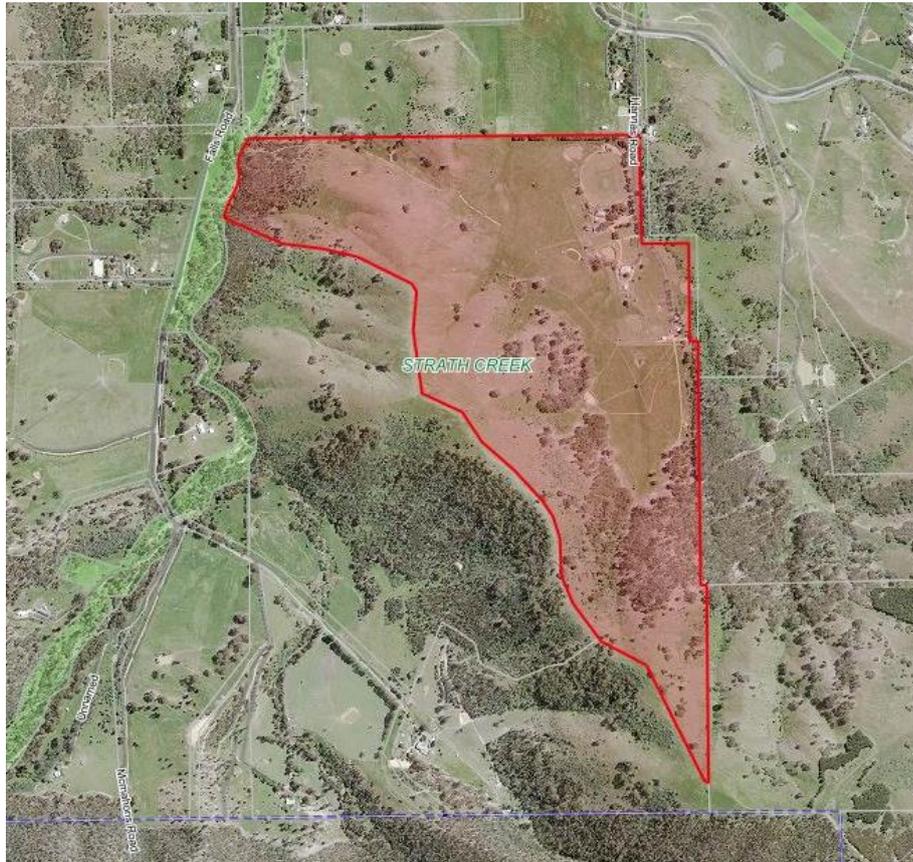
The meeting resumed at 8.40 pm.

4 PLANNING REPORTS

4.1 Planning Application - 26 Hannas Road, Strath Creek - Amendment to Permit

Attachment(s)	Attachment 1 - 26 Hannas Road Strath Creek - Application Documents [4.1.1 - 22 pages] Attachment 2 - 26 Hannas Road Strath Creek - Plans [4.1.2 - 23 pages] Attachment 3 - 26 Hannas Road Strath Creek - Landscape Master Plan [4.1.3 - 7 pages] Attachment 4 - 26 Hannas Road Strath Creek - Draft Planning Permit [4.1.4 - 7 pages] Confidential Attachment 1 - 26 Hannas Road Strath Creek – Submissions (<i>distributed to Councillors separately</i>) Confidential Attachment 2 - 26 Hannas Road Strath Creek – Submissions (<i>distributed to Councillors separately</i>)
Presenter	C Fraser, Coordinator Planning
Approved by	Acting Director Corporate & Shared Services in consultation with Acting Director Assets & Development
Purpose	For decision
Land:	26 Hannas Road, STRATH CREEK 3658
Proposal:	Amendment to permit to update preamble and conditions and to include construction of new swimming pool and gym, multi-use courts, golf nets, solar array, path works, accommodation for additional 36 guests and alterations to existing pavilion
Applicant:	Strath Creek Pty Ltd
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay
Triggers:	Clause 35.07-4 (Buildings and works associated with a Section 2 Use in the Farming Zone).

Locality Plan



Executive Summary

An application has been received to amend the existing permit and endorsed plans to allow for the upgrade of the existing pavilion and development of additional accommodation and recreation facilities to be used as part of the operation of the site.

The land is in the Farming Zone and is affected in part by the Bushfire Management Overlay. The land has been used as a tourism facility including minor sports facilities and recreation, function centre, accommodation, and a liquor licence for over 20 years.

The site is located at the southern end of Hannas Road which is sealed to the property entrance. Access to Hannas Road is only available via Falls Road and Allandale Road. Allandale Road and part of Falls Road are unsealed.

The application has been referred to CFA who have consented to the proposal subject to conditions.

Notice was provided to GMW as the rural water authority, DELWP as an adjoining land manager and all properties on Allandale Road between Falls Road and Hannas Road. GMW and DELWP have consented to the proposal subject to conditions.

Four objections and one letter of support have been received. The objections raise issues in relation to the current condition of the road and additional traffic, noise, and rural amenity.

This report recommends that a Notice of Decision to grant an amended planning permit be issued for the proposed additional facilities at 26 Hannas Road, Strath Creek.

RESOLUTION

Cr E Lording / Cr S McAulay

That Council issue a Notice of Decision to grant an amended planning permit to allow for amendments to permit to update preamble and conditions and to include construction of new swimming pool and gym, multi-use courts, golf nets, solar array, path works, accommodation for additional 27 guests and alterations to existing pavilion at 26 Hannas Road, Strath Creek 3658 (Lot 1 on Plan of Subdivision 548220E Volume 10978 Folio 056), subject to the following conditions:

(1) Amend Permit Preamble to read:

- **The use and the development of land at 26 Hannas Road, Strath Creek, as a tourist establishment including a minor sports and recreation facility, accommodation, a function centre and camping/caravan use, including and on premises liquor licence.**

(2) Delete Conditions 1, 4, 10, 11, 12, 13, 14, 15 and 16.

(3) Amend Condition 5 of the permit to read:

- **The bunkhouse and Village Green Lodge shall only be used for overnight accommodation purposes for up to sixty two (62) guests at any one time.**

(4) Amend Condition 22 of the permit to read:

- **The landscape areas shown on the endorsed plans must continue to be maintained to the satisfaction of the Responsible Authority.**

(5) Replace Condition 23 in relation to the permit expiry to read:

- **This permit will expire if one of the following circumstances applies:**
 - a) **the additional development approved is not started within three years of the date of this amended permit.**
 - b) **the additional development approved is not completed within five years of the date of this amended permit.**
 - c) **the use of the buildings approved by the amended permit are not started within five years of the date of this permit.**

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

(6) Add the following additional conditions:

- **Prior to commencement of the use of the pool/gym, multi courts, covered shelter, an Operational Management Plan for these facilities is to be submitted to the satisfaction of the Responsible Authority.**
- **The Operational Management Plan (pool/gym, multi courts, covered shelter) may be amended from time to time and should include as relevant:**
 - **Outline of activities to be undertaken on site associated with the pool/gym, multi courts and covered shelter.**
 - **Details of staffing and management arrangements associated with the pool/gym, multi courts, covered shelter.**
 - **Details of measures and processes to deal with community questions, complaints and general operational issues associated with these facilities.**

- **Contribute to an enhanced road maintenance program to the satisfaction of the responsible authority to address the increase in use.**

Environmental Health

- **All wastewater is to be treated and contained on-site in accordance with supplied LCA Report No: L35822 undertaken by Mansfield Land Capability and Assessments.**
- **A permit to install a septic system will be required from Council prior to the commencement of any works.**

Engineering Conditions

- ***Drainage***
 - **All stormwater and surface water discharging from the building and works must be conveyed to a point of discharge, approved by the relevant authority. No stormwater discharge from downpipes or overflow from storage tank and surface water shall be directed or caused to be directed in a concentrated form that will cause erosion and or adverse effects within the site or to adjoining land or properties.**
 - **The approved works must not cut off natural drainage to adjacent properties.**
- ***Internal Access***
 - **Before any of the approved additional buildings are occupied all internal access roads must be constructed, formed, and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority.**
 - **The internal access road to the building shall be constructed to a size and standard satisfactory to the Responsible Authority to provide all weather access for emergency service vehicles.**
 - **The works must include the provision of suitable pavement material of at least 3.5 metres in width with 0.5m side clearances and 4 m vertical clearance and designed to provide passing lanes at least 200 m intervals.**
- ***Parking***
- ***Carpark Construction***
 - **Prior to the occupation of any of the approved additional development, the area(s) set aside for parking of vehicles, access lanes and parking signs as shown on the approved plans must be constructed and completed to the satisfaction of the Responsible Authority.**
 - **Car spaces, access lanes and driveways must be kept available for these purposes at all times.**

Additional CFA Conditions

- **Endorsement of Bushfire Management Plan (Gym/Pool, Lodge & Pavilion)**
Before the development starts, the Bushfire Management Plan prepared by Keystone Alliance Bushfire Assessments, Reference No. B3882/2.1 (Appendix 4 BMP), dated October 2022 must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.
- **Endorsement of Bushfire Management Plan (Shelter)**
Before the development starts, the Bushfire Management Plan prepared by Keystone Alliance Bushfire Assessments, Reference No. C3882/2.1 (Appendix 5 BMP), dated October 2022 must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.
- **Endorsement of Bushfire Management Plan (Multi Courts)**
Before the development starts, the Bushfire Management Plan prepared by Keystone Alliance Bushfire Assessments, Reference No. D3882/2.1 (Appendix 5 BMP), dated October 2022 must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

GMW Conditions

- **All construction and ongoing activities must be in accordance with sediment control principles outlined in EPA Publication 275, Construction Techniques for Sediment Pollution Control (May 1991). There must be no transport of sediment or other materials off-site either during or following construction of any buildings or structures.**
- **Stormwater run-off from buildings, structures and other impervious surfaces must be dissipated as normal unconcentrated overland flow or directed to storage tanks or dams.**
- **All wastewater from proposed unsewered buildings must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must be an EPA approved system, installed, operated and maintained in accordance with the relevant EPA Code of Practice and Certificate of Conformity.**
- **The wastewater disposal area must be at minimum setback distances of at least 60 metres from the nearest waterway or dam and 20 metres from any bores.**
- **The wastewater disposal area must be kept free of stock, buildings, paths, driveways, car parking and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. Unless wastewater disposal is by subsurface irrigation methods, a reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.**

DEECA (DELWP at the time of Referral) Conditions

- No structures are to encroach upon the adjoining Crown land.
- No effluent or run-off is to be discharged onto Crown land.
- Crown land is not to be utilized as defensible space to satisfy a Bushfire or Wildfire Management Overlay (BMO or WMO).
- Crown land is not to be utilized as an easement or as legal access.
- Crown land is not to be used for temporary access or storage associated with the proposal.

Electricity

- Electricity must not be provided to the open sided shelter approved as part of the amendment application.

CARRIED

RESOLUTION

Cr E Lording / Cr D Gallagher

Noting 3 hours has elapsed, That Council approve a 30 minute extension to the meeting.

CARRIED

4.2 Planning Application - 287 Smiths Road, Toolangi - Place of Assembly

Attachment(s)	Attachment 1 - 287 Smiths Road Toolangi - Planning Application [4.2.1 - 3 pages] Attachment 2 - 287 Smiths Road Toolangi - Noise Management Plan [4.2.2 - 2 pages] Attachment 3 - 287 Smiths Road Toolangi - Business Plan [4.2.3 - 6 pages] Attachment 4 - 287 Smiths Road Toolangi - LCA [4.2.4 - 39 pages] Attachment 5 - 287 Smiths Road Toolangi - Site Plan [4.2.5 - 1 page]
Presenter	C Fraser, Coordinator Planning
Approved by	Acting Director Corporate & Shared Services in consultation with Acting Director Assets & Development
Purpose	For decision
Land:	287 Smiths Road, Toolangi, 3777
Proposal:	Use and development of land for a Place of Assembly (Events and Weddings for 80 patrons).
Applicant:	Brendan Ricci
Zoning:	Farming Zone (FZ)
Overlays:	Bushfire Management Overlay (BMO), Environmental Significance Overlay (ESO1)

Locality Plan



Executive Summary

An application has been received for the use and development of land for a place of assembly on the land at 287 Smiths Road, Toolangi.

The land is located in the Farming Zone and is affected by the Environmental Significance Overlay (Schedule 1) and the Bushfire Management Overlay.

The land is on the western side of Smiths Road adjoining land used for residential and agricultural purposes. The land has a total area of approximately 24 Hectares in two parts. The application has been broadly advertised to all properties in Smiths Road and 11 objections have been received. The objections raise issues in relation to amenity, biosecurity and traffic.

The application has been externally referred to Agriculture Victoria, CFA, Department of Transport, Goulburn Murray Water and the Department of Environment, Land, Water and Planning (now DEECA).

This report recommends that a refusal to grant a permit be issued for the use and development of land for a place of assembly (events and weddings for 80 patrons) at 287 Smiths Road, Toolangi.

RESOLUTION

Cr D Gallagher / Cr E Lording

That Council issue a refusal to grant a planning permit for use and development of the land for a place of assembly (events and weddings for 80 patrons) at 287 Smiths Road, Toolangi (Lot 1 PS336190), based on the following grounds of refusal:

- 1. The proposal is not in accordance with the purpose of clause 35.07 (Farming Zone).**
- 2. The scale and intensity of the proposed use do not contribute to the character of the area and sought after agricultural uses.**
- 3. The frequency of the use is intensive considering the surrounding agricultural uses and character of the area.**
- 4. The proposal is not consistent with the policy directions in the state and local Planning policy frameworks.**

CARRIED

4.3 Planning Application - 181 Switzerland Road, Ghin Ghin - Extractive Industry

Attachment(s)	Attachment 1 - 181 Switzerland Road, Ghin Ghin - Application [4.3.1 - 4 pages] Attachment 2 - 181 Switzerland Road, Ghin Ghin - Title Documents [4.3.2 - 10 pages] Attachment 3 - 181 Switzerland Road, Ghin Ghin - Planning Report [4.3.3 - 44 pages] Attachment 4 - 181 Switzerland Road, Ghin Ghin - Statutory Endorsement Referral Authority Checklist [4.3.4 - 7 pages] Attachment 5 - 181 Switzerland Road, Ghin Ghin - Statutory Endorsement work plan [4.3.5 - 2 pages] Confidential Attachment 1 – 181 Switzerland Road, Ghin Ghin – Submissions (<i>distributed to Councillors separately</i>)
Presenter	C Fraser, Coordinator Planning
Approved by	Acting Director Corporate & Shared Services in consultation with Acting Director Assets & Development
Purpose	For decision
Land:	181 Switzerland Road, Ghin Ghin (Lot 1 PS704695L Volume 11406 Folio 779 and Lot 2 PS 704695L Volume 11406 Folio 780)
Proposal:	Use and Development of land for gravel extraction
Applicant:	Rayner Group Pty Ltd
Zoning:	Farming Zone
Overlays:	Erosion Management Overlay & Bushfire Management Overlay
Triggers:	Use and development pursuant to Clause 35.07 (Farming Zone), building and works pursuant to Clauses 44.01 (EMO) and 52.08 (Earth and Energy Resource Industry)

Locality Plan



Executive Summary

An application has been received for the use and development of land for gravel extraction under the Murrindindi Planning Scheme. The use of the land is a change from the extraction activities currently allowed on the site.

The land is in the Farming Zone and is affected by the Erosion Management Overlay and the Bushfire Management Overlay.

The land is located on the northern side of Switzerland Road with access via an unnamed road. The site has an area of approximately 79 Hectares and is currently used for extractive purposes and agriculture.

The application has been broadly advertised to all properties in Switzerland Road and 5 objections were received. The objections raise issues in relation to Traffic, Amenity and Agriculture.

The Earth Resources Regulation (ERR) branch of the Department of Jobs, Precincts and Regions (DJPR) statutorily endorsed Work Plan PLN-001531 for WA007536 for the Proposed Quarry on 1 October 2021 (the Endorsed Work Plan), pursuant to section 77TD of the Mineral Resources (Sustainable Development) Act 1990 (the MRSDA).

This report recommends that a notice of decision to grant a permit be issued for the Use and Development of land for gravel extraction at 181 Switzerland Road, Ghin Ghin (Lot 1 PS704695L Volume 11406 Folio 779 and Lot 2 PS 704695L Volume 11406 Folio 780).

RESOLUTION

Cr D Gallagher / Cr S Carpenter

That Council issue a Notice of Decision to grant a planning permit for Use and Development of land for gravel extraction at 181 Switzerland Road, Ghin Ghin (Lot 1 PS704695L Volume 11406 Folio 779 and Lott 2 PS 704695L Volume 11406 Folio 780), subject to the following conditions:

Endorsed Plans

- 1. The use and development must at all times be in accordance with any work plan approved under the Mineral Resources (Sustainable Development) Act 1990.**

Use and Development

- 2. All excavation, sales and processing activities associated with the proposed quarry will occur as follows:**
 - Monday to Friday: 7:00am to 6:00pm**
 - Saturday: 7:00am to 1:00pm**
 - Sunday & Public Holidays: No Work**
- 3. The crushing or other processing of any extracted material other than from the approved working area shall not occur without the consent of the Responsible Authority.**
- 4. No more than two (2) staff associated with the approved extractive industry use are permitted on the Subject Land at any one time unless with the prior written consent of the Responsible Authority.**
- 5. Trucks associated with the approved extractive industry use must only enter or leave the Subject Land during the following hours unless with the prior written consent of the Responsible Authority:**
 - Monday to Friday: 7:00am to 3:30pm**
 - Saturday: no trucks**
 - Sunday & Public Holidays: no trucks**
- 6. All car parking and loading/unloading of materials are to take place within the subject land. No car parking or loading/unloading is to occur outside of the subject land.**
- 7. The use or development hereby permitted shall not cause nuisance or injury to, or prejudicially affect the amenity of the locality, by reason of the transportation of materials, goods and commodities to and from the land, the appearance of any building, works, or materials on the land, the emission of noise, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin.**
- 8. The emission of noise from the premises including the surrounding environment and carpark areas either during or immediately after the hours permitted, must be in accordance with EPA standards.**

9. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
10. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.
11. Bushfire Safety precautions must be provided and maintained to the satisfaction of the Responsible Authority.
12. The building/s must be constructed of materials that are non-reflective and of muted tones.

Engineering Requirements

13. Prior to the commencement of use, the permit holder must provide, to the satisfaction of the Responsible Authority the following plans detailing the required road upgrades:
 - a. Upgrade of Switzerland Road from Ghin Ghin Road to the access road:
 - i. Road shall have a 4m gravel surface with 1.5m shoulders as per IDM SD610 for Rural Access – Group A Councils.
 - ii. Permit holder shall undertake a road safety audit at the intersection of Switzerland Road and Ghin Ghin Road at their own expense to the satisfaction of the Responsible Authority.
 - iii. Design of the intersection between Switzerland Road and Ghin Ghin Road must be in accordance with the recommendations of the road safety audit.
 - iv. Road safety audit is to consider current conditions and proposed conditions following commencement of permit activities.
 - b. Upgrade of access road:
 - i. Shall be 4m gravel wearing course with 1.5m shoulders as per IDM SD610 for Rural Access – Group A Councils.Once approved, the plans will be endorsed to form part of this permit.
14. Prior to the commencement of any works on the road reserve
 - a. Detailed engineering drawings shall be prepared for the upgrade of both Switzerland Road and the access track to the property entrance. The road shall be designed to IDM guidelines to the satisfaction of the Responsible Authority and incorporate reporting requirements listed above in condition 11.
 - b. The permit holder shall appoint a competent and suitably qualified Project Manager who shall be responsible for the supervision and management of the road upgrades, to the satisfaction of the Responsible Authority.
 - c. A cash bond is to be provided of 1.5 times the road construction cost as guarantee that the works will be constructed accordingly.
15. The total number of truck movements along Switzerland Road per year generated by the approved extractive industry use must not exceed 1000 per year with a maximum of 84 per month unless with the prior written consent of the Responsible Authority. Within 6 months of the commencement of the approved extractive industry use and every six months thereafter, the permit holder must provide to the Responsible Authority a report recording the total transported

tonnage of extracted material and vehicle movements associated with the approved extractive industry use for the preceding six (6) month period.

16. Prior to the issue of a Statement of Compliance for the subdivision under the *Subdivision Act 1988*, a Section 173 Agreement shall be entered into at no cost to Council, which ensures the following:
- a. The permit holder acknowledges that any increase in truck movement allowed by this permit or any subsequent permit will require Switzerland Road to be sealed to the satisfaction of the Responsible Authority.

The Section 173 Agreement must be prepared by Council's Solicitors, to the satisfaction of the Responsible Authority and must be registered at the Office of Titles pursuant to Section 181 of the *Planning and Environment Act 1987*.

Council will undertake to have the Agreement prepared upon written notification from the applicant. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

17. An application for asset protection and consent to work on the road reserve is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the *Road Management Act 2004* and associated Regulations. The asset protection permit must remain in place throughout the use of the land approved in this permit.
18. For the duration that the permit is in place, the permit holder will be responsible for the maintenance of both access road (noting allowance for any future naming changes to the "access road") between Switzerland Road and the site. Council reserves the right to request maintenance works to be undertaken at any point during this period as deemed necessary.

Drainage

19. All stormwater and surface water discharging from the building and works must be conveyed to a point of discharge, approved by the relevant authority. No stormwater discharge from downpipes or overflow from storage tank and surface water shall be directed or caused to be directed in a concentrated form that will cause erosion and or adverse effects within the site or to adjoining land or properties.
20. The approved works must not cut off natural drainage to adjacent properties.

Construction Environment Management Plan

21. Before on-ground works commence, an environmental management plan for the construction (and operation) of work authority 007536 must be prepared to the satisfaction of the responsible authority in consultation with the Department of Environment, Land, Water and Planning. All works must be conducted in accordance with the endorsed plan. The environmental management plan is to include (but is not limited to):
- a. Overview of construction methods including management zones and construction zones, site preparation, access, construction activities, schedule and timing of works, and contractor briefing.
 - b. Management Structure and Roles including an environmental audit process

c. Environmental considerations; management of and/or mitigation of impacts on:

- surface water pollution
- erosion and sediment
- waterway crossings
- terrestrial ecology
- aquatic ecology
- land management, reinstatement and rehabilitation
- dust, odour and air quality
- noise and vibration
- waste management
- hazardous materials
- environmental incidents and emergencies
- fire hazards.

Permit Expiry

22. The use and development must commence within five years of the issuing of the permit.

23. This permit will expire if the work authority is cancelled under section 77O of the *Mineral Resources (Sustainable Development) Act 1990*.

CARRIED

RESOLUTION

Cr S Carpenter / Cr K Haslam

Noting the 30 minute meeting extension had elapsed, That Council approve a final 30 minute extension to the meeting.

CARRIED

Cr S Carpenter left the meeting at 9.28 pm.

4.4 Planning Application - High Street Median Strip, Yea - Outdoor Shelter

Attachment(s)	Attachment 1 - High Street Median Strip Yea - Application Documents [4.4.1 - 9 pages] Confidential Attachment 1 – High Street Yea Median Strip – Submissions (distributed to Councillors separately)
Presenter	N Maguire, Planning Officer
Approved by	Acting Director Corporate & Shared Services in consultation with Acting Director Assets & Development
Purpose	For decision
Land:	High Street road reserve, Yea
Proposal:	Construction of one (1) shelter over an existing table and chairs on land within the High Street Road reserve (median strip)

Applicant: Rotary Club of Yea
 Zoning: Transport Zone 2
 Overlays: Heritage Overlay – HO9: Yea High Street, Streetscape
 Triggers: 36.04 Transport Zone – Construct a building or construct or carry out works for any use in Section 2 (informal outdoor recreation), 43.01 Heritage Overlay – Construct a building or construct or carry out works

Locality Plan



Executive Summary

An application has been received for the construction of one (1) shelter over an existing table and chairs on land within the High Street Road reserve (median strip) at High Street Yea (subject land) under the provisions of the Murrindindi Planning Scheme.

The land is in the Transport Zone 2 (TRZ2 – Principal road network) and the Heritage Overlay (HO9 – Yea High Street, Streetscape) applies to the land. A planning permit is required to construct a building or construct or carry out works for any use in Section 2 in a Transport Zone, pursuant to Clause 36.04 of the Murrindindi Planning Scheme, and to construct a building or construct or carry out works in a Heritage Overlay, pursuant to Clause 43.01 of the Murrindindi Planning Scheme.

The proposal is to construct a roof structure (shelter) over an existing set of table and chairs on the northern side of the median strip of the High Street road reserve, east of the Pechell Street intersection. The proposed structure consists of 4 posts with a gabled corrugated iron roof measuring 5.25m long, 3.65m wide, and 2.35m high with a 15° pitch, featuring a decorative finial at the gable ends.

The application has been advertised in the Yea Chronicle and by way of a sign erected on site. A total of two (2) submissions were received and the objections related to the visual impact of the proposal on the landscape.

This report recommends that a refusal to grant a permit be issued for the construction of one (1) shelter over an existing table and chairs on land within the High Street road reserve (median strip) at High Street, Yea, in accordance with the grounds of refusal. The application is presented to Council due to the two (2) objections received and because the recommendation is to refuse the application.

RESOLUTION

Cr K Haslam / Cr S McAulay

That Council issue a Refusal to grant a planning permit for the construction of one (1) shelter over an existing table and chairs on land within the High Street road reserve (median strip) at High Street, Yea, based on the following grounds:

- 1. The development is not consistent with the purpose of clause 43.01 (Heritage Overlay).**
- 2. The development is not consistent with the objective of clause 15.03-1S (Heritage conservation).**
- 3. The development will adversely affect the significance, character and appearance of the heritage place.**
- 4. The development will contribute to the visual clutter of the heritage place, which already contains street furniture, infrastructure, traffic signs, and public artwork.**

CARRIED

Cr S Carpenter returned to the meeting at 9.34 pm.

5 OTHER REPORTS

5.1 Leckie Park Trial

Attachment(s)	Attachment 1 - Leckie Park Trial Record of Correspondence [5.1.1 - 2 pages]
Presenter	P Bain, Manager Sustainability & Assets
Approved by	Chief Executive Officer
Purpose	For decision

Executive Summary

This report seeks a decision by Council in relation to whether to continue or cease a wetland trial underway in a small area at Leckie Park, Alexandra. The trial is intended to encourage waterbirds to use the area and supply an additional experience for park users. The issues relating to objections, including a petition to Council requesting to abandon the trial, are discussed.

MOTION

Cr E Lording / Cr S McAulay

That Council:

1. **Shorten the duration of the wetland trial at Leckie Park, Alexandra, from the original two years, to instead finish on 30 November 2023.**
2. **Following the trial, receive a report that includes:**
 - a) **outcomes of regular monitoring of the trial site up to 30 November 2023**
 - b) **outcomes from consultation during December 2023 with the local community about the results of the year-long trial and**
 - c) **a recommendation as to whether to retain the small area as a wetland on an ongoing basis, or to reinstate the area to its condition prior to the commencement of the trial.**

LOST

RESOLUTION

Cr D Gallagher / Cr S Carpenter

That, in recognition of the diverse views that have been expressed, Council:

1. **Retain the current wetlands site until 30 June 2023.**
2. **In the period prior to 30 November 2023, Council survey the wider Alexandra community to determine the preference for changes to the Leckie Park and U.T. Creek precinct.**

CARRIED

The meeting was closed at 9.52 pm.

CONFIRMED THIS



CHAIRPERSON Cr J Walsh