AGENDA

FOR THE ORDINARY MEETING OF COUNCIL
TO BE HELD ON
TUESDAY 20 MARCH 2018
COMMENCING AT 6.30 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.
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12. NOTICE OF MOTION
13. URGENT SPECIAL BUSINESS
14. MEETING CLOSE

SEPARATE ATTACHMENTS:
Confidential Attachment ECO 13A: Tender Evaluation Report M1338-2017 Wesley Hill Stage 2 Multi-Purpose Pavilion
ACKNOWLEDGEMENT OF COUNTRY

To start the official proceedings
I would like to acknowledge that we are meeting on Jaara country
of which the members and elders of the Jaara Jaara community and their
forebears have been custodians for many centuries
and have performed age old ceremonies of celebration, initiation and renewal.
We acknowledge their living culture and their unique role in the life of this region.

1. PRESENT

2. APOLOGIES

3. DECLARATIONS OF INTEREST/CONFLICTS OF INTEREST

4. MINUTES

4.1. MEETINGS OF COUNCIL – 6 AND 20 FEBRUARY 2018

The unconfirmed minutes of the Special Meeting of Council, closed to members of the
public to consider a confidential matter, held on 6 February 2018 at 6.00 pm at the Civic
Centre have been circulated to Councillors and posted on the Council website, pending
confirmation at this meeting.

The unconfirmed minutes of the Ordinary Meeting of the Mount Alexander Shire Council
held at 6.30 pm on 20 February 2018 at the Mount Alexander Shire Civic Centre have
been circulated to Councillors. The unconfirmed minutes have also been posted on the
Mount Alexander Shire Council website, pending confirmation at this meeting.

RECOMMENDATION

That the Minutes of the Special Meeting held on 6 February 2018 at 6.00 pm and
Ordinary Meeting of the Mount Alexander Shire Council held on 20 February 2018
at 6.30 pm be confirmed.
5. **ELECTION RESULTS**

5.1. **TARRENGOWER BY-ELECTION**

The Victorian Electoral Commission (VEC) conducted a by-election to fill the extraordinary vacancy for the Tarrengower Ward. The results were declared by the VEC Returning Officer at 6.20 pm in the Mount Alexander Shire Civic Centre, corner Lloyd and Lyttleton Streets, Castlemaine. Stephen Gardner was successful.

Councillor Gardner signed the Oath of Office and made a declaration to abide by the Councillor Code of Conduct before the Chief Executive Officer on Monday 26 February 2018.

Refer to:

Attachment 5.1A: Signed Oath of Office – Stephen Gardner.
Attachment 5.1B: Declaration to abide by the Councillor Code of Conduct - Stephen Gardner.

5.2. **CASTLEMAINE WARD COUNTPBACK**

The VEC conducted a countback to fill the extraordinary vacancy for the Castlemaine Ward at 2.00 pm on 5 March 2018. The successful candidate did not complete a Declaration of Eligibility within 48 hours of the countback and was therefore not declared as Councillor.

The VEC conducted a second countback in the Council Chamber at 2.15 pm on 7 March 2018 in the Mount Alexander Shire Civic Centre, corner Lloyd and Lyttleton Streets, Castlemaine. Max Lesser was successful, and following his signing of the Declaration of Eligibility, was declared elected by the VEC at 2.20 pm that afternoon.

Councillor Lesser signed the Oath of Office and made a declaration to abide by the Councillor Code of Conduct before the Chief Executive Officer on Thursday 8 March 2018.

Attachment 5.2A: Signed Oath of Office – Max Lesser.
Attachment 5.2B: Declaration to abide by the Councillor Code of Conduct – Max Lesser.
I, Stephen Gardner, do solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Mount Alexander Shire and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skills and judgement.

Signature of Councillor

DARREN FUZZARD
Chief Executive Officer

Date: 26/3/2018
DECLARATION TO ABIDE BY THE COUNCILLOR CODE OF CONDUCT

I declare that I have read and will abide by the Councillor Code of Conduct for Mount Alexander Shire Council adopted on 21 February 2017.

Signature of Councillor

Name of Councillor (Block Letters)

Date

DARREN FUZZARD
Chief Executive Officer

26/2/2018
I, MAX LESSER, swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Mount Alexander Shire and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skills and judgement.

Signature of Councillor

DARREN FUZZARD
Chief Executive Officer

Date 8/3/18
I declare that I have read and will abide by the Councillor Code of Conduct for Mount Alexander Shire Council adopted on 21 February 2017.

Signature of Councillor

Name of Councillor (Block Letters)

DARREN FUZZARD
Chief Executive Officer

Date 5/3/18
6. PUBLIC QUESTION TIME

7. PETITIONS AND JOINT LETTERS

Council has received a petition on 22 February 2018 from member of the community requesting that Council complete the perimeter fencing of the playground at the Taradale Mineral Springs Reserve.

RECOMMENDATION:

That Council receive a report on this petition at the next Ordinary Meeting of Council on 17 April 2018.

8. COMMITTEE REPORTS

Nil.
9. ASSEMBLIES OF COUNCILLORS

Executive Summary

The purpose of this report is to provide the record of any assemblies of Councillors, held since the last Council Meeting, so they may be incorporated into the Minutes as required under the Local Government Act 1989 (the Act).

The Act defines an assembly of councillors as a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

The definition does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.

The Act requires that the CEO must ensure that a written record of an assembly of councillors is kept and that it include:

1. The names of all Councillors and members of Council staff attending;
2. The matters considered;
3. Any conflict of interest disclosures made by a Councillor attending; and
4. Whether a Councillor who has disclosed a conflict of interest leaves the assembly.

The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable:

1. Reported at an ordinary meeting of the Council; and
2. Incorporated in the minutes of that Council meeting.

RECOMMENDATION

That Council notes the records for the Assemblies of Councillors, as required under the Local Government Act 1989.
## ASSEMBLY OF COUNCILLORS RECORD

### COUNCILLOR BRIEFING SESSION

## ASSEMBLY DETAILS

<table>
<thead>
<tr>
<th>Date</th>
<th>6 February 2018</th>
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<tbody>
<tr>
<td>Time</td>
<td>3.00 pm to 5.40 pm</td>
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<tr>
<td>Location</td>
<td>Council Chamber, Civic Centre, Cnr Lloyd and Lyttleton Streets, Castlemaine</td>
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## ATTENDANCE

**Councillors:** Christine Henderson, Bronwen Machin, John Nieman, Dave Petrusma and Robin Taylor.

**Officers:** Chief Executive Officer (Darren Fuzzard), Director Corporate and Community Services (Lisa Knight), Acting Director Sustainable Development (Rebecca Stockfeld), Acting Executive Manager Organisational Capability (Kevin Pittman), Acting Manager Sustainable Development (Louise Johnston), Executive Manager Business Performance (Bradley Thomas), Acting Manager Infrastructure (Marcus Goonan), Property Portfolio Coordinator (Daniel Borton) and Manager Community Places and Spaces (Ben Grounds).

**Visitors:** Nil.

**Apologies:** Councillor Tony Cordy

## MATTERS DISCUSSED

1. **Planning Permit Application 136/2017 – Resubdivision of Fourteen (14) Lots into Forty Seven (47) Lots (staged), Creation and Alteration of Easements, and Creation of Access to a Road Zone Category 1 Road at Lot 1 on TP567245R, Lot 1 on TP592162D, Lot 1 on TP563075M, Lots 1 and 2 on TP512818D, Lots 1, 2 and 3 on TP401788E, and Crown Allotments 101 to 106 on Section 3A of the Parish of Castlemaine, 14 Midland Highway, Campbells Creek**

2. **Planning Permit Application 229/2017 - Subdivision of Land into Two Lots at 2 Grigg Street, Maldon**

3. **Planning Permit Application 182/2008 1610 Bendigo-Sutton Grange Road, Sutton Grange – Amendment to Permit to Amend Conditions 3 and 7 of the Permit.**

4. **Planning Permit Application 214/2016 – Resubdivision of Fifteen (15) Lots into Fourteen (14) Lots, Construction of a Dwelling/Fence (Lots 1 and 2), and Alteration to an Existing Easement at Lots 1 and 2 on TP232878T, LOT5S 1,2,3,4 and 5 on TP124889R, Lots 1,2,4,5 and 6 on TP945371E, and Lot 2 on PS525554C, and Part of CA 31 on Section D4 of the Parish of Castlemaine, 45 and 71 Elizabeth Street, Castlemaine**

5. **VCAT Decision Discussion: 86 Sargeants Road**

6. **Asset Valuation and Revaluation Policy**

7. **Consideration of Submissions to the Declaration of Public Highway of the Laneway Between Ray and Elizabeth St in Castlemaine**

8. **Development of Optus Mobile Phone Antenna at Wesley Hill Recreation Reserve**
9. Aquatic Centre Update  
10. Landfill Incident  
11. Recycling within the Shire  
12. Funerals in Parks  
13. Use of Carparks in Front of Theatre Royal

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<th>Matter No.</th>
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**ASSEMBLY OF COUNCILLORS RECORD**

**COUNCILLOR BRIEFING SESSION**

**ASSEMBLY DETAILS**

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**ATTENDANCE**

**Councillors:** Tony Cordy, Christine Henderson, Bronwen Machin, Dave Petrusma and Robin Taylor.

**Officers:** Chief Executive Officer (Darren Fuzzard), Director Corporate and Community Services (Lisa Knight), Acting Director Sustainable Development (Rebecca Stockfeld), Acting Executive Manager Organisational Capability (Kevin Pittman), Manager Economy and Culture (David Leathem) Cultural Development Officer (Vicki Anderson), Executive Manager Business Performance (Bradley Thomas, Items).

**Visitors:** Jo Porter, Producer, Regional Centre for Culture.

**Apologies:** Elizabeth Walsh, Producer, Regional Centre for Culture.

**Apologies:** Councillor John Nieman

**MATTERS DISCUSSED**

1. Deputation - Regional Centre for Culture 2018
2. Contracts within Chief Executive Officer Delegation
4. Quarterly Financial Management Report to 31 December 2017
5. Council Key Project and Priorities
6. Bikes and Cars in Market Street, Harcourt
7. Off Leash Dog Park
8. Kerry Douglas Speech on Australia Day
9. Weekend Recovery Works
10. Council Owned Gravel Pit
11. Land Management Rate Applications
12. Reservoir Road, Harcourt
13. Tywford Street Building
14. Harcourt North Community Hall
15. Vicroads Speed Limits
16. Continuing Education, Castlemaine
17. LGBTIQ Roundtable
18. Community Discussion about Swimming Pool
19. Council Spokesperson on Social Media
20. NDIS Transition
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ASSEMBLY OF COUNCILLORS RECORD
COUNCILLOR BRIEFING SESSION

ASSEMBLY DETAILS
Date: 13 February 2018
Time 5.40 pm to 6.20 pm
Location Council Chamber, Civic Centre, Cnr Lloyd and Lyttleton Streets, Castlemaine

ATTENDANCE
Councillors: Tony Cordy, Christine Henderson, Bronwen Machin, Dave Petrusma and Robin Taylor.
Officers: Chief Executive Officer (Darren Fuzzard).
Visitors: Nil.
Apologies: Councillor John Nieman

MATTERS DISCUSSED
1. Castlemaine Landfill
2. Notice of Motion: Funerals in Parks
3. Notice of Motion: Use of Car Parking Spaces
4. The Realistic Race
5. CEO Performance Plan Process

CONFLICT OF INTEREST DISCLOSURES

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ASSEMBLY OF COUNCILLORS RECORD
COUNCILLOR BRIEFING MEETING

ASSEMBLY DETAILS
Date: 20 February 2018
Time 5.30 pm to 6.15 pm
Location Council Chamber, Civic Centre, Cnr Lloyd and Lyttleton Streets, Castlemaine

ATTENDANCE
Councillors: Tony Cordy, Christine Henderson, Bronwen Machin, John Nieman, Dave Petrusma.
Officers: Chief Executive Officer (Darren Fuzzard), Director Corporate and Community Services (Lisa Knight), Acting Director Sustainable Development (Rebecca Stockfeld) and Acting Manager Organisational Capability (Kevin Pittman).
Visitors: Nil.
Apologies: Nil.

MATTERS DISCUSSED
2. Proposed Public Highway Declaration of Laneway between Ray and Elizabeth St Castlemaine.
3. Discontinuation of Government Road CA2035 Parish of Fryers, County of Talbot
4. Flood Levees Castlemaine, Campbells Creek and Newstead.
5. Planning Permit Application 136/2017 – Resubdivision of Fourteen (14) Lots into Forty Seven (47) Lots (Staged), Creation and Alteration of Easements, and Creation of Access to a Road Zone Category 1 Road at Lot 1 on TP567245R, Lot 1 on TP592162D, Lot 1 on TP563075M, Lots 1 and 2 on TP512818D, Lots 1, 2 and 3 on TP401788E, and Crown Allotments 101 to 106 on Section 3A of the Parish of Castlemaine, 14 Midland Highway, Campbells Creek.
6. Planning Permit Application 229/2017 - Subdivision of Land into Two Lots at 2 Grigg Street, Maldon.
7. Planning Permit Application 182/2008 1610 Bendigo Sutton Grange Road, Sutton Grange – Amendment to Permit to Amend Conditions 3 and 7 of the Permit.
8. Planning Permit Application 214/2016 – Resubdivision of fifteen (15) Lots into Fourteen (14) Lots, Construction of a Dwelling/Fence (Lots 1 and 2), and Alteration to an Existing Easement at Lots 1 and 2 on TP232878T, Lots 1,2,3,4 and 5 on TP124889R, Lots 1,2,4,5 and 6 on TP945371E, and Lot 2 on PS525554C, and Part of CA31 on Section D4 of the Parish of Castlemaine, 45 and 71 Elizabeth Street, Castlemaine.
9. Events Grant Program.
11. Asset Valuation and Revaluation Policy.

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**ASSEMBLY OF COUNCILLORS RECORD**  
**COUNCILLOR BRIEFING SESSION**

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### ATTENDANCE

**Councillors:** Tony Cordy, Stephen Gardner, Christine Henderson, Bronwen Machin, John Nieman, and Dave Petrusma  

**Officers:**  
Chief Executive Officer (Darren Fuzzard), Director Corporate and Community Services (Lisa Knight), Acting Director Sustainable Development (Rebecca Stockfeld), Acting Executive Manager Organisational Capability (Kevin Pittman), Senior Environmental Health Officer (Tracey Watson, Item 5.2), Property Portfolio Coordinator (Daniel Borton, Item 5.3 and 5.4).  

**Visitors:**  
Camilo Demarco, Chair, ELM.  
Rachel Stewart, Treasurer, Lead of Peer Support Action Group, Advocacy & Education group member.  
Frankie Nugent, Peer Support Action Group member, Advocacy & Education group member.  
Sarah Day, Lead of Communications & Marketing group, Advocacy & Education group member.  
Jeremy Forbes.  

**Apologies:** Nil.

### MATTERS DISCUSSED

1. Deputation - The ELM Network  
2. Domestic Wastewater Management Plan 2018-2020  
3. Crown Land Relinquishment Update  
4. Review of Sale of Land Process  
5. Electrical Works for Harcourt Applefest  
6. Campbells Creek Recreation Reserve Special Committee Of Council  
7. La Larr Ba Gauwa Bike Park Opening, Harcourt  
8. Special Committee of Council, Taradale  
9. Sundry Issues
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## Assembly Details

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## Attendance

| Councillors: | Tony Cordy, Stephen Gardner, Christine Henderson, Bronwen Machin, John Nieman, and Dave Petrusma |
| Officers:    | Chief Executive Officer (Darren Fuzzard). |
| Visitors:    | Nil. |
| Apologies:   | Nil. |

## Matters Discussed

1. HR Matters.

## Conflict of Interest Disclosures

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10. OFFICER REPORTS

10.1. OUR PEOPLE (PEO)

PEO 02 DRAFT DOMESTIC WASTEWATER MANAGEMENT PLAN 2018-2022

Responsible Director: Acting Director Sustainable Development
Responsible Officer: Senior Environmental Health Officer
Original Document: DOC/18/7803

Executive Summary

This report is presented to Council to consider the adoption of the Domestic Wastewater Management Plan 2018-2022.

Mount Alexander Shire Council, in accordance with the Environment Protection Act 1970 and other environmental protection regulation, and in collaboration with the Environment Protection Authority (EPA), is responsible for the oversight of domestic onsite wastewater treatment systems (OWTS) within the Shire.

Domestic OWTS, commonly known as ‘septic tanks’, are wastewater systems that process flows under 5000 litres each day. They are used at residential, community and business premises where connection to the reticulated sewer system is not possible. If managed inappropriately domestic wastewater may transport nutrients, pathogens and other pollutants to surface waters, and impact upon groundwater beneficial uses.

It is requirement under the Environment Protection Act 1970 that Councils develop a Domestic Wastewater Management Plans (DWMP) to improve the management of domestic wastewater in Victoria.

RECOMMENDATION

Context

Refer to:


Mount Alexander Shire Council, in accordance with the Environment Protection Act 1970 and other environmental protection regulation, and in collaboration with the Environment Protection Authority (EPA), is responsible for the oversight of domestic onsite wastewater treatment systems (OWTS) within the Shire.

It is requirement under the Environment Protection Act 1970 that Councils develop a Domestic Wastewater Management Plan (DWMP) to improve the management of domestic wastewater in Victoria. Council adopted the first DWMP in 2007. This Plan has since been updated with new approaches incorporated and action plans developed. Of the 15 actions contained in the 2012–2015 Plan; 13 have been completed and two are in progress or ongoing. Actions identified as in progress or ongoing have been included in this new Plan.

In 2014, as part of the DWMP implementation an annual monitoring and compliance program was developed, and Council’s databases and systems were improved to allow better records, management and accountability. Over the last three years, as a result of the monitoring and compliance program, 452 existing systems have been located and added to the septic database. This takes the total of known systems to approximately 1900. It is highly likely that the final number of OWTS located in the Shire will exceed 3000.

In addition to meeting our statutory obligations under the Environment Protection Act 1970, the DWMP will assist in managing Council’s response to the State Government released ministerial guidelines titled ‘Planning permit applications in open, potable water supply catchment areas’ (the Ministerial Guidelines).

These guidelines were released in November 2012 to better protect potable water catchments. Approximately ninety five percent of the Shire is within a potable water catchment area. The Ministerial Guidelines called for additional information and actions to be incorporated into Domestic Wastewater Management Plans.

If DWMPs are not amended to meet the requirements under the Ministerial Guidelines, it was recommended that the density of dwellings be no greater than one dwelling per 40 hectares where a planning permit is required. This is pursuant to an Environmental Significance Overlay. There is no regard to planning zones therefore this could be applied within a township or rural living zone. It is therefore appropriate to strengthen Council’s commitment to domestic wastewater management through the DWMP 2018-2022, which in turn will aid in facilitating appropriate and sustainable development.

A key part of the work to complete the Plan has been the development of a domestic wastewater risk matrix. This risk matrix has been applied to a suite of relevant spatial data layers to enable the production of a GIS constraint map/layer (the constraint map).

Currently all planning applications in unsewered areas in the open potable water catchment area are referred to Goulburn Murray Water. The referral process impacts on workloads and response times and does not improve wastewater outcomes. Goulburn Murray Water has confirmed that they do not require referral of low risk planning applications based on the information and actions in this Plan. Reducing referrals reduces unnecessary time and costs to property owners where a proposal will present a low risk for onsite wastewater management.
The GIS constraint map will help operationalise the Plan by enabling Council staff to:

- Determine the level of information/research required to be undertaken as part of a development application in an unsewered area.
- Determine when a referral to Goulburn Murray Water is necessary.
- Develop a monitoring strategy for existing domestic wastewater systems in the Shire.
- Identify existing unsewered areas and establish the relative priority for more detailed investigations about future wastewater management options for these areas.
- Inform strategic planning for future development in unsewered areas.
- Provide advice to land owners based on the onsite wastewater risks associated with their proposal.

Policy and Statutory Implications

It is requirement under the *Environment Protection Act 1970* that Councils develop a Domestic Wastewater Management Plan. The Ministerial Guidelines require additional information and actions be incorporated into the Plan in open potable water catchment areas.

Issues

If Council’s Domestic Wastewater Management Plan does not meet the requirements of the Ministerial Guidelines, development should be limited to one dwelling for each 40 hectares regardless of planning zones where there is an Environmental Significance Overlay. This will impact on future development in unsewered areas.

Under Clause 66.02-5 of the planning scheme, planning applications in a Special Water Supply Catchment are referred to Goulburn Murray Water.

Goulburn Murray Water has confirmed with the adoption of this Plan and the development of an MOU, they will not require referral of applications where onsite wastewater management poses a low risk.

Financial and Resource Implications

Implementation of the Plan will be undertaken using existing resources. An annual operating budget of $16,000 has been requested since the adoption of the 2012-2015 Plan with no increase since.

Consultation

The Plan has been developed with the assistance of a Project Reference Group comprising representatives from Council’s Environmental Health, Planning and Information Management Units, and representatives from Coliban Water and Goulburn Murray Water. Council also engaged a consultation group to assist with the project with expertise in soil science, environmental science and geographical mapping.

The Project Reference Group strongly recommended that requirements outlined in the Ministerial Guidelines be incorporated into the Plan. This outcome has been incorporated in the document.
PEO 03 PRICING POLICY - UPDATE AND REVIEW

Responsible Director: Director Corporate and Community Services
Responsible Officer: Executive Manager Business Performance
Original Document: DOC/18/3319

Executive Summary

The pricing policy provides guidance for setting appropriate levels of fees and charges, taking into account community benefit, user groups and corporate objectives.

The Pricing Policy is required to be reviewed and updated by Council. It was first adopted by Council on 27 May 2014, and fully implemented across the organisation for the first time during the 2016/2017 Budget Process.

A review has been conducted providing further clarification and readability to users with a proposal to review again in four years.

RECOMMENDATION

Context

The Pricing Policy was created in 2014 in response to Council’s internal auditors who conducted a review of fees and charges and one of the key findings was as follows:

1. A policy and fee setting framework for ‘local circumstances’ needs to be developed by line departments. The framework will need to include how fees are determined and calculated. Line departments should also undertake more formal benchmarking of user fees and charges with neighbouring, ‘like’ councils; and

2. Management needs to develop policies and procedures with respect to the Trade Practices Act* and the National Competition Policy.

In addition the Victorian Auditor General conducted a sector audit on fees and charges in 2009 and found that none of the councils reviewed had adequate policies on service costing and fee setting.

Refer to:


Policy and Statutory Implications

Council is required to impose fees and charges, both statutory Local Government Act 1989 Section 113 and discretionary to partially or fully recover the costs of services provided.

Issues

The Policy is to be reviewed and updated every four years.

The purpose of this Policy is to provide guidance for setting appropriate levels of fees and charges, taking into account community benefit, user groups and corporate objectives.

Minor updates have been made to this review of the pricing policy including the requirement of an increase with the recommended ESC rate cap as a minimum each year be applied to all non-statutory fees and charges not subject to a full review of costs and extending the policy review time from three to four years.

Officers are currently drafting a fee waiver policy; this will be subject to further consultation between officers and Councillors.

Alternate Options

Nil.

Financial and Resource Implications

Through adoption of policy there is a better application of pricing methodology to Councils fees and charges framework.

Consultation

Nil.
Pricing Policy

Note: The ‘draft’ stamp can only be removed by Governance upon approval by CEO or Council.

Category: Financial Management

Adoption: Council  Date: February 2018

Review period: Four years, or as required

Responsible Manager: Executive Manager Business Performance

CEO Signature

Date

Purpose / Objective:

The purpose of this Policy is to provide guidance for setting appropriate levels of fees and charges, taking into account community benefit, user groups and corporate objectives.

This policy seeks to ensure that the following key objectives are met:

- Efficiency – the fees are simple to administer;
- Equity – the fees are fairly applied across a range of users considering users’ capacity to pay;
- Effectiveness – the fees provide appropriate signals to users, value for money and ensure that everyone contributes appropriately to the delivery of services (promoting both efficiency and equity);
- Clarity – users are clear about when and how fees are applied; and
- Transparency – the nature and use of the service is easily understood and accessible to all applicable users.

Scope of this Policy

This policy applies to all fees and charges that are listed in the Fees and Charges Schedule published in the Annual Budget.

Background / reasons for Policy:

Local councils provide a wide range of services to their communities, often for a fee or charge. The nature of these fees and charges generally depends on whether they relate to compulsory or discretionary services. Some of these, such as statutory planning fees, are set by State Government and are commonly known as 'regulatory fees'. In these cases, councils usually have no control over service pricing.
The Local Government Act 1989 (the Act) gives councils the power to set fees and charges to offset the cost of providing services. A widely accepted public sector pricing principle is that fees and charges should be set at a level that recovers the full cost of providing the services, unless there is an overriding policy in favour of subsidisation.

In so doing, councils must apply principles of sound financial management and need to consider a range of ‘best-value’ principles including service costs and quality standards, value for money, community expectations and values, as well as balance the affordability and accessibility of their services.

Council must also comply with the State Government’s Competitive Neutrality Policy for significant business activities they provide and adjust their service prices to neutralise any competitive advantages when competing with the private sector.

Policy content:

Under this policy all fees and charges are required to be reviewed by each Business Unit on an annual basis in accordance with the policy principles at the time of preparing the Annual Budget.

**Pricing Methods**

Fees and charges are applied under one of two models, statutory or non-statutory:

**Statutory Pricing**

For some fees and charges Council’s role is to administer services and apply fees which are set or controlled under statute or funding agreement. These fees may only provide a partial recovery of the cost of providing the service. Council will set fees at the maximum available. Examples include specified Environmental Health and Statutory Planning fees.

**Non Statutory Pricing**

In determining fees and charges not regulated by statute, Council will consider the following factors in selecting the pricing method to meet its objectives for the service:

- Balancing individual and community benefit
- Users’ ability to pay
- Market pricing – the pricing of comparable services offered by other providers
- Competitive neutrality (where relevant)
- Budget implications

The reason for the subsidy or return will assist in determining the method of pricing to select. Considerations include whether the fee is intended to:

- Create a financial return to council (full cost pricing);
- Subsidise access by certain customers or recognise benefit is shared between private and public (partial cost pricing); or
- To provide an incentive for certain desired behaviours (incentive pricing).

The following describe each applicable pricing principle that is to be applied in each circumstance.
Full cost recovery pricing - Price to cover direct and overhead costs.

These are services provided by Council that benefit individual customers specifically rather than the community as a whole. The aim is to recover the direct and overhead costs associated with providing these services:

- Provision of information – This type of service involves the Council giving access to information, subject to compliance with information privacy and freedom of information.
- Damage to Council property – This involves the making good of loss or damage to Council property.
- Regulatory function with no social policy objective – Council performs the role to regulate certain behaviour.

Accessible pricing - Price between full Council subsidy (no charge) to full cost recovery covering direct and overhead costs.

Council may have an applicable social policy objective that supports accessible pricing. The benefit of adopting a set of criteria to define a community service obligation is that it enables Council to critically examine the reasons for engaging in the provision of a service and subsidising it.

Appropriate situations for accessible pricing may be:

- Where the service benefits the community as a whole as well as the individual customer.
- Short term approach to stimulate demand for service.
- Where charging prices at full cost recovered may result in widespread evasion or inappropriate adoption (e.g. waste disposal).
- Where the service is targeted at those with an inability to pay. In this case, concession fees may be considered depending upon the type of service being provided and the needs of the customer (e.g. Home and Community Care).
- Where there is a low number of other service providers or insufficient quantity to meet the need, or at prices that would make the service accessible to the community.

Prices can be set from full council subsidy (no charge) to full cost recovery with various levels of subsidisation in between. Accessible pricing will always be based on knowledge of the full cost of providing a service and subsidies will be based on a percentage of the cost of the service.

Disincentive Pricing - Price above full cost recovery covering direct and overhead costs at a minimum.

Councils may have an applicable policy objective that supports disincentive pricing. Council performs the role to regulate and restrict certain behaviour.

Examples include various Local Laws fees and charges covering parking and animal management.

Market Pricing - Price above full cost recovery covering direct and overhead costs at a minimum in line with benchmarked market prices.
Market pricing may be applied for services that provide discretionary activities without strong social policy objectives. These activities may provide revenue support and complement other social policy actions.

Ideally, the price should be the greater of full cost recovery and a market based price. The price charged by competitors depends upon the marketing strategy that has been adopted and can be determined through benchmarking.

An example is sale of goods through Council's Visitor Information Centres.

**National Competition Policy (NCP) Pricing**

Council is required to price services that compete in the open market on a 'level playing field' basis and to make any decision to depart from a commercial basis for pricing of services transparent. A significant business activity subject to NCP relies on other policy documents which describe how to identify a significant business activity and the pricing requirements that flow from it. Examples include Building surveying services or services such as child care.

**Annual Review**

All prices must be subject to review to ensure that the prices determined according to the principles described and are practical. Where a price determined according to the principles is considered impractical, Council may amend that price subject to regulatory requirements.

A minimum increase of the Essential Services Commission (ESC) Rate Cap (announced each December) will be applied to all fees and charges not subject to a full review of costs. The ESC rate cap takes into account CPI, Wage Inflation and a discount for an efficiency factor.

**Definitions:**

National Competition Policy - The stated objective of National Competition Policy, as it applies to the public sector, is to achieve the most efficient provision of publicly provided goods and services through reforms designed to minimise restrictions on competition.

**Responsibilities:**

**Directors are responsible for:**

Ensuring that the Pricing Policy is used to undertake an annual review of all fees and charges which relate to the Directorate

**Managers are responsible for:**

- Undertaking an annual review of all fees and charges in accordance with the Pricing Policy and annual budget parameters;
- Identifying any new fees and charges that should apply and forwarding new fees proposals to the Executive Team prior to consideration by Council for inclusion in the Fees and Charges Schedule; and
- Updating the Fees and Charges Schedule.

**Employees are responsible for:**

- Administering the fees and charges as contained in the Fees and Charges Schedule;
Pricing Policy

- Providing accurate information to Managers to facilitate an annual review of all fees and charges in accordance with the Pricing Policy; and
- Making themselves familiar with the pricing principles for Fees and Charges in their area and being able to explain this to customers.

Related Policies:

Revenue and Debt Collection Policy - Adopted 23 February 2016

Relevant Legislation:

Local Government Act 1989

Competitive Neutrality Policy Victoria 2000
10.2. OUR PLACE (PLA)

PLA 04 RELINQUISHMENT OF CROWN LAND PARCELS

Responsible Director: Director Sustainable Development  
Responsible Officer: Property Portfolio Coordinator  
Original Document: DOC/18/7415

Executive Summary

Council is the Committee of Management for numerous parcels of Crown Land throughout the Shire. Officers have conducted a review of this land to ascertain whether any land is surplus, or would be better managed by another party.

Seven parcels of land have been identified that are surplus to Council’s needs and which should be relinquished to the Department of Environment, Land, Water and Planning (DELWP).

Consultation has been undertaken and no objections have been received to the relinquishment of the seven parcels of land.

RECOMMENDATION

That Council write to the Department of Environment, Land, Water and Planning to relinquish management of the following parcels of land;

1. Campbells Creek Creek Improvement Reserve, Campbells Creek
2. Elphinstone Gravel Reserve, Old Drummond Road, Taradale
3. Former Gravel Reserve, Galaxia Lane, Guildford
4. Former Tarilta Baths site, Tarilta
5. Baringhup West Public Hall Reserve, 464 Baringhup West Road, Baringhup West
6. Former Baringhup West Gravel Reserve, Rumbolds Road, Baringhup West
7. Former Gravel Reserve, Holdens Road, Campbells Creek
**Context**

Council is the public land manager for numerous parcels of Crown Land throughout the shire. In 2016, officers commenced a review of these parcels of land to identify land that is not used, or land that would be better managed by an alternative manager.

Officers have identified seven parcels of land that are surplus to Council’s needs, which should be relinquished to DELWP. Four of these are former gravel reserves, one is a former swimming hole, one is a creek improvement reserve and one is a former hall.

**Relinquishment**

The sites below are proposed for relinquishment.

<table>
<thead>
<tr>
<th>Place Name</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbells Creek Creek Reserve</td>
<td>Waterway reserve that Council currently manages disconnected from Urban Waterways. DELWP currently practically manage it, so there is no practical change following relinquishment. There is no formal public access to creeksides in this location.</td>
</tr>
<tr>
<td>Elphinstone Gravel Reserve, Old Drummond Road, Taradale</td>
<td>Gravel has not been removed from this site for a number of decades. It is unknown if Council has ever removed gravel from this site. Maintained by adjoining owner as part of their garden, and appears to be part of their garden from the street. Most members of the public would not be aware this is public land.</td>
</tr>
<tr>
<td>Former Guildford Gravel Reserve, Galaxia Lane, Guildford</td>
<td>Well vegetated with significant vegetation, the site is fenced with a gate and appears like private land. The chained gate and fencing gives this land the appearance of private land and like the above, most members of the public would not be this was public land.</td>
</tr>
<tr>
<td>Former Tarilta Baths</td>
<td>4000m² site surrounded by paddocks of one farm at Tarilta. It is accessible by unmade road reserves, and it is unlikely most people would know it was there. Not identified in Newstead Heritage Study as significant place.</td>
</tr>
<tr>
<td>Baringhup West Public Hall Reserve (former Baringhup West School)</td>
<td>Derelict Building with windows and doors boarded up. Has a Heritage Overlay (HO), so still controls over the site. There is a centenary plaque in the rear yard will be relocated to the front of the site (inside fence line so in line with HO, but visible to public). Many members of the community would be aware this is a public building from its past use, however it has not served a community role for over ten years.</td>
</tr>
<tr>
<td>Former Baringhup West Gravel Reserve</td>
<td>Former gravel reserve that has not been accessed for a number of decades. Small parcel of land adjoining the Loddon River at the end of an unmade road reserve, with no formal public access.</td>
</tr>
<tr>
<td>Former Guildford Gravel Reserve, Holdens Road</td>
<td>Former gravel reserve that has not been used for a number of decades. Adjoins an existing Parks Victoria Park with vehicle tracks running through it.</td>
</tr>
</tbody>
</table>
Policy and Statutory Implications

Relevant policies, strategies and plans

Council has a land disposal policy that sets out the decision criteria for determining whether land should be declared surplus or not.

All parcels have been declared surplus, meeting criteria from the policy of:

- Not being used for its originally intended purpose;
- The land does not contribute to the achievement of a current Council objective;
- The land has no strategic significance to Council on a long-term basis;
- The land requires greater investment than the value of the property to meet current standards and legislative requirements for public buildings; or
- Other land assets in close proximity provide a similar service.

Issues

Currently, there is negligible community benefit provided by Council managing any of the land that have been identified to be relinquished. Post Council management of the land, the sites will remain public land, and in many cases management of the land by DELWP or Parks Victoria have the potential to deliver a greater community benefit than if it was managed by Council.

Other sites were considered as potential for relinquishment, however investigation and discussion with the community identified issues such as that the parcels were still used by the community, or required further exploration of alternative land managers.

Alternate Options

Council can continue to manage all land identified for relinquishment. Continuing to manage land where Council or the community do not derive any benefit in council’s involvement directs resourcing away from other activities that do provide a community benefit.

Financial and Resource Implications

While not significant, Council incurs costs as manager of the land that could be better allocated. Costs incurred include:

- Regular valuations for asset management purposes;
- Insurance for buildings or other improvements;
- Programmed maintenance (such as mowing), or reactive maintenance (e.g. trees);
- Officer time for administration and public enquiries; and
- Repair damage, manage other issues (e.g. removal of illegally dumped rubbish).

Consultation

Notice of the handback was published in the Midland Express for six properties, and a letter was sent to the surrounding land owner of the seventh (Tarilta Baths), and followed up with a phone call.

Officers received enquiries from the public regarding four of the sites listed in public notices either seeking further information or providing further information. None of these raised any objection to the relinquishments. Officers have consulted extensively with DELWP to determine any requirements prior to handback.
10.3. OUR ECONOMY (ECO)

ECO 08 planning permit application 263/2017 - subdivision of land into three lots at 8 - 10 Grigg Street, Maldon

Responsible Director: Acting Director Sustainable Development
Responsible Officer: Acting Manager Development Services
Original Document: DOC/18/5534

Executive Summary

Council has received an application for subdivision of land into three lots at 8 - 10 Grigg Street, Maldon. The site is located within the General Residential Zone (GRZ) and is covered by the Significant Landscape Overlay (SLO). The trigger for the planning permit is the GRZ.

One objection has been received raising issue with the three lots proposed and suggests it is not in keeping with the surrounding area. The existing area is made up of a variety of smaller and larger lots and the proposed subdivision would allow for an increased diversity of housing for the area.

The proposed subdivision supports the objectives and outcomes of infill development as stated in the State and Local policies of the Mount Alexander Planning Scheme.

The subject site is located within the defined township boundary on the Maldon Framework Plan where opportunities for residential growth are encouraged. The design of the subdivision has responded to the existing neighbourhood character by providing lot sizes that integrate with the adjoining lots, are of a sufficient size that would enable the appropriate siting of a dwelling with good solar access and private open space and reinforce the existing subdivision pattern in this section of Grigg Street.

It is recommended that a Notice of Decision be granted subject to conditions.

Recommendation

That Council issue a Notice of Decision to Grant a Permit for the subdivision of land into two lots at 8-10 Grigg Street, Maldon subject to the following conditions:

1. FORMAL PLAN OF SUBDIVISION
   1.1. The formal plan of subdivision lodged for certification must be in accordance with the approved plan and must not be modified except to comply with statutory requirements or with the further written consent of the Responsible Authority.

2. LAYOUT PLAN
   2.1. The subdivision, as shown on the endorsed plan(s), must not be altered without the prior written consent of the Responsible Authority.

3. TELECOMMUNICATIONS
   The owner of the land must enter into an agreement with:

   3.1. 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
3.2. 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:

3.3. 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

3.4. A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

4. PUBLIC OPEN SPACE CONTRIBUTION

Prior to the issue of 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.

VALUATION EXPENSES

4.1. The applicant or owner must pay on demand to Council, the Council’s reasonable costs and expenses to provide valuation for payment in lieu of open space.

5. GARDEN AREA REQUIREMENTS

5.1. Development within all lots on this plan of subdivision must comply with the Garden Area requirements as specified at Clause 32.08-4 to the Satisfaction of the Responsible Authority.

6. ENGINEERING PLANS

6.1. Prior to commencement of any construction works associated with the subdivision, detailed access, road & drainage construction plans must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and form part of the permit. The engineering plans must accord with the infrastructure design manual. All works constructed or carried out must be in accordance with those approved plans and completed to a standard satisfactory to the responsible authority prior to the issuing of statement of compliance.

7. DRAINAGE

7.1. The whole of the subject land, including landscaped and paved areas, must be graded and drained to the legal point of discharge to prevent the discharge of water from the subject land across any road or onto any adjoining land.

7.2. The site stormwater discharge is not increased by the proposed developments. The drainage system shall include provision of storm water
retention system to limit flows downstream from the development to pre-
development levels in accordance with the current Australian rainfall and
Runoff – Flood Analysis and Design for a 5 year annual recurrence interval
(IDM Design standards - Section 19.3 Requirements)

7.3. Provide cut off drains or similar to protect adjoining properties from
overland storm water flow. Provision is to be made to divert major rainfall (1
in 100 year) storm events away from the building envelopes of lots within
this and adjoining subdivisions.

7.4. Prior to the design of any internal drainage system the owner/applicant must
submit a Property Information Request and be issued a Legal Point of
Discharge Permit to discharge stormwater.

7.5. Prior to the design of any internal drainage system the owner/applicant must
submit a Property Information Request and be issued a Legal Point of
Discharge Permit to discharge stormwater.

7.6. The proposed drainage easement must be 3 metre wide and requires to be
created along the low spot of the property to the satisfaction of Council.

7.7. The Developer must formalise the open drains along the entire frontage of
the property to divert major rainfall (1 in 100 year) storm events.

8. VEHICLE CROSSOVERS

8.1. Proposed vehicle crossovers are to be constructed to the
levels/requirements of council. No impending or redirection of existing
surface flow is allows to occur as a result of these works. Council’s
minimum standards are: -

- 3.5 metre wide
- With Appropriately sized reinforced concrete pipes (minimum 375
millimetres) 4.8 metre long centred on the crossover matching the
capacity of the open drain.
- Low profile culvert end-walls to all culvert ends
- Crossings must be positioned keeping a minimum of 3 metre clearance
from the council trees located at the property frontages.

9. INFRASTRUCTURE STATUS

9.1. All existing road reservation assets are to be protected and maintained
throughout the works including all utilities and services. Any damage is to
be restored prior to issuing of statement of compliance

10. SEDIMENT POLLUTION CONTROL

10.1. The developer must restrict sediment discharges from any construction
sites within the land in accordance with Construction Techniques for
Sediment Pollution Control (EPA 1991)

11. CONSENT FOR CONSTRUCTIONS

11.1. Council is to be paid a fee of 0.75% of the total construction costs for these
works for the approval of said plans plus 2.5% for supervision of
construction. Said fees to be paid prior to commencement of any road/
drainage works. Estimate for the works are to be prepared and submitted to
Council.
11.2. Prior to the commencement of any works on the road reserve the owner/applicant must submit a Minor Works in a Road Reserve application and be issued a permit to occupy the road for works.

12. STATEMENT OF COMPLIANCE

12.1. Prior to issue of a statement of compliance for the subdivision, the vehicle crossovers, drainage and works must be installed to satisfaction of council in accordance with the approved Engineering plans.

13. REMOVAL OR TRIMMING OF ROAD RESERVE TREES

13.1. If the applicant / Property owner require removing or Trimming of trees in the road reserve as part of the works permitted by this planning permit or as part of future works, all the cost of such removal must be borne by the applicant / Property owner. Applicant / Property owner must obtain consent and necessary work permits from the council for such future tree trimmings/removals prior to commencement of the works.

14. COLIBAN WATER

14.1. The owner is required to provide reticulated water and sewerage services to each of the lots within the subdivision and comply with any requirements arising from any effect of the proposed development on Coliban Water assets. Services are to be provided in accordance with our specifications.

14.2. All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by an easement in favour of Coliban region Water Corporation.

15. POWERCOR

15.1. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.

15.2. The applicant shall:-

- Provide an electricity supply to all lots in the subdivision in accordance with Powercor’s requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.

- Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria’s Electrical Safety System.

- The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

- Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.

- Any construction work must comply with Energy Safe Victoria’s “No Go Zone” rules.
16. EXPIRY OF PERMIT SUBDIVISION

16.1. The plan of subdivision must be certified within two (2) years of the date of issue of this Permit unless the Responsible Authority grants an extension of the Permit upon application in writing by the permit holder within six (6) months of the prescribed expiry date. Once the plan of subdivision is certified, the permit will expire five years from the date of certification of the plan of subdivision.
Context

The purpose of this report is to enable Council to make a determination on an application for a three lot subdivision at 8-10 Grigg Street, Maldon. The application has been referred to Council for a decision as there has been an objection lodged to the application which has not been withdrawn.

Refer to:

Attachment ECO 08A: PA263/2017 - Plan of Subdivision.
Attachment ECO 08B: PA263/2017 - Site Context Plan.
Attachment ECO 08C: PA263/2017 - Clause 56 Assessment.

The application was lodged on 20 November 2017 and proposes to subdivide the land into three lots. The land is located within the General Residential Zone and is covered by the Significant Landscape Overlay- Schedule 1 (no permit is required under the SLO).

The land is located on the north side of Grigg Street. It has a 63.28 metre frontage to Grigg Street, a depth of 61.8 metres and a total area of 3857 square metres. The land is vacant and all lots will have direct access to Grigg Street.

The surrounding land is generally developed with single dwellings on a mixture of lot sizes and comprising a variety of architectural styles and materials, all contained within the General Residential zone.

The application proposes to subdivide the land into three lots. All lots would have reticulated sewerage and water.

- Lot 1 would have an area of 1092m²
- Lot 2 would have an area of 1017 m²
- Lot 3 would have an area of 1748m²

Policy and Statutory Implications

State Planning Policy Framework (SPPF)

Clause 11.07 Regional Victoria

To develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable.

Clause 15.01-1 Urban design

The objective of this clause is to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

Clause 15.01-2 Urban design principles

The objective of this clause is to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

Clause 15.01-3 Neighbourhood and subdivision design

The objective of this clause is to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable diverse and sustainable neighbourhoods.
Clause 15.02-1 Energy and resource efficiency
The objective of this clause is to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

Clause 16.01-1 Integrated housing
The objective of this clause is to promote a housing market that meets community needs.

Clause 19.03 Development infrastructure
Objectives and strategies outlined within this clause have the purpose of ensuring appropriate physical infrastructure is provided during the development of land and that infrastructure meets recognised standards.

Local Planning Policy Framework (LPPF)

Clause 21.03 Municipal Vision and Framework Plan
The land use planning and development vision for Mount Alexander Shire will be achieved by consolidation of urban growth to maximise infrastructure and reduce environmental impacts.

Clause 22.02 Maldon
The Mount Alexander Shire Council recognises that the heritage of the town of Maldon is of national significance due to:

- The town centre being one of the most intact of any nineteenth century town in Australia.
- The large number of buildings and works of historic significance in the area.
- The unusual and attractive relationship of the town and other historic sites with the diverse natural and historic landscape which forms an essential part of the character of both the town and its surroundings.

Zoning

Clause 32.08 General Residential Zone
The purpose of this clause includes:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential

Under Clause 32.08-3 a permit is required to subdivide land. An application to subdivide land that creates a vacant lot capable of development for a dwelling or residential building must ensure that each lot created contains the minimum garden area set out in Clause 32.08-4. For lots above 650sqm, the minimum percentage of a lot set aside as garden area is 35%. This requirement has been met by a condition to be placed on the permit.
Overlays

Clause 42.03 Significant Landscape Overlay
No planning permit is required to subdivide land under this overlay.

Particular provisions

Clause 52.01 Public Open Space Contribution and Subdivision
This Clause refers to the public open space contribution and provides that a person who proposes to subdivide land must make a contribution to Council for public open space up to a maximum 5% of the site value if included in the schedule to this clause.

Having regard to each of the relevant criteria under the Act, it is considered that there will be a need for more open space and existing public open space is likely to be more intensively used because of the subdivision and the likely development of the land. A contribution toward the provision of public open space is therefore appropriate.

Clause 52.02 Easements, Restrictions and Reserves
Pursuant to Clause 52.02 a permit is required before a person proceeds under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.

Issues

Consistency with planning policy

State and local planning policies relating to infill development require a balanced consideration of infill development objectives against neighbourhood character objectives.

There is policy support for infill development in both the State and Local Planning Policy framework of the Mount Alexander Planning Scheme as demonstrated above, that encourages a range of lot sizes within areas identified for infill development, particularly on sites that can connect to reticulated services.

The layout and design of the subdivision is considered to achieve the existing neighbourhood character reflecting the existing built form in this section of Grigg Street. The proposed minimum lot size would be 1017 square metres which is considered a reasonable size to accommodate a dwelling.

The proposed size and layout of the lots is in keeping with a similar subdivision in the surrounding area, therefore the proposed subdivision is considered to respond to this existing character and proposes two new vacant lots that do relate to the surrounding context.

Neighbourhood character

Clause 56.03-5 requires subdivisions to be designed to respond to neighbourhood character. Standard C6 of this clause state that subdivisions should:

- Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme;
- Respond to and integrate with the surrounding urban environment; and
- Protect significant vegetation and site features.
The subject site is located within an established residential area and has existing infrastructure capable of accommodating additional lots. The proposal is considered consistent with the existing prevailing subdivision pattern and built form existing in this area.

**Clause 56 Assessment – Residential Subdivision**

All standards and objectives of Clause 56 are satisfactorily met. The proposed lots provide areas and dimensions that enable appropriate siting of future development, solar access, vehicle access and parking, water management, easements and retention of significant vegetation where appropriate.

**Vehicle Access**

All lots have frontage to Grigg Street and Council Infrastructure Unit is satisfied with the proposed access arrangements subject to conditions.

**Outstanding objections to the application**

Following advertisement of the application in accordance with Sections 52(1)(a) and 52(1)(d) of the *Planning and Environment Act 1987*, one objection was received.

The objector has raised concern with the three lots proposed and suggests it is not in keeping with the surrounding area. In assessing the surrounding area and as can be seen in the site context plan the lots would not be out of character with the area and would further contribute to a range of lot sizes that are suitable for a dwelling.

Consideration of any application must be assessed against the relevant provisions of the planning scheme and in this instance, the proposed three lots are considered to accord with the provisions, as outlined in this report, particularly as it relates to neighbourhood character and integration of the lots with the existing environment.

**Alternative Options**

Council could refuse the application, however this would not be consistent with the policies of the planning scheme.

**Financial and Resource Implications**

Cost of potential appeal to the Victorian Civil and Administrative Tribunal, which would be approximately $5,000.

**Consultation**

**Advertising**

Notice of the application was given in accordance with Sections 52(1)(a) and 52(1)(d) of the *Planning and Environment Act 1987* to owners and occupiers of adjoining land and a sign was also placed on-site.

**Applicant-objector correspondence**

No applicant-objector meeting was undertaken as it was not considered that an outcome which satisfied both applicant and objector could be reached.

**External Referrals**

The application was referred to Powercor, Coliban Water and Enwave Gas who all provided consent.
Internal Referrals

The application was referred to Council’s Infrastructure Unit who has provided conditional consent.
### 56 Residential Subdivision – 8-10 Grigg Street, Maldon

#### Clause 56 Assessment

<table>
<thead>
<tr>
<th>Clause/standard</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 56.03-5 Neighbourhood character (C6)</td>
<td>Complies. &lt;br&gt;The proposal does respond to the existing subdivision layout and preferred built form. &lt;br&gt;The size and layout of the proposed lots would integrate with the surrounding environment.</td>
</tr>
<tr>
<td>Clause 56.04-2 Lot area and building envelopes (C8)</td>
<td>Complies. &lt;br&gt;Each lot is greater than 500 square metres and can accommodate a rectangle measuring 10 metres by 15 metres.</td>
</tr>
<tr>
<td>Clause 56.04-3 Solar orientation of lots (C9)</td>
<td>Complies. &lt;br&gt;Dimensions of lots are adequate to protect solar access.</td>
</tr>
<tr>
<td>Clause 56.04-4 Street Orientation Objective</td>
<td>Complies. &lt;br&gt;Both lots front the existing street. &lt;br&gt;No lots below 300 square metres are proposed. &lt;br&gt;No public open space is adjacent to the site. &lt;br&gt;No roads or streets are provided as part of the proposal.</td>
</tr>
<tr>
<td>Clause 56.04-5 Common area (C11)</td>
<td>Not applicable. &lt;br&gt;No common property is proposed as part of the proposal.</td>
</tr>
<tr>
<td>Clause 56.05-1 Integrated urban landscape objectives</td>
<td>Not applicable. &lt;br&gt;No roads or streets are provided as part of the proposal.</td>
</tr>
<tr>
<td>Clause 56.06-2 Walking and cycling network objectives</td>
<td>Not applicable. &lt;br&gt;No walking or cycling network is proposed as part of the proposal.</td>
</tr>
<tr>
<td>56.06-4 Neighbourhood street network objective</td>
<td>Not applicable. &lt;br&gt;No roads or streets are provided as part of the proposal.</td>
</tr>
<tr>
<td>56.06-5 Walking and cycling network detail objectives</td>
<td>Not applicable. &lt;br&gt;No walking or cycling network is proposed as part of the proposal.</td>
</tr>
<tr>
<td>Clause 56.06-7 Neighbourhood street</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>network detail objective</td>
<td>No roads or streets are provided as part of the proposal.</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Clause 56.06-8 Lot access objective | Complies.  
Grigg Street is not an arterial road. |
| Clause 56.07-2 (C23) Reused and recycled water | A recycled water supply is not currently available in the area. |
| Clause 56.07-3 (C24) Waste Water Management | Complies.  
Existing reticulated sewerage is located in Grigg Street. |
| Clause 56.07-4 (C25) Urban run-off management | Complies.  
Stormwater from the lots will be appropriately managed by an on-site drainage system to Council’s satisfaction. |
| Clause 56.08-1 site management (C26) | Complies.  
The level of construction activity resulting from the proposed subdivision will be moderate. Thus there will be a minimal effect on the neighbourhood in terms of erosion, dust, run-off, litter and chemical contamination. |
| Clause 56.09-1 shared trenching (C27) | Complies.  
Shared trenching will be used to supply reticulated services to the lots where possible. |
| Clause 56.09-2 (C28) Electricity, telecommunications and gas | Complies.  
These services will be supplied to the lots in accordance with the providers’ requirements. |
| Clause 56.09-3 Fire Hydrants | Not applicable – street infrastructure already established |
| Clause 56.09-4 Public Lighting | Not applicable – street infrastructure already established |
Executive Summary

Council has received an application for subdivision of land into two lots at 36 Parkins Reef Road, Maldon. The site is located within the General Residential Zone (GRZ) and is covered by the Erosion Management Overlay (EMO), Heritage Overlay (HO444) and partially covered by the Significant Landscape Overlay (SLO). The triggers for the planning permit are the GRZ, EMO and HO.

One submission has been made which relates to the future design of development on the proposed lot 2. Any future development will need a planning permit therefore it is a matter that can be resolved in the future.

The proposed subdivision supports the objectives and outcomes of infill development as stated in the State and Local policies of the Mount Alexander Planning Scheme. The subject site is located within the defined township boundary on the Maldon Framework Plan where opportunities for residential growth are encouraged.

The design of the subdivision has responded to the existing neighbourhood character by providing lot sizes that integrate with the adjoining lots, are of a sufficient size that would enable the appropriate siting of a dwelling with good solar access and private open space and reinforce the existing subdivision pattern in this section of Parkins Reef Road.

It is recommended that a Notice of Decision be granted subject to conditions.

Recommendation

That Council issue a Notice of Decision to Grant a Permit for the subdivision of land into two lots at 36 Parkins Reef Road, Maldon subject to the following conditions:

1. FORMAL PLAN OF SUBDIVISION
   1.1. The formal plan of subdivision lodged for certification must be in accordance with the approved plan and must not be modified except to comply with statutory requirements or with the further written consent of the Responsible Authority.

2. LAYOUT PLAN
   2.1. The subdivision, as shown on the endorsed plan(s), must not be altered without the prior written consent of the Responsible Authority.

3. PROVISION OF SERVICES
   3.1. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the approved plan in accordance with the authority’s requirements and relevant legislation at the time.

   3.2. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision
submitted for certification in favour of the relevant authority for which the easement or site is to be created.

3.3. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

4. GARDEN AREA REQUIREMENTS

4.1. Development within all vacant lots on this plan of subdivision must comply with the Garden Area requirements as specified at Clause 32.08-4 to the Satisfaction of the Responsible Authority.

5. TELECOMMUNICATIONS

The owner of the land must enter into an agreement with:

5.1. 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

5.2. 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:

5.3. 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

5.4. A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

6. PUBLIC OPEN SPACE CONTRIBUTION

Prior to the issue of 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.

7. VALUATION EXPENSES

7.1. The applicant or owner must pay on demand to Council, the Council’s reasonable costs and expenses to provide valuation for payment in lieu of open space.

8. ENGINEERING PLANS

8.1. Prior to commencement of any construction works associated with the subdivision, detailed access, road & drainage construction plans must be submitted to and approved by the responsible authority. When approved,
the plans will be endorsed and form part of the permit. The engineering plans must accord with the infrastructure design manual. All works constructed or carried out must be in accordance with those approved plans and completed to a standard satisfactory to the responsible authority prior to the issuing of statement of compliance.

9. DRAINAGE WORKS

9.1. The whole of the subject land, including landscaped and paved areas, must be graded and drained to the legal point of discharge to prevent the discharge of water from the subject land across any road or onto any adjoining land.

9.2. The site stormwater discharge is not increased by the proposed developments. The drainage system shall include provision of storm water retention system to limit flows downstream from the development to pre-development levels in accordance with the current Australian rainfall and Runoff – Flood Analysis and Design for a 5 year annual recurrence interval (IDM Design standards - Section 19.3 Requirements)

9.3. Provide cut off drains or similar to protect adjoining properties from overland storm water flow. Provision is to be made to divert major rainfall (1 in 100 year) storm events away from the building envelopes of lots within this and adjoining subdivisions.

10. Prior to the design of any internal drainage system the owner/applicant must submit a Property Information Request and be issued a Legal Point of Discharge Permit to discharge stormwater.

11. The developer must formalise/tidy-up the open drain from the eastern boundary of the property to the creek on the western side, the works must be completed to the Council’s satisfaction.

12. VEHICLE CROSSOVERS

12.1. Proposed vehicle crossovers are to be constructed to the levels/requirements of council. No impending or redirection of existing surface flow is allows to occur as a result of these works. Council’s minimum standards are: -

- 3.5 metre wide
- With Appropriately sized reinforced concrete pipes (minimum 375 millimetre) 4.8 metre long centred on the crossover matching the capacity of the open drain.
- Low profile culvert end-walls to all culvert ends
- Crossings must be positioned keeping a minimum of 3m clearance from the council trees located at the property frontages.

13. INFRASTRUCTURE STATUS

13.1. All existing road reservation assets are to be protected and maintained throughout the works including all utilities and services. Any damage is to be restored prior to issuing of statement of compliance
14. SEDIMENT POLLUTION CONTROL

14.1. The developer must restrict sediment discharges from any construction sites within the land in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991)

15. CONSENT FOR CONSTRUCTIONS

15.1. Council is to be paid a fee of 0.75% of the total construction costs for these works for the approval of said plans plus 2.5% for supervision of construction. Said fees to be paid prior to commencement of any road/drainage works. Estimate for the works are to be prepared and submitted to Council.

15.2. Prior to the commencement of any works on the road reserve the owner/applicant must submit a Minor Works in a Road Reserve application and be issued a permit to occupy the road for works.

16. STATEMENT OF COMPLIANCE

16.1. Prior to issue of a statement of compliance for the subdivision, the vehicle crossovers, drainage and works must be installed to satisfaction of council in accordance with the approved Engineering plans.

17. REMOVAL OR TRIMMING OF ROAD RESERVE TREES

17.1. If the applicant/Property owner require removing or Trimming of trees in the road reserve as part of the works permitted by this planning permit or as part of future works, all the cost of such removal must be borne by the applicant/Property owner. Applicant/Property owner must obtain consent and necessary work permits from the council for such future tree trimmings/removals prior to commencement of the works.

18. EXPIRY OF PERMIT SUBDIVISION

18.1. The plan of subdivision must be certified within two (2) years of the date of issue of this Permit unless the Responsible Authority grants an extension of the Permit upon application in writing by the permit holder within six (6) months of the prescribed expiry date. Once the plan of subdivision is certified, the permit will expire five years from the date of certification of the plan of subdivision.

DELWP NOTE

The adjoining Crown land is not to be used for access, storage of materials or rubbish. Any private use of Crown land requires consent and/or licensing from the Department of Environment, Land, Water and Planning.
Context

The purpose of this report is to enable Council to make a determination on an application for a two lot subdivision at 36 Parkins Reef Road, Maldon. The application has been referred to Council for a decision as there has been a submission lodged to the application which has not been withdrawn.

Refer to:

Attachment ECO 09B: PA249/2017 – Site Context Plan.
Attachment ECO 09c: PA249/2017 – Clause 56 Assessment.

The application was lodged on 15 November 2017 and proposes to subdivide the land into two lots. The land is in the General Residential Zone (GRZ) and is covered by the Erosion Management Overlay (EMO), Heritage Overlay (HO444) and partially covered by the Significant Landscape Overlay (SLO).

The land has 40 metre frontage to Parkins Reef Road and a depth of 50 metres; with a total area of 2000 square metres. The land contains old dairy and a single dwelling have been approved in planning permit PA182/2017 on proposed lot 1. Both lots have frontage to and can gain access from Parkins Reef Road.

The surrounding land is generally developed with single dwellings on a mixture of lot sizes and comprising a variety of architectural styles and materials, all contained within the General Residential zone.

The application proposes to subdivide the land into two lots of approximately 1000m². All lots would have reticulated sewerage and water.

Policy and Statutory Implications

State Planning Policy Framework (SPPF)

Clause 11.07 Regional Victoria
To develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable.

Clause 15.01-1 Urban design
The objective of this clause is to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

Clause 15.01-2 Urban design principles
The objective of this clause is to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

Clause 15.01-3 Neighbourhood and subdivision design
The objective of this clause is to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable diverse and sustainable neighbourhoods.

Clause 15.02-1 Energy and resource efficiency
The objective of this clause is to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
Clause 16.01-1 Integrated housing
The objective of this clause is to promote a housing market that meets community needs.

Clause 19.03 Development infrastructure
Objectives and strategies outlined within this clause have the purpose of ensuring appropriate physical infrastructure is provided during the development of land and that infrastructure meets recognised standards.

Local Planning Policy Framework (LPPF)

Clause 21.03 Municipal Vision and Framework Plan
The land use planning and development vision for Mount Alexander Shire will be achieved by consolidation of urban growth to maximise infrastructure and reduce environmental impacts.

Clause 22.02 Maldon
The Mount Alexander Shire Council recognises that the heritage of the town of Maldon is of national significance due to:

- The town centre being one of the most intact of any nineteenth century town in Australia.
- The large number of buildings and works of historic significance in the area.
- The unusual and attractive relationship of the town and other historic sites with the diverse natural and historic landscape which forms an essential part of the character of both the town and its surroundings.

Zoning

Clause 32.08 General Residential Zone
The purpose of this clause includes:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential

Under Clause 32.08-3 a permit is required to subdivide land. An application to subdivide land that creates a vacant lot capable of development for a dwelling or residential building must ensure that each lot created contains the minimum garden area set out in Clause 32.08-4. For lots above 650m², the minimum percentage of a lot set aside as garden area is 35%. This requirement has been met by a building envelope shown on the design response plan.

Overlays

Clause 42.03 Significant Landscape Overlay
No planning permit is required to subdivide land under this overlay.
Clause 44.01 Erosion Management Overlay

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.

Under to Clause 44.01-4 a permit is required to subdivide land.

Clause 43.01-1 Heritage Overlay a permit is required to subdivide land.

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Under to Clause 43.01-1 a permit is required to subdivide land.

Particular provisions

Clause 52.01 Public Open Space Contribution and Subdivision

This Clause refers to the public open space contribution and provides that a person who proposes to subdivide land must make a contribution to Council for public open space up to a maximum 5% of the site value if included in the schedule to this clause.

Having regard to each of the relevant criteria under the Act, it is considered that there will be a need for more open space and existing public open space is likely to be more intensively used because of the subdivision and the likely development of the land. A contribution toward the provision of public open space is therefore appropriate.

Issues

Consistency with planning policy

State and local planning policies relating to infill development require a balanced consideration of infill development objectives against neighbourhood character objectives.

There is policy support for infill development in both the State and Local Planning Policy framework of the Mount Alexander Planning Scheme that encourages a range of lot sizes within areas identified for infill development, particularly on sites that can connect to reticulated services.

The layout and design of the subdivision is considered to achieve the existing neighbourhood character reflecting the existing built form in this section of Parkins Reef Road. The proposed minimum lot size would be 1000m² which is considered a reasonable size to accommodate a dwelling.
The proposed size and layout of the lots is in keeping with a similar subdivision in the surrounding area, therefore the proposed subdivision is considered to respond to this existing character and proposes two new lots that do relate to the surrounding context.

**Neighbourhood character**

Clause 56.03-5 requires subdivisions to be designed to respond to neighbourhood character. Standard C6 of this clause state that subdivisions should:

- Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme;
- Respond to and integrate with the surrounding urban environment; and
- Protect significant vegetation and site features.

The subject site is located within an established residential area and has existing infrastructure capable of accommodating additional lots. The proposal is considered consistent with the existing prevailing subdivision pattern and built form existing in this area and can be seen in the site context plan.

**Clause 56 Assessment – Residential Subdivision**

All standards and objectives of Clause 56 are satisfactorily met. The proposed lots provide areas and dimensions that enable appropriate siting of future development, solar access, vehicle access and parking, water management, easements and retention of significant vegetation where appropriate.

**Vehicle Access**

Both lots have frontage to Parkins Reef Road and will have direct access via individual crossovers. Council Infrastructure Unit is satisfied with the proposed access arrangements subject to conditions.

**Outstanding objections to the application**

Following advertisement of the application in accordance with Sections 52(1)(a) and 52(1)(d) of the Planning and Environment Act 1987, one objection was received.

The submission has only raised issue with design of a future dwelling and that will be determined by a future planning application.

Consideration of any application must be assessed against the relevant provisions of the planning scheme and in this instance, the proposed two lots are considered to accord with the provisions, as outlined in this report, particularly as it relates to neighbourhood character and integration of the lots with the existing environment.

**Alternative Options**

Council could refuse the application, however there are no grounds for refusal.

**Financial and Resource Implications**

Cost of potential appeal to the Victorian Civil and Administrative Tribunal, which would be approximately $5,000.
Consultation

Advertising

Notice of the application was given in accordance with Sections 52(1)(a) and 52(1)(d) of the Planning and Environment Act 1987 to owners and occupiers of adjoining land and. A sign was also placed on-site.

Applicant-objector correspondence

An applicant-objector meeting was not undertaken as it was considered that an outcome which satisfied both applicant and objector could not be reached.

External Referrals

Notice was provided to the Department of Environment Land Water and Planning as the abutting land owner to the east and they have suggested a note to be included in the permit.

Internal Referrals

The application was referred to Council’s Infrastructure Unit who has provided conditional consent.
### 56 Residential Subdivision

#### Clause 56 Assessment

<table>
<thead>
<tr>
<th>Clause/standard</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 56.03-5 Neighbourhood character (C6)</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>The proposal is consistent with the existing neighbourhood character of the area, which consists of a range of residential lot sizes.</td>
</tr>
<tr>
<td>Clause 56.04-2 Lot area and building envelopes (C8)</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Clause 56.04-3 Solar orientation of lots (C9)</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>Both lots have good solar orientation.</td>
</tr>
<tr>
<td>Clause 56.04-5 Common area (C11)</td>
<td>Not Applicable</td>
</tr>
<tr>
<td></td>
<td>Common property is not proposed as part of the subdivision</td>
</tr>
<tr>
<td>Clause 56.06-8 (C21) – Lot access</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>The proposed subdivision complies with the Standard with access to each individual lot provided via Perkins Reef Road.</td>
</tr>
<tr>
<td>Clause 56.07-1(C22) drinking water supply</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>All lots will be connected to reticulated utilities in accordance with the requirements and conditions of the responsible authority and relevant service authorities.</td>
</tr>
<tr>
<td>Clause 56.07-2 (C23) Reused and recycled water</td>
<td>Not Applicable</td>
</tr>
<tr>
<td></td>
<td>A recycled water supply is not currently available in the area.</td>
</tr>
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<td>Clause 56.07-3 (C24) Waste Water Management</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>All lots will be connected to a reticulated sewerage system to the satisfaction of Coliban Water.</td>
</tr>
<tr>
<td>Clause 56.07- 4 (C25) Urban run –off management</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>Stormwater from the lots can be appropriately managed by an on-site drainage system to Council's satisfaction.</td>
</tr>
<tr>
<td>Clause 56.08-1 site management (C26)</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>The proposed subdivision will not cause environmental degradation or nuisance prior to and during construction of subdivision</td>
</tr>
<tr>
<td>Clause 56.09-1 shared trenching (C27)</td>
<td>Complies</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Shared trenching will be used where possible as both proposed allotments have access to existing services.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Clause 56.09-2 (C28) Electricity, telecommunications and gas</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed allotments will be fully serviced with electricity, telecommunications and gas. Connections will be via existing infrastructure located within the road reserve to the satisfaction of the responsible authority.</td>
<td></td>
</tr>
</tbody>
</table>
ECO 10  PLANNING PERMIT APPLICATION 106/2017- PARTIAL DEMOLITIONS AND CONSTRUCTION OF DWELLING ADDITIONS AND ALTERATIONS AT 21 REEF STREET, MALDON

Responsible Director:  Acting Director Sustainable Development
Responsible Officer:  Acting Manager Development Services
Original Document:  DOC/17/41598

Executive Summary

Council has received an application for a new dwelling at 21 Reef Street, Maldon. The land is located within the General Residential Zone (GRZ) and is covered by Heritage Overlay (HO 444). The trigger for the planning permit is the heritage overlay.

Four objections have been received and not withdrawn. Issues raised include the dwelling not being in accordance with the Maldon Design Guidelines particularly the original windows, rusty metal cladding, and other colours and finishes of the original plans before they were amended, the size of the dwelling additions, and potential visual amenity impacts for tourists in the area. In response to concerns raised by both objectors and Council officers, the applicant submitted an amended design, to include more traditional design forms including gabled roofing, more conventional windows, and appropriate colours and finishes in line with the Maldon Design Guidelines.

The application has been assessed against the decision guidelines of the heritage overlay and the Maldon Design Guidelines and the application is considered an appropriate design response at this location. Council’s Heritage Advisor raised a number of key concerns which have since been resolved with suitable changes.

It is recommended that the application be approved.

RECOMMENDATION

That Council issue a Notice of Decision to Grant a Planning Permit for the development of a dwelling at Lot 1 and 2 TP802049K at 21 Reef Street, Maldon subject to the following conditions:

1. PLANS REQUIRED

1.1. Before the development starts 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 amended plans dated July 2017 but modified to show:

   a) The proposed partial demolitions of the rear skillion (26m²), verandah and pergola (16.6m²), in accordance with page A02 of the original set of revision TP01 plans prepared by Cullen Architects dated 2/6/2017, but altered to show either the existing conditions or the current proposed layout plans in the background.

   b) A detail landscape plan as outlined in condition 4 below.

   c) A suitable photographic survey of the existing structure must be provided to Council which will provide a historic record of the building in its current form before any demolitions and alterations are made. A copy of these photos may subsequently be provided by Council to any historical society or similarly interested party if requested.
2. **NO LAYOUT ALTERATION**

2.1. The development allowed by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the Responsible Authority.

3. **INFRASTRUCTURE**

   **Engineering Plans**

3.1. Prior to commencement of any construction works associated with the development, drainage construction plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The engineering plans must accord with the Infrastructure Design Manual. All works constructed or carried out must be in accordance with those approved plans and completed to a standard satisfactory to the Responsible Authority prior to the occupation of the dwelling additions.

   **Drainage**

3.2. The whole of the subject land, including landscaped and paved areas, must be graded and drained to the satisfaction of the council as the responsible drainage authority so as to prevent the discharge of water from the subject land across any road or onto any adjoining land.

3.3. The site stormwater discharge is not increased by the proposed developments. The drainage system shall include provision of storm water retention system to limit flows downstream from the development to pre-development levels in accordance with the current Australian rainfall and Runoff – Flood Analysis and Design for a 5 year annual recurrence interval (IDM design standards - Section 19.3 Requirements)

3.4. Provide cut off drains or similar to protect adjoining properties from overland storm water flow. Provision is to be made to divert major rainfall (1 in 100 year) storm events away from the building envelopes of lots within this and adjoining subdivisions.

3.5. The legal point of discharge to the development is to the existing internal drainage system. Accordingly stormwater runoff from all buildings and paving areas must be drained and connected to the existing drainage.

   **Vehicle crossovers**

3.6. Proposed/existing vehicle crossovers are to be constructed /upgraded to the levels/requirements of council. No impending or redirection of existing surface flow is allows to occur as a result of these works.

   **Infrastructure Status**

3.7. All existing road reservation assets are to be protected and maintained throughout the works including all utilities and services. Any damage is to be restored prior to issuing of statement of compliance

   **Sediment pollution Control**

3.8. The developer must restrict sediment discharges from any construction sites within the land in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995).

   **Consent for constructions**
3.9. Prior to the commencement of any works on the road reserve the owner/applicant must submit a Minor Works in a Road Reserve application and be issued a permit to occupy the road for works.

Removal or Trimming of road reserve trees

3.10. If the applicant / Property owner require removing or Trimming of trees in the road reserve as part of the works permitted by this planning permit or as part of future works, all the cost of such removal must be borne by the applicant / Property owner. Applicant / Property owner must obtain consent and necessary work permits from the council for such future tree trimmings/removals prior to commencement of the works.

4. LANDSCAPE PLAN REQUIRED

Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must be generally in accordance with the plans submitted with the application but must also show:

a) Details of all existing vegetation to be retained.

b) Details of surface finishes of pathways and the driveway.

c) Details of the species and maturity of trees proposed to be planted.

All species selected must be to the satisfaction of the responsible authority.

5. COMPLETION OF LANDSCAPING

Before the occupation of the development starts 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.

6. LANDSCAPING MAINTENANCE

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

7. EXPIRY

This permit will expire if the permitted development is not started within two years of the date of this permit, or is not completed within four years of that date.

The responsible authority may extend these periods if a request is made in writing before the permit expires, or:

- Within six months afterwards if the development has not been started.
- Within twelve months afterwards if the development started lawfully before the permit expired.
Context

The purpose of this report is to enable Council to make a determination on an application for a dwelling at 21 Reef Street, Maldon. The application has been referred to Council for a decision because as there are four objections to the application.

Refer to:

Attachment ECO 10A: PA165/2017 - Context and site aerial.
Attachment ECO 10B: PA165/2017 – Final plans submitted with application.

The application was lodged on 3/8/2017 and proposes partial demolition and construction of dwelling additions and alterations at 21 Reef Street, Maldon. The land is located within the General Residential Zone and is covered by Heritage Overlay (HO297). The trigger for the planning permit is the heritage overlay.

After initial advertising, 4 objections were received. Council’s heritage advisor provided advice raising many concerns and recommending refusal of the original plans. Council officers contacted the applicant to advise that the proposal would not be supported in its current form without vast changes, and the applicant’s architect met with Council officers to discuss these issues on 14 December 2017.

Amended Plans were subsequently provided by the applicant on 21 December 2017. These amended plans implemented a number of changes, including providing greater separation between the different sections of the building to break up the built form, the removal of a large section of additions on the side of the existing dwelling which reduced the additions to only those mostly recessed behind the existing dwelling, and some slight improvements to windows and finishes.

After concerns were raised with the amended plans, the final current set of amended plans were provided on 7 February 2018 and include significant changes to address these concerns, including a more traditional gabled roof form, traditional window forms, and an improved set of colours and materials to comply with the Maldon Design Guidelines. This report assesses these final amended plans.

The irregular site has a 38 metre west frontage to Reef Street, a 32 metre rear (east) frontage to Ireland Street, a 29 metre southern property boundary and a 47 metre northern property boundary; total area of 1286.5m². The land is developed with a dwelling and has a number of existing trees along the front boundary. The land slopes downhill from Ireland Street towards Reef Street and the nearby intersection of the two roads to the South. The site is located in an established residential area north of the town centre of Maldon.

The proposal includes partial demolitions consisting of the removal of a 25m² skillion addition/section at the rear of the existing dwelling, and the removal of 16.6m² of attached verandah and pergola structure. These additions are a minor element concealed to the rear of the building, which logically need to be removed if any new additions are to be made to the dwelling while still concealing them to the rear rather than interrupting the façade of the existing weatherboard dwelling.

The rest of the existing weatherboard dwelling is to remain and would be the dominant front feature viewed from the street, with most of the proposed additions recessed about 6 to 9 metres behind it. A small ensuite is proposed to be added to the side of the dwelling, which is the only addition to this existing structure.
The main proposed additions and alterations are effectively split into a Southern section with a family room and store room, and a Northern section with an open plan Living/Dining/Kitchen room and a laundry. Between these two sections linked by a narrow corridor is a small courtyard, and extensive verandah and decking areas are proposed along with a pool and further landscaping.

These additions have a total floor area of 14m². The additions will not require any significant cut and fill, while fill of up to around half a metre in depth will be incorporated into some of the landscaping works such as the larger courtyard.

**Policy and Statutory Implications**

**State Planning Policy Framework (SPPF)**

*Clause 11.14 Loddon Mallee South regional growth*

This policy outlines broad objectives for land use and development within the Loddon Mallee South region. The plan includes objectives of strengthening and diversifying the economies of small towns such as Maldon.

*Clause 15.01 Urban environment*

Policy in this clause offers broad guidelines for the design of urban areas, subdivisions and buildings. Relevant policy aims to ensure development responds to the local context and provides energy efficient development through design and location close to services and transport. Urban environments should be functional and provide a sense of place and cultural identity.

*Clause 15.03 Heritage*

Strategies within this policy aim to protect and enhance places of heritage significance. Development should respond to the specific heritage qualities of a place.

*Clause 16 Housing*

This policy includes broad support for diversified provision of housing. Housing should be well located, close to services and other community and physical infrastructure.

Provision of housing should widen housing choice to meet increasingly diverse needs and make better use of existing infrastructure. Housing development should also respect neighbourhood character.

*Clause 19.03 Development infrastructure*

Objectives and strategies outlined within this clause have the purpose of ensuring appropriate physical infrastructure is provided during the development of land and that infrastructure meets recognised standards.

**Local Planning Policy Framework (LPPF)**

*Clause 21.02 Vision and framework plan*

This clause contains some of the guiding policy linking the municipal vision, derived from Mount Alexander Shire Council Plan, to the land use and development planning vision for the Shire.

This policy identifies the unique and identifiable role and identity of the Shire’s townships through a settlement hierarchy. The Mount Alexander Strategic Framework Plan identifies broad strategic issues and directions for the municipality.
Maldon is identified as a district centre providing local service needs of the township and adjoining rural areas. The important role of tourism relating to 19th century streetscapes is highlighted.

Clause 21.03-1 Urban growth
This clause offers an overview of the Shire’s urban growth. The preferred settlement pattern for identifies Maldon as growing through urban containment with limited expansion to the urban area. Strategies include supporting development that is consistent with specific framework plans which are outlined in clause 21.12.

Clause 21.03-2 Urban consolidation
This policy recognises the social, economic and environmental outcomes that can be realised from encouraging a more compact urban form. This supports the policy outlined for Maldon in clause 21.03-1 which aims to provide additional housing within the existing urban area.

Clause 21.07 Built environment and heritage
This policy outlines general characteristics of the Shire’s urban areas and major vehicle routes. Policy aims to provide increased development that responds to unique character of individual areas and delivers positive urban design and sustainability outcomes.

This clause also recognises the important heritage qualities of Maldon. Policy guidelines require consideration of specific policy in the planning scheme and also the Maldon Design Guidelines, amongst other things, which deciding on applications.

Clause 21.08-1 Housing location and diversity
This clause recognises the need for greater need for housing diversity within the Shire and the close connection this has to wellbeing of a changing community. This policy recognises the aging population of the Shire, being older than the State as a whole, and a greater number of lone and single person households.

Strategies aim to promote development of smaller dwellings, preferably within infill locations.

Clause 21.11 Infrastructure
The Shire’s considerable infrastructure assets are outlined in this policy. Maldon is identified as having sufficient capacity in the sewer network to accommodate forecast population growth. Upgrading old stormwater infrastructure to accommodate new growth is identified as a key issue.

Clause 21.12-4 Maldon
This policy includes specific policy relating to the land use and development of Maldon. Maldon is the second largest town in the Shire and is recognised for its heritage significance. The site is located within the established township boundary where residential growth is preferred to occur.

Clause 22.01 Heritage
This policy applies to all land within a Heritage Overlay. The policy basis includes that heritage is highly valued by the community and the conservation, protection and maintenance of this heritage is an important objective of Council. The policy objectives include to protect and conserve the historic fabric of significant heritage places and to preserve the scale and pattern of streetscapes in heritage places.
The proposed dwelling is considered to achieve the outcomes and objectives of the heritage overlay as the location, bulk, form and appearance of the dwelling is acceptable in this setting.

Clause 22.02 Maldon

This policy applies to the township of Maldon as show on the Maldon Framework Plan and it is policy as it relates to the areas within the HO 444 to:

- Conserve and enhance the existing scale, character and appearance of Maldon’s earlier residential areas.
- Discourage development which is not in harmony with the existing character and appearance of the town.
- Ensure development is in accordance with the Maldon Design Guidelines, 1998 incorporated in this scheme.

Zoning

The land falls within the General Residential Zone and a permit is not required to construct a single dwelling on the land.

Overlays

Heritage Overlay (HO297)

The site is covered by the HO297 referring to ‘Residence 21 Reef Street’, the existing weatherboard dwelling residence of the site.

Decision guidelines of the Heritage Overlay require consideration of whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage area.

The site is located within the heritage precinct and is not included on the Vic Heritage Register. The objectives of the Heritage Overlay include:

- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.

The Maldon Design Guidelines as an incorporated document provides further guidance on design features which are appropriate to the unique heritage values and aesthetics of heritage listed sites within Maldon.

Issues

Policy Support

The proposal is supported by policy within the Mount Alexander Planning Scheme which recognises the need to accommodate future populations and actively encourages urban consolidation and infill development where it is considered appropriate. This is a very large site which will support a larger family with the proposed additions, while retaining the existing small weatherboard house and its aesthetics will remain the dominant element of views from Reef Street, while the additions are recessed behind this building and will match features such as the building heights and gabled roofing, while adopting suitable colours and finishes.
State planning policy requires development to respond to its context in terms of scale, form, use of materials and surrounding landscape and climate. Policy specific to Maldon requires development accord with the character and context of the town and surrounding landscapes.

The appearance of the additions from the front is considered to be suitably responsive as has already been outlined, while the additions will be almost entirely concealed other than the roofline from the rear due to the slope of the land and the proposed site cut, recessing it below the street level of Ireland Street.

The site is located within a General Residential Zone. The proposed development makes use of a very large under-utilised site located within an established residential area and within with easy walking distance to the town centre and other community facilities and services.

The dwelling additions are considered to be of a suitable conventional design, incorporating traditional design elements such as gabled roofing and traditional window forms without mimicking historic detailing, it would be set back behind the adjoining identified building which is being retained, would provide setbacks from all other boundaries and would preserve most of the existing vegetation on the land while adding substantial new tree plantings and landscaping. The dwelling additions are considered to be site responsive and take advantage of the existing sloping site.

Maldon Design Guidelines & Heritage Overlay

After initial referral, Council’s heritage advisor provided advice raising many concerns and recommending refusal of the original plans. Council officers contacted the applicant to advise that the proposal would not be supported in its current form without changes, and the applicant’s architect met with Council officers to discuss these issues on 14 December 2017.

Amended Plans were subsequently provided by the applicant on 21 December 2017. These amended plans implemented a number of changes, including providing greater separation between the different sections of the building to break up the built form, the removal of a large section of additions on the side of the existing dwelling which reduced the additions to only those mostly recessed behind the existing dwelling, and some slight improvements to windows and finishes.

Upon receipt of these revised plans in December 2017 Council’s Heritage Advisor reviewed that set of plans and provided the following comments:

**Siting**

- Minimum frontage setback 15 metres, side and rear setback 1.2 metres. Achieved - front setback is 20.3 metres, side and rear setbacks generally met (at the minimum 1.0 metre is provided but generally larger)

**Appropriate Size**

- Maximum wall to wall dimension across the roof pitch 8m – Achieved, 6.1metre shown on plan
- Wall height 3.5 metre (above floor level) for first 6 metre of the building with a maximum wall height of 5.5 metre (above floor level). Achieved, heights generally 4.475 above floor level.
Design and Forms

- Setback and separation of wings or different sections of the building – partially achieved through the courtyard as a means of separating the wings.
- The use of forms and proportions that reflect the identified buildings of the area Maldon Design Guidelines – partially achieved.
- The use of detailing that does not mimic historic detailing – achieved. The proposal is contemporary in form and detailing though this still needs to be balanced with its suitability for the immediate and wider setting.

The Heritage Advisor also raised the following remaining key concerns at that time with the December 2017 plans:

- Overall length of the building.
- Use of monopitch/skillion roof forms with low roof pitch.
- Colours and materials which did not comply with the Maldon Design Guidelines.

Of these remaining issues, the final current amended set of plans made the major change of replacing the monopitch/skillion roofing with a more traditional gable (hipped) roof, and more subtle colours and materials have been adopted to better comply with the requirements of the Maldon Design Guidelines.

This leaves the length of the proposed building after additions as the only variation of standard implementation of the Maldon Design Guidelines.

The applicant has amended their plans to break up the built form into multiple small pieces which are interconnected with small corridor links and courtyards, to provide a less bulky built form and reduce the impact of having a building of this size.

This element of the proposal has been carefully considered by Council officers, as it is the only element of the proposal which diverges slightly from standard application of the Maldon Design Guidelines, which recommend a smaller built form.

In this case, the variation is considered to be acceptable given:

- The design has been broken up into separate sections, not one continuous built form.
- The location of the additions are recessed behind the existing dwelling and below the street level of Ireland Street to the rear.
- The large size of the lot which would be likely to be subdivided and used for two or more dwellings in future if not used for a single large one.
- The provision of sufficient setbacks and tree planting/landscaping which will conceal the building and enhance the visual amenity of the site.

The dwelling is considered to achieve compliance with the Maldon Design Guidelines and objectives and outcomes of the Heritage Overlay. The dwelling would complement the streetscape character and would not dominate nor complete with the adjoining identified buildings. The dwelling has been purposely designed to match the heights and gabled roof design of the existing small weatherboard house, while being recessed behind it from the Reef street frontage, and concealed by the slope of the land and boundary fencing from Ireland Street.

Outstanding objections to the application

Following advertisement of the application in accordance with Sections 52(1)(a) and 52(1)(d) of the Planning and Environment Act 1987, four (4) objections were received.
The key concerns raised can be summarised as:

*Request for a photographic record to be made of the buildings before any demolition works are allowed to proceed.*

This seems an appropriate requirement and has been included in the recommended conditions as part of condition 1 if a permit is to be issued.

*Panels of rusty steel are inconsistent with the Maldon Design Guidelines*

These materials have been replaced to improve compliance with the Maldon Design Guidelines.

*The shop-front like wall of windows facing the street is inappropriate.*

This has been entirely replaced in the current amended plans with a series of modest, conventional windows with dimensions and forms that are far more appropriate to the Maldon setting.

*The dwelling is not site responsive and does not achieve compliance with the Maldon Design Guidelines.*

The current proposal, as amended, now achieves a high level of compliance with the Maldon Design Guideline as demonstrated in this report.

*Width/frontage of the building seems excessive compared to the neighbourhood character.*

The applicant has amended their plans to break up the built form into multiple small pieces which are interconnected with small corridor links and courtyards, to provide a less bulky built form and reduce the impact of having a building of this size.

This element of the proposal has been carefully considered by Council officers, as it is the only element of the proposal which diverges slightly from standard application of the Maldon Design Guidelines, which recommend a smaller built form.

In this case, the variation is considered to be acceptable. The reasons for this are the broken up built form, the location of the additions being recessed behind the existing dwelling and below the street level of Ireland Street to the rear, the very large size of the lot which would be likely to be subdivided and used for two or more dwellings in future if not used for a single large one, and finally the provision of good setbacks and tree planting/landscaping which will conceal the building and enhance the visual amenity of the site.

When these elements are considered together, the proposal is considered to be site responsive and an acceptable design in this setting.

*Loss of the second chimney*

While the first chimney will be retained, the second chimney would be difficult to retain without major changes. Originally, the proposal had a large wing on this side of the house with three rooms and verandahs which would have been bulky, hidden the chimneys within the structure, and required removal of a mature tree.

The current plans have greatly cut this back in reaction to the initial concerns raised by objectors and Council officers, and now there is only a small ensuite proposed in roughly the location of the second chimney, while the rest of the weatherboard house including the second chimney is visible, the size of the development is reduced, and the mature tree is retained.
To retain the second chimney, another significant redesign would be needed as the inter-connected ensuite and bedroom areas are split across this area. Ultimately, while it would be desirable to retain every existing element, a reasonable decision has to be made which balances and considers this in the context of the other changes and benefits that have been obtained by the changes already made, the difficulty of making another major redesign, and how closely the development aligns to requirements of the Maldon design guidelines such as reducing the size of the structure, improving setbacks, providing more appropriate features, and so on.

Visual impacts of the development, particularly with tourist view-lines from the railway station.

The proposed dwelling additions are to be located a distance of around 270 metres away from the Railway Station building, and any views from here are uphill, through a line of trees, and both across the rolling stock at the rear of the railyard and the undeveloped corner block adjacent the site.

The dwelling additions are considered to be an acceptable design in this setting in terms of its design, roof type, setbacks, and use of materials and finishes, and will be surrounded by significant existing and proposed trees and landscaping.

The proposal in its current amended form is not anticipated to be a significant impact on visual amenity.

Alternative Options

Council could refuse the application, however there are no grounds for refusal.

Financial and Resource Implications

Cost of potential appeal to the Victorian Civil and Administrative Tribunal.

Consultation

Advertising

Notice of the application was given in accordance with Sections 52(1)(a) and 52(1)(d) of the Planning and Environment Act 1987 to owners and occupiers of adjoining land and. A sign was also placed on-site.

Applicant-objector correspondence

In response to concerns raised by the objectors received and advice from Council’s Heritage Advisor, the applicant amended the dwelling design twice, removing a large section of the additions, breaking up the built form, and incorporating more traditional design features including a gabled roof, traditional window forms, and a more suitable set of colours and materials.

The applicant did not wish to take part in an applicant-objector meeting as they did not believe that it was likely to result in any agreement between parties and instead simply provided amended plans with improvements addressing the issues raised as outlined above. These amended plans were then circulated to the four objectors to provide the opportunity for further comment or to withdraw their objections if they were satisfied.

External Referrals

Nil.
Internal Referrals

Council’s Heritage Advisor & Councils Engineers have given conditional consent to the application.
**MATERIALS SCHEDULE**

**WB-1**  WEATHERBOARD - EXISTING  EXTERNAL WALL CLADDING  Paint finish  Sikkens / Deneau

**G-1**  CORRUGATED STEEL  EXTERNAL WALL CLADDING  Zincsilume Grey

**RS-1**  CORRUGATED STEEL  ROOF CLADDING  Colorbond grey range

**AL-1**  ALUMINIUM BATTENS / SCREENS  WINDOW & DOOR FRAMES  Paint / Colorbond / Powdercoat  Floored Gum / Pelaco / Colorbond Grey

**ST-1**  STEEL COLUMNS / ARBOUR  WINDOW & DOOR FRAMES  Paint / Colorbond / Powdercoat  Colorbond grey range

**TD-1**  TIMBER BOARD  EXTERNAL WALL CLADDING  VERTICAL MILLED HARDWOOD 140x19  Laminated silver-grey finish

**TD-2**  TIMBER BOARD  OPERABLE TIMBER GABLE LOUVRE  HORIZONTAL HARDWOOD 140x25mm  Laminated silver-grey finish

**TB-3**  TIMBER BATTEN SCREEN  VERTICAL HARDWOOD  Self Spaced 40 x 40 mm  Natural Finish

**BH-1**  BAGGED BRICKWORK  EXTERNAL WALL CLADDING  Cement grey lagging over existing painted and recycled brickwork

**RE-1**  RENDER  GARDEN WALLS  Cement Grey

**TD-1**  TIMBER DECK  HARDWOOD  120 / 80 / 40 x 19mm  Clear nature finish

**TF-1**  TIMBER WINDOW / DOOR FRAMES  PAINT  Floored Gum / Pelaco

**PP-1**  PAINT  Colour range 1:

**PP-2**  PAINT  Colour range 2:

**SP-1**  GRANITIC SAND PATHS

**BP-1**  BASALT PAVING  600 x 400 x 40mm  Honed finish

**AL-1, RS-1, ST-1**  COLORBOND  Colour Grey Range.
ECO 11  PLANNING PERMIT APPLICATION 160/2016 - 2 LOT SUBDIVISION AT 76 BULL STREET, CASTLEMAINE

Responsible Director:  Acting Director Sustainable Development
Responsible Officer:  Acting Manager Development Services
Original Document:  DOC/18/5517

Executive Summary

Council has received an application for a two lot subdivision, at 76 Bull Street, Castlemaine. The site is located within the General Residential Zone and is covered by the Bushfire Management Overlay.

Council considered an earlier version of this application at its meeting of 15 August 2017 and deferred consideration of the matter at the request of the applicant. Since this time the applicant has redesigned the subdivision layout and reduced the size of the Lot 2 building envelope.

One objection has been received in relation to concerns about the small size of the second lot and the inconsistency of the subdivision with the character of the surrounding area; limited access to public transport, and the privacy of neighbouring properties were also raised as concerns.

The two lot subdivision meets all the requirements of Clause 56 of the planning scheme and is supported by relevant policy. It is recommended that a Notice of Decision to grant a planning permit subject to conditions.

RECOMMENDATION

That Council issue a Notice of Decision to Grant a Planning Permit to subdivide the land into 2 lots, at Lot 1 and 2 TP374295A, Castlemaine, 76 Bull Street, Castlemaine, on the following grounds:

1. AMENDED PLANS REQUIRED

   Before the plan of subdivision is certified 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 then form part of the permit. The plans must be drawn to scale with dimensions and must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

   a) A surveyed plan of subdivision in accordance with the submitted plan labelled DWG NO. 015-73, dated November, 2017, including a building envelope 15metres x 10 metres to the satisfaction of the Responsible Authority.

2. FORMAL PLAN OF SUBDIVISION

   2.1. The formal plan of subdivision lodged for certification must be in accordance with the approved plan and must not be modified except to comply with statutory requirements or with the further written consent of the Responsible Authority.
3. **LAYOUT PLAN**

3.1. The subdivision, as shown on the endorsed plan(s), must not be altered without the prior written consent of the Responsible Authority.

4. **DEMOLITION AND WORKS REQUIRED**

4.1. Prior to the issue of a Statement of Compliance for the subdivision, the existing carport which extends over the new Lot 2 property boundaries, and the outbuilding located at the rear of the site must be demolished as per the endorsed plans.

5. **BUILDING ENVELOPE**

   a) Prior to certification of the plan of subdivision, the building envelope shown within the Lot 2 as endorsed under condition 1a, must be shown as a restriction on the plan of subdivision registered under the subdivision act, 1988. The restriction must provide that within the lot to be created, buildings may only be constructed within the building envelope, as shown on the endorsed plans of this permit.

   b) This envelope cannot be varied except with the consent of the responsible authority.

6. **GARDEN AREA REQUIREMENTS OF THE GENERAL RESIDENTIAL ZONE**

6.1. Development within Lot 2 on this plan of subdivision must comply with the Garden Area requirements as specified at Clause 32.08-4 to the Satisfaction of the Responsible Authority.

7.1. **Bushfire Management Plan**

   The Bushfire Management Plan (Drawing No: 1606038 – Rev A, dated 11/8/2016) must be endorsed to form part of the permit, be included as an annexure to the section 173 agreement and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

8. **CFA MANDATORY CONDITION**

8.1. Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

   - State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-1 of the Mount Alexander Planning Scheme.
   - Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.
   - State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

8.2. The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.
9. **CFA CONDITION - SECTION 173 AGREEMENT**

9.1. In addition to the requirements of Clause 44.06-3 of the Mount Alexander Shire Planning Scheme the section 173 Agreement prepared in accordance with that clause must also specify:

Explicitly exclude Lot 1 from being provided with the following exemption under Clause 44.06-1 of the Mount Alexander Shire Planning Scheme:

- A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of clause 44.06-3.

10. **PROVISION OF SERVICES**

10.1. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the approved plan in accordance with the authority’s requirements and relevant legislation at the time.

10.2. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

10.3. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

11. **TELECOMMUNICATIONS**

The owner of the land must enter into an agreement with:

11.1. 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

11.2. 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.

11.3. Before the issue of a Statement of Compliance for any stage of the subdivision under 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

11.4. A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

12. **COLIBAN REGION WATER CORPORATION**

12.1. The owner is required to provide reticulated water and sewerage services to each of the lots within the subdivision. Services are to be provided in accordance with our specifications.
12.2. All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation.

12.3. All buildings must be clear of the Registered Easement as a Build over Agreement will not be permitted for proposed Lot 2.

12.4. Coliban Water has no objection to the removal of the shed located at the rear of 76 Bull Street, however the shed foundations are over or in close proximity to the existing private sanitary drain servicing the house located at 78 Bull Street therefore Coliban Water requires the private sanitary drain be CCTV surveyed prior to demolition of the existing shed and again when the existing shed has been demolished. The developer will be responsible for all costs associated with the CCTV footage and for the reinstatement of the existing private sanitary drain if it is found to be damaged.

12.5. All works required to satisfy the above mentioned conditions applicable to private works must be constructed per AS3500 National Plumbing and Drainage Code of Australia and any specific conditions of Coliban Water.

12.6. Coliban Water requires a 2.5 metre width registered easement in favour of Coliban Region Water Corporation and another registered easement in favour of No 78 Bull Street, Castlemaine. These registered easements are required.

13. ENGINEERING PLANS

13.1. Prior to commencement of any construction works associated with the Subdivision, detailed access, drainage construction plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The engineering plans must accord with the Infrastructure Design Manual. All works constructed or carried out must be in accordance with those approved plans and completed to a standard satisfactory to the Responsible Authority prior to the issuing of Statement of Compliance.

14. DRAINAGE

14.1. The whole of the subject land, including landscaped and paved areas, must be graded and drained to the satisfaction of the council as the responsible drainage authority so as to prevent the discharge of water from the subject land across any road or onto any adjoining land.

14.2. The drainage system shall include provision of an underground storm water retention system to limit flows downstream from the development to pre-development levels in accordance with the current Australian rainfall and Runoff – Flood Analysis and Design for a 5 year annual recurrence interval (IDM Design standards - Section 19.3 Requirements)

14.3. Provide cut off drains to protect adjoining properties from overland storm water flow. Provision is to be made to divert major rainfall (1 in 100 year) storm events away from the building envelopes of lots within this and adjoining subdivisions.

14.4. The Legal Point of Discharge to the subdivision is to the Council drainage pipe located at the property frontage from north western corner of the subject land. Connection to this pipe is via a drainage pit only.
14.5. The developer to formalise the nature reserve located at the property frontage. Please note: the drainage pipe inspection chamber located at the property frontage to be closed with a grated cap.

15. VEHICLE CROSSOVERS

15.1. Vehicle crossovers to both lots appropriate to the development and existing site conditions are to be constructed to the levels/requirements of Council. Council’s minimum standards are:

- Minimum 3 metre wide
- With either Asphalt/Concrete
- No impeding or redirection of existing surface flows as a result of these works
- Vehicle crossings must be positioned a minimum of 1 metre clearance from the light poles & pits located at the property frontages.

16. PROPOSED EASEMENTS

16.1. Minimum of 2 metre wide drainage easement will be required to be created in lot 1 in favour of lot 2 along western boundary of lot 1.

16.2. All existing and proposed easements and sites for existing and required utility services must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.

17. INFRASTRUCTURE STATUS

17.1. All existing road reservation assets are to be protected and maintained throughout the works including all utilities and services. Any damage is to be restored prior to issuing of statement of compliance.

18. SEDIMENT POLLUTION CONTROL

18.1. The developer must restrict sediment discharges from any construction sites within the land in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991).

19. CONSENT FOR CONSTRUCTIONS

19.1. Council is to be paid a fee of 0.75% of the total construction costs for these works for the approval of said plans plus 2.5% for supervision of construction. Said fees to be paid prior to commencement of any road/drainage works.

19.2. Prior to the commencement of any works on the road reserve the owner/applicant must submit a Minor Works in a Road Reserve application and be issued a permit to occupy the road for works.

20. STATEMENT OF COMPLIANCE

20.1. Prior to issue of a statement of compliance for the subdivision, drainage and driveway works must be installed to satisfaction of council in accordance with the approved plans.

21. EXPIRY OF PERMIT SUBDIVISION

21.1. The plan of subdivision must be certified within two (2) years of the date of issue of this Permit unless the Responsible Authority grants an extension of
the Permit upon application in writing by the permit holder within six (6) months of the prescribed expiry date. Once the plan of subdivision is certified, the Permit will expire five years from the date of certification of the plan of subdivision.
Context

The purpose of this report is to enable Council to make a determination on an application for a two lot subdivision at 76 Bull Street, Castlemaine. The application has been referred to Council for a decision because an objection has been received and not withdrawn.

Refer to:

Attachment ECO 11A: PA160/2016 - Context and site aerial.
Attachment ECO 11B: PA160/2016 - Final plans submitted with application.
Attachment ECO 11C: PA160/2016 - Assessment against Clause 56.

The application was lodged on 25 July 2016 and proposes a 2 lot subdivision in the General Residential Zone.

The subject site is zoned General Residential Zone and is covered by Bushfire Management Overlay (BMO).

The subject land has a total area of 1035 square metres and is rectangular in shape. The site is located approximately 1 kilometre northeast of the centre of Castlemaine. The site contains a dwelling and associated sheds and carport. The surrounding area predominantly consists of single dwelling residential development on large suburban-size lots. The section of Bull Street adjacent the site is a gravel road.

Lot 1 would contain the existing weatherboard dwelling situated in the centre portion of the block and would have an area of 586 square metres. A new car port is proposed to the west side of the dwelling, accessed via a new crossover.

Lot 2 would be 490 square metres in area and would be a battle-axe configuration of the site. No trees are proposed to be removed to accommodate this development.

The subdivision would connect to the sewer, water and power mains in Bull Street to the north.

Policy and Statutory Implications

State Planning Policy Framework (SPPF)

Clause 11.02-1 Supply of urban land

The objective of this clause is to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Clause 11.10-3 Planning for growth

The objective of this clause is to focus growth and development to maximise the strengths of existing settlements.

Clause 11.05 Regional Development

The objective of this clause is to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan.

Clause 13.05 Bushfire
The objective of this clause is to assist to strengthen community resilience to bushfire. Clause 13.05 requires assessment of bushfire risk in bushfire prone areas. Use and development controls in Bushfire Prone Areas only require assessment for subdivisions of more than 10 lots.

In this instance the application to subdivide is located within the BMO, with the bushfire risk assessed during the application.

Clause 15.01-1 Urban design
The objective of this clause is to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

Clause 15.01-2 Urban design principles
The objective of this clause is to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

Clause 15.01-3 Neighbourhood and subdivision design
The objective of this clause is to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable diverse and sustainable neighbourhoods.

Clause 16.01-5 – Housing affordability
The objective of this clause is to deliver more affordable housing closer to jobs, transport and services.

Clause 19.03-2 Water supply, sewerage and drainage
The objective of this clause is to plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.

Local Planning Policy Framework (LPPF)

Clause 21.02 Municipal Vision and Framework Plan
The land use planning and development vision for Mount Alexander Shire will be achieved by increasing housing choice and consolidation of urban growth to maximise infrastructure and reduce environmental impacts.

Clause 31.03 Settlement
The Shire has prepared a growth management model to accommodate potential growth called “Cluster Connect and Consolidation”. The model was developed during the preparation of the Mount Alexander Urban Living Strategy. The model seeks to encourage balanced development across the Shire building on the Shire’s existing settlement pattern with a regional urban focus on Castlemaine. The main components of the model are urban consolidation and expansion at Castlemaine.

Clause 22.26 Residential Infrastructure
The objective of this clause is to ensure that all existing and future forms of residential development, is serviced with reticulated sewerage when available and practical, water, electricity and other services.

Zoning

Clause 32.08-2 General Residential Zone
Under this clause, a planning permit is required to subdivide land. An application to subdivide land between 2 lots requires that subdivisions comply with relevant objectives and standards of clause 56 of the planning scheme.

Overlays

Clause 44.06 Bushfire Management Overlay
The purpose of this clause is to ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level

Under Clause 44.06-1 a permit is required to subdivide land.

Particular provisions

Clause 56 Residential Subdivision
The purpose of this clause is:

To ensure residential subdivision design appropriately provides for policy implementation, liveable and sustainable communities, residential lot design, urban landscapes, access and mobility management, integrated water management, site management and utilities.

Clause 65 Decision Guidelines
Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

Issues

Strategic justification for subdivision of the site
The site is located within the general residential zone, in an area that predominantly consists of established residential dwellings. The primary purpose of the general residential zone is to provide for residential development at a range of densities including good access to services, and limited range of non-residential uses.

State and local planning policies generally support and prioritise residential infill and consolidation within established areas ahead of development outside established areas, to make good use of existing infrastructure and services.

Access to the subdivision
The proposal includes an additional access point to Bull Street. The density of residential development could add to the traffic and associated maintenance costs of keeping Bull Street in suitable condition to provide proper access, which is a gravel road in this area.

If a permit were to be issued Council’s Infrastructure department would require permit conditions requiring the developer to upgrade the access to Bull Street from both sites.

Land Use Development
The proposed subdivision of land into two lots conforms to requirements set within the planning scheme and allows for further infill development to occur within proximity to the Castlemaine central business area. The proposed 586 and 448 square metre area of each lot is of a sufficient size to accommodate a dwelling. The area of lot 2 is considered sufficient size to allow adequate residential development to occur.
The proposed lot sizes are consistent with the pattern and character of the surrounding area, which comprises a range of lot sizes. The average lot size within the localised area varies greatly from approximately 300m² to approximately 2,000m². Due to the varied pattern of subdivision and development near the subject site, the proposed subdivision and future residential development of the lots is not expected to cause a significant detrimental impact on the amenity or character of the area.

The proposed access to lot 2 is adjacent to the existing dwelling and would allow all car movements to exit the site in a forward motion. Access to lot 1 is proposed via a new crossover to Bull Street.

Compliance with clause 56

The application included an assessment against the relevant objectives and standards of clause 56 and was demonstrated to be compliant subject to conditions.

Public Open Space Contribution and Subdivision

A requirement for public open space under section 18 of the subdivision Act 1988 is not required as the proposal subdivides the land into two lots and it is unlikely that each lot will be further subdivided.

Bushfire Management Overlay

The CFA consents to the proposal subject to standard CFA conditions. The proposal is considered to comply with the relevant objectives and standards under Clause 52.47. The development was assessed with a building standard of BAL 19 require for any future developments, which was considered acceptable given the surrounding land uses/conditions.

Outstanding objections to the application

Following advertisement of the application in accordance with Sections 52(1)(a) and 52(1)(d) of the Planning and Environment Act 1987, one objection was received.

The objector’s key concerns can be summarised as follows:

The proposal is not considerate of the local character of the area and will be detrimental to the residential concept of surrounding properties.

The objective of the Planning scheme is to ensure a sufficient supply of land is available for residential use including a diversity of housing types and lot size. The proposed subdivision is considered to meet planning policy.

The lots are below average size for the neighbourhood and Lot 2 fails to provide adequate vegetation.

The size of lot 2 is adequate for this type of subdivision. The proposed development meets standard C9 of clause 56.04-3. The site contains sufficient solar access for vegetation growth on the site.

There is no access to public transport within the neighbouring area. The property is a minimum 20 minute walk over steep terrain to the nearest public transport station and is unsuitable for the aged or infirm or pregnant women.

Access to public transport to both bus and train services is within reasonable walking distance when compared to other developments within the shire.

The existing house falls already into the category of an affordable dwelling. If allowed to
be subdivided the only viable building option for lot 2 will be a two storey dwelling.

The planning scheme encourages a diversity of dwelling types. Any future dwelling on Lot 2 would be subject to a building permit and any building restrictions.

The planned area of lot 2 is 449 square metres, a very small residential block proposing a building envelope that leaves barely two metres of free space between it and surrounding titles. The probable two storey dwelling likely to be constructed on this title will infringe visually upon all surrounding residents, detrimentally effecting the amenity and the privacy.

The planning provisions provide opportunity for infill developments and allow for a variety of lot sizes within the residential area. Any possible two storey dwelling will be required to under assessment against building regulations.

**Alternative Options**

Council could refuse the application, however there are no grounds for refusal.

**Financial and Resource Implications**

There is the cost of a potential appeal to the Victorian Civil and Administrative Tribunal. Dependant of Council’s decision this cost would be covered through operational budget or a consultant's fee of approximately $7,000.

**Consultation**

**Advertising**

Notice of the application was given in accordance with Sections 52(1)(a) and 52(1)(d) of the Planning and Environment Act 1987 to owners and occupiers of adjoining land and a sign was also placed on-site.

**Applicant-objector correspondence**

The applicant and objector were contacted by Council officers and a mediation meeting was set up on 25 October 2016. The meeting was not held as the objector felt that no resolution could be met and therefore the meeting was cancelled.

**External Referrals**

CFA and Coliban Water have provided conditional consent to the application.

**Internal Referrals**

Council’s Infrastructure Unit have provided conditional consent to the application.
56 Residential Subdivision  
Clause 56 Assessment

<table>
<thead>
<tr>
<th>Clause/standard</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Clause 56.03-5 Neighbourhood character (C6)</strong></td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>The proposal is consistent with the existing neighbourhood character of the area, which consists of a range of residential lot sizes.</td>
</tr>
<tr>
<td><strong>Clause 56.04-2 Lot area and building envelopes (C8)</strong></td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>Proposed lot 2 is to contain a rectangular building envelope measuring 10 metres by 15 metres.</td>
</tr>
<tr>
<td><strong>Clause 56.04-3 Solar orientation of lots (C9)</strong></td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>The proposed development meets standard C9 whereby the long axis of the new proposed lot 2 of the development developments is within the range of east 20 degrees north to east 30 degrees south. Proposed lot 2 meets standard C9 whereby the long axis is within this range.</td>
</tr>
<tr>
<td><strong>Clause 56.04-5 Common area (C11)</strong></td>
<td>Not Applicable</td>
</tr>
<tr>
<td></td>
<td>Common property is not proposed as part of the subdivision</td>
</tr>
<tr>
<td><strong>Clause 56.06-8 (C21) – Lot access</strong></td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>The proposed subdivision complies with the Standard with access to each individual lot provided via Bull Street. Lot 1 will require new access to Bull Street.</td>
</tr>
<tr>
<td><strong>Clause 56.07-1(C22) drinking water supply</strong></td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>All lots will be connected to reticulated utilities in accordance with the requirements and conditions of the responsible authority and relevant service authorities.</td>
</tr>
<tr>
<td><strong>Clause 56.07-2 (C23) Reused and recycled water</strong></td>
<td>Not Applicable</td>
</tr>
<tr>
<td></td>
<td>A recycled water supply is not currently available in the area.</td>
</tr>
<tr>
<td><strong>Clause 56.07-3 (C24) Waste Water Management</strong></td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>All lots will be connected to a reticulated sewerage system to the satisfaction of Coliban Water.</td>
</tr>
<tr>
<td><strong>Clause 56.07- 4 (C25) Urban run –off</strong></td>
<td>Complies</td>
</tr>
<tr>
<td>Management</td>
<td>Stormwater from the lots can be appropriately managed by an on-site drainage system to Council's satisfaction.</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Clause 56.08-1 site management (C26)</strong></td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>The proposed subdivision will not cause environmental degradation or nuisance prior to and during construction of subdivision works.</td>
</tr>
<tr>
<td><strong>Clause 56.09-1 shared trenching (C27)</strong></td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>Shared trenching will be used where possible as both proposed allotments have access to existing services.</td>
</tr>
<tr>
<td><strong>Clause 56.09-2 (C28) Electricity, telecommunications and gas</strong></td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>The proposed allotments will be fully serviced with electricity, telecommunications and gas. Connections will be via existing infrastructure located within the road reserve to the satisfaction of the responsible authority.</td>
</tr>
</tbody>
</table>
Executive Summary

The purpose of this report is to enable Council to consider all submissions, including late submissions, made following the exhibition of Planning Scheme Amendment C082, and consider options available to Council (under the Planning and Environment Act) to address them.

The report recommends that Council request the Minister for Planning appoint an independent planning panel to consider submissions in response to the Planning Scheme Amendment and adopt mapping changes recommended by North Central Catchment Management Authority (NCCMA).

Amendment C082 is a Council proposed amendment to introduce flood management overlays to Castlemaine, Campbells Creek and Chewton.

Planning Scheme Amendment Process – Table 1

<table>
<thead>
<tr>
<th>Steps</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Scheme Amendment prepared and submitted to</td>
<td>✓ Complete</td>
</tr>
<tr>
<td>Council</td>
<td></td>
</tr>
<tr>
<td>Council decides whether to seek ministerial authorisation</td>
<td>✓ Complete</td>
</tr>
<tr>
<td>Public exhibition of combined Planning Scheme Amendment and planning permit application</td>
<td>✓ Complete</td>
</tr>
<tr>
<td>Submissions received and considered</td>
<td></td>
</tr>
<tr>
<td>Council requests an independent panel to consider</td>
<td>We are at this point</td>
</tr>
<tr>
<td>submissions</td>
<td></td>
</tr>
<tr>
<td>Panel hearing held</td>
<td></td>
</tr>
<tr>
<td>Council decides to adopt or abandon the planning scheme amendment and/or planning permit application</td>
<td></td>
</tr>
<tr>
<td>If adopted, send to Minister for approval and gazettal</td>
<td></td>
</tr>
</tbody>
</table>
RECOMMENDATION

That Council:

1. Consider all submissions made to Mount Alexander Planning Scheme Amendment C82 and accept a late submission (Submission 13), as allowed for under Section 22(2) of the Planning and Environment Act;

2. Adopt the revised C082 Amendment Overlay Maps in response to North Central Catchment Management Authority (NCCMA) investigations for specific submissions.

3. Request the Minister for Planning to appoint a Planning Panel to consider unresolved submissions to Amendment C82 in accordance with Section 23(1) (b) of the Planning and Environment Act 1987.
Context

Planning Scheme Amendment C82 proposes to implement the findings of the Castlemaine, Campbells Creek and Chewton Flood Management Plan (August 2015) (the Flood Management Plan) that was adopted by Council at the Ordinary Meeting of Council 10 November 2015.

The townships of Castlemaine, Campbells Creek and Chewton have been affected by flooding from Barkers Creek, Campbells Creek and Forest Creek in recent years, including September 2010, November 2010, January 2011 and February 2012. During the January 2011 and February 2012 flooding events, flooding levels were surveyed and documented. This documented evidence was used to inform the modelling undertaken for the Flood Management Plan.

The objective of the Flood Management Plan was to investigate and recommend potential options to reduce the impact of flooding on these three townships. The Flood Management Plan recommends an amendment to the Mount Alexander Planning Scheme to incorporate new flood mapping so that flood hazard can be identified when considering future land development. It will exempt planning permit requirements when certain conditions are met.

The amendment proposes to amend the Mount Alexander Planning Scheme by:

- Introducing the Floodway Overlay (FO). This is to be applied to land that is subject to mainstream flooding and has been identified as having a 10% Annual Exceedance Probability (subject to flooding on average once in every 10 years).
- Amending the Land Subject to Inundation Overlay (LSIO). This is to be applied to land that is subject to mainstream flooding but has a lower risk of flooding than FO land by having a 1% AEP flood extent (subject to flooding on average once in every 100 years).

The amendment affects approximately 623 properties that are located within Castlemaine, Campbells Creek and Chewton township areas.

Of these properties to be affected, approximately:

- 406 properties are proposed to have the current LSIO removed.
- 318 properties are proposed to have the FO applied for the first time.
- 499 properties are proposed to have the LSIO applied.
- 294 properties are proposed to have both the FO and the LSIO applied.
- 305 properties are proposed to have the LSIO applied for the first time.

Summary of Submissions

Thirteen submissions were received which included:

- Five submissions from referral agencies, being the EPA, Central Highlands Water, Coliban Water, DELWP and Goulburn Murray Water. DELWP was supportive of the Amendment while the other authorities did not object to the Amendment.
- Eight submissions which included:
  - Seven landowner submitters who object to the application of overlay controls on their land and seek to have the overlay extent either completely removed or reduced.
  - One submitter who suggested the alignment of the overlays be reviewed and potentially added to land.
Four of the landowner submissions noted that the mapped flood extent of the overlays did not reflect the natural flood levels from the relevant creeks but were the result of an unrepaired levee or drainage blockages and that if drainage and creek blockages were fixed and the levee repaired the flood extent would be different. Some drainage improvements works have already been undertaken since the flood study that established the mapping extent. These are detailed in the submissions.

Of the landowner submissions, four were for land in Castlemaine and four were for land in Campbells Creek.

All landowner submissions were referred to NCCMA for comment and to establish the validity of submission statements. It was established that:

- Changes requested by six objecting submitters cannot be accommodated as the mapping is accurate and any information provided by submitters to justify a change to the proposed extent of the overlays is not considered relevant by NCCMA.
- Review of an objecting submission from a Brigade Avenue Campbells Creek landowner has found that the potential flood extent will be less than the 2015 study had identified due to post-study development works which have changed local drainage patterns. As a result the NCCMA has advised that the LSIO mapping is incorrect and will be changed. The objector’s property will not have any flood management overlay applied. The map change also removes the overlay from 14 properties, and reduces the extent of the overlay on 10 properties.
- Review of a submission relating to the future commercial land at Forest, Duke & Urquhart Streets Castlemaine indicates that the potential flood extent may increase. However, draft permit conditions prepared for the proposed commercial development already require finished floor levels above the 1% AEP flood level, which would mitigate against a potential flood.

It is relevant, and appropriate to note that the land form has not changed since the flood study was prepared. The flood mapping is only proposed to change in response to submissions where it is demonstrated that the physical land form has changed or works have been undertaken since the flood study was prepared. It would otherwise be unfair to other landowners who have requested the overlays be removed from their land before proposed mitigation works (such as the construction of flood levees) have been completed. The NCCMA therefore does not propose to change the overlay extent at this time. Officers support the NCCMA’s response.

None of the submissions commented on or sought changes to the proposed Overlays’ scheduled provisions.

Refer to:

Attachment ECO 12A: Amendment C082 – Response to Submissions.
Attachment ECO 12B: Amendment C082 – NCCMA map review in response to Submission 2 - 2 Brigade Ave, Campbells Creek - Exhibited Map.

Relevant policies, strategies and plans

The preparation of this amendment is consistent with the strategy of the Council Plan 2017-2021 to ‘Build community resilience by working together with the community and key stakeholders to prevent, prepare, respond and recover from emergencies and manage risk’. The amendment provides some regulation to future development on flood-prone land.
The proposed amendment is consistent with the following position adopted by Council (on 10 November 2015):

- The Castlemaine, Campbells Creek and Chewton Flood Management Plan (August 2015) recommends for a planning scheme amendment that incorporates the new flood mapping produced by the Flood Management Plan.

Statutory powers and implications

Mount Alexander Shire Planning Scheme - Municipal Strategic Statement:

- Clause 21.05-2 (Environmental Risks - Floodplains) states that ‘land use planning is considered to be the most effective means of reducing flood risks’. Objective 1 is to: ‘To identify and manage land that is subject to flooding’. This objective is supported by:
  - Strategy 1.2: ‘Assist the relevant Catchment Management Authority in preparing any planning scheme amendments to update flood overlays’.
  - Strategy 1.2 is proposed to be implemented by ‘applying the Floodway Overlay and the Land Subject to Inundation Overlay’ and by implementing the ‘Castlemaine, Campbells Creek and Chewton Flood Management Plan’. This amendment meets this commitment.

Planning and Environment Act 1987 (the Act):

Section 4(1) of the Act sets out the objectives of planning in Victoria. These objectives include:

- To secure a safe working, living and recreational environment for all Victorians and visitors to Victoria;
- To provide for the fair, orderly, economic and sustainable use and development of land; and
- To balance the present and future interests of all Victorians.

Section 8A (2) of the Act stipulates that a municipal Council may only prepare an Amendment to a Planning Scheme if it is authorised to do so by the Minister for Planning. Authorisation was received from the Minister on 16 October 2017.

Sections 17-19 of the Act stipulate the exhibition and notice requirements for a planning scheme amendment. Council has exhibited the amendment in accordance with these requirements.

Issues

It is recognised that the current LSIO mapping in the Mount Alexander Planning Scheme is out of date and inaccurate. This has caused a range of issues for property owners and for Council when providing customer advice. This amendment is an opportunity to update the existing flood mapping to reflect the most recent and accurate maps.

In the short term it is expected that this amendment will result in changes to new building proposals that will be designed to respond to the constraints of the land and its capacity to flood. This may result in some increased building costs. However in the long term it is expected that this amendment will deliver positive environmental, social and financial impacts, as this amendment seeks to reduce the impact that flooding has on developments and the environment.

It is well recognised that floods can negatively impact on individuals and the community in a number of ways. These impacts can have significant psychological and health
related consequences for individuals and wider social consequences for the community. Further, inappropriate development can reduce a floodplain’s capacity to store and transport floodwater effectively which often diverts floodwater to other land not normally flooded.

The financial impacts of flooding were costed in The Flood Management Plan. It was found that damage caused from flooding range in cost from $400,570 for a flood that occurs on average once in every 5 years up to $6,162,476 for a flood that occurs on average once in every 1 in 100 years. This amendment seeks to prevent these costs from impacting the community and Council.

**Alternative Options**

Council could decide to abandon the Amendment. There is no planning justification for this approach and it would preclude the Amendment from progressing any further.

This is not preferred as this would be contrary to Recommendation 10 of the Flood Management Plan which recommends an amendment of the Mount Alexander Planning Scheme to incorporate new flood mapping as established by the Flood Management Plan study findings which has been adopted by Council.

This amendment also implements Council’s Municipal Strategic Statement strategies included at Clause 21.05-2 (Environmental Risks - Floodplains). Abandoning the amendment would mean Council is not implementing its adopted Municipal Strategic Statement.

**Financial and Resource Implications**

The costs of administering this amendment are contained within the 2017/2018 annual Strategic Planning budget.

Additional funding from the Department of Environment, Land, Water and Planning (DELWP) has been sought from the Flood and Emergency Risk Resilience - Implementation of the Victorian Floodplain Management Strategy Funding Program. As seven submissions could not be resolved Council will need to pay for the Panel Hearing costs; however further funding is available from DELWP to cover expenses. Costs cannot be confirmed at this stage as the number of hearing days will be determined by the Panel after the directions hearing. One to two days are envisaged however it will depend on how many submitters wish to be heard.

It is unlikely that the new planning provisions will have a significant financial burden on Council. While their introduction will likely result in an increase in the number of planning applications, the provisions propose to exempt the need to obtain planning permits for minor buildings and works. Planning permit application numbers and therefore service delivery will be monitored to ensure appropriate service is maintained, which may require additional staff hours.

The increase in resource and administrative costs will be offset by greater long term community resilience to the impacts of flooding, and reduced resourcing required by Council in emergency flooding events.

**Consultation**

During the development of the Flood Management Plan extensive community engagement was undertaken where it was communicated that this planning scheme amendment would occur.
A statutory public exhibition was undertaken as part of the Amendment process. The Amendment was made publicly available from 31 October 2017 to 8 January 2018. As part of the statutory exhibition period, affected landowners and relevant referral authorities were notified on 2 November 2017, as well as a notice placed in Council's column of the Midland Express newspaper on 31 October 2017 and the Government Gazette on 9 November 2017.

During the exhibition period drop in sessions were held on 13, 22, and 25 November where property specific information was made available. Both Council officers and NCCMA staff were in attendance with more than 23 residents and landowners attending to have their queries responded to.
<table>
<thead>
<tr>
<th>Sub.</th>
<th>Position on Amendment</th>
<th>Proposed Amendment Outcome</th>
<th>Summary of Submitter Position</th>
<th>Affected Property</th>
<th>Mail of Affected Property</th>
<th>Response to Submissions</th>
<th>Proposed Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>C082 1</td>
<td>No concerns with proposed amendment</td>
<td>No change to amendment required</td>
<td>EPA has no concerns with the proposed planning scheme amendment based on information that has been provided.</td>
<td>Not affected</td>
<td>Not affected</td>
<td>Council acknowledges the response from the EPA</td>
<td>No change</td>
</tr>
<tr>
<td>C082 2</td>
<td>Objects</td>
<td>Most of the land will be affected by the ESO. The land is already occupied by dwelling. The 3% AEP maximum flood level is 262.3m AHD while the surveyed floor level is 266.8m AHD based on NCCMA flood risk data.</td>
<td>Submitter would like to have property removed from ESO as the water course takes into account is no longer there due to a new subdivision now on that site. Until now there has been no flooding from that water course at property even in 2011 flood.</td>
<td>2 Brigade Avenue Campbell Creek</td>
<td>Reflected in NCCMA. NCCMA agrees that the mapping is incorrect and will change as requested. Reason for change is the revised maps include stormwater runoff from a local catchment. The mapping in this location has been amended to include any non-flood flooding.</td>
<td>Change map as recommended by NCCMA.</td>
<td></td>
</tr>
<tr>
<td>C082 3</td>
<td>Requests change</td>
<td>Some of the site is to be included in the ESO at the southeast and southwest corners. A small portion of the IO will apply at the south of the property at 2 Ursine St.</td>
<td>The submitter believes it may be appropriate to assign the IO and ESO to the entire proposal. The local area has been established as part of the development approval process.</td>
<td>98 Forest Street, Castlemaine. 2 &amp; 2A Ursine Street Castlemaine. 2 Ursine Street, Castlemaine.</td>
<td>Reflected in NCCMA. The location has not changed since the flood study was prepared. Mapping is only proposed to change via this amendment where the physical land form has been altered or work has been undertaken since the flood study was prepared.</td>
<td>Refer to Panel</td>
<td></td>
</tr>
<tr>
<td>C082 4</td>
<td>No concerns with proposed amendment</td>
<td>Not included within the overlay affected areas</td>
<td>The land is outside CHW's supply area and potable drinking water catchments. CHW do not have any inputs in the subject area. CHW have no further comments to provide.</td>
<td>Not affected</td>
<td>Not affected</td>
<td>Council acknowledges the response from Central Highlands Water</td>
<td>No change</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>C022</td>
<td>Seek refinement of site. A portion of the land will be affected by the LSO and LID.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C022A</td>
<td>Site: Part of site (approx. 50%) to be included in LSO and LID fr. Campbells Creek. Currently the LSO only affects a small section at the frontage of the land. The land is already occupied by a dwelling. At the maximum flood level for a 1% AEP in 215.1, the finished floor level is 277.3 according to NCMA Flood Data.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C022B</td>
<td>Objects: Most of the land will be affected by the LSO and LID.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C022C</td>
<td>No objection</td>
<td>Relevant to water quality of catchments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C022D</td>
<td>Relevant to water quality of catchments</td>
<td>Relevant Water Authority</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C022E</td>
<td>Referred to NCCMA for review. NCCMA responded that no changes are recommended. The culvert that was in the lowland was not included in the flood modelling, therefore the flood modelling reflects current conditions.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C022F</td>
<td>Referred to Panel.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Campbells Creek Diagram**

- Map of Campbells Creek showing affected areas and flood levels.
- Details of flood risk and recommendations provided by NCCMA.

---

**Referring to Panel**

- Review of site and adjustments suggested by NCCMA.
- Discussions on water quality and environmental impact.

---

**Summary**

- The proposed changes to the site and layout will affect the flood risk assessment and water quality standards.
- Recommendations from NCCMA have been taken into consideration for future planning.

---

**Acknowledgement**

- Council acknowledges the need for continued monitoring and adjustments to meet environmental standards.

---

**Note**

- The comments and adjustments are based on the latest flood modelling and water quality data.

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**Conclusion**

- The site will undergo further refinement to ensure compliance with flood risk reduction and water quality standards.
<p>| C082.9 | Objects | The FO will replace the L50 and the L50 will be extended in part and deleted in part. | The study and amendment are premature. Although watercourse improvements have occurred there is still neglected areas that choke the waterways and contribute to flooding. Such works should be commenced before flood risk is assessed. Capital works may not be avoided if restoration works are undertaken. Works will also protect heritage structures from deterioration. Previous submissions regarding causes of flooding have been ignored except for one, but no job undertaken by Council near their land. Work is needed to restore the waterways to their original beauty, taking into account capacity to resolve flooding rather than imposing unfair restrictions on landowners. | Referred to NCCWA who confirmed map is accurate and should not change. Overlays must consider existing conditions. Future amendment will be understood if mitigation works proceed. Cleaning out creek does not affect extent of 1/4 AEP. | Refer to Panel |
| C082.10 | Supports | Provides advice on removing TSSD | Council acknowledges the report from DELWP. | No change |
| C082.11 | No objection | Council acknowledges the report from GWM. | No change |
| C082.12 | Objects | Part of the land is currently affected by the L50. The land is occupied by a culvert on the northern section of the land in the middle. The flood study finds that the FO should be applied to a considerable portion of the land as well as the L50. | Subaerials is of the view that the western portion of their land does not flood to the extent shown. Subaerials rely on property being grossly affected when neighbouring properties have no flood overlay at all yet their land is not more than 95 metre higher. | Referred to NCCWA. Mapping reviewed and no changes are recommended. | Refer to Panel |</p>
<table>
<thead>
<tr>
<th>Object</th>
<th>All of the land will be affected by the FO. The Campbell's Creek borders the rear of their property which is occupied by a dwelling. The maximum flood height for a 1% AEP is 262.3 and for a 1% AEP is 262.0 while the finished floor level is 261.7 according to NCCMA flood risk data. Flood events in past decade did not relate to proximity to the creek. The flooding in Main Rd was caused by blockage of a storm water drain located opposite of Alexandra St that feeds into the creek. Because there is a levee bank separating our property from the creek this trapped the water and prevented it from draining into the creek. Since the implementation of the Mt Alexander flood management plan and the maintenance, upgrade and repair of storm water feed pipelines in the area they have not experienced anything close to an inundation event despite similar heavy rainfall events occurring. The proposed flood overlay to their property is misguided, unsupported by evidence and would unfairly affect the value and resale of their property.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diagram</td>
<td>Refer to NCCMA flood map as accurate and should not change. Refer to Panel</td>
</tr>
</tbody>
</table>
ECO 13 AWARDING OF CONTRACT M1338-2017 FOR WESLEY HILL RECREATION RESERVE REDEVELOPMENT STAGE TWO - CONSTRUCTION OF SPORTING PAVILION

Responsible Director: Acting Director Sustainable Communities
Responsible Officer: Building Projects Coordinator
Original Document: DOC/17/54503

Executive Summary

This report recommends the awarding of the construction contract for Wesley Hill Recreation Reserve Masterplan Stage Two, which is the construction of a new multipurpose pavilion.

The Wesley Hill Recreation Reserve is a regional facility for junior and senior sport in the Shire. Planned development of the reserve is documented by the Wesley Hill Recreation Reserve Masterplan, adopted by Council in 2015.

The development of the new pavilion will facilitate and promote increased participation of women in sport through providing female friendly change rooms for both netball and AFL football.

RECOMMENDATION

That Council:

1. Award Contract M1338 - 2017 for Wesley Hill Recreation Reserve Redevelopment Stage Two – Construction of Sporting Pavilion to Fairbrother Pty Ltd for a contract price of $2,112,190 (GST exclusive); and

2. Authorise the Chief Executive Officer to sign and affix the Common Seal to the contract documentation for Contract (M1338 - 2017) for Wesley Hill Recreation Reserve Redevelopment Stage Two – Construction of Sporting Pavilion.
Context

In accordance with the Wesley Hill Recreation Reserve Masterplan endorsed in 2015, Council is in the process of finalising works to Stage One of the Masterplan comprising construction of six netball courts, two cricket nets and associated infrastructure.

This contract will complete construction of Stage Two which includes construction of a multipurpose pavilion and associated infrastructure at Wesley Hill Recreation Reserve. The pavilion construction is required to support full use of existing facilities including new netball courts and the AFL junior football oval and cycling velodrome.

Refer to:


A request for a lump sum tender was publicly advertised on Saturday 4 November 2017 in the Bendigo Advertiser, The Age on Saturday 4 and 11 November 2017 and Tuesday 7 November 2017 in the Council Column in the Midland Express.

At the closing date of 2.00 pm, Thursday 30 November 2017, two conforming and one non-conforming tenders were received.

Policy and Statutory Implications

Relevant policies, strategies and plans

Adopting a staged approach, Council's vision to build a junior and senior sporting hub at Wesley Hill Recreation Reserve is supported by the following plans/strategies/objectives/goals:

- Council Plan 2017-2021 under the strategy to "progress master plans for our recreation reserves" and the objective to "provide access to well-maintained sporting and recreation facilities for all residents".
- Council Plan 2017-2021 under the strategy to "support sports and recreation clubs to enhance operations and management arrangements" and the objective to "support and encourage community sporting groups".
- Investing in Sport - A Strategic Plan for Council's Investment in Sport (2011)

Statutory powers and implications

The Local Government Act 1989 provides relevant direction to Local Government in regards to procurement and contracts. Section 186 of the Local Government Act requires Councils to undertake competitive market testing processes before entering into contracts for purchase of goods or services or for the carrying out of works for the value of $150,000 or above. The Act imposes specific restrictions on Council in regard to entering such contracts.

Important provisions within Section 186 include minimum standard processes for giving public notice of the purpose of contracts in excess of the value of $150,000. Nothing in Section 186 of the Local Government Act requires Council to accept the lowest tender or to accept any tender.
Clause 208 of the *Local Government Act* – ‘Best Value Principles’ requires Local Governments to comply with the Best Value principles, specifically in this instance the need for Council services to meet quality and cost standards, and further provides a number of factors that may be looked at in applying the principles of Best Value.

All goods and services purchased by Council must be compliant with the *Occupational Health and Safety Act 2004*, *the Dangerous Goods Act, Equipment (Public Safety) Act 1987*, and associated regulations and codes of practice whenever applicable.

The tender process has been conducted in accordance to the conditions included within the Mount Alexander Procurement Policy. The tender evaluation criteria within Council’s Procurement Policy help to ensure competition in the supply of goods and services and products to Council and supports administrative consistency and fairness through transparency in Council’s decision making.

**Issues**

**Conflict of Interest**

At the commencement of the tender process and following the close of the tender period, the Tender Evaluation Panel completed conflict of interest and confidentiality declarations. No known conflicts were declared at either stage.

**Tender Evaluation**

Two conforming and one non-conforming tenders were received. From the following:

1. VR Builders (non-conforming).
2. BLR Provincial Construction.
3. Fairbrother Pty Ltd.

The tender from VR Builders was accepted for evaluation however it was incomplete and deemed non-conforming. The submission contained a lump sum price with a cost break down, however none of the other required tender schedules were completed. As a result the submission was excluded from short listing.

The tenders were evaluated according to the following criteria in order of priority and weighting:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cost to Council - Direct and Indirect</td>
<td>30%</td>
</tr>
<tr>
<td>2. Experience and Qualifications</td>
<td>25%</td>
</tr>
<tr>
<td>3. Response to Specification</td>
<td>20%</td>
</tr>
<tr>
<td>4. Risk and Quality Management</td>
<td>10%</td>
</tr>
<tr>
<td>5. Business and Financial Capacity</td>
<td>10%</td>
</tr>
<tr>
<td>6. Sustainability</td>
<td>5%</td>
</tr>
</tbody>
</table>

The scores for each tenderer for each criterion were then multiplied by the relevant weighting above to achieve weighted scores.

The successful tenderer is Fairbrother Pty Ltd.
Alternate Options

An alternate option is to not proceed with the construction of the pavilion. This is not recommended as both Council and community have committed a significant amount of effort in progressing to this stage. The project is delivering on key strategic directions and has attracted external funding.

Financial and Resource Implications

The construction cost contributes to a total project cost beyond the current committed budget, and requires a commitment in the 2018/19 budget. This is shown in the table below. Additional funding of $100,000 has been successfully sought through Sport and Recreation Victoria. Council has incurred design costs for stage two of $90,909.40 to date.

<table>
<thead>
<tr>
<th>Item</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Budget</strong></td>
<td></td>
</tr>
<tr>
<td>Income</td>
<td>$100,000 SRV Female Friendly Change Room Grant</td>
</tr>
<tr>
<td>Expenditure</td>
<td>$200,000 2016/2017 – Per adopted 2016/2017 Council Budget for Wesley Hill Stage 2</td>
</tr>
<tr>
<td></td>
<td>$1,800,000 2017/2018 – Per adopted 2017/2018 Council Budget for Wesley Hill Stage 2</td>
</tr>
<tr>
<td></td>
<td>$335,000 2018/2019 – Per proposed 2018/2019 Council Budget for Wesley Hill Stage 2</td>
</tr>
<tr>
<td>TOTAL BUDGET</td>
<td>$2,435,000</td>
</tr>
<tr>
<td><strong>Proposed Expenditure</strong></td>
<td></td>
</tr>
<tr>
<td>Tender M1338-2017</td>
<td>$2,112,190 Per submission</td>
</tr>
<tr>
<td>Other costs</td>
<td>$319,396 As detailed in confidential report</td>
</tr>
<tr>
<td>Total Estimated Cost</td>
<td>$2,431,586</td>
</tr>
<tr>
<td>ESTIMATED NET COST TO COUNCIL</td>
<td>$2,331,586</td>
</tr>
</tbody>
</table>
Consultation

Extensive consultation with the Wesley Hill Recreation Reserve committees has taken place throughout development of the masterplan and development of the netball court and associated infrastructure design.

Once a contractor is appointed, further consultation will take place to ensure the project timeline is structured to maximise access to facilities whilst construction is taking place.
ECO 14  PHEE BROADWAY THEATRE HIRE MODEL

Responsible Director:  Director Corporate and Community Services
Responsible Officer:  Venues Coordinator, Natalie Parsons
Original Document:  DOC/18/4289

Executive Summary

The purpose of this report is to seek Council’s adoption of new venue hire conditions for the Phee Broadway Theatre.

A review of the venue hire model was undertaken following feedback from members of the theatre community. This feedback focussed primarily on the requirement to have a Supervising Technician present for the entire hire period and the financial implications of this for many local theatre groups.

The proposed hire model categorises hirers according to their capability to fill the required roles and adjusts fees to reflect this. The proposed model will make the Phee Broadway Theatre far more affordable for skilled local theatre groups.

RECOMMENDATION

That Council adopts the revised fees and processes nominated in attachments ECO 14A – 14E (inclusive) for the public use of Phee Broadway Theatre.
Context

In 2014, Council undertook a review of the Phee Broadway Theatre infrastructure and operations as part of works to undertake emergency structural repairs to lighting and rigging facilities. The need for this work was triggered by two safety incidents that occurred in March and April 2014, where a technician received a shock from a plug and a piece of wood fell and narrowly missed hitting a technician. Neither incident resulted in an injury. The Theatre was then closed pending a safety investigation, which resulted in the Theatrical Consultant Report completed by Theatre Safe Australia in July 2014.

In 2015, Council developed new procedures to ensure safe operations of the theatre. The procedures were implemented to improve the standards of the venue, ensuring an improved level of customer service and Council’s management of risk in relation to duty of care.

Currently, a Supervising Technician is required to be engaged to supervise activities and ensure safe work methods and procedures are followed, that equipment is used correctly and also acts as a Duty Warden and First Aid officer during the hire period. A Supervising Technician is required if the user group is accessing lighting, rigging or technical equipment. The Supervising Technician is engaged by Council on a user pays, full cost recovery basis.

The development of the existing procedure was informed by:

- Expert advice from Theatre Safe Australia in July 2014 which recommended improved supervision of theatre as part of Council’s duty of care obligation.
- Benchmarking with other similar venues.
- Standards set by the industry through the Victorian Association of Performing Arts Centres (VAPAC), which identify that all managed venues throughout Victoria have supervising technician roles as part of their operations.
- Council's Risk Management Policy.
- Identified risks from the operation of the venue such as working from heights, 3-phase power, complex electrical equipment and overhead rigging.

In 2016, a petition from local theatre groups identified concerns that the current requirement of a Supervising Technician on a user pays basis is cost prohibitive and reduces access to the venue. The petition proposed a review of the current procedures to reduce the cost for user groups and hirers to ensure local theatre groups could once again use the Theatre.

The proposal urged Council to work with theatre groups to enable them to provide alternative supervision arrangements during components of their hire period.

Proposed changes

A solution that balances Council’s OH&S responsibility and need for affordability to the community has now been developed.

The Phee Broadway Theatre’s new hire model divides hirers into specific categories. The category that a hirer is assigned to is determined by a risk assessment completed by the Venues Coordinator before any agreement is entered into (based on information provided by the hirer).

The risk assessment considers areas such as high and low risk times and the event’s technical requirements and hirer’s capabilities.
The categories of hirer are divided into three groups listed in the table below, depending on the capabilities of the hirer to fill the required roles and requirements of the event.

<table>
<thead>
<tr>
<th>Categories</th>
<th>MASC Supervising Technician requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Non local hirer and un-skilled local hirer</td>
</tr>
<tr>
<td>B</td>
<td>Local skilled hirer with own Duty Warden and Front of House Manager</td>
</tr>
<tr>
<td>C</td>
<td>Local hirer requiring basic set up with own Duty Warden and Front of House Manager</td>
</tr>
</tbody>
</table>

**Risk Assessment Areas**

<table>
<thead>
<tr>
<th>High Risk</th>
<th>Bump In</th>
<th>Bump Out</th>
<th>MASC Supervising Tech required Cat A and B</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Risk</td>
<td>Performances</td>
<td></td>
<td>MASC Supervising Tech required Cat A Hirer front of house manager for Cat A, B and C</td>
</tr>
<tr>
<td>Low Risk</td>
<td>All other times</td>
<td></td>
<td>MASC Supervising Tech required Cat A Duty warden Cat B and C</td>
</tr>
</tbody>
</table>

Refer to the attachments below for the venue hire documentation that will be available for the public:

Policy and Statutory Implications

Relevant policies, strategies and plans

The Council Plan 2017 - 2021 includes a Strategic Objective ‘A creative and innovative economy’ that includes the strategy to ‘Support and promote the cultural and artistic communities.’ An action from this is ‘Review cultural facilities and venues available to the community.’

Issues

Since the implementation of the Supervising Technician requirement for hirers in 2015, there has been the view from areas in the community that they have been locked out of the theatre. This has resulted in a decrease in bookings and income received in 2016/2017 being less than half of what it was in 2013/2014.

Options

Council could elect to leave the conditions and fees as they are. The outcome of this would likely be the theatre would not be booked by local theatre groups. The costs associated with this is presented as Option 3 below.

Option 1 below reflects the pricing structure that was developed in consultation with and supported by local theatre company representatives. This cost summary assumes that the community group has appropriate in-house Duty Warden and Front of House skills. Option one is included in the recommended Fee Schedule for adoption in Attachment 14A.

Option 2 reflects feedback from some Councillors at the Council Briefing on 17 December 2017. In this option the cost for rehearsal time is reduced to zero while other costs remain as per Option 1. This option is not recommended as the theatre still does require cleaning and outgoings for lighting, heating etc and it is considered that these costs ought reasonably be borne by the theatre group.

<table>
<thead>
<tr>
<th>Option 1 – accessible pricing method (recommended method)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Theatre Group with 3 weeks of use as per below</td>
</tr>
<tr>
<td>4 rehearsal days @ $80 each</td>
</tr>
<tr>
<td>8 performances @ $130 each</td>
</tr>
<tr>
<td>2 bump in and out days @ $640 each</td>
</tr>
<tr>
<td><strong>Total hire cost</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Option 2 - no cost for rehearsals and accessible pricing method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Theatre Group with 3 weeks of use as per below</td>
</tr>
<tr>
<td>4 rehearsal days @ $0 each</td>
</tr>
<tr>
<td>8 performances @ $130 each</td>
</tr>
<tr>
<td>2 bump in and out days @ $640 each</td>
</tr>
<tr>
<td><strong>Total hire cost</strong></td>
</tr>
</tbody>
</table>
### Option 3 - current fee schedule

<table>
<thead>
<tr>
<th>Community Theatre Group with 3 weeks of use as per below</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 rehearsal days @ $800 each</td>
<td>$3,200</td>
</tr>
<tr>
<td>8 performances @ $400 each</td>
<td>$3,200</td>
</tr>
<tr>
<td>2 bump in and out days @ $800 each</td>
<td>$1,600</td>
</tr>
<tr>
<td><strong>Total hire cost</strong></td>
<td><strong>$8,000</strong></td>
</tr>
</tbody>
</table>

### Financial and Resource Implications

The recommended changes will still mean that, when required, the Supervising Technician is engaged on a user pays (cost recovery) basis and therefore there are no new financial implications for Council.

The change in hire conditions will encourage greater use of the venue and has the potential to increase income.

The pricing in the proposed fee schedule was compiled using our pricing policy template, in that all commercial rates use the full cost recovery pricing method and all community rates use the accessible pricing method set at a 25% discount. This enables Council to recoup direct costs while ensuring it is still affordable for the community.

The suggestion to have the rehearsal rate at no cost was investigated following the Council Briefing and is shown in Option 2 (above). In addition to the costs associated with cleaning and outgoings that would be incurred by Council under this model, it is suggested that such an approach may have negative implications for other privately run venues. Therefore this is not recommended.

Feedback from local theatre groups of the recommended rates has been positive with the rates in Option 1 (above) considered fair and reasonable.

### Consultation

Consultation was undertaken with the local theatre groups that were involved in the petition to workshop potential solutions.

The Chief Executive Officer facilitated a meeting between key officers, the Director Corporate and Community Services, Mayor Bronwen Machin and representatives from two local theatre groups, which resulted in this latest review and proposed changes.

A draft version of the new hire model was sent to the representatives from the two local theatre groups involved and positive feedback was received from both groups.
# Fee Schedule 1 2018

All fees and charges listed are inclusive of GST.

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Category A</th>
<th>Category B</th>
<th>Category C</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Community rate</td>
<td>Community rate (local groups only – not available for commercial hirers)</td>
<td>Community rate (local groups only – not available for commercial hirers)</td>
</tr>
<tr>
<td>4 hour booking with tech</td>
<td>$435.00</td>
<td>$670.00</td>
<td>$435.00</td>
</tr>
<tr>
<td>8 hour booking with tech</td>
<td>$640.00</td>
<td>$875.00</td>
<td>Bump in/out &amp; tech rehearsals</td>
</tr>
<tr>
<td>Rehearsal per day</td>
<td></td>
<td>$80.00</td>
<td>Excludes tech rehearsals</td>
</tr>
<tr>
<td>Performance per day</td>
<td></td>
<td>$130.00</td>
<td></td>
</tr>
<tr>
<td>General use per day</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly rate after 8 hours</td>
<td>$50.00</td>
<td>$50.00</td>
<td>$240.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Use of house lights and Mic only</td>
</tr>
</tbody>
</table>

## Legend

<table>
<thead>
<tr>
<th>Type</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category A</td>
<td>Non local hirer and un-skilled local hirer</td>
</tr>
<tr>
<td>Category B</td>
<td>Local skilled hirer with own Duty Warden and Front of House Manager</td>
</tr>
<tr>
<td>Category C</td>
<td>Local hirer requiring basic set up (room only) with own Duty Warden and Front of House Manager</td>
</tr>
<tr>
<td>Community rate</td>
<td>When use is for community group or not-for-profit organisations that are locally based</td>
</tr>
<tr>
<td>Commercial rate</td>
<td>When use is for commercial gain (e.g. business) or private use</td>
</tr>
<tr>
<td>The Booking Process</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td></td>
</tr>
<tr>
<td>8 weeks before your event</td>
<td></td>
</tr>
<tr>
<td>• Complete online enquiry form</td>
<td></td>
</tr>
<tr>
<td>• If required - venue inspection by appointment</td>
<td></td>
</tr>
<tr>
<td>• Receive confirmation date available</td>
<td></td>
</tr>
<tr>
<td>• Complete detailed booking form</td>
<td></td>
</tr>
<tr>
<td>• Receive venue hire quote</td>
<td></td>
</tr>
<tr>
<td>• Pay Deposit</td>
<td></td>
</tr>
<tr>
<td>4 weeks before your event</td>
<td></td>
</tr>
<tr>
<td>• Booking confirmed</td>
<td></td>
</tr>
<tr>
<td>• Pre show appointment with technician in venue</td>
<td></td>
</tr>
<tr>
<td>• Provide production schedule, lighting plan and personnel list</td>
<td></td>
</tr>
<tr>
<td>• Pay final invoice and bond</td>
<td></td>
</tr>
<tr>
<td>• Event</td>
<td></td>
</tr>
</tbody>
</table>
Venue Hire Summary and FAQ’s

The Phee Broadway Theatre's new hire model is broken down by categories of hirer following a risk assessment completed by council. The risk assessment considers areas such as high and low risk times and the events technical requirements and hirers capabilities. The categories of hirer are divided into three groups listed in the table below, depending on the capabilities of the hirer to fill the required roles and requirements of the event.

<table>
<thead>
<tr>
<th>Categories</th>
<th>MASC Supervising Technician requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Non local hirer and un-skilled local hirer</td>
</tr>
<tr>
<td>B</td>
<td>Local skilled hirer with own Duty Warden and Front of House Manager</td>
</tr>
<tr>
<td>C</td>
<td>Local hirer requiring basic set up with own Duty Warden and Front of House Manager</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Risk Assessment Areas</th>
<th>MASC Supervising Technician requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Risk</td>
<td>Bump In</td>
</tr>
<tr>
<td></td>
<td>Bump Out</td>
</tr>
<tr>
<td></td>
<td>MASC Supervising Tech required Cat A and B</td>
</tr>
<tr>
<td>High Risk</td>
<td>Performances</td>
</tr>
<tr>
<td></td>
<td>MASC Supervising Tech required Cat A</td>
</tr>
<tr>
<td></td>
<td>Hirer front of house manager for Cat A, B and C</td>
</tr>
<tr>
<td>Low Risk</td>
<td>All other times</td>
</tr>
<tr>
<td></td>
<td>MASC Supervising Tech required Cat A</td>
</tr>
<tr>
<td></td>
<td>Duty warden Cat B and C</td>
</tr>
</tbody>
</table>

Note: Mount Alexander Shire Council is looking into opportunities such as fire warden and first aid training to equip regular theatre users with appropriate duty warden skills.
Frequently asked questions

1. **What is the role of the Duty Warden?**
   The Duty Warden is responsible for the general safety of the building and all those within it. This includes being aware of potential emergencies and on determining the nature of an emergency deciding on the appropriate action. If an emergency is declared the Duty Warden shall initiate appropriate emergency procedures. The role is also responsible for the buildings security i.e. locking and unlocking of the building.

2. **What is the role of the MASC Supervising Technician?**
   To manage the safe operations of specialised technical equipment within the theatre and to ensure the safety of all users for this venue. This position will provide expert technical advice to Council staff to ensure a safe and professional theatre environment is provided. While a MASC ST is present they will also act as Duty Warden.

3. **What is the role of the Front of House (FOH) Manager?**
   Responsible for all areas except the stage during performance times, including maintaining general tidiness and overseeing audience flow throughout foyer and auditorium and if necessary evacuation of the Auditorium, in accordance with the Evacuation Policy.

4. **Can the duty warden undertake other roles for the show while they are designated duty warden, i.e. can the choreographer of the dance group also act as the duty warden?**
   Yes the duty warden can also undertake other roles as long as this role doesn’t impact on the ability to carry out essential tasks in an emergency.

5. **Do the qualifications obtained by the training expire?**
   All training requires annual refresher training.

6. **What qualifications do the Duty Warden and Front of House (FOH) Manager require?**
   - Venue Induction (conducted by MASC Supervising Technician)
   - Warden Training (conducted online through MASC LMS)
   - First Aid course (users to provide proof of current qualification)
   *If users already hold any of the above qualifications they can provide certificates and/or written confirmation of completion for review by the Venues Coordinator.*
Attachment ECO 14D

Phee Broadway Theatre – Proposed Venue Hire Flowchart – internal use

Booking enquiry
- hirer to complete online form

Check date availability

Further event details provided
- hirer to complete detailed tech req form including provide & tech specs

Risk assessment completed
- Venues Coordinator completes risk assessment
- using template with specific criteria and matrix relevant to the Phee

**Category A**
MASC Supervising Technician (ST) required at all times

- Hires must demonstrate:
  - Front of house manager – performance times only

Pre show appointment with MASC Supervising Technician

Schedule of use and lighting plan finalised including personnel list from hirer

Venue use with hirer and MASC Supervising Technician

**Category B**
MASC Supervising Technician (ST) required only at high risk times (e.g. Bump in and Bump out)

- Local groups only
- Hirers must demonstrate:
  - Venue Site Warden – all times venue accessed
  - Front of house manager – performance times only
  - Operating Technician

Pre show appointment with MASC Supervising Technician

Schedule of use and lighting plan finalised including personnel list from hirer

Induction and bump in with MASC ST, handover keys once bump in complete
- equipment and stock check completed by ST

Hire period as per agreement with no MASC Supervising Technician

Bump out and venue and equipment check with MASC Supervising Technician
- equipment and stock check completed by ST

**Category C**
No MASC Supervising Technician (ST) required

- Local groups only
- Hirers must demonstrate:
  - Venue Site Warden – all times venue accessed
  - Front of house manager – performance times only
  - No technical equipment will be used – just space

Pre show appointment with Venues Coordinator

Schedule of use finalised including personnel list from hirer

Induction and handover of keys with Venues Coordinator

Hire period as per agreement with no MASC Supervising Technician

Venue check completed by Venues Coordinator
## Risk Assessment

Refer guide for information on evaluating risk score based on likelihood and consequence.

### Purpose and Description

<table>
<thead>
<tr>
<th>Process/Task/Activity</th>
<th>Risk</th>
<th>Risk Description</th>
<th>Existing Risk Score</th>
<th>Control Type</th>
<th>Risk Control/Treatment</th>
<th>Approval (Initials)</th>
<th>Target Risk Score</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

Risk Assessment findings and implementation of Risk Treatments (or Controls) are approved.

Name: __________________  Date: _____________  Telephone: __________________
### Risk Assessment

Refer guide for information on evaluating risk score based on likelihood and consequence.

#### Potential Consequences

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>L6</th>
<th>L5</th>
<th>L4</th>
<th>L3</th>
<th>L2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Significant</td>
<td>Minor</td>
<td>Moderate</td>
<td>Major</td>
<td>Severe</td>
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<tr>
<td>Minor injuries or discomfort. No medical treatment or measurable physical effects.</td>
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<tr>
<td>Injuries requiring medical treatment. Temporary impairment.</td>
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<tr>
<td>Injuries requiring hospital admission.</td>
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<td>Injury or illness resulting in permanent impairment.</td>
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<td>Fatality</td>
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</tbody>
</table>

- **Expected to occur regularly under normal circumstances**
  - Almost Certain: Medium
  - Likely: Medium
  - May occur at some time: Low
  - Not likely to occur in normal circumstances: Low
- **Could happen, but probably never will**
  - Rare: Low

Risk Assessment findings and implementation of Risk Treatments (or Controls) are approved.

Name: __________________________ Date: ____________ Telephone: __________________________

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11. DELEGATES REPORTS

12. NOTICE OF MOTION

13. URGENT SPECIAL BUSINESS

14. MEETING CLOSE