AGENDA

FOR THE ORDINARY MEETING OF COUNCIL
TO BE HELD ON
TUESDAY 21 FEBRUARY 2017
COMMENCING AT 6.30 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.
## TABLE OF CONTENTS

1. **PRESENT**  
   - 4

2. **APOLOGIES**  
   - 4

3. **DECLARATIONS OF INTEREST/CONFLICTS OF INTEREST**  
   - 4

4. **MINUTES**  
   - 4
   - 4.1. ORDINARY AND SPECIAL MEETINGS OF COUNCIL – 13 DECEMBER 2016 AND 17 JANUARY 2017  
      - 4

5. **PUBLIC QUESTION TIME**  
   - 5

6. **PETITIONS AND JOINT LETTERS**  
   - 5

7. **COMMITTEE REPORTS**  
   - 5
   - 7.1. AUDIT AND RISK ADVISORY COMMITTEE MEETING  
      - 5
   - 7.2. GOLDFIELDS REGIONAL LIBRARY CORPORATION  
      - 5

8. **ASSEMBLIES OF COUNCILLORS**  
   - 17
   - 8.1. ASSEMBLIES ON 13 AND 20 DECEMBER 2016, 17 JANUARY (4.00 PM AND 4.45 PM), 31 JANUARY (3.00 PM AND 4.15 PM) AND 7 FEBRUARY 2017  
      - 17

9. **OFFICER REPORTS**  
   - 35
   - 9.1. A VIBRANT HEALTHY COMMUNITY (VIB)  
      - 35
      - NO REPORTS  
      - 35
   - 9.2. BETTER COMMUNITY FACILITIES (BET)  
      - 36
      - BET 01 RESPONSE TO JOINT LETTER FROM RESIDENTS OF WINTRINGHAM HOUSING UNITS, 72 LYTTLETON AVENUE, CASTLEMAINE ABOUT A PARKING MATTER  
      - 36
      - BET 02 RESPONSE TO PETITION FROM RESIDENTS REQUESTING IMPROVED PEDESTRIAN SAFETY IN BARKER STREET AT PARKER STREET CASTLEMAINE  
      - 38
   - 9.3. A THRIVING LOCAL ECONOMY (ECO)  
      - 41
      - 41
      - ECO 02 PLANNING PERMIT APPLICATION PA248/2016 - USE AND DEVELOPMENT OF A DWELLING ON EACH OF TWO LOTS CREATED BY CONSOLIDATING FOUR EXISTING LOTS INTO TWO LOTS AT LOT 1, 2, 4 AND 5 PS504580U, HARMONY WAY, ELPINSTONE (PA266/2015)  
      - 53
      - ECO 03 PLANNING PERMIT APPLICATION 206/2016 – USE AND DEVELOPMENT OF THE LAND FOR A TELECOMMUNICATIONS FACILITY AT LOT 5 TP549585S, 2 GOLDEN POINT ROAD, CHEWTON (PA206/2014)  
      - 74
ECO 04 PLANNING PERMIT APPLICATION PA148/2016 – USE OF THE LAND FOR REFUSE DISPOSAL AT LOT 2 PS527997E – 192 PEELERS ROAD BARKERS CREEK 90

ECO 05 PLANNING PERMIT APPLICATION 210/2015 – USE OF AN EXISTING BUILDING AS A SHOP, WORKS ASSOCIATED WITH PROVISION OF CARPARKING, DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE AND PROVISION OF CARPARKING ON ANOTHER SITE, AT LOTS 1 & 2 LP135640, 47-49 LYONS STREET, NEWSTEAD (PA210/2015) 102

9.4. BUILDING SUSTAINABLE COMMUNITIES (COM) 115

COM 04 REVIEW OF DOG AND CAT REGISTRATION FEE REDUCTION POLICY 115

COM 05 REPORT ON MOUNT ALEXANDER SHIRE COUNCIL GENERAL ELECTION HELD IN OCTOBER 2016 119

10. DELEGATES REPORTS 122

11. NOTICE OF MOTION 122

12. URGENT SPECIAL BUSINESS 122

13. MEETING CLOSE 122

SEPARATE ATTACHMENTS:

Confidential Attachment BET 01A: Joint Letter – Asking for Maintenance man to park in Lyttleton Avenue and not receive a Parking Infringement Notice.

Confidential Attachment BET 02A: Petition – Requesting Pedestrian Crossing - Traffic Island and/or Median Strip in Barker Street at Parker Street Castlemaine - 22 November 2016.

Separate Attachment ECO 01A: PA072/2013 - Summary of submissions to Amendment C73 and Permit Application Background.

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. ORDINARY AND SPECIAL MEETINGS OF COUNCIL – 13 DECEMBER 2016 AND 17 JANUARY 2017

The unconfirmed minutes of the Ordinary Meeting of the Mount Alexander Shire Council held at 7.30 pm on 13 December 2016 and the Special Meeting of the Mount Alexander Shire Council held at 6.30 pm on 17 January 2017 at the Mount Alexander Shire Civic Centre have been circulated to Councillors.

The unconfirmed minutes have been posted on the Mount Alexander Shire Council website, pending confirmation at this meeting.

RECOMMENDATION

That the Minutes of the Ordinary Meeting of the Mount Alexander Shire Council held at 7.30 pm on 13 December 2016 and the Special Meeting of the Mount Alexander Shire Council held at 6.30 pm on 17 January 2017 be confirmed.
5. PUBLIC QUESTION TIME

6. PETITIONS AND JOINT LETTERS

Nil.

7. COMMITTEE REPORTS

7.1. AUDIT AND RISK ADVISORY COMMITTEE MEETING

The unconfirmed Minutes of the Audit and Risk Advisory Committee meeting held on 1 December 2016 are at Attachment 7.1A.

7.2. GOLDFIELDS REGIONAL LIBRARY CORPORATION

The confirmed Minutes of the Goldfields Regional Library Corporation meetings held on 4 December 2015 and 26 August 2016 are at Attachments 7.2A and 7.2B.

RECOMMENDATION

That the Minutes of the Audit and Risk Advisory Committee and Goldfields Regional Library Corporation meetings be noted.
AUDIT AND RISK ADVISORY COMMITTEE MEETING
MINUTES
1 DECEMBER 2016
9.00 AM AT THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE

TABLE OF CONTENTS
1. PRESENT 2
2. APOLOGIES 2
3. DECLARATIONS OF INTEREST / CONFLICTS OF INTEREST 2
4. ACCEPTANCE OF MINUTES 2
5. MATTERS ARISING FROM MINUTES 2
6. AGENDA ITEMS 3
   6.1. QUARTERLY FINANCIAL MANAGEMENT REPORT 30 SEPTEMBER 2016 3
   6.2. FINAL MANAGEMENT LETTER 2015/2016 3
7. RISK MANAGEMENT 3
   7.1. RISK MANAGEMENT REPORT 3
8. CHIEF EXECUTIVE OFFICER REPORT – VERBAL 3
9. INTERNAL AUDIT REPORTS 4
   9.1. INTERNAL AUDIT PROGRESS REPORT 4
   9.2. STATUS INTERNAL AUDIT RECOMMENDATIONS 4
   9.3. UPDATED STRATEGIC AUDIT PLAN 4
10. OTHER 5
    10.1. COMPLIANCE WITH POST ELECTION REQUIREMENTS OF THE LOCAL GOVERNMENT ACT REQUIREMENTS 5
11. FOR INFORMATION 5
12. NEXT MEETING - THURSDAY 9 MARCH 2016 5
13. MEETING CLOSED AT 10.40 AM. 5
1. **PRESENT**

Committee members:

- Ken Bolfrage (Chair), Nicole Cox, Marina Bland, Glenn Sutherland,
- Councillor Sharon Telford (Mayor), Councillor Robin Taylor

Officers: Chief Executive Officer (Darren Fuzzard); Director Corporate Support (Lucy Roffey); Manager Financial Services (Bradley Thomas – Items 6.1 to 6.2), Manager Governance (Suellen Pepperell, Item 7.1 and 10.1) and Risk and Safety Officer (Peter Brooks – Items 7.1).

Visitors: Lynda Cooper (Crowe Horwath)

2. **APOLOGIES**

NIL

3. **DECLARATIONS OF INTEREST / CONFLICTS OF INTEREST**

NIL

4. **ACCEPTANCE OF MINUTES**

The unconfirmed minutes of the Audit and Risk Advisory Committee held on Thursday 1 September 2016 at the Council Chambers have been circulated to Committee members and were confirmed by the Nicole Cox and Glenn Sutherland.

5. **MATTERS ARISING FROM MINUTES**

Actions undertaken in relation to matters arising from the meeting were noted.
6. AGENDA ITEMS

6.1. QUARTERLY FINANCIAL MANAGEMENT REPORT 30 SEPTEMBER 2016

The Audit and Risk Advisory Committee noted the Financial Management Report from 1 July 2016 to 30 September 2016.

ACTION: Manager Finance to prepare a 5 year financial analysis by theme.

6.2. FINAL MANAGEMENT LETTER 2015/2016

The Audit and Risk Advisory Committee noted the Management Letter associated with the external audit for the financial year ended 30 June 2016.

7. RISK MANAGEMENT

7.1. RISK MANAGEMENT REPORT

The Audit and Risk Advisory Committee noted the Risk Management Report.

8. CHIEF EXECUTIVE OFFICER REPORT – VERBAL

1. Induction of Councillors
   Outlined the sessions held to date and outcomes of the "working together session".

2. EBA Negotiations
   Negotiations progressing with agreement reached with Union (3 months of negotiations).

3. Restructure Process Objectives
   Will move forward with two directorates and reinvest funds into "getting things done".

4. Diamond Gully Development & Impact of Tarran Valley Decision
   - Met with senior staff from DEWLP.
   - Bushfire management overlay impacting development and creating uncertainty.
5. **Harcourt Structure Plan**
   - Harcourt is the next area of development.
   - VPA (Vic Planning Authority) meeting in January.

9. **INTERNAL AUDIT REPORTS**

9.1. **INTERNAL AUDIT PROGRESS REPORT**

   The Audit and risk Advisory Committee noted the Internal Audit Progress Report from Crowe Horwath.

9.2. **STATUS INTERNAL AUDIT RECOMMENDATIONS**

   The Audit and Risk Advisory Committee noted the status of outstanding recommendations from internal audits.

9.3. **UPDATED STRATEGIC AUDIT PLAN**

   The Audit and Risk Advisory Committee approved the updated Strategic Audit Plan for 2016-2019.

   **ACTION:** The Committee discussed including a data analytics review in the scope of individual relevant reviews.
10. OTHER

10.1. COMPLIANCE WITH POST ELECTION REQUIREMENTS OF THE LOCAL GOVERNMENT ACT REQUIREMENTS

The Audit and Risk Advisory Committee noted the content of this report.

11. FOR INFORMATION

12. NEXT MEETING - THURSDAY 9 MARCH 2017

13. MEETING CLOSED AT 10.40 AM.
Annual General Board Meeting
Friday 4th December 2015 at 3.00pm
Bendigo Library

-Minutes-

1. PRESENT:
City of Greater Bendigo
   Cr Rod Fyffe

Loddon Shire Council
   Cr Cheryl McKinnon
   John McInden

Mount Alexander Shire Council
   Cr Michael Redden
   Vicky Mason

Macedon Ranges Shire Council
   Cr John Connor
   Jill Karena

Chief Executive Officer
   Chris Kelly (CEO)

Also in attendance:
   Jessie Mackin (Goldfields Library Corporation)

2. APOLOGIES
Kerryn Ellis (City of Greater Bendigo)
Karen Stevens (Macedon Ranges Shire Council)
3. ANNUAL ELECTION OF CHAIR AND DEPUTY CHAIR

Cr Cheryl McKinnon was nominated and unanimously elected as Chair of the Goldfields Library Corporation Board.

Cr Michael Redden was nominated and unanimously elected as Deputy Chair of the Goldfields Library Corporation Board.

Moved  Cr John Connor  
Seconded  John McIndoe  

Meeting declared closed: 3.15 pm

Signed Chair  
Date  2. 2. 17
Ordinary Library Board Meeting
Friday 25th August at 2.00pm
Bendigo Library Reading Room, Bendigo Library

-Minutes-

1. PRESENT

City of Greater Bendigo
   Cr Rod Fyffe
   Kerryn Ellis (City of Greater Bendigo)

Loddon Shire Council
   Cr Cheryl McKinnon (Chair)
   Phil Pinyon

Macedon Ranges Shire Council
   Cr John Connor
   Jill Karena

Mount Alexander Shire
   Sharon Telford
   Vicky Mason

Also in attendance:
   Jessie Mackin Minutes (Goldfields Library Corporation)
   Mark Hands (Goldfields Library Corporation)
   Fiona McMahon (Goldfields Library Corporation)
   Nicole Ashby (City of Greater Bendigo, Finance)
   Travis Harling (City of Greater Bendigo, Finance)
   Phil Delahunt (VAGO Audit Service Provider)

2. APOLOGIES

   Chris Kelly (Goldfields Library Corporation)
   Karen Stevens (Macedon Ranges Shire Council)
   Cr Michael Redden (Mount Alexander Shire)
3. **CONFIRMATION OF MINUTES OF MEETINGS:** Ordinary Meeting 27th May 2016

moved: John Connor  
seconded: Kerryn Ellis  
carried ✓

4. **MATTERS ARISING FROM PREVIOUS MINUTES**

No matters arising.

5. **ITEMS FOR DECISION**


Draft financials are currently with the Auditor General for comment. It was requested that the Board adopt in principal today given no changes are recommended and assign two signatories to approve on the behalf of the board once completed. Nicole Ashby advised that there will be a change to note 25, page 21 – an additional disclosure note will be added detailing further financials and commitments.

The board commented positively on the reduced text based section of the report that its simplicity make it much easier to read.

**Motion:** that the Board:

1. Approve in principal the Financial for the period 1st July 2015 to 30th June 2016 as presented; and

2. Authorise the Chief Executive Officer and two Board members to certify the Financial Statements in their final form on behalf of, and with the full authority of, the Board.

moved: Phil Finyon  
seconded: John Connor  
carried ✓

3. Adopt the Goldfields Library Corporation Annual Report 2015/16 for publication with graphics.

moved: Vicky Mason  
seconded: John Connor  
carried ✓

6. **ITEMS FOR DISCUSSION**

6.1 VAGO Final Management Letter Year ended 30th June 2016.

Verbal update given by Phil Delahunty, closing report and management letter distributed.

Management letter – Accounts are with the Auditor General for review. No issues of significance arose during the audit that warrant being brought to board’s attention in the management letter. The management letter will be issued formally within the next week.

The Board thanked Travis and Nicole for all of their work finalising the end of year documentation.
7. **GENERAL BUSINESS**

7.1 CEO Report
The CEO report was noted.

EBA update – at the meeting held on Wednesday 24th August the GLC proposal on the quantum was rejected. The counter offer from staff and ASU was as follows:
Bands 6 and under - 2.5% for the 1st year, 2.25% for the 2nd year and 2% for the 3rd year. Band 7 - 2% per year for the 3 years. This will be discussed further when the CEO returns from leave.

7.2 Branch Reports April to June 2016
The branch reports were noted and will be distributed to councils in word format to enable distribution in councillor bulletins etc.

7.3 Library Agencies Report
Library agencies report was noted.

7.4 Library Christmas Hours
**Motion:** That the Board notes the opening hours for the Christmas and New Year’s period.

<table>
<thead>
<tr>
<th>Moved:</th>
<th>Rod Fyffe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seconded:</td>
<td>Phil Pinyon</td>
</tr>
<tr>
<td><strong>Carried: Yes</strong></td>
<td></td>
</tr>
</tbody>
</table>

7.5 NBN Rollout Response Letter
Noted by the Board

8. **CONFIDENTIAL Matters**

8.1 CEO Review (documentation distributed by CoGB)

**Motion:**

A) That the Board acknowledges a successful year for the CEO and Central Goldfields Libraries and the positive community outcomes that are a result of the service provided and endorsed the CEO 2015/2016 work plan review.

B) That the Board endorses the CEO’s 2016/17 work plan subject to amendment. Work plan to be modified to include ‘informing newly elected councillors of member councils of library best practice and services’.

C) That the Board endorses the remuneration increase.

<table>
<thead>
<tr>
<th>Moved:</th>
<th>John Connor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seconded:</td>
<td>Vicky Mason</td>
</tr>
<tr>
<td><strong>Carried:</strong> Yes</td>
<td></td>
</tr>
</tbody>
</table>
Meeting closed: 3:15 p.m.

**NEXT MEETING DATE AND TIME:**

2nd December 2016 3.00pm, Kyneton Library. 2.30 afternoon tea at the Kyneton Library.

October Meeting Cancelled due to Council Elections.

Signed Chair

Date 2-12-16
8. ASSEMBLIES OF COUNCILLORS

8.1. ASSEMBLIES ON 13 AND 20 DECEMBER 2016, 17 JANUARY (4.00 PM AND 4.45 PM), 31 JANUARY (3.00 PM AND 4.15 PM) AND 7 FEBRUARY 2017

RECOMMENDATION

That the Records for the Assemblies of Councillors on 13 and 20 December 2016, 17 January (4.00 pm and 4.45 pm), 31 January (3.00 pm and 4.15 pm) and 7 February 2017 be entered into the record of this meeting (Attachments 8.1, 8.2, 8.3, 8.4, 8.5, 8.6 and 8.7).
AGENDA FOR THE ORDINARY MEETING OF COUNCIL – MOUNT ALEXANDER SHIRE COUNCIL – 21 FEBRUARY 2017

ASSEMBLY OF COUNCILLORS RECORD
13 DECEMBER 2016
AT 5.00 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.

TABLE OF CONTENTS
1. PRESENT 2
2. APOLOGIES 2
3. PURPOSE OF THE MEETING 2
4. RECORD OF CONFLICT OF INTEREST 3
5. MEETING CLOSE 3
1. **PRESENT**

   Councillors: Tony Bell, Tony Cordy, Christine Henderson, Bronwen Machin, John Nieman, Robin Taylor and Sharon Telford

   Officers: Chief Executive Officer (Darren Fuzzard), Director Sustainable Development (Jason Taylor) and Acting Director Sustainable Communities (Gaynor Atkin), Manager Financial Services (Bradley Thomas) and Director Corporate Support (Lucy Roffey, from 6.00pm)

2. **APOLOGIES**

   Nil.

3. **PURPOSE OF THE MEETING**

   The purpose of the meeting was a scheduled meeting to discuss Budget planning in 2017 and to brief Councillors on items that will be considered at the Ordinary Meeting of Council on 13 December 2016 and to discuss matters of interest which impact the Shire. The matters itemised below reflect those items that were on the Agenda that were discussed by Councillors during the briefing session.

<table>
<thead>
<tr>
<th>Matter Discussed</th>
<th>Councillor Conflict?</th>
<th>Councillor Name</th>
<th>Councillor left meeting?</th>
<th>Time left</th>
<th>Time Returned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget discussions/planning</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>VIB 16 Encouragement of Emergency Management Sub Plans</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BET 16 Appointments to Special Committees of Council – Maldon Community Centre, Mclliffe Hall, Taradale Hall and Wesley Hill Facilities</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ECO 68 Planning Permit Application 223/2016 – 2 Lot Subdivision at 19 Chapman Road, Castlemaine</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ECO 69 Planning Permit Application PA249/2016 - Use and Development of a Dwelling on Each of Two Lots Created by Consolidating Four Existing Lots into Two Lots at Lot 1, 2, 4 and 5 PS504586U, Harmony Way, Elphinstone.</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COM 68 Awarding of Contract M1264 – 2016 – 2016 for Road Construction - Langslow Street Castlemaine</td>
<td>Yes</td>
<td>Bronwen Machin</td>
<td>Yes</td>
<td>6.05 pm</td>
<td>6.10 pm</td>
</tr>
<tr>
<td>COM 69 Quarterly Annual Plan Report to 30 September 2016</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COM 70 Adoption of Procurement Policy</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4. RECORD OF CONFLICT OF INTEREST

- Councillors are required to leave the meeting if they have declared an interest in an item that is being discussed. Councillors who have left the meeting must not be able to see or hear the proceedings.

5. MEETING CLOSE

Meeting closed at 7.20 pm.
ASSEMBLY OF COUNCILLORS RECORD
20 DECEMBER 2016
AT 4.00 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.

TABLE OF CONTENTS
1. PRESENT 2
2. APOLOGIES 2
3. PURPOSE OF THE MEETING 2
4. RECORD OF CONFLICT OF INTEREST 2
5. MEETING CLOSE 2
1. **PRESENT**

   Councillors: Tony Bell, Tony Cordy, Christine Henderson, Bronwen Machin, John Nieman, Robin Taylor and Sharon Tefford.

   Officers: Chief Executive Officer (Darren Fuzzard), Director Corporate Support (Lucy Roffey), Acting Director Sustainable Communities (Gaynor Atkin), Director Sustainable Development (Jason Taylor), Manager Financial Services (Bradley Thomas, Item 5.1), Manager Community Places and Spaces (Ben Grounds, Item 5.2) and Building Projects Coordinator (Lizzy Atkin, Item 5.2).

2. **APOLOGIES**

3. **PURPOSE OF THE MEETING**

   The purpose of the meeting was to brief Councillors on issues and matters of interest which impact the Shire and which may be considered by Council in the future.

<table>
<thead>
<tr>
<th>Matter Discussed</th>
<th>Councillor Conflict?</th>
<th>Councillor Name</th>
<th>Councillor left meeting?</th>
<th>Time left</th>
<th>Time Returned</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1 Contract Overview – M1269-2016 Provision of Software and Services – Corporate Platform</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.2 Contract Overview – M1291-2016 for Wesley Hill Recreation Reserve Redevelopment Stage One - Netball Court Construction and Associated Works</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. **RECORD OF CONFLICT OF INTEREST**

   * Councillors are required to leave the meeting if they have declared an interest in an item that is being discussed. Councillors who have left the meeting must not be able to see or hear the proceedings.

5. **MEETING CLOSE**

   Meeting closed at 5:12 pm.
ASSEMBLY OF COUNCILLORS RECORD
17 JANUARY 2017
AT 4.00 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.

TABLE OF CONTENTS
1. PRESENT
2
2. APOLOGIES
2
3. PURPOSE OF THE MEETING
2
4. RECORD OF CONFLICT OF INTEREST
2
5. MEETING CLOSE
2
1. **PRESENT**

   Councillors: Tony Bell, Tony Cordy, Christine Henderson, Bronwen Machin, John Nieman, Robin Taylor and Sharon Telford

   Officers: Chief Executive Officer (Darren Fuzzard)

2. **APOLOGIES**

   Nil.

3. **PURPOSE OF THE MEETING**

   The purpose of the meeting was for councillors and the CEO to discuss issues and matters of interest which impact the Shire and which may be considered by Council in the future.

<table>
<thead>
<tr>
<th>Matter Discussed</th>
<th>Councillor Conflict?</th>
<th>Councillor Name</th>
<th>Councillor left meeting?</th>
<th>Time left</th>
<th>Time Returned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harcourt Structure Plan</td>
<td>No.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital works investment in 2017/18 budget</td>
<td>No.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential briefing items to assist the 2017/18 budget process</td>
<td>No.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Government Building Better Regions Fund</td>
<td>No.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service Reviews</td>
<td>No.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. **RECORD OF CONFLICT OF INTEREST**

   * Councillors are required to leave the meeting if they have declared an interest in an item that is being discussed. Councillors who have left the meeting must not be able to see or hear the proceedings.

5. **MEETING CLOSE**

   Meeting closed at 4.45 pm.
ASSEMBLY OF COUNCILLORS RECORD
17 JANUARY 2017
AT 4.45 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.

TABLE OF CONTENTS
1. PRESENT 2
2. APOLOGIES 2
3. PURPOSE OF THE MEETING 2
4. RECORD OF CONFLICT OF INTEREST 2
5. MEETING CLOSE 2
1. PRESENT

Councillors: Tony Bell, Tony Cordy, Christine Henderson, Bronwen Machin, John Nieman, Robin Taylor and Sharon Telford

Officers: Chief Executive Officer (Darren Fuzzard), Acting Director Corporate Support (Bradley Thomas), Acting Director Sustainable Communities (Gaynor Atkin), Director Sustainable Development (Jason Taylor) and Manager Governance and Customer Service (Suellen Pepperell, item 6.1).

2. APOLOGIES

Nil.

3. PURPOSE OF THE MEETING

The purpose of the meeting was for Councillors and officers to discuss issues and matters of interest which impact the Shire and which may be considered by Council in the future.

<table>
<thead>
<tr>
<th>Matter Discussed</th>
<th>Councillor Conflict?</th>
<th>Councillor Name</th>
<th>Councillor left meeting?</th>
<th>Time left</th>
<th>Time Returned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillors Code of Conduct</td>
<td>No.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council Plan 2017-2021 Phase 1 Feedback</td>
<td>No.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. RECORD OF CONFLICT OF INTEREST

Councillors are required to leave the meeting if they have declared an interest in an item that is being discussed. Councillors who have left the meeting must not be able to see or hear the proceedings.

5. MEETING CLOSE

Meeting closed at 6.05 pm.
ASSEMBLY OF COUNCILLORS RECORD
31 JANUARY 2017
AT 3.00 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.

TABLE OF CONTENTS
1. PRESENT 2
2. APOLOGIES 2
3. PURPOSE OF THE MEETING 2
4. RECORD OF CONFLICT OF INTEREST 3
5. MEETING CLOSE 3
1. **PRESENT**

   Councillors: Tony Cordy, Christine Henderson, Bronwen Machin, John Nieman, Robin Taylor and Sharon Telford

   Officers: Chief Executive Officer (Darren Fuzzard).

2. **APOLOGIES**

   Councillor Tony Bell

3. **PURPOSE OF THE MEETING**

   The purpose of the meeting was for councillors and the Chief Executive Officer to discuss issues and matters of interest which impact the Shire and which may be considered by Council in the future.

<table>
<thead>
<tr>
<th>Matter Discussed</th>
<th>Councillor Conflict?</th>
<th>Councillor Name</th>
<th>Councillor left meeting?</th>
<th>Time left</th>
<th>Time Returned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbells Creek Walking Track</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vaughan Tarilta Bridge</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wheeler Street footpath</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 86 Committees of Management</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Victory Park Conservation Management Plan</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Staff Costs</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CEO Support from Councillors</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Councillor 2017/18 Budget Bids</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Netball Courts and Recreation Facilities</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private Property Matter - Newstead</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Government Building Better Regions Fund</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heritage Advisory Committee</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Process for Councillor feedback on work prepared by staff</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maldon Streetscape Project</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Castlemaine pool</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Matter involving Department of Education</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Harcourt Structure Plan and Mountain Bike Park Project</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enterprise Bargaining Agreement</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Position funded under ‘special projects’</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4. RECORD OF CONFLICT OF INTEREST

- Councillors are required to leave the meeting if they have declared an interest in an item that is being discussed. Councillors who have left the meeting must not be able to see or hear the proceedings.

5. MEETING CLOSE

Meeting closed at 4.15 pm.
ASSEMBLY OF COUNCILLORS RECORD
31 JANUARY 2017
AT 4.15 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.

TABLE OF CONTENTS
1. PRESENT 2
2. APOLOGIES 2
3. PURPOSE OF THE MEETING 2
4. RECORD OF CONFLICT OF INTEREST 2
5. MEETING CLOSE 2
1. PRESENT

Councillors: Tony Cordy, Christine Henderson, Bronwen Machin, John Nieman, Robin Taylor and Sharon Telford.

Officers: Chief Executive Officer (Darren Fazzard), Director Corporate Support (Lucy Roffey), Acting Director Sustainable Communities (Rebecca Stockfeld), Director Sustainable Development (Jason Taylor), Manager Healthy Environments (Ben Bowman, Items 6.1 and 6.4), Climate Change Coordinator (Melanie Marshall, Items 6.1 and 6.4), Manager Governance and Customer Service (Suellen Pepperell, Item 6.2), Civic Compliance Coordinator (Wayne O'Toole, Item 6.3), Manager Infrastructure (Daniel Smith, Item 6.5), Team Leader Engineering (Marcus Goonan, Item 6.5), Capital Works Coordinator (Casey Hearps (Item 6.5).

Visitors:

Item 6.1: Krista Patterson-Majoor Director (Project Management), Connecting Country
Brendan Sydes President, Connecting Country

2. APOLOGIES

Councillor Tony Bell

3. PURPOSE OF THE MEETING

The purpose of the meeting was to brief Councillors on issues and matters of interest which impact the Shire and which may be considered by Council in the future.

<table>
<thead>
<tr>
<th>Matter Discussed</th>
<th>Councillor Conflict?</th>
<th>Councillor Name</th>
<th>Councillor left meeting?</th>
<th>Time left</th>
<th>Time Returned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputation from Connecting Country</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Councillors Code of Conduct</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Review of Dog and Cat Registration Fee Reduction Policy</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban Waterway Reservation Process</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;Top Ten Drainage Hotspots&quot; and Additional Drainage Issues</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Business – Planning Matters</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. RECORD OF CONFLICT OF INTEREST

- Councillors are required to leave the meeting if they have declared an interest in an item that is being discussed. Councillors who have left the meeting must not be able to see or hear the proceedings.

5. MEETING CLOSE

Meeting closed at 6.37 pm.
ASSEMBLY OF COUNCILLORS RECORD
7 FEBRUARY 2017
AT 3.00 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.

TABLE OF CONTENTS
1. PRESENT 2
2. APOLOGIES 2
3. PURPOSE OF THE MEETING 2
4. RECORD OF CONFLICT OF INTEREST 3
5. MEETING CLOSE 3
1. **PRESENT**

Councillors: Tony Bell, Tony Cordy, Christine Henderson, Bronwen Machin, John Nienan, Robin Taylor and Sharon Tefford.

Officers: Chief Executive Officer (Darren Fuzzard), Acting Director Corporate Support (Bradley Thomas), Acting Director Sustainable Communities (Rebecca Stockfield), Director Sustainable Development (Jason Taylor), Acting Manager Development Services (Dominique Trickey, Items 5.1, 5.2, 5.3, 5.4 and 5.5), Senior Statutory Planner (Tim Blackie, Items 5.2, 5.3, 5.4 and 5.5), Statutory Planner (Daniel Spark, Item 5.2, 5.3 and 5.5) and FastTrack Planner (Lauren Watt, Item 5.4).

2. **APOLOGIES**

Nil.

3. **PURPOSE OF THE MEETING**

The purpose of the meeting was to brief Councillors on issues and matters of interest which impact the Shire and which may be considered by Council in the future.

<table>
<thead>
<tr>
<th>Matter Discussed</th>
<th>Councillor Conflict?</th>
<th>Councillor Name</th>
<th>Councillor left meeting?</th>
<th>Time left</th>
<th>Time Returned</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1 Consideration Of Submissions – Planning Scheme Amendment C73 AND PA072/2013 – Rezoning of Land and Development of a Supermarket – 98 Forest Street, 2 Duke Street, and 2 and 2A Urquhart Street, Castlemaine</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.2 Planning Permit Application PA248/2016 – Use and Development Of A Dwelling ON Each Of Two Lots Created BY Consolidating Four Existing Lots Into Two Lots AT Lot 1, 2, 4 and 5 PS5045600U, Harmony Way, Elphinstone (PA269/2015)</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.3 Planning Permit Application 206/2016 – Use and Development of the Land for a Telecommunications Facility at Lot 5 TPS4958689, 2 Golden Point Road, Chewton (PA206/2014)</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.4 Planning Permit Application PA148/2016 – Use of the Land for Refuse Disposal at Lot 2 PS5270977E – 196 Peakers Road Barkers Creek</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.5 Planning Permit Application 210/2015 – Use of an Existing Building as a Shop, Works Associated with Provision of Carparking, Display of Business Identification Signage and Provision of Carparking on Another Site, at Lots 1 and 2 LP135640, 47-49 Lyons Street, Newstead</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.6 Contracts Within Chief Executive Officer Delegation</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4. RECORD OF CONFLICT OF INTEREST

Councillors are required to leave the meeting if they have declared an interest in an item that is being discussed. Councillors who have left the meeting must not be able to see or hear the proceedings.

5. MEETING CLOSE

Meeting closed at 6.45 pm.
9. OFFICER REPORTS

9.1. A VIBRANT HEALTHY COMMUNITY (VIB)

NO REPORTS
9.2. BETTER COMMUNITY FACILITIES (BET)

BET 01 RESPONSE TO JOINT LETTER FROM RESIDENTS OF WINTRINGHAM HOUSING UNITS, 72 LYTTLETON AVENUE, CASTLEMAINE ABOUT A PARKING MATTER

Responsible Director: Director Sustainable Development
Responsible Officer: Manager Development Services
Original Document: DOC/17/4640

1. Purpose

The purpose of this report is to provide a response to the joint letter received by Council on 5 December 2016 from the residents of Wintringham Housing Units in Lyttleton Avenue, Castlemaine. The joint letter requests that Council allow the man who undertakes gardening and maintenance at the units to park in Lyttleton Avenue, Castlemaine.

Refer to:

Confidential Attachment BET 01A: Joint Letter – Asking for Maintenance man to Park in Lyttleton Avenue and not receive a Parking Infringement Notice.

2. Background

Lyttleton Avenue is located on the east side of Hargraves Street between Mostyn and Lyttleton Streets in Castlemaine. It is a narrow laneway that is signed with no parking signs along its length.

The joint letter is from eight residents of the housing units on the corner of Lyttleton Avenue, Lyttleton Street, and Hargraves Street.

The letter asks that their gardening and maintenance man be able to park in the no parking area of Lyttleton Avenue and not receive a parking infringement. The residents’ claim the gardening and maintenance man has nowhere else to park.

3. Policy and Statutory Implications

Local Law No 1 of 2008 sets out how petitions are received by and responded by Council as follows:

1. Petitions and Joint Letters

   (1) A petition or joint letter presented to the Council may lie on the table until the next ordinary meeting of the Council. No motion other than to receive the petition or joint letter may be accepted by the Chairperson at the meeting at which it is presented.

   (2) The Council must receive a report on any petitions or joint letters at the next ordinary meeting of the Council or another meeting to be determined by the Council.

   (3) A copy of the text of the petition or joint letter must be included on the agenda for the next ordinary or available meeting (as the case may be).
(4) A petition or joint letter may nominate a person to whom a reply may be sent, but if no person is nominated the Council may reply to the first or any person whose signature appears on the petition.

(5) Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks and, except in cases of incapacity or sickness, by no one else, and the address of every petitioner or signatory must be clearly stated.

4. Issues

Council officers have spoken to the gardening and maintenance man previously advising him he cannot park in the no parking area in Lyttleton Avenue. Officers have informed him that he can apply for a permit to park to carry out works. This permit would allow him to park in the timed parking area in nearby streets, such as Lyttleton Street, to carry out his works.

5. Financial and Resource Implications

There are no financial or resource implications in relation this matter.

6. Conclusion

Council has received a joint letter from residents of the Wintringham Housing Units in Lyttleton Avenue, Castlemaine. The joint letter requests that Council allow the man who undertakes gardening and maintenance at the units to park in Lyttleton Avenue, Castlemaine.

The gardening and maintenance man is able to apply for a permit to park in the timed parking area in nearby streets, such as Lyttleton Street, to carry out his works.

RECOMMENDATION

That Council respond to the first signatory on the joint letter advising that the gardening and maintenance man can avoid receiving parking infringements in Lyttleton Avenue, Castlemaine by applying for a permit to park to carry out works.
1. **Purpose**

The purpose of this report is to provide a response to the petition received by Council on 22 November 2016 requesting improved pedestrian safety in Barker Street, at Parker Street, Castlemaine.

Refer to:

Confidential Attachment BET 02A: Petition – Requesting Pedestrian Crossing - Traffic Island and/or Median Strip in Barker Street at Parker Street Castlemaine - 22 November 2016.

2. **Background**

At the Council meeting on the 22 November 2016 a petition was presented to Council for a safe pedestrian crossing point on Barker Street (Midland Highway) at Parker Street, Castlemaine. The petition also requests Council’s support and advocacy for pedestrian safety.

In the Mount Alexander Shire Walking and Cycling Strategy Parker Street is noted as a secondary pedestrian link to Barkers Street with a connection to several community facilities including The Mill precinct, botanical gardens, medical centres, hospital and public swimming pool.

3. **Policy and Statutory Implications**

Local Law No 1 of 2008 sets out how petitions are received by and responded by Council as follows:

1. **Petitions and Joint Letters**

   (1) *A petition or joint letter presented to the Council may lie on the table until the next ordinary meeting of the Council. No motion other than to receive the petition or joint letter may be accepted by the Chairperson at the meeting at which it is presented.*

   (2) *The Council must receive a report on any petitions or joint letters at the next ordinary meeting of the Council or another meeting to be determined by the Council.*

   (3) *A copy of the text of the petition or joint letter must be included on the agenda for the next ordinary or available meeting (as the case may be).*

   (4) *A petition or joint letter may nominate a person to whom a reply may be sent, but if no person is nominated the Council may reply to the first or any person whose signature appears on the petition.*
(5) Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks and, except in cases of incapacity or sickness, by no one else, and the address of every petitioner or signatory must be clearly stated.

Walking and Cycling Strategy 2010-2020

This strategy sets out a strategic approach for Mount Alexander Shire Council to improve and increase walking and cycling in the Shire over the next decade.

4. Issues

As noted in the petition Barkers Street (Midland Highway) is under the care and control of VicRoads and any installation would require VicRoads approval.

In the Mount Alexander Walking and Cycling Strategy Parker Street is noted as a secondary pedestrian link to Barkers Street.

The strategy notes primary crossing points of Barkers Street at the current traffic signals in the CBD and in the vicinity of North Street at the northern end of Castlemaine.

The geometry and characteristics of Barker Street in this location presents challenges with 4 lanes of traffic, on street parking, large street trees and limited space for a centre median. There is also a proposed bike lane along Barker Street which would further reduce the available space. The geometry would also rule out the option of a roundabout.

Council does advocate for, and support, pedestrian safety across the municipality.

Council is currently preparing an application for Commonwealth Government funding to improve our footpath network. Part of the application is for a pedestrian crossing in the northern section of Barker Street. Whilst not in the subject location, if developed, a new pedestrian crossing in the northern area of Barker Street would improve pedestrian safety in the area, particularly for students.

Mount Alexander Shire has also written to VicRoads advising of the community concern raised in the subject petition and has asked for a response.

5. Financial and Resource Implications

At this stage there is no data on usage and no design works have been completed. An estimated cost for designing some sort of pedestrian crossing is $6,000, with an estimated construction cost, should construction be possible, of $40,000.

6. Conclusion

At the Council meeting on the 22 November 2016 a petition was presented to Council for a safe pedestrian crossing point on Barker Street (Midland Highway) at Parker Street, Castlemaine. The petition also requests Council's support and advocacy for pedestrian safety.

Council continues to implement the Walking a Cycling Strategy. The strategy identifies the need for improved pedestrian safety across Barker Street. Council will continue to progressively improve pedestrian safety in Barker Street and across the municipality through capital projects and advocacy to VicRoads and other relevant State Government agencies.
RECOMMENDATION

That Council respond to the first signatory on the petition advising that Council is working towards implementing the Walking a Cycling Strategy including advocating to VicRoads with regards to pedestrian safety along Barkers Street, Castlemaine.
9.3. A THRIVING LOCAL ECONOMY (ECO)

ECO 01 CONSIDERATION OF SUBMISSIONS – PLANNING SCHEME AMENDMENT C73 AND PA072/2013 – REZONING OF LAND AND DEVELOPMENT OF A SUPERMARKET – 98 FOREST STREET, 2 DUKE STREET, AND 2 & 2A URQUHART STREET, CASTLEMAINE

Responsible Director: Director Sustainable Development
Responsible Officer: Coordinator Strategic Planning
Original Document: DOC/16/45868

1. Purpose

The purpose of this report is to:

- Enable Council to consider all submissions made following the exhibition of the combined Planning Scheme Amendment C73 and Planning Permit Application P072/2013, 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 a planning panel to consider submissions relating to both the planning scheme amendment that proposes to rezone the land, and the planning permit application for the proposed development of a supermarket.

Refer to:

Separate Attachment ECO 01A: PA072/2013 - Summary of submissions to Amendment C73 and Permit Application

2. Background

This process commenced under the previously constituted Council. The following table briefly sets out the key steps in the process, and identifies the status of the amendment and planning permit application currently under consideration.

<table>
<thead>
<tr>
<th>Steps</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning scheme amendment and planning permit application prepared and submitted to Council</td>
<td>✓ Complete</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>We are at this point</td>
</tr>
<tr>
<td>Council requests an independent panel to consider 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>
</tbody>
</table>
Steps | Status
---|---
If adopted, send to Minister for approval and gazettal

Council received a request to rezone land to Commercial 1 Zone combined with a planning permit application for the development of a supermarket at 98 Forest Street in Castlemaine in April 2013.

A series of changes were made to the original proposal (at the request of Council, State Government agencies, and the applicant). Council initially resolved to seek authorisation to prepare the amendment on 9 December 2014, however the proponent requested this be placed on hold while changes were made to include additional land.

The revised proposal was submitted in May 2015. Improvements included better integration with the Castlemaine Commercial Centre, more suitable treatment of Urquhart Street, screened loading area, better car parking design and provision, and a better urban design outcome for the site.

At the Ordinary Meeting of Council on 23 February 2016, Council resolved to:

1. **Resolve to amend Planning Scheme Amendment C73 to include the additional land at 2 and 2A Urquhart Street and 2 Duke Street, Castlemaine by applying the same zone (Commercial 1 Zone) and overlay controls (Design and Development Overlay 12 and Environmental Audit Overlay) to that land as are proposed to be applied to the former gasworks site at 98 Forest Street, Castlemaine.**

2. **Seek authorisation from the Minister for Planning to prepare amendment C73 to the Mount Alexander Planning Scheme and following authorisation exhibit the amendment.**

3. **Resolve to prepare and exhibit Planning Permit PA072/2013 which would allow the land subject of the amendment to be developed with buildings and works for the purpose of a supermarket, vehicle access to a Road Zone Category 1 (Duke and Forest Streets), and associated works in accordance with the endorsed plans.**

4. **Delegate to the Manager Development Services the ability to make changes to Amendment C73 and Planning Permit PA072/2013, if required prior to exhibition.**

5. **Write to the amendment proponent to highlight the local heritage significance of the three dwellings on the subject land and request the proponent undertake photographic documentation of the dwellings to the requirements of Council before the conclusion of any exhibition of the subject amendment.**

The Minister’s authorisation (A03425) was received on 8 September 2016, and included three conditions requiring changes. It also requested that Council consider whether it was necessary to apply an Environmental Audit Overlay to all of the land.

Under the delegation provided at the previous resolution, the following changes to the planning scheme amendment were approved by the Manager Development Services:

---

**Steps | Status**
---|---
If adopted, send to Minister for approval and gazettal

Council received a request to rezone land to Commercial 1 Zone combined with a planning permit application for the development of a supermarket at 98 Forest Street in Castlemaine in April 2013.

A series of changes were made to the original proposal (at the request of Council, State Government agencies, and the applicant). Council initially resolved to seek authorisation to prepare the amendment on 9 December 2014, however the proponent requested this be placed on hold while changes were made to include additional land.

The revised proposal was submitted in May 2015. Improvements included better integration with the Castlemaine Commercial Centre, more suitable treatment of Urquhart Street, screened loading area, better car parking design and provision, and a better urban design outcome for the site.

At the Ordinary Meeting of Council on 23 February 2016, Council resolved to:

1. **Resolve to amend Planning Scheme Amendment C73 to include the additional land at 2 and 2A Urquhart Street and 2 Duke Street, Castlemaine by applying the same zone (Commercial 1 Zone) and overlay controls (Design and Development Overlay 12 and Environmental Audit Overlay) to that land as are proposed to be applied to the former gasworks site at 98 Forest Street, Castlemaine.**

2. **Seek authorisation from the Minister for Planning to prepare amendment C73 to the Mount Alexander Planning Scheme and following authorisation exhibit the amendment.**

3. **Resolve to prepare and exhibit Planning Permit PA072/2013 which would allow the land subject of the amendment to be developed with buildings and works for the purpose of a supermarket, vehicle access to a Road Zone Category 1 (Duke and Forest Streets), and associated works in accordance with the endorsed plans.**

4. **Delegate to the Manager Development Services the ability to make changes to Amendment C73 and Planning Permit PA072/2013, if required prior to exhibition.**

5. **Write to the amendment proponent to highlight the local heritage significance of the three dwellings on the subject land and request the proponent undertake photographic documentation of the dwellings to the requirements of Council before the conclusion of any exhibition of the subject amendment.**

The Minister’s authorisation (A03425) was received on 8 September 2016, and included three conditions requiring changes. It also requested that Council consider whether it was necessary to apply an Environmental Audit Overlay to all of the land.

Under the delegation provided at the previous resolution, the following changes to the planning scheme amendment were approved by the Manager Development Services:
• The Castlemaine Commercial Centre boundary (shown at Clause 21.12 of the Mount Alexander Planning Scheme) was revised to include all land forming part of this amendment,
• The explanatory report for the amendment was revised to include the information requested,
• The proposed Design and Development Overlay Schedule 14 was revised to change references to the ‘Castlemaine Central Business District’ to ‘Castlemaine Commercial Centre’, and
• The proposed Environmental Audit Overlay was removed from the amendment as it would not be needed after the land was developed in accordance with EPA requirements. Post development, it would be a redundant control that could unnecessarily burden statutory and strategic planning resources.

Council exhibited the amendment from 28 October 2016 to 9 January 2017. A total of 32 submissions were received, 6 of which support the amendment, 16 submitters conditionally support/object subject to changes being made, and 10 oppose the amendment and permit application.

3. Policy and Statutory Implications

Relevant policies, strategies and plans

The minutes of the Ordinary Meeting of Council on 23 February 2016 establish the relevant policies, strategies and plans that were considered prior to Council resolving to seek authorisation from the Minister for Planning to exhibit the planning scheme amendment and planning permit application.

There has been no change in policy, strategy or plan since that resolution was made.

Statutory powers and implications

Planning and Environment Act 1987

Section 96A(2) of the Act says that Council may consider the application for the permit concurrently with the preparation of the proposed amendment, which in this instance Council has chosen to do.

Section 96C of the Act sets out the requirements for giving notice of the amendment and permit. Council has met these requirements with the exhibition of the amendment.

Section 22(1) of the Act states that a planning authority must consider all submissions and Section 22(2) of the Act states that a planning authority may consider a late submission, and must do so if the Minister directs.

Section 23 of the Act requires Council to either:

a) change the amendment and permit in the manner requested;
b) refer the amendment, permit and submissions to a panel appointed under Part 8; or
c) abandon the amendment and or part of the amendment.

As the submissions received request changes, Council must decide which option under Section 23 of the Act to take, and this report is giving Council the opportunity to do so.
4. **Issues**

**Exhibited documents**

Officers identified after the exhibition process had been completed that there were some differences between hard copy documents made available for viewing at the Civic Centre Customer Service counter, and those available for viewing online via Council’s website or the Department of Environment, Land, Water and Planning (DELWP) website.

The hard copy documents available at the Civic Centre were the correct versions of the documents. The differences are identified in the table below.

The differences are not significant, and do not warrant re-exhibition of the planning scheme amendment or planning permit application. All hard copies will remain available for viewing at the Civic Centre customer service counter until a decision has been made by the Minister for Planning.

**List of Documents Exhibited – Table 2**

<table>
<thead>
<tr>
<th>Name of Document</th>
<th>Different?</th>
<th>Hard copy at Civic Centre</th>
<th>Online copy via Council and DELWP websites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Explanatory Report</td>
<td>No</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Instruction Sheet</td>
<td>No</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Clause 21.12-2 Castlemaine Commercial Centre</td>
<td>No</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Clause 43.02 Design and Development Overlay Schedule 14 DDO14) (text)</td>
<td>Yes</td>
<td>Correct</td>
<td>Difference: This version of DDO14 has less stringent design/layout requirements that should be met.</td>
</tr>
<tr>
<td>Map 23 showing outline of proposed Commercial 1 Zone (C1Z)</td>
<td>No</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Map 23 showing outline of DDO14</td>
<td>Yes</td>
<td>Correct</td>
<td>Difference: Online version identifies overlay DDO15 instead of DDO14.</td>
</tr>
<tr>
<td>Draft Planning Permit PA072/2013</td>
<td>Yes</td>
<td>Correct</td>
<td>Difference: Online version identifies ‘tracked changes’; however the final content of the conditions is correct.</td>
</tr>
<tr>
<td>Name of Document</td>
<td>Different?</td>
<td>Hard copy at Civic Centre</td>
<td>Online copy via Council and DELWP websites</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
<td>------------</td>
<td>---------------------------</td>
<td>--------------------------------------------</td>
</tr>
<tr>
<td>PA072/2013 Proposed Supermarket Plans</td>
<td>No</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>PA072/2013 Proposed Landscape Plan</td>
<td>No</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Planning Report dated September 2015</td>
<td>Yes</td>
<td>Correct</td>
<td>Difference: This report was not exhibited online.</td>
</tr>
<tr>
<td>Aboriginal Cultural Heritage Assessment dated 17 June 2015</td>
<td>No</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Economic Impact Assessment dated August 2013</td>
<td>No</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Traffic Engineering Assessment dated June 2015</td>
<td>No</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Arboriculture Report dated 27 April 2015</td>
<td>No</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Soil Investigation (Senversa) dated 17 November 2015</td>
<td>No</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Response to exhibition of planning scheme amendment and planning permit application

Council received 32 submissions in response to the exhibition of Amendment C73 and Planning Permit Application PA072/2013. Eight of the submissions were from referral authorities. The submissions can be generally categorised into three types:

- Six submissions support the amendment and permit application as exhibited,
- 16 submissions support/object to the amendment and permit application conditionally, and
- 10 submissions object to the amendment and/or permit application.

Under the Planning and Environment Act 1987, Council must decide how it wishes to respond to the submissions received during exhibition. Council has three options:

- Change the amendment to address submissions*,
- Abandon the amendment entirely, or in part, or
- Refer the amendment and submissions to an independent planning panel.

Other than noting the submissions, no action is required in relation to the submissions supporting the amendment.
* Note, significant changes that are requested via submissions cannot be undertaken without a transformation of the amendment. A transformation of the Amendment is where the change would be considered so great, that other parties may be materially affected by it, requiring the amendment to be re-started. Alternate options are to abandon the amendment, or refer it to a planning panel.

Five submissions (submissions 28, 29, 30, 31 and 32) were received after 9 January 2017 (the last day of exhibition). Section 22(2) of the Planning and Environment Act allows Council to receive late submissions. It is recommended that Council accept the late submissions.

Response to referral authority submissions

Eight submissions were received from referral authorities:

- Department of Environment, Land, Water and Planning (DELWP)
- Public Transport Victoria (PTV)
- North Central Catchment Management Authority (NCCMA)
- Country Fire Authority (CFA)
- Department of Economic Development, Jobs, Transport & Resources (DEDJTR)
- Environment Protection Authority (EPA)
- Coliban Water (Coliban)
- Goulburn Murray Water (GMW)

Four referral authorities support the planning scheme amendment and planning permit application unconditionally (DELWP, PTV, CFA, DEDJTR).

Three referral authorities conditionally support the planning scheme amendment and planning permit application, and request conditions be included on the planning permit application (NCCMA, Coliban, GMW).

Officer Response:

It is recommended that the NCCMA and Coliban conditions be included on the Planning Permit.

The conditions provided by GMW are the same as conditions previously provided, which are included on the draft planning permit. No change is therefore required.

One referral authority (EPA) does not support the planning scheme amendment and planning permit application. The EPA’s recommendation changed due to the addition of 2 Duke Street, and 2 and 2A Urquahart Street, to the proposal, which were not assessed by an audit. EPA recommended permit conditions if Council decides to proceed with the amendment.

Officer Response:

*Ministerial Direction No 1 – Potentially Contaminated Land* seeks to ensure potentially contaminated land previously used for industry is subject to a statement of environmental audit or that a certificate of environmental audit is issued where an amendment is proposed that would lead to the land being used for a sensitive purpose. As far as the residential lots are concerned, the amendment will be rezoning from residential to commercial, and the proposal is for a permit for a commercial use (i.e. non-sensitive use).
Council has responded to the EPA seeking clarification of its referral response and recommended conditions. EPA has not responded to Council's request for clarification, to date.

A Statement of Environmental Audit was prepared for 98 Forest Street. It showed contamination extended beyond the southern boundary of 98 Forest Street. The proponent engaged Senversa to prepare an assessment of soil contamination on the residential properties. The recommendations arising out of that report have been incorporated in the permit conditions (condition 10).

The permit conditions will require appropriate removal and disposal of contaminated soil on the residential lots.

Officers recommend that Council resolves to refer submission 12 to an independent planning panel.

Response to individual submissions

Council received 24 submissions from individuals. Two submitters (submissions 9 and 17) provided unconditional support for the planning scheme amendment and planning permit application.

13 submitters (submissions 2, 13, 15, 16, 20, 23, 24, 25, 26, 27, 29, 31, 32) offered conditions under which they would either support, or not object to the planning scheme amendment and planning permit application. Nine submitters (submissions 3, 6, 9, 11, 14, 21, 22, 28, 30) objected to the planning scheme amendment and planning permit application. The submissions are generally summarised as follows:

Summary of issues – Table 3

<table>
<thead>
<tr>
<th>Issue</th>
<th>Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Need/Economic benefit</td>
<td>No need for another supermarket</td>
</tr>
<tr>
<td></td>
<td>Perceived economic benefit may not be realised</td>
</tr>
<tr>
<td>Architecture / Urban Design / Heritage</td>
<td>Visual amenity impact from residential area</td>
</tr>
<tr>
<td></td>
<td>Visual amenity impact on streetscape/town heritage</td>
</tr>
<tr>
<td></td>
<td>Significant heritage value of existing dwellings on site</td>
</tr>
<tr>
<td></td>
<td>Inappropriate location</td>
</tr>
<tr>
<td></td>
<td>Inadequate design in context of planning policy</td>
</tr>
<tr>
<td></td>
<td>Inadequate design in context of location</td>
</tr>
<tr>
<td></td>
<td>Planning permit conditions inadequate</td>
</tr>
<tr>
<td></td>
<td>DDO14 - inadequate</td>
</tr>
<tr>
<td></td>
<td>Use of reflective materials (roof)</td>
</tr>
<tr>
<td></td>
<td>Poorly conceived design response</td>
</tr>
<tr>
<td></td>
<td>No waste storage or customer bins shown on plans</td>
</tr>
<tr>
<td>Traffic</td>
<td>Safety (proximity to primary school)</td>
</tr>
<tr>
<td></td>
<td>Safety (Forest/Duke Streets)</td>
</tr>
<tr>
<td></td>
<td>increased volume generally</td>
</tr>
<tr>
<td></td>
<td>Increased volume of trucks</td>
</tr>
<tr>
<td></td>
<td>No provision for bike paths or non-car-based travel options</td>
</tr>
<tr>
<td>Issue</td>
<td>Detail</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Noise     | Customer vehicles (door closing)  
Onsite operation (delivery & garbage trucks)  
Roof plant and refrigeration (at night)  
Traffic from Forest Street  
Inconsistent conditions controlling noise  
Hours of operation not provided |
| Pollution | Contamination - site has not been adequately remediated, audit process flawed  
Increased vehicle emissions  
Waste and rubbish  
Post development stormwater pollution (zinc roof, run-off from car park)  
Light pollution (at night) |
| Landscaping | Landscape plan inadequate  
Proposed tree species not suitable  
No shade planting in car park area  
Unnecessary tree removal |

Summaries of individual submissions and officer responses are provided in the attachment to this report.

Officer response:

While many of the issues raised are considered by some submitters to be matters that could be overcome via various changes to the planning scheme amendment or planning permit application, objecting submitters with similar issues did not consider them to be matters that could be resolved.

Officers recommend Council refer all submissions to an independent planning panel.

The following provides a general response to these issues:

Concerns about the need for another supermarket

Council’s Commercial Centres Study determined that there is a need. Amendment C61 included 98 Forest Street in the Commercial Centre (on the Framework Plan in clause 21) as a consequence.

There are limited opportunities to include a supermarket in the rest of the commercial centre due to heritage constraints, small lot sizes etc.

Heritage

The value of the heritage assets compared with commercial benefits was assessed in the report to Council which resulted in the preparation of the amendment.

Council’s heritage advisor recommended the Heritage Overlay be applied to the three residential properties on the basis of local significance. However Council determined there was a greater benefit in having another supermarket.
Visual impact to properties to the south

A more appropriate landscape screen could be provided along the southern boundary. Officers do not agree that a solid structure should be provided as it will provide a poor interface with the abutting land to the south, as well as the Leanganook Track.

Condition 11n) of the draft planning permit currently requires a landscape plan to be submitted for approval prior to commencement of works, and the plan must include boundary screens.

Officers recommend Council resolve to amend the condition to require vegetation boundary screens that include canopy trees, shrubs and ground covers.

Design, traffic and off-site amenity concerns

As discussed earlier, many of the submissions made by conditional and objecting submitters were based on similar concerns; however a number of the suggested changes may not resolve the concerns raised by all submitters. Officers therefore recommend referring submissions to an independent planning panel.

Hours of operation

Hours of operation were not included in the draft planning permit because the use of the land for a supermarket does not require a planning permit in the Commercial 1 Zone. The permit is required for buildings and works and other matters as relevant to a particular site.

Officers consulted the proponent regarding the concerns raised by submitters about hours of operation. The proponent advised they would accept the following condition being included on the draft planning permit:

Hours of operation
Except with the prior consent of the Responsible Authority deliveries to the supermarket must only occur between the hours of:
  7:00am – 10:00pm daily
  With no restriction to the number of deliveries

Officers recommend that Council resolves to include the condition on the draft planning permit.

5. Financial and Resource Implications

The key cost for Council is officer time for assessing the combined planning permit application and planning scheme amendment, administering the public exhibition process, and submitting the permit application and amendment to Minister for Planning for authorisation, exhibition and for approval.

Statutory fees are payable by the proponent for assessing the planning permit application, and administering the amendment. These fees contribute to the cost of administering the amendment, and assessing the planning permit application, but do not fully cover costs. The shortfall can be contained within the 2016/2017 Strategic Planning operational budget.

Costs from Planning Panels Victoria will be incurred for an independent panel to consider the planning scheme amendment. Council will enter into an agreement with the proponent for the proponent to pay these costs.
6. **Consultation**

The combined planning scheme amendment and planning permit application documents were subject to a statutory exhibition. The minimum statutory exhibition period is one calendar month. Due to the expected broader public interest in this amendment and permit application, it was exhibited for ten weeks. The following notice was given as part of the exhibition:

- Letters sent to all relevant government agencies, prescribed ministers and land owners and occupiers (147 in total) – 28 October 2016
- Public notice placed in the Midland Express – 1 November 2016

Council received 32 submissions which have been discussed under the issues section of this report.

In addition to formal submissions, Council also received written feedback (predominantly through webpage feedback) regarding the proposal, all in support of the proposal. Officers responded to all feedback asking writers if they wished this to be considered as a formal submission, and if so requesting contact details, and advising that the submissions would become public documents. All writers either did not respond, or did not wish their feedback to become a formal submission.

7. **Conclusion**

Council received a private proponent request to rezone land to Commercial 1 Zone combined with a planning permit application for the development of a supermarket in Castlemaine.

Council sought authorisation from the Minister for Planning to proceed with the planning scheme amendment and planning permit application. This has now been publicly exhibited it for an extended period of 10 weeks.

Council received 24 private submissions and 8 referral authority submissions. Six submissions support the amendment and permit application, 16 submissions support/object to the amendment and permit application conditionally, and 10 submissions oppose it.

Council can either make changes to satisfy all submissions, abandon the amendment and permit application, or refer the amendment, permit application and submissions to a planning panel. Considering there are opposing submissions, changing the amendment and permit application to satisfy submissions is not possible.

The only options available to Council are to either abandon the amendment, or refer it, and all submissions, to a planning panel. It is recommended that Council request the Minister for Planning appoint a planning panel to consider the amendment and permit application and submissions.
RECOMMENDATION

That Council:

1. Consider all submissions made to Mount Alexander Planning Scheme Amendment C73 and planning permit application pa072/2013 and accept late submissions (submissions 28, 29, 30, 31 and 32), as allowed for under section 22(2) of the Planning And Environment Act;

2. Change the draft planning permit by including the following North Central Catchment Management Authority conditions and permit notes:

   NORTH CENTRAL CATCHMENT MANAGEMENT AUTHORITY CONDITIONS

   2.1. The finished floor level of the proposed supermarket must be constructed a minimum of 300 millimetres above the 1% AEP flood level of 280.5 metres AHD, i.e. no lower than 280.8 metres AHD.

   2.2. Stormwater runoff arising from the site must be treated to best practice standards prior to discharging to the waterway. Prior to the commencement of works, detailed plans of the proposed stormwater treatment method must be submitted to the Responsible Authority and North Central CMA for its comment/approval.

   NORTH CENTRAL CATCHMENT MANAGEMENT AUTHORITY NOTES

   Flood levels for the 1% AEP (100 year ARI) flood event have been determined for this area under provisions of the Water Act, 1989. The determined 1% AEP flood level for the location described above is 280.5 metres AHD, which was obtained from the Castlemaine Flood Management Plan, 2015.

   North Central CMA advises that in the event of a 1% AEP flood event it is possible that the property may be subject to inundation from Forest Creek. However it is recommended that a licensed surveyor be engaged to determine the exact effect of the applicable flood level on the property.

3. Change the draft Planning Permit by including the following Coliban water conditions:

   COLIBAN WATER CONDITIONS

   3.1. Applications are required through our consent to connect process for the demolition of existing properties. Victoria Building Authority Compliance Certificate must be provided to Robert Crump - Robert.Crump@coliban.com.au. All services for sewer & water that will no longer be utilised must be cut and sealed at the point of connection on the water & sewer mains.

   3.2. Water meters must be returned to Coliban Water offices in Bridge St, Bendigo.

   3.3. The applicant or owner is required to reach agreement with Coliban Water for the provision of reticulated water and sewerage services to the development site and development on Coliban Water assets.

   3.4. All Coliban Water assets within the development site, both existing and proposed, are to be protected by Registered Easement in favour of Coliban Region Water Corporation.

4. Change the draft Planning Permit by amending the following conditions:
Condition 11n) dot point 9 to be amended to read “vegetation boundary screens that include canopy trees, shrubs and ground covers”.

5. Change the draft Planning Permit by including the following condition:
   Hours of operation
   Except with the prior consent of the Responsible Authority deliveries to the supermarket must only occur between the hours of:
   7:00am – 10:00pm daily
   With no restriction to the number of deliveries

6. Request the Minister for Planning to appoint a Planning Panel to consider Amendment C73 and Planning Permit PA072/2013 and all submissions in accordance with Section 23 of the Planning and Environment Act.
1. **Purpose**

The purpose of this report is to enable Council to make a determination on Planning Permit Application PA248/2016 for use and development of a dwelling on each of two lots created by consolidating four existing lots into two lots at lot 1, 2, 4 and 5 PS504580U, Harmony Way, Elphinstone. The application has been referred to Council for a decision as officers are recommending refusal.

This item was deferred by Council at its Ordinary Meeting on 13 December 2016. The report and recommendation are unchanged, except for mentioning the deferral.

Refer to:

- Attachment ECO 02A: Context and site aerial
- Attachment ECO 02B: Final plans submitted with application
- Attachment ECO 02C: Potential conditions

2. **Background**

The application was lodged on 28 October 2016 and seeks approval for consolidation of four existing lots into two lots and use and development of a dwelling on each lot in a farming zone.

An identical application proposing exactly the same subdivision and development (PA266/2015) was previously lodged on 25 September 2015. This identical previous application was refused by Council at its Ordinary Meeting on 26 April 2016, on the basis of the same grounds of refusal included in the recommendation of this report.

The subject site is bounded by Finnings Road to the north, Calder Freeway to the east and Harmony Way to the west. The site is approximately 2 kilometres north-west of Elphinstone.

The irregular shaped site is comprised of four allotments being Lot 1 - 2.727 hectares, Lot 2 - 2.739 hectares, Lot 4 - 6.080 hectares and Lot 5 - 3.339 hectares, totalling an area of 14.88 hectares. The vacant subject site contains a dam and is currently used for sheep grazing.

The subject site is located within the Farming Zone and is covered by the Environmental Significance Overlay (ESO1) and part Design and Development Overlay (DDO1). The surrounding land is zoned farming and the majority of the lots in the area are used for stock grazing.

The proposed consolidation will create Lot 1 and 2 with an area of 6.15 hectares and 8.93 hectares respectively. A dwelling is proposed on each lot. The proposed dwellings are of the same design.
It is proposed that Lot 1 will use the existing vehicle access point from Finnings Road while Lot 2 will gain vehicle access from Harmony Way.

It is proposed that the consolidated lots could potentially be used for small scale chicken and egg production, wildflower production, bee keeping and stock adjustment. These uses do not form part of a farm management plan, but are suggestions to indicate what uses may be possible should the sites be owned by people with these skills.

The proposal also includes the following sustainable land management practices: weed and pest management, soil and water conservation, vegetation enhancement and fire risk management.

No vegetation is proposed to be removed.

3. **Policy and Statutory Implications**

   **State Planning Policy Framework (SPPF)**

   **Clause 12.04-2 Landscapes**

   Planning should assist in the protection of landscapes and significant open spaces that contribute to character, identity and sustainable environments.

   **Clause 11.05-3 Rural Productivity**

   The policy objective for Rural Productivity is to manage land use change and development in rural areas to promote agriculture and rural production. It includes strategies to prevent inappropriately dispersed urban activities in rural areas and limit new housing in rural areas including directing housing growth into existing settlements.

   **Clause 14.01-1 Protection of Agricultural Land**

   The objective of this clause is to protect productive farmland which is of strategic significance in the local or regional context. The subdivision of productive agricultural land should not detract from the long-term productive capacity of the land.

   **Clause 14.02-1 Catchment Planning and Management**

   The objective of this clause is to assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

   **Clause 14.02 -2 Water Quality**

   The objective of this clause is to protect water quality.

   **Clause 16.02-1 Rural Residential Development**

   Planning should manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.

   **Clause 19.03-2 Water Supply, Sewerage and Drainage**

   The protection of water supply from uses that may cause possible contamination must be considered in permit applications.
Appropriate on-site waste disposal methods in areas not connected to a reticulated sewerage system must be provided to all lots created through subdivision.

**Local Planning Policy Framework (LPPF)**

*Clause 21.02 Vision and framework plan*

The land use planning and development vision for the Shire is:

The Mount Alexander Shire’s townships and rural environs engender an identifiable character which reflects the areas unique heritage, its beautiful landscapes and the quality of life.

The Shire Council will seek to manage and sensitively develop the built and natural resources of the Shire in ways which are ecologically sustainable so as to secure an improved economic future, enhance the lifestyle quality of the community and maintain the unique heritage character.

The accompanying map seeks to support productive use of agricultural land and protect water catchment areas.

*Clause 21.04-1 Biodiversity*

This clause outlines the current state of the Shire’s biodiversity, much of this focusing on native vegetation. Some of the key threats to biodiversity in the Shire is identified as being related to clearing of vegetation for agriculture, urban and other uses.

*Clause 21.04-3 Rural and landscape character*

This policy recognises the importance and appeal to both residents and visitors of the rural appearance and character of the Shire. When deciding on an application for development of land in rural zones, Council should consider, where appropriate, issues such as the effect on views and the natural landscape, setbacks of nearby development and consideration of topographical features in the siting of the development.

*Clause 21.06-1 Protection of agricultural land*

Policy within this clause recognises the prominent role that agriculture plays in the Shire. This policy identifies the broad agricultural quality of land within the Shire, rated on a state wide basis.

Strategies to implement the objectives of this clause include:

- Promote agriculture and horticulture as the primary land uses in the Shire unless other land uses are strategically justified.
- Discourage fragmentation of agricultural land if they are likely to lead to a non-agricultural use.
- Discourage the development of dwellings in areas of moderate agricultural land quality unless they are directly linked to and will benefit an agricultural use.

This clause identifies agriculture as the predominant land use in the Shire. Productive capacities of various areas of the Shire are outlined based on land quality. The site is located within an area of low agricultural quality, while moderate is the highest rating available within the Shire.
**Clause 21.06-3 Water**

This clause aims to protect and improve water quality and quantity in the Shire. Policy recognises the poor condition of water catchments, including open potable water catchment areas, which cover much of the Shire and outline strategies to address identified issues.

**Clause 21.11 Infrastructure**

This clause gives an overview of the Shire’s significant infrastructure assets and also issues arising due to lack of infrastructure in some areas. Key issues include preventing unplanned residential development in rural area which can increase costs of infrastructure maintenance and provision.

**Clause 22.04 Use and development of land in the Farming Zone and Rural Living Zone**

The policy basis for this clause builds on other Municipal Strategic Statement objectives of:

- Clause 21.03 to provide for rural living development in identified areas.
- Clause 21.03 to ensure that rural living development is economically sustainable.
- Clause 21.06 to protect the land resources relied upon by agriculture.

The policy basis acknowledges that the fragmentation of productive agricultural land is to be avoided to ensure the productive capacity of the land is maintained. Objectives include that use and development of land for a dwelling is required to support the rural use of land, ensuring that dwellings do not adversely impact on agricultural activities on adjacent site and that a proposed dwelling will not result in the loss or fragmentation of productive agricultural land.

**Zoning**

**Clause 35.07 Farming Zone**

As the land is less than 40 hectares, the use of land for a ‘dwelling’ is a Section 2 Use for which a permit is required under Clause 35.07-1 of the Farming Zone.

Building and works associated with a Section 2 Use also require a permit under Clause 35.07-4 of the Farming Zone.

A planning permit is not required to consolidate land.

**Overlays**

**Clause 42.01 Environmental Significance Overlay**

The environmental objective is to ensure the protection and maintenance of water quality and water yield within the Eppalock Water Supply Catchment Area as listed under Section 5 of the Catchment and Land Protection Act 1994.

Under Clause 42.01-2 (ESO) a permit is required to construct a building or construct or carry out works.

A planning permit is not required to consolidate land under this clause.
Clause 43.02 Design and Development Overlay

The design objective of this clause is to ensure that any new development of land near the future alignment of the Calder Freeway is undertaken with appropriate noise attenuation measures to minimise the impact of traffic noise on noise sensitive activities.

No permit is required under this clause as the proposed building and works are located outside the area covered by the overlay.

A planning permit is not required to consolidate land under this clause.

4. Issues

Farming Zone

The consolidation of four lots into two lots achieves an acceptable planning outcome in the context of a policy framework which specifically discourages fragmentation of rural land titles, and encourages consolidation of lots in order to protect productive agricultural land as an economic resource. That being said, the proposed use and development of a dwelling on each proposed lot is inconsistent with the guidelines of the farming zone.

The purpose of the Farming Zone is to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of the land for agriculture. A dwelling on land zoned Farming is explicitly a non-agricultural activity.

The following reasons have been provided by the applicant to justify why a dwelling on each lot is required on the land:

- The dwelling would potentially support the establishment of small scale chicken and egg production, wildflower production, bee keeping and stock agistment.
- The dwelling would improve the stewardship of environmental/biodiversity values particularly weed and pest management, soil and water conservation, vegetation enhancement and fire risk management.

In this instance, the use and development of a dwelling on each lot would not enhance and support agricultural production on the subject site. The submitted reports provide insufficient justification to demonstrate how the proposed use and development will enhance agricultural productivity on the land. The proposed agricultural activities and sustainable land management practices can be undertaken in the absence of a dwelling on each lot.

The construction of a dwelling on each lot is not a prerequisite for the establishment of an agricultural use as suggested in the planning report. Further the prospect of possible agricultural activities occurring on the proposed lots is speculative in nature. The predominant land use will be primarily residential rather than agriculture, an outcome not supported by policy.

Council’s Rural Land Study, 2014, classifies the land quality of the subject site as class 4 low. Class 4 is identified as land capable of supporting grazing under moderate to low stocking rates where clearing has occurred. The subject site has currently been used for sheep grazing in the absence of a dwelling. The proposed use and development of a dwelling on each lot would result in the loss of existing productive agricultural land.
A dwelling on each proposed lot would only serve to increase the perception of a cluster of rural living properties. The proliferation of dwellings in a Farming Zone limits the availability of productive land and the opportunities for expansion of adjoining and nearby agricultural uses. Furthermore dwellings can potentially contribute to increased land values, give rise to land use conflicts and remove land from agricultural / farming activity, which can impact negatively on agricultural production.

State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF)

The SPPF and LPPF place a strong emphasis on the protection of productive agricultural land from unplanned loss of such land and from fragmentation through the subdivision of existing rural holdings.

There is a clear theme throughout State and local policies particularly Clause 11.05-3, 16.02-1, 21.06-1 and Clause 22.04, to focus rural living into areas zoned for that purpose and to discourage the use of existing old Crown allotments in the Farming Zone for rural living purposes.

Within the Shire, the only areas specifically designated for rural living are around Castlemaine. It is clear that the proposed use and development of a dwelling on each lot is contrary to relevant policy. The proposed use and development of a dwelling on each lot should not be supported as it would remove land from agricultural production and undermine the intent of the Zone.

Council’s Strategic Planning unit have advised that:

The proposed development is contrary to current planning provisions for the land.

Strategic Planning are currently undertaking a review of land along the Calder Corridor, including current and potential future land uses and whether the current planning provisions are appropriate. The subject site is within this study area. It is anticipated the draft review will be provided to Councillors in March 2017. It is recommended the applicant wait until this review is complete to consider their application.

The development of dwellings on the subject land will significantly reduce the adaptability of the land, and the ability for the land to generate economic activity for the local economy.

Environmental Significance Overlay

The subject site is within Lake Eppalock Catchment Area. The comments of the relevant Water Board must be considered when deciding upon an application to use and develop land in a water supply catchment area. Under the Memorandum of Understanding (MOU) between Council and Goulburn−Murray Water, classes of applications were defined as high, medium or low risk. The current proposal falls within the low risk category. Under the MOU, low risk proposals do not require referral and have standard conditions placed on planning permits.

A geo-technical report (Land Capability Assessment - LCA) relating to effluent disposal is a requirement of the overlay. The proposed disposal areas in the submitted LCA comply with the setback distances required by the current EPA Code of Practice.

Use and development of a dwelling on each lot will not impact the environmental objectives of the overlay.
5. **Financial and Resource Implications**

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

6. **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.

No objections were received.

*External Referrals*

- VicRoads
  - No objection subject to conditions

- Goulburn Murray Water
  - MOU Conditions

*Internal Referrals*

- Infrastructure Unit
  - No objection subject to conditions

- Environmental Health
  - No objection subject to conditions

7. **Conclusion**

Council has received an application for use and development of a dwelling on each of two lots created by consolidating four existing lots into two lots at lot 1, 2, 4 and 5 PS504580U, Harmony Way, Elphinstone. The site is located within the Farming Zone and is covered by the Environmental Significance Overlay (ESO1) and Design and Development Overlay (DDO1).

The purpose of the Farming Zone is to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of the land for agriculture.

The application has not demonstrated that a dwelling on each lot is needed to support or enhance farming activity. Farming activity is already undertaken on the land without a dwelling.

The application has been assessed against the provisions of the planning scheme and does not meet the requirements. The state and local provisions of the planning scheme place a strong emphasis on protecting agricultural land zoned farming for on-going agricultural use, and avoiding dwellings adversely affecting agricultural uses.

This item was deferred by Council at its Ordinary Meeting on 13 December 2016.

It is recommended that this application be refused.
RECOMMENDATION

That Council Issue a Notice of Refusal to Issue a Planning Permit for use and development of a dwelling on each of two lots created by consolidating four existing lots into two lots at lot 1, 2, 4 and 5 PS504580U, Harmony Way, Elphinstone on the following grounds:

1. The proposed use and development of a dwelling on each proposed lot is contrary to State Planning Policy Framework and Local Planning Policy Framework, more specifically Clause 11.05-3 – Rural Productivity, Clause 14.01-1 – Protection of Agricultural Land, Clause 16.02-1 – Rural Residential Development, 21.06-1 Protection of Agricultural Land & Clause 22.04 Use and development of land in the Farming Zone and Rural Living Zone;

2. Use and development of a dwelling on each proposed lot is contrary to the purpose and decision guidelines of the Farming Zone;

3. Use and development of two dwellings would not retain productive agricultural land; and

4. Use and development of a dwelling on each proposed lot would not support and enhance agricultural production.
TP02 PROPOSED RESUBDIVISION
Proposed: Lots 1-4 P560460, HARMONY WAY, ELPHINSTONE

LEGEND
- Proposed crossover to be constructed
- Proposed Line of subdivision: 2 Lots
- Proposed dwelling site (approx. 30mx30m) and 3.0m wide access
- Proposed wastewater envelope
- Proposed Revegetation to provide visual screen and noise buffer: local indigenous trees & understorey
- Existing drainage swales
POTENTIAL CONDITIONS OF APPROVAL

That Council:

Issue a Planning Permit for use and development of a dwelling on each of two lots created by consolidating four existing lots into two lots at lot 1, 2, 4 and 5 PS504580U, Harmony Way, Elphinstone, subject to the following conditions:

1. NO LAYOUT ALTERATION
   1.1. The subdivision 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.
   1.2. The use and/or 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.

2. RE-SUBDIVISION AND CONSOLIDATION OF LAND
   2.1. The development must not commence until the plan of subdivision is certified showing the re-subdivision of four (4) lots into two (2) lots, as per Drawing Number TP02 dated 17/09/2015. This is to include the consolidation of Lot 1, 2, 4 and 5 of PS504580U.

3. SECTION 173 AGREEMENT — FARM MANAGEMENT PLAN
   3.1. Prior to the commencing of development or the issue of statement of compliance, an agreement under section 173 of the planning & environment act 1987 must be entered into between the land owner and the responsible authority that requires:
       A Farm management plan must be submitted and demonstrably commenced prior to any dwelling development commencing on the site and thereafter carried out on an on-going basis to the satisfaction of the Responsible Authority.
       This permit will lapse if, for a period of greater than six months, the owner of the land can no longer demonstrably show that the land is being actively used pursuant to the farm management plan as approved by the responsible authority or any subsequently amended farm management plan approved by the responsible authority.
       The section 173 agreement must be registered on the title to the land prior to the occupation of the dwelling permitted by this permit. the owner of the land must pay all reasonable costs of the responsible authority for all statutory fees and charges.

4. ENGINEERING PLANS
   4.1. Prior to commencement of any construction works including building works associated with the Subdivision, 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 or prior to issue the occupancy certificate for the dwellings.

5. DRAINAGE

5.1. The whole of the subject land, including landscaped and paved areas, must be 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.

5.2. 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.

5.3. The stormwater runoff from future buildings and paved areas must be directed to storage tanks / reuse dams and any overflow dissipated as normal unconcentrated overland flow.

6. VEHICLE CROSSOVERS

6.1. Both existing and proposed Vehicle crossovers are to be constructed/upgraded to the levels/requirements of Council. No impeding or redirection of existing surface flows as a result of these works

   • Vehicle crossings must be positioned keeping minimum of 3m clearance from the council trees and 1m clearance from the light poles located at the property frontages.

7. PROPOSED EASEMENTS

7.1. 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.

8. INFRASTRUCTURE STATUS

8.1. 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.

9. SEDIMENT POLLUTION CONTROL

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

10. CONSENT FOR CONSTRUCTIONS
10.1. 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.

11. REMOVAL OR TRIMMING OF ROAD RESERVE TREES.

11.1. If the applicant / Property owner require removing or trimming of trees in the road reserve as part of the development 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.

12. STATEMENT OF COMPLIANCE

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

13. OCCUPANCY CERTIFICATE

13.1. A certificate of occupancy must only be issued once all the requirements of this permit have been completed to the satisfaction of the relevant authority.

14. ENVIRONMENTAL HEALTH

14.1. The applicant will be required to install an all-waste on-site waste water system. The system must be an Environment Protection Authority approved system installed, operated and maintained in accordance with the Environment Protection Authority’s current edition of the Code of Practice – Onsite wastewater management and the Australia New Zealand Standard AS/NZS 1547:2012 – Onsite wastewater management.

14.2. The applicant shall be required to comply with the recommendations and strategies contained in the Land Capability Assessment prepared by Dr Chris Day – Archaeo- Environments Pty Ltd dated September 2015.

14.3. Prior to any development the applicant shall apply for a Permit to Install a Septic Tank in accordance with Part IXB of the Environment Protection Act 1970.

15. GOULBURN MURRAY WATER

15.1. All wastewater from the dwellings must be treated and disposed of using an EPA approved systems, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Approval.

15.2. The wastewater disposal areas must be located in accordance with Table 5 of the EPA Code of Practice – Onsite Wastewater Management, Publication 891.4, July 2016, from any waterways, drainage lines, dams or bores.

15.3. The wastewater disposal areas must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater
must be diverted away. Reserve wastewater disposal fields of equivalent size to the primary disposal fields must be provided for use in the event that the primary fields require resting or have failed.

15.4. No buildings are to be constructed within 30 metres of any waterways or on any drainage lines.

15.5. All construction and ongoing activities must be in accordance with sediment control principles outlined in ‘Construction Techniques for Sediment Pollution Control’ (EPA, 1991).

16. VICROADS

16.1. Prior to the occupancy of the houses, the proposed dwellings must be designed and constructed to meet the acoustic standards specified in AS 2107-2016 “Acoustics - Recommended design sound levels and reverberation times for building interiors”, giving regard to AS 3671-1989.

16.2. VicRoads accepts no liability for any claims of sound interference from the adjacent Calder Freeway for the proposed dwellings.

17. PERMIT EXPIRY

17.1. Subdivision

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.

17.2. Use And Development

The permit for the use and development of the land will expire if one of the following circumstances applies:

a) The development is not completed within two years of the date of this permit;

b) The use is not commenced within two years after the completion of the development;

c) The use is discontinued for a period of two years.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards (for a request to extend the time to commence the development) or twelve months after the permit expires (for a request to extend the time to complete the development).
Purpose 1.

The purpose of this report is to enable Council to make a determination on Planning Permit Application 206/2016 for Use and development of the Land for a Telecommunications Facility at Lot 5 TP549585S, 2 Golden Point Road, Chewton. The application has been referred to Council for decision as there are five objections and officers are recommending the issue of a notice of decision to grant a planning permit.

Refer to:

Attachment ECO 03A: Context and site aerial
Attachment ECO 03B: Final plans submitted with application

Background 2.

The application was lodged on 8 September 2016 and seeks approval for Use and development of the Land for a Telecommunications Facility within the Farming Zone (FZ). It is proposed to construct a monopole and associated works as part of the Optus mobile base station of fixed wireless infrastructure for the Chewton area.

The proposal is for the construction of a 40 metre monopole with three 2.6 metre long panel antennas mounted on a head frame for a total structure height of 41 metres and a parabolic dish structure height of 37 metres. The facility will be located in an 8.4 metre by 6.4 metre lease area in the south-eastern corner of the subject site. The lease area will be surrounded by a 2.4 metre high chain wire fence with a 3 metre wide access gate to O’Hallorans Road.

The facility would consist of the monopole and associated infrastructure including a metering panel, an outdoor cabinet on a raised concrete slab. The initial plans included an above ground electricity pole and wire to Golden Point Road, although Powercor as the relevant referral authority has requested permit conditions which would require amended plans with the provision of an underground power connection for safety and bushfire prevention reasons.

This facility is required in order to provide indoor coverage for residential and commercial areas in Golden Point and Chewton, while also enhancing coverage to the Bendigo Rail Line and major roads along the Pyrenees Highway (between Elphinstone and Castlemaine). The development aims to meet target signal levels at identified reference points.

The subject site has an area of approximately 6,545 square metres and is located adjacent to O’Hallorans Road, around 200 metres east of Golden Point Road and 300 metres north of the Pyrenees Highway. The site consists of open paddocks with scattered trees which are currently used for grazing, with various sheds located in one part of the site that make up the heritage listed ‘slaughterhouse’. Across the other side of O’Hallorans Road there is a dwelling and associated
outbuildings in the same ownership, and a significant amount of mature native
trees and other vegetation.

There are scattered dwellings spread out across lots of various sizes within the
immediate vicinity of the subject site, with higher density residential development in
Chewton along the Pyrenees Highway located around 300 metres away. The
closest dwelling to the site is approximately 70 metres away.

3. Policy and Statutory Implications

State Planning Policy Framework (SPPF)

Clause 12.04-1 Environmentally Sensitive Areas
Relevant strategies mentioned in this Clause relate to the protection and
conservation of environmentally sensitive areas to ensure identified environmental
values are maintained.

Clause 14.01 Agriculture
Relevant strategies mentioned in this Clause relate to encouraging sustainable
agricultural uses and to protect productive farmland. Strategies include preventing
unplanned loss of productive land due to permanent changes in land use.

Clause 16.02 – 1 Rural residential development
The objective of this clause is to identify land suitable for rural living and rural
residential development. Strategies include managing development in rural areas
to protect agriculture.

Clause 17 - Economic Development
Planning should provide for a strong and innovative economy and should support
economic growth and development.

Clause 19 – Infrastructure
Planning for social and physical infrastructure should enable it to be provided in a
way which that is efficient, equitable, accessible and timely.

Clause 19.03-4 Telecommunications
The objective is to facilitate the orderly development, extension and maintenance
of telecommunication infrastructure:

- Facilitate the upgrading and maintenance of telecommunications facilities.
- Ensure that modern telecommunications facilities are widely accessible to
  business, industry and the community.
- Ensure the communications technology needs of business, domestic,
  entertainment and community services are met.
- Do not prohibit the use of land for a telecommunications facility in any zone.
- Encourage the continued deployment of broadband telecommunications
  services that are easily accessible by:
  - Increasing and improving access for all sectors of the community to the
    broadband telecommunications trunk network.
  - Supporting access to transport and other public corridors for the
    deployment of broadband networks in order to encourage infrastructure
    investment and reduce investor risk.
• In consideration of proposals for telecommunication services, seek a balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure.
• Planning should have regard to national implications of a telecommunications network and the need for consistency in infrastructure design and placement.

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.

The policy identifies a hierarchy of urban centres, their role being defined by levels of population, services and physical characteristics. Newstead is identified as a small village/hamlet within the Shire which is to accommodate the local community with convenience shopping and other facilities.

Clause 21.03 - 3 Rural living
The objective of this clause is to provide rural living development in appropriate areas whilst ensuring that these developments are economically sustainable. Key issues relate to protecting productive agricultural land from rural living development and considering the cost of providing services and infrastructure to isolated rural living allotments.

Clause 21.06-1 Productive agricultural land
This clause identifies agriculture as the predominant land use in the Shire. Productive capacities of various areas of the Shire are outlined based on land quality. The site is located within an area of moderate agricultural quality which is the highest rating within the Shire.

Clause 21.06 - 2 Sustainable agricultural land use
The relevant objectives to this clause relate to the minimisation of potential amenity impacts between agricultural uses and rural lifestyle uses.

Clause 22.04 Use and development of land in the farming zone and rural living zone
This clause applies to the use and development of land in both the farming and rural living zones. The relevant objective of this clause is to ensure that the use and development of land for a dwelling does not adversely impact on the agricultural activities carried out on the land and neighbouring sites and to ensure that the proposed dwelling will not result in the loss or fragmentation of productive agricultural land.

Zoning

Clause 35.07 Farming Zone (FZ))
Under Clause 35.07-4

A permit is required for use and development of the land for a telecommunications facility as the proposed monopole does not meet the exemption under 62.01 and therefore considered a Section 2 Use under the requirements of clause 35.07-1.
A permit is required for Building and Works associated with a sections 2 use under clause 35.07-4.

Overlay

Clause 43.01 Heritage Overlay (HO710)
A permit is required to construct a building and works under clause 43.01-1
A permit is required to construct a fence under clause 43.01-1

Clause 44.06 Bushfire Management Overlay (BMO)
There are no relevant permit triggers under clause 44.06-1

Particular provisions

Clause 52.19 Telecommunications facility
A permit is required for the proposed telecommunications facility to construct a building and carry out works, as the proposal does not meet any exceptions for building and works pursuant to clause 52.19-2 or exemptions for notice and review pursuant to clause 52.19-4.

The proposed telecommunication facility does not meet any definition described under section 5 of the Code of Practice for Telecommunications facilities in Victoria 2004. As such and in accordance with the decision guidelines in Pfarr v Campaspe SC [2014] VCAT 872 a permit is required for both the use and development of the land for a large monopole telecommunications facility of this type.

Pursuant to clause 52.19-6, the principles for the design, siting, construction and operation of a Telecommunications facility set out in A Code of Practice for Telecommunications Facilities in Victoria must be considered, and the proposal has been assessed against these principles later in this report.

4. Issues

The following is a summary of the relevant planning issues.

Clause 10.04 states that in making decisions “planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.” In this instance any decision on the proposal should be made with due regard to the impact upon net community benefit of either the granting or refusal of a permit for the proposal.

The application states that O'Hallorans Road site, Chewton is of particular importance to provide indoor coverage for residential and commercial areas in Golden Point and Chewton, and also enhance coverage to the Bendigo Rail Line and major roads along the Pyrenees Highway. The tower will act as a fixed wireless network site which is designed to provide increased service and signal strength to surrounding properties. The tower is required to be higher than the nearby vegetation in order to cover a set area to maximise signal strength.

The proposal is part of a larger telecommunications network and as such some consideration needs to be given to the proposal as part of a larger network and service across the whole of Chewton rather than impact at a local level. As stated
in close 19.03-4 “planning should have regard to national implications of a telecommunications network and the need for consistency in infrastructure design and placement.”

Clause 35.07 Farming Zone

The proposed development is within the Farming Zone, which has a purpose identifying, the use of land for agricultural purposes and to provide land for other uses in appropriate locations. The zone also encourages use and development of land based on comprehensive and sustainable land management practices and infrastructure provision. The site is compatible with neighbouring properties requiring only 51m² of land without any significant impact on surrounding agricultural uses, while improving mobile communication service to the area. The location of the facility had been placed in regard to close vegetation screening and in proximity to the Castlemaine Diggings National Heritage Park.

The proposed development has been considered against the requirement of the Farming Zone and has been referred to the Environment Officer, Powercor Australia, DELWP, Parks Victoria and the CFA who do not object to the development subject to conditions.

Clause 43.01 Heritage Overlay

The site is located within a property included in the heritage listing HO710 ‘O’Hallorans Slaughter Yard’ and is in the wider vicinity of six different Heritage Overlays in the broader surrounding area.

The site is included in the 1992/1993 Shire of Metcalfe Heritage Study (part 3.3, page 256) as ‘Pattersons/Purches Slaughter Yards’, and relates to various sheds, enclosed yards, and other works first constructed around 1862-1864. The proposed telecommunications tower is to be located in an empty corner of the site which is well away from the known structures and works on the site, and potential permit conditions would stop any works if any archaeological remains were found until these were recorded and relocated to the satisfaction of Council’s heritage advisor.

Importantly, the site is within around 200 metres of the Castlemaine Diggings National Heritage Park and the ‘Monster’ meeting site, which is on the National Heritage List. The application was referred to the Department of Environment, Water and Planning (DELWP) who provide referral advice on behalf of Parks Victoria (operators of the site) and the department responded with no objection.

The site’s location is considered to have some impact on views, including some from heritage sites in the area. While the elevated site necessary for signal reception results in a level of visual prominence, the tower would still be located a significant distance (hundreds of metres) away from most of these sites and would be partly screened by the existing scattered trees that surround the site, and this impact has to be balanced against the net community benefit.
Clause 44.06 Bushfire Management Overlay

The purpose of the Bushfire Management Overlay is to ensure that the development of land prioritises the protection of human life, strengthens community resilience to bushfire and identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.

The proposed development does not contain any relevant permit triggers within this overlay: however the application was referred to the CFA in regard to the overhead power lines as part of the development. CFA does not object to the proposal subject to conditions

Clause 52.19 Telecommunication Facility

Overall the proposal complies with the decision guidelines of clause 52.19. The effect of the proposal on the adjacent land has been considered and on balance the impact is not considered to be unreasonable. A Code of Practice for Telecommunication Facilities in Victoria sets out a number of principals for design, siting, construction and operations of telecommunication facilities the principles are as follows:

• A telecommunication facility should be site to minimise visual impact.

The proposed tower will have some visual impact upon the surrounding area as it is to be located within an area of agricultural land within proximity to residential developments and heritage sites. However measures have been taken which will serve to minimise the visual impact of the tower including to the monopole design which should minimise the bulk and profile of the structure, the use of grey steel materials and finishes which serve to minimise the contrast between the structure and surrounding environments, the location of the structure adjacent to existing vegetation obscuring the lower part of the tower and the location of the tower as far from dwellings and the Pyrenees Highway as the constraints of the site allow. Several sites were considered by the applicant and the subject was considered the most appropriate in regards to the visual impact of the development.

• A telecommunication facility should be collocated where practical.

In this instance collocation was not possible as there are no existing facilities located in the area.

• Health standard for exposure to radio emissions will be met.

The proposed facility is required to comply with the relevant standards and requirements contained in Radiation Protection Standard- maximum Exposure Levels to Radio Frequency Fields -3 GHz to 300GHz, Arpansa May 2002. Exposure levels at ground level will be approximately 2.15 V/m: equivalent to 12.12.24 mW/M² or 021% of the ARPANSA public exposure limit, as set by the federal government.

• Disturbance risk relating to siting and construction should be minimised. Construction activity and site location should comply with state environment policies and best practice environment management guidelines.

The construction of the facility will comply with relevant policies and guidelines.
Outstanding objections to the application

The application has received five objections to the proposed development. Matters raised by objectors are set out below:

- Electromagnetic radiation and health risk to humans.
- Property values.
- An alternate location would be better suited.
- Interference from the telecommunication facilities towards other wireless services (internet and television).
- Above ground powerlines are a fire hazard.
- Removal of vegetation around the site.
- The amenity of the area will be affected/ disturbance of prominent views within the area.
- The tower will affect the heritage significance of the area.

VCAT has considered numerous applications relating to telecommunication facilities where similar concerns have been raised. VCAT has ruled that objections relating to the perceived risks from electro-magnetic radiation, alternative locations for towers and loss of property values are not valid planning reasons for refusing an application. [McCelland v Golden Plains SC [2013] VCAT 59, Marshall v & Ors v Ararat Rural City Council SC [2013] VCAAT 90 and Pfarr v Campaspe SC[2014] VCAT 872]

The responsible authority (and VCAT) must rely on A Code of Practice for Telecommunications Facilities in Victoria when considering applications for these facilities.

A response to the remaining objections follows.

Interference from the telecommunication facilities towards other wireless services (internet and television).

The development of the telecommunications is to comply with the relevant Code of Practice and the Australian Radiation Protection and Nuclear Safety Agency, and therefore controlled to avoid affecting other affiliate signals.

Above ground powerlines are a fire hazard

The application was referred to the CFA and Powercor for advice regarding the installation of power to the site, with no objection or requirement for underground power installation. However it is considered that the subject area is of high amenity, characteristically future power lines in this area have been placed underground. The applicant has stated that all power supplied to the relevant site will be constructed underground. A permit condition requiring all power to be supplied is placed underground to Australian industry standards, will form part if a permit is issued.

Removal of vegetation around the site

The application does not propose any vegetation removal.

The amenity of the area will be affected/ disturbance of prominent views within the area

The placement of a telecommunications tower is part of a larger network serving the greater Chewton area. The visual impacts to a localised place must be assessed against the broader community benefit that will be provided. A range of
possible sites was assessed, with the O’Hallorans Road chosen for the best technical viability and coverage. Clause 19.03 and clause 52.19 accept that some visual impact may be acceptable if it is balanced by positive outcomes.

*The tower will affect the Heritage Significance of the area.*

The application was referred to the relevant authority to the heritage parks, with no objection. No further comments were given from the authorities in regard to visual or amenity impacts. Council’s heritage advisor objected to the development on visual impact grounds. As previously detailed, while the proposal may have some impact on views, the tower would be located a significant distance from any heritage site, would be partly screened by existing trees, and is considered to have a greater net community benefit.

5. **Financial and Resource Implications**

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

6. **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.

Five objections were received,

*Applicant-objector correspondence*

While Council officers called and discussed the application with all parties, no applicant-objector meeting was undertaken as the applicant party did not feel it would be beneficial to meet, and it was not considered that an outcome which satisfied both applicant and objectors could be reached.

*External Referrals*

- Country Fire Authority
  No objection
- Department of Environment, Land, Water and Planning.
  No objection
- Department of Environment, Land, Water and Planning (Parks Victoria).
  No objection
- Powercor
  No objection subject to conditions

*Internal Referrals*

- Infrastructure Unit
  No objection subject to conditions
- Environment Officer
  No objection, Recommendations,
- Heritage Advisor
  Objection to the proposal.
7. Conclusion

Council has received an application for the use and development of the land for a telecommunications facility on Lot 5 TP549585S, 2 Golden Point Road Chewton. The site is located within the Farming Zone and is covered by the Bushfire Management Overlay and the Heritage Overlay HO718.

The site is appropriately placed for the use and development of the land for a telecommunications facility and is considered to be consistent with orderly planning of the area.

The proposal has been assessed as being generally in accordance with relevant provisions of the planning scheme.

It is recommended that Council issue a Notice of Decision to Grant a Permit subject to conditions.

RECOMMENDATION

That Council issue a Notice of Decision to Grant a Planning Permit for the Use and Development of the Land for a Telecommunications Facility on Lot 5 TP549585S, 2 Golden Point Road Chewton, subject to the following conditions:

1. AMENDED PLANS REQUIRED

1.1. Before the use and/or 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 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 Drawing No. M1158-G2 but modified to show:

a) A site plan the shows the mains power supply to the site placed underground in accordance with Powercor’s requirements and standards.

Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

2. LAYOUT NOT ALTERED

2.1. The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. POWERCOR

3.1. Provide an electricity supply to all properties within the development 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 (A payment to cover the cost of such work may be required).

3.2. Where buildings or other installations exist on the land 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.
3.3. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.

3.4. Any construction work must comply with Energy Safe Victoria’s “No Go Zone” rules.

3.5. Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the development and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for “Power Line” pursuant to Section 88 of the Electricity Industry Act 2000.

3.6. Obtain for the use of Powercor Australia Ltd any other easement external to the development required to service the development.

3.7. Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.

4. DRAINAGE

4.1. The stormwater runoff from future paved areas must be directed to storage tanks / reuse dams and any overflow dissipated as normal unconcentrated overland flow.

5. ACCESS ROAD AND VEHICLE CROSSOVER

5.1. The internal driveway access shall be constructed to appropriate engineering standards approved by Council

6. VEHICLE CROSSOVER

6.1. Proposed Vehicle crossover appropriate to the development and existing site conditions are to be constructed to the levels/requirements of Council. Please note: Vehicle crossings must be positioned keeping a minimum of 3m clearance from the council trees located at the property frontages.

7. SEDIMENT POLLUTION CONTROL

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

8. REMOVAL OR TRIMMING OF ROAD RESERVE TREES.

8.1. If the applicant / Property owner require removing or Trimming of trees in the road reserve as part of the proposed works or part of future works, all the cost for 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.

9. WORKS ON ROAD RESERVE

9.1. 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.
9.2. A certificate of occupancy must only be issued once all the requirements of this permit have been completed to the satisfaction of the relevant authority.

10. POWER POWERLINES

10.1. All powerlines to the subject site from Golden Point road, must be placed underground where applicable.

11. HERITAGE SITE

11.1. In the unexpected event that any archaeological remains are found during the works associated with this permit, the Responsible Authority must be notified and all works must cease immediately until the Responsible Authority (in consultation with the heritage advisor) provides written confirmation that it is satisfied that any such archaeological remains have been appropriately moved and recorded to its satisfaction.

12. PERMIT EXPIRY – USE AND DEVELOPMENT

Development and use of land expires if:

a) The development or any stage of it does not start within two (2) years of the date of this permit; or

b) The development or any stage of it is not completed within four (4) years of the date of this permit; or

c) The use does not start within two (2) years after the completion of the development; or

d) The use is discontinued for a period of two years.

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

Permit Notes

No Native Vegetation Removal Approved

No native vegetation removal has been detailed or approved as part of this planning permit. If any removal of native vegetation becomes required (which either had not been identified previously, or possibly as a result of re-location of the building to meet setback requirements) which triggers a planning permit under Clause 52.17, separate planning permission must be sought as either a new planning permit application or a planning permit amendment.
Agenda for the Ordinary Meeting of Council – Mount Alexander Shire Council – 21 February 2017

Page 89 of 122
1. Purpose

The purpose of this report is to enable Council to make a determination on Planning Permit Application 148/2016 for the use of land for refuse disposal at Lot 2 PS527997E, 192 Peelers Road Barkers Creek. The application has been referred to Council for a decision as officers are recommending refusal.

Refer to:

Attachment ECO 04A: Context and site aerial
Attachment ECO 04B: Final plans submitted with application

2. Background

This application was lodged on 14 July 2016 and seeks approval for use of land for refuse disposal in the Farming Zone.

The subject site is located within Barkers Creek, east of the Midland Highway and approximately 3.7 kilometres north of the Castlemaine township.

The site is irregular in shape with an overall area of 6.361 hectares. The site is covered by native vegetation, with two dams located towards the centre of the site. A small waterway runs from the south of the property towards the northeast corner and is contained entirely within the subject land.

The subject site is located within the Farming Zone and is covered by the Bushfire Management Overlay. Surrounding land comprises mostly rural residential properties with some vacant lots containing native vegetation. Land on the eastern side of the Midland Highway is similarly zoned Farming with land on the western side of the Midland Highway being Rural Living Zone.

The proposal seeks to use the land for a refuse disposal involving the disposal of excess drilling/bore fluid from civil excavation works carried out on external sites. It is understood that the applicant already operates several such disposal sites in industrial areas around Bendigo and the intention is for this site to provide a disposal point within the Mount Alexander municipality.

This permit application was lodged with Council after the Environmental Protection Agency (EPA) notified the land-owner that the disposal of material on site without a permit was an offence. The activity seems to have been occurring for a number of years prior, with aerial photography showing that the areas which are used for disposal were illegally cleared of vegetation without a permit sometime between 2010 and 2014.

The civil excavation works are known as horizontal directional drilling, which allows for sub-surface holes to be drilled without affecting the surface area. The process involves the use of fluid in order to remove the sub-surface material. This fluid stabilises the hole for the installation of pipes and other infrastructure, and helps to
protect the downhole tooling from overheating. This fluid would be within the non-prescribed industrial waste category.

The subject site would be used to store approximately 10-20 cubic metres a day of the excess fluid that is collected by a vacuum tank (attached to a heavy vehicle). This would involve releasing the fluids into two dams/settling ponds that are located towards the centre of the site. Over time, the silt that would be left over from the fluid would build up and the dam would be cleaned.

Prior to its removal offsite, it is proposed that the fluid be assessed by a checklist in order to determine its classification.

The application states that prescribed industrial waste would not be disposed of at this site. Rather, this would be carried out by a licensed contractor once encountered.

The refuse disposal would be available for use between the following hours:

- Monday to Friday: 7.00 am to 6.00 pm.
- Saturday: 7.00 am to 1.00 pm

It is also proposed that the site would be used outside of these hours for emergency works and pre-programmed Sunday works.

3. **Policy and Statutory Implications**

**State Planning Policy Framework (SPPF)**

*Clause 12.01-1 Protection of biodiversity*

The objective of this clause is to assist the protection and conservation of Victoria’s biodiversity.

*Clause 12.04-2 Landscapes*

The objective of this clause is to protect landscapes and significant open spaces that contribute to character, identity and sustainable environments. This is achieved by recognising the natural landscape for its aesthetic value and as a fully functioning system and ensuring natural key features are protected and enhanced.

*Clause 13.03-1 Use of contaminated and potentially contaminated land*

The objective of this clause is to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

*Clause 13.04-1 Noise abatement*

The objective of this clause is to assist the control of noise effects on sensitive land uses.

*Clause 14.01-1 Protection of Agricultural Land*

This clause aims to protect productive farmland which is of significance in the local or regional context and also protect unplanned loss of agricultural land due to permanent changes in land use.
Clause 14.02-1 Catchment Planning and Management

The objective of this clause is to assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

Clause 14.02 -2 Water Quality

The objective of this clause is to protect water quality.

Clause 19.03-2 Water supply, sewerage and drainage

The objective of this clause is to plan for the provision of water supply and drainage services that protects the environment. This is to be achieved by ensuring that water quality in water supply catchments is protected from possible contamination by urban, industrial and agricultural land uses.

Clause 19.03-3 Stormwater

The objective of this clause is to reduce the impact of stormwater on catchments by protecting water quality and reducing run-off and peak flows.

Clause 19.03-5 Water and resource recovery

The objective of this clause is to avoid, minimise and generate less waste to reduce damage to the environment caused by waste, pollution, land degradation and unsustainable waste practices.

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 character of the Shire’s townships and rural environs and the need to manage and sensitively develop the built and natural resources of the Shire in ways which are ecologically sustainable and secure an improved economic future, enhances lifestyle quality and maintains heritage character.

Strategies include ensuring development is compatible with the Shire’s cultural heritage and landscapes and also supporting the productive agricultural use of rural land.

Clause 21.04-1 – Biodiversity

This policy identifies the importance of protecting biodiversity in the Shire through the protection of habitat and native vegetation.

Clause 21.04-3 Rural and landscape character

This policy recognises the importance and appeal to both residents and visitors of the rural appearance and character of the Shire. When deciding on an application for development of land in rural zones, Council should consider, where appropriate, issues such as the effect on views and the natural landscape,
setbacks of nearby development and consideration of topographical features in the siting of the development.

Clause 21.05-3 Soil Degradation
This clause outlines the issues regarding soil contamination, erosion and salinity within the Shire. Objectives include ensuring that potentially contaminated land is properly assessed and remediated if it could be used for a sensitive use and reducing the risk or erosion in urban and rural areas.

Clause 21.05-4 Noise and air
This clause aims to ensure that noise and air emissions do not affect the amenity of sensitive uses.

Clause 21.06-1 Protection of agricultural land
Policy within this clause recognises the prominent role that agriculture plays in the Shire. Objectives aim to protect land and water resources relied upon by agriculture and to reduce the number of small lots in rural areas.

Clause 21.06-3 Water
This clause aims to protect and improve water quality and quantity in the Shire. Policy recognises the poor condition of water catchments, including open potable water catchment areas, which cover much of the Shire and outline strategies to address identified issues.

Clause 21.07-2 Sustainable environments
This clause recognises the higher community expectations that urban development will incorporate sustainable principles and that planning can influence these outcomes by ensuring development is environmentally and site responsive and encourages opportunities to incorporate sustainability measures. This policy also outlines how the type, location and form of housing has a major influence on sustainability outcomes in terms of energy use and other resources and that consolidation of development into existing urban areas is usually the most sustainable form of development.

Clause 21.09-2 Industry
This clause notes that there is limited land available for expansion in each of the four major industrial areas in Castlemaine, although additional land has recently been released in Wesley Hill. Objectives of the clause are to facilitate the establishment and further development of industry in the Shire and to protect the amenity of residential areas from uses with adverse amenity potential.

Zoning

Clause 35.07 Farming Zone
The use of land for ‘refuse disposal’, a sub-section of ‘Industry’ is a Section 2 Use for which a permit is required under Clause 35.07-1 of the Farming Zone.

Overlays

Clause 44.06 Bushfire Management Overlay (BMO)
As the proposal is for use only, the BMO is not a trigger for the permit.
Particular provisions

Clause 74 Land Use Terms

Refuse disposal: Land used to dispose of refuse, by landfill, incineration, or other means.

4. Issues

Farming Zone

The proposed use of the land for refuse disposal is inconsistent with the purpose and decision guidelines of the Farming Zone.

The Farming Zone aims to provide for the use of land for agriculture by ensuring that non-agricultural uses do not adversely affect the use of land for agriculture and to encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The subject site is heavily forested and is not used for agricultural production, and surrounding properties are primarily used for residential purposes. Many allotments in the area contain single dwellings with some small scale farming taking place. In terms of the relevant decision guidelines of the Farming Zone, the proposed use of the site for refuse disposal is incompatible with these surrounding land uses and has the potential to cause detrimental environmental impacts. This includes impacts on soil and water quality as a result of the type and extent of material/fluid disposed at the site.

While the applicant has indicated that the type of material would consist of non-prescribed industrial waste, there is the possibility that other materials classified as Prescribed Industrial Waste (containing oils, lubricants or other contaminates) could be present in the excess fluid that were not detected as part of the site assessment. Furthermore, there is uncertainty about the amount of excess fluid that could be disposed at the site without the potential for overflow or result in adverse impacts on existing vegetation. There is also uncertainty as to what materials may have been introduced to the site during the period in which it has operated without a permit. A precautionary approach should therefore be taken.

The decision guidelines of the Farming Zone also discuss the need to consider the impact on flora and fauna on the site and its surrounds, and the need to protect and enhance biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area. The application is limited in terms of any proposed land management measures. This includes no mention of weed and pest control, nor revegetation of the existing waterway on the site.

The site is heavily forested with native vegetation, with the areas used for settling ponds and disposal activity having been illegally cleared some years ago, and these are the only significant clearings on site. Any possible future expansion of the activity would also necessitate further clearing.

Given the heavily forested nature of the site, the location of a small ephemeral waterway which passes through the site and feeds into dams on other properties to the South (which may lead to the spreading of any potential water contamination), the location of several dwellings directly adjacent the site, and the
rural and residential nature of surrounding land uses, the site seems highly inappropriate for the proposed use.

**General environmental issues**

State and local planning policies focus on the need to protect and conserve biodiversity (12.01-1, 21.04-1), and ensure that potentially contaminated land is managed appropriately (13.03-1, 21.05-3). As discussed above, there is difficulty in ensuring that the level of excess fluid that is disposed at the site does not exceed that which can be held by the settling ponds. Therefore, any overflow/substantial increase in fluid could result in additional vegetation removal from around the settling ponds. Furthermore, there is the potential that Prescribed Industrial Waste may not be identified in the site assessment process, resulting in the disposal of such contaminants on the subject land. The disposal of fill material from other sites also poses a risk of introducing environmental weeds and pathogens into this area of native forest.

**Landscape and amenity issues on adjoining sensitive land uses**

State and local planning policies aim to protect landscapes that contribute to character, identity and sustainable environments, including rural landscapes (12.04-2, 21.04-3), and to ensure that noise emissions do not affect the amenity of sensitive uses (13.04-1, 21.05-4). The proposed use is likely to cause amenity issues on adjoining and nearby properties, particularly through the movement of heavy vehicles to and from the site. Such vehicles and their pumping activities would create visual and noise impacts, as well as safety concerns resulting from the anticipated additional traffic on these local roads.

**Outstanding objections to the application**

The application has received seven (7) objections to the proposed use. Matters raised by objectors that can be considered are set out below:

- Inappropriate use within the Farming Zone
- Uncertainties about the type of waste that would be disposed at the site
- Amenity impacts including the visual appearance of trucks disposing of waste, noise of vehicles and pumps, etc.
- Impacts on tourism
- Bushfire risk as a result of the lack of land management on the site
- Environmental concerns including the lack of weed management and impact on native vegetation and wildlife, and the structural integrity of the ponds
- Vehicle routes to and from the site and the number of trips
- Potential flooding and run-off concerns

The following responds to some of these objections:

**Inappropriate use within the Farming Zone**

As discussed above, the proposed use has been assessed against the provisions of the Farming Zone and is found to be inconsistent with the purpose and decision guidelines of this zone.

**Uncertainties about the type of waste that would be disposed at the site**

As discussed above, the applicant has indicated that the type of material to be disposed at the site would consist of non-prescribed industrial waste, however there is the possibility that other materials classified as Prescribed Industrial Waste
(containing oils, lubricants or other contaminants) could be present in the excess fluid that were not detected as part of the site assessment.

Amenity impacts including the visual appearance of trucks disposing of waste, noise of vehicles and pumps, etc.

As discussed above, the proposed use is likely to result in amenity issues in terms of the visual and noise impacts of the heavy vehicles and pumps.

Impacts on tourism

The proposed site is located within close proximity to the Castlemaine Diggings Heritage Park (located south of Specimen Gully Road) and the Goldfields Track (further east along Specimen Gully Road). Their importance to the Shire’s tourism is recognised by local policy at Clause 21.9-3. It is unknown however as to whether the proposed use would cause adverse impacts on tourism in the area.

Bushfire risk as a result of the lack of land management on the site

The application does not include any information about land management practices in order to minimise bushfire risk. It is noted however that as the proposal is for the use only and no development is proposed, the Bushfire Management Overlay is not a trigger for the planning permit and therefore a Bushfire Management Plan addressing bushfire protection measures is not required.

Environmental concerns including the lack of weed management and impact on native vegetation and wildlife, and the structural integrity of the ponds

As discussed above, the application does not mention any details about land management practices on the site.

Vehicle routes to and from the site and the number of trips

As discussed above, the proposed use is likely to cause amenity issues resulting from the movement of heavy vehicles to and from the site.

Potential flooding and run-off concerns

The application was referred to the North Central Catchment Management Authority, the relevant floodplain authority. No objection was received, subject to a condition requiring details engineering plans and computations demonstrating that internal drains and dams are designed to hold runoff from the site from storm events up to and including the 10% AEP storm event.

5. Financial and Resource Implications

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

6. Consultation

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.

Seven (7) objections were received. An applicant / objector meeting was held on 20 December 2016.
External Referrals

- Goulburn Murray Water
  No objection subject to conditions.
- North Central Catchment Management Authority
  No objection subject to conditions.
- Environment Protection Authority
  No objection subject to conditions.
- Department of Environment, Land, Water and Planning
  No objection subject to conditions.
- VicTrack
  No response received.

Internal Referrals

- Infrastructure Unit
  No objection subject to conditions
- Environmental Health
  No objection subject to conditions
- Environment Officer
  No objection subject to conditions

7. Conclusion

Council has received an application for the use of land for refuse disposal at Lot 2 PS527997E – 192 Peelers Road Barkers Creek. The site is located within the Farming Zone and is covered by the Bushfire Management Overlay.

The application is considered to be inconsistent with the purpose and decision guidelines of the Farming Zone, particularly in terms of environmental issues. The proposal is also contrary to various State and local planning policies, particularly those relating to the protection of the natural environment and rural landscape and character.

The application has been assessed against the provisions of the Planning Scheme and does not meet the requirements.

It is recommended that this application be refused.
RECOMMENDATION

That Council issue a Notice of Refusal to Issue a Planning Permit for the use of the land for a refuse disposal at Lot 2 PS527997E, 192 Peelers Road Barkers Creek, on the following grounds:


2. The proposed use is considered to be incompatible with the surrounding existing rural and residential uses; and

3. The proposed use is contrary to the purpose and decision guidelines of the Farming Zone.
ECO 05  PLANNING PERMIT APPLICATION 210/2015 – USE OF AN EXISTING BUILDING AS A SHOP, WORKS ASSOCIATED WITH PROVISION OF CARPARKING, DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE AND PROVISION OF CARPARKING ON ANOTHER SITE, AT LOTS 1 & 2 LP135640, 47-49 LYONS STREET, NEWSTEAD (PA210/2015)

Responsible Director: Director Sustainable Development
Responsible Officer: Manager Development Services
Original Document: DOC/17/2098

1. Purpose

The purpose of this report is to enable Council to make a determination on Planning Permit Application PA210/2015 for the use of an existing building as a shop, works associated with car parking, display of business identification signage, and for providing some of the required car parking spaces on another adjacent site, at Lots 1 & 2 LP135640, 47-49 Lyons Street, Newstead. The application has been referred to Council for decision as there is one outstanding objection and officers are recommending the issue of a notice of decision to grant a planning permit.

Refer to:

Attachment ECO 05A: Context and site aerial
Attachment ECO 05B: Final plans submitted with application

2. Background

The application was lodged on 10 August 2015 and seeks approval for the use of an existing building as a shop, works associated with car parking, display of business identification signage and provision of car parking on another site, within the township zone. The business has commenced operation and this is, therefore, a retrospective permit application for an existing use, signage and works.

The subject site is approximately 400 metres to the east of the Maldon-Newstead Road and Lyons Street (Pyrenees Highway) intersection. The site is made up of 2 lots forming an irregular shaped site located at the northern side of Lyons Street. The site has an area of approximately 7,500m2.

The site has a frontage of 77.65 metres to Lyons Street at its southern boundary. Vehicle access is provided from Lyons Street via existing access. Lyons Street is a category 1 road.

The site contained a single dwelling with a garage and an old service station, workshop building and 3 associated outbuildings. Internal fencing separates the dwelling and its curtilage from the service station building and the balance of the site, although the fencing does not conform to lot boundaries. The site is mainly clear of vegetation with some scattered vegetation along the Eastern boundary and is generally flat.

The site is located within the Township Zone. No overlays affect the site. An indicative area of Aboriginal cultural heritage sensitivity covers the site. The surrounding area is mainly Township Zone and developed with dwellings and shops characteristic of a small rural town. There are some Public Use Zones and Public Conservation and Resource Zones nearby and land to the north over Cameron Road becomes Farming Zone.
The application proposes to use the existing service station building as a retail shop, erect business identification signage on the front and east of the building and provide car parking on a large vacant area to the east of the shop.

3. **Policy and Statutory Implications**

**State Planning Policy Framework (SPPF)**

*Clause 17.01-1 Business*

This clause aims to encourage development which meet the communities’ needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

*Clause 18.02-5 Car parking*

The objective of this clause is to ensure an adequate supply of car parking that is appropriately designed and located.

**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.

The policy identifies a hierarchy of urban centres, their role being defined by levels of population, services and physical characteristics. Newstead is identified as a local community centre for convenience shopping for the township and surrounding rural hinterlands.

*Clause 21.09-1 Commercial*

The relevant objective of this clause is to ensure the commercial areas in the small towns in the Shire are attractive and viable. Strategies encourage local convenience shopping and promote the re-use of underutilised sites.

*Clause 21.12-4 Newstead*

This clause includes policy relating to the land use and development of Newstead which aims to ensure that any proposed use or development in Newstead is generally consistent with the Newstead Land Use Framework Plan.

The Newstead Land Use Framework Plan identifies the subject site as having potential for light industry or service business.

**Zoning**

*Clause 32.05 Township Zone (TZ)*

The use as a shop and works associated with the construction of a car park requires a permit under Clauses 32.05-1 and 32.05-8, respectively, of the Township Zone.

**Overlays**

Nil.
Particular provisions

Clause 52.05 Advertising Signs

This clause includes policy relating to regulating the display of advertising signage ensuring that signage does not impact neighbourhood character and amenity and does not contribute to excessive visual clutter.

The Township Zone is in Category 3 of clause 52.05, providing for medium limitation. Display of any business identification signage requires a permit under 52.05-9.

Clause 52.06 Car Parking

This clause aims to ensure car parking is provided in accordance with State and Local Planning policy Framework. It also aims to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality whilst making sure that car parking will not adversely affect the local amenity.

The number of car parking spaces should be provided for new uses in accordance with the Table 1 to clause 52.06-5. The provision for car parking on another site requires a permit under Clauses 52.06-3 of Car Parking.

Aboriginal Heritage Act 2006

Section 52 of the Aboriginal Heritage Act (2006) requires that a statutory authorisation must not be given for an activity unless a cultural heritage management plan is approved under the Act for the activity. This only applies if preparation of a cultural heritage management plan is required by the Aboriginal Heritage Act.

The proposal does not require the preparation of a cultural heritage management plan as the activity area has been subject to significant ground disturbance, therefore is not within an area of cultural heritage sensitivity. Thus, a cultural heritage management plan is not required under the Aboriginal Heritage Regulations 2007 and authorisation can be given for the activity.

4. Issues

Use of the site as a shop

The site is located within the township zone. The general purpose of this zone is to provide for a range of land uses in small towns. Given the broad range of land permissible land uses within the zone, it is important to consider the impact of a new use on the existing land uses.

The proposed use as a shop is generally compatible with residential uses that surround the site. The application does not propose any new buildings on the site which may result in amenity impacts on adjoining properties. In general, the use as a shop has a lesser degree of potential amenity impacts that the previous use of the site as a service station.

The Newstead Land Use Framework Plan identifies this site as a potential location for light industry or service business. While the application is not for a light industry or a service business, the proposal does not reduce the potential of the site to be used for these activities in the future as the basic characteristics of the site will not change.
It is therefore considered that the use of the land for a shop is consistent with the provisions of the planning scheme.

**Supply and location of car parking**

Clause 52.06 outlines the number of car parking spaces to be provided for specific uses. A shop should be provided with 4 spaces per 100sqm of leasable floor area, rounded down to the nearest whole number. A permit is not required if the number of spaces required under Table 1 are provided. A permit is required to provide any or all the spaces required under clause 52.06 on another site.

The proposed shop is located within a building having a floor area of 386sqm. In accordance with the table in clause 56, the proposal should supply 15 car parking spaces.

The application has indicated that sufficient area exists to provide for the required number of car parking spaces on vacant land of lot 2 to the east of the shop. As these spaces are proposed to be provided on another site, a permit is required under Clause 52.06-3. As a permit is not required for the reduction or waiver of spaces, only the location of the spaces is considered as part of this assessment.

Decision guidelines relating to an application to provide car parking on another site include:

- The proximity of the car parking on the alternate site to the subject site.
- The likelihood of the long term provision and availability of the car parking spaces.
- Whether the location of the car parking spaces is consistent with any relevant local policy or incorporated plan.
- Any other matter specified in a schedule to the Parking Overlay.

In relation to the decision guidelines outlined above, the location is immediately adjacent to the proposed use, being on land which is part of the larger property.

While this site is a separately transferrable parcel of land, there is a high likelihood of the long term availability of parking on the site given the long-term association of the commercial building and the remainder of the site.

There is no local policy or incorporated plan referring to preferred parking locations or precincts and there is no parking overlay which applies to the site which would require consideration of the last two dot points outlined above.

Overall, it is considered that the proposal to provide car parking on the adjacent lot is appropriate for the site and the context.

It noted that the applicant provided plans that provided for more than the required number of car parking spaces. While this does not require a permit, it is considered that provision of the number of spaces in Table 1 of clause 52.06-5 is sufficient in meeting the purpose of this policy and that additional provision is not required.

**Display business identification signage**

The application proposes to display four separate signs identifying the business and its offerings.
The signage is generally in locations previously occupied by signage for the service station on the front of the building and on the free-standing pole sign. An additional sign is proposed on the eastern façade of the building.

The materials and colours are non-reflective muted tones and are relatively unobtrusive in the context of the area.

The location, design and extent of the proposed signage is considered appropriate for the site and the locality, being on the main road of Newstead.

**Outstanding objections to the application**

One submission was received and not withdrawn. The objector’s concerns can be summarised as follows:

*Concerns regarding noise, fumes, and other impacts that may be caused by other activity occurring in another building on the site.*

This permit application relates only to using the former service station for a retail use. The use of a separate building for ‘metal-smithing’ as described in the objection and any related noise or fumes do not form part of the activities considered in this permit application.

If there is a separate issue with such activities these could be investigated either by Council’s enforcement officer if appropriate, or possibly by the police if it relates to a matter of public nuisance under common law.

*Establishment of a car park on lot 2.*

The plans supplied with the application indicate 8 spaces to be provided in an existing road/driveway area adjacent to the road in front of the existing fence and an additional 20 spaces in a clear area of land behind the existing fence.

The proposed plan provides for 13 spaces which are superfluous to what would be required for the proposed use under clause 52.06. The number of spaces included on the plans suggest a greater intensity of parking than what is actually required for the proposed use.

Despite the previous use as a service station, which would have resulted in a large number of vehicle movements at the front of the site, amenity impacts as result of the car park on the adjacent dwelling should be considered and addressed as part of the car park design.

Given the context of the site, being adjacent to a main road, and the previous use of the site, it is considered that the car park would not result in an unacceptable outcome in terms of amenity impacts on neighbouring properties in relation to vehicle noise. Additionally, the hours of operation for the shop is between standard business hours, which will not require installation of lighting.

The inclusion of appropriate screening to the common boundary where car parking is proposed to be located would adequately address any amenity impacts resulting from the establishment of the car park.

**5. Financial and Resource Implications**

Cost of potential appeal to the Victorian Civil and Administrative Tribunal.
6. 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

External Referrals

- Environmental Protection Agency
  No objection subject to conditions

- VicRoads
  No objection subject to conditions

Note: EPA is not a referral authority as defined under section 55 of the Planning and Environment Act 1987. The application was referred to EPA for comment only. The recommendation for decommissioning the existing fuel tanks has not been included as part of recommended conditions as this would only be considered appropriate if a sensitive land use (i.e. residential accommodation) was proposed for the site. The conditions recommended by Council’s environmental health department are considered appropriate for the current application.

Internal Referrals

- Infrastructure Unit
  No objection subject to conditions

- Environmental Health Unit
  No objection subject to conditions

7. Conclusion

Council has received a planning permit application for the use of an existing building as a shop, works associated with car parking, display of business identification signage and provision of car parking on another site, at Lots 1 & 2 LP135640, 47-49 Lyons Street, Newstead. The site is located within the township zone with no overlays applying to the site.

One objection was received which raised concerns relating to the car parking.

The site is appropriately placed for a shop and the proposed signage and location of car parking is considered appropriate for the location.

The proposal has been assessed as being generally in accordance with relevant provisions of the planning scheme.

It is recommended that Council issue a Notice of Decision to Grant a Permit subject to conditions.
RECOMMENDATION

That Council issue a Notice of Decision to Grant a Planning Permit for the use of an existing building as a shop, works associated with car parking, display of business identification signage and provision of car parking on another site, at Lots 1 & 2 LP135640, 47-49 Lyons Street, Newstead subject to the following conditions:

1. PLANS REQUIRED
   1.1. Prior to the commencement of the use and/or development approved by this permit, amended plans must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with those supplied with the application but modified to show:

   a) An amended site plan which includes a car parking area providing for:
   i. A total of 15 car parking spaces including a disabled car parking space in accordance with AS2890.0-2009 (disabled);
   ii. Car parking bays and access ways designed in accordance with clause 52.06-8 of the planning scheme and the requirements of Council's infrastructure unit;
   iii. Inclusion of visual screening to the eastern boundary of Lot 2 which may include a combination of fencing and/or landscape planting.

2. NO LAYOUT ALTERATION
   2.1. The use and/or 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. USE OF LAND
   3.1. The proposed use must be managed to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected through the:

   a) Transport of materials, goods or commodities to or from the land.
   b) Appearance of any building, works or materials.
   c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

4. VICROADS REQUIREMENTS
   4.1. The location and details of the signs shown on the endorsed plans must not be altered without the written consent of the Responsible Authority,
   4.2. The signs must be contained within the property line; no part of the structure is permitted to protrude beyond the property line and into the road reserve,
   4.3. The signs must be constructed and maintained to the satisfaction of the Responsible Authority,
   4.4. The signs must be professionally manufactured from non-reflective or non-fluorescent materials,
4.5. The sign must not display features/create an effect that could be mistaken for a traffic sign or signal, for example, a potential road hazard may be created, because it contains red, green or yellow lighting, or has red circles, octagons, crosses or triangles, or large reflective or illuminated arrows,

4.6. If a sign is illuminated, the source of the lighting must not be visible from any part of the declared road/highway,

4.7. If a sign is illuminated, any illumination must not be flashing, nor cause dazzle to the declared road/highway traffic.

5. INFRASTRUCTURE REQUIREMENTS

5.1. The allocation of dedicated parking areas provided within premises for loading and unloading purposes with the current and planned use.

5.2. Car parks

Areas set aside for the parking of vehicles together with the aisle and access lanes must be properly formed to such levels that they can be utilised in accordance with the endorsed plans and must be drained and provided with an all-weather seal coat. The area must be constructed, drained and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

5.3. Areas set aside for parking and movement of vehicles as shown on the endorsed plan(s) must be made available for such use and must not be used for any other purpose.

5.4. Line marking

Line marking for the boundaries of all car spaces, delivery and loading areas, traffic exclusion zones, driveways, pedestrian walkways, the vehicle entry and exist points and the direction in which vehicles should proceed along the lanes must at all times be clearly indicated on the ground to the satisfaction of the Responsible Authority.

5.5. Directional Sign

Applicant to install directional signs to encourage the vehicles entering the premises to access the premises via the Pyrenees Hwy service road.

5.6. A sign or signs must be provided to the satisfaction of the Responsible Authority to direct drivers to the on-site car-parking area(s). Such sign(s) must be located in the vicinity of the frontage of the subject land and maintained to the satisfaction of the Responsible Authority.

5.7. Loading and Unloading

The loading and unloading of vehicles and the delivery of goods must at all times be undertaken within the boundaries of the subject land.

5.8. Sediment pollution Control

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

5.9. Consent for construction works

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.
5.10. Existing infrastructure conditions

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.

5.11. Prior to commence any works the owner / applicant must submit to the responsible authority a written report and photos of any prior damage to public infrastructure. List in the report must be the condition of the kerb & channel, footpath, seal, street lights, signs and other public infrastructure fronting the property.

5.12. Statement of compliance

Before the use and/or development permitted by this permit starts, the driveways and paving must be installed to satisfaction of council in accordance with the approved amended plans.

6. ENVIRONMENTAL HEALTH REQUIREMENTS

6.1. The ongoing management of any underground tanks should be in line with the Environmental Protection Authority publication 888.4 Guidelines on the Design, Installation and Management Requirements for Underground Petroleum Storage Systems (UPSSS).

6.2. In the event that the fuel tanks are to be removed, the owner/applicant shall comply with the Environmental Protection Authority publication 888.4 Guidelines on the Design, Installation and Management Requirements for Underground Petroleum Storage Systems (UPSSS) when decommissioning the fuel tanks.

7. PERMIT EXPIRY

7.1. Development and use of land expires if:

a) The development or any stage of it does not start within two (2) years of the date of this permit; or

b) The development or any stage of it is not completed within four (4) years of the date of this permit; or

c) The use does not start within two (2) years after the completion of the development; or

d) The use is discontinued for a period of two years.

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

The East facing wall of the shop space/garage.

The south facing wall of the shop space/garage (street view).
9.4. **BUILDING SUSTAINABLE COMMUNITIES (COM)**

**COM 04 REVIEW OF DOG AND CAT REGISTRATION FEE REDUCTION POLICY**

*Responsible Director:* Director Sustainable Development  
*Responsible Officer:* Manager Development Services  
*Original Document:* DOC/16/50655

1. **Purpose**

The purpose of this report is to present to Council the reviewed Dog and Cat Registration Fee Reduction Policy.

Refer to:

Attachment COM 04A: Draft Dog and Cat Registration Fee Reduction Policy

2. **Background**

The purpose of this policy is to provide a consistent procedure for the consideration of requests for:

- A refund of pet registration fees, or
- A reduced pet registration fee for periods less than the full registration year.

The current Dog and Cat Registration Fee Reduction Policy was adopted by Council in 2011 and is due for review.

There are only minor administrative edits to the current policy and no significant changes are recommended. It continues to reflect best practice and the requirements under the Domestic Animals Act 1994 (the Act).

3. **Policy and Statutory Implications**

The Act makes provision for councils to charge a pro rata fee for animal registration which represents a proportion of the year for which the animal is registered.

Section 15 of the Act states a resolution must make provision for matters including the circumstances in which a fee or part of a fee may be refunded.

4. **Issues**

The policy allows for the refund of a pet registration fee in circumstances where a pet dies.

The policy allows for a pro-rata registration fee where ownership of a new pet part way through the registration year occurs.

The policy recommended is consistent with the Act and with the practices of neighbouring councils. No material changes are required to the current policy.

5. **Financial and Resource Implications**

The financial implications related to this policy involve reduced income on pet registrations. This is taken into consideration as part of council's annual budget process.
6. Consultation

A review of neighbouring councils and their policy on dog and cat fee reduction was conducted. Council’s practice is consistent with neighbouring councils.

7. Conclusion

The purpose of the Dog and Cat Registration Fee Reduction Policy is to provide a consistent practice for the consideration of requests for refunding pet registration fees and applying a pro rata fee for periods less than the full registration year.

The policy recommended is required under the Domestic Animals Act 1994 and is consistent with the requirements of the Act.

RECOMMENDATION

That Council adopts the reviewed Dog and Cat Registration Fee Reduction Policy.
**Dog and Cat Registration Fee Reduction Policy**

**Attachment COM 04A**

**Category:** Local Laws

**Adoption:** Council  
**Date:** TBC

**Review period:** Three years

**Responsible Manager:** Manager Development Services

**CEO Signature**

**Date**

---

**Purpose / objective:**

The purpose of this policy is to provide a consistent procedure for the consideration of requests to:

- Refund pet registration fees, or
- Apply a reduced fee for periods less than the full registration year.

**Scope of this policy?**

The policy applies to any person who resides in the Mount Alexander Shire, owns a dog or a cat and applies to Council to register their dog or cat.

**Background / reasons for policy:**

To ensure consistency and transparency in our dealings with customers in relation to animal registration and the requirements of the Domestic Animals Act 1994.

The pet registration year runs from 9 April in one year until 10 April in the following year and is set in the Domestic Animals Act 1994.

Dog or cat owners will seek either a refund of a registration fee or a reduced registration fee for periods less than the full registration year. These requests generally come as a result of:

- The death of a pet; or
- Ownership of a new pet part way through the registration year.
Dog and Cat Registration Fee Reduction Policy

Policy content:

That Council will:

- Refund any dog or cat registration fee if the animal dies within one month of the fees being paid;

- Charge pro-rata registration fees where a new animal is registered on or after 10 April in any year as follows:
  - 10 April to 31 October – full fee
  - 1 November to 31 January – 50% of fee
  - 1 February to 9 April – tag charges only

The above pro-rata fees only apply to the registration of new animals. They do not apply to any renewals or registrations which have not been paid on time, or to persons who have failed to register their dog or cat on acquisition.

Responsibilities:

<table>
<thead>
<tr>
<th>Position</th>
<th>Roles and Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director</td>
<td>To oversee the implementation of this policy.</td>
</tr>
<tr>
<td>Managers</td>
<td>To ensure awareness of and adherence to this policy.</td>
</tr>
<tr>
<td>Coordinators</td>
<td>To ensure the policy is being followed by staff.</td>
</tr>
<tr>
<td>Local Laws Officers, Customer Service and Business Support Officers</td>
<td>To ensure the policy is being applied.</td>
</tr>
</tbody>
</table>

Related policies:

N/A

Relevant Legislation:

Purpose

The purpose of this report is to receive the Victorian Electoral Commission’s report on the 2016 general election for Mount Alexander Shire Council.

Refer to:


Background

The 2016 general election was undertaken by the Victorian Electoral Commission, in accordance with Schedule 2, Clause 1 (1) of the Local Government Act 1989 (the Act), which states:

(1) The Victorian Electoral Commission is responsible for conducting elections and polls under this Act.

The Mount Alexander Shire Council general election was held by post on 22 October 2016.

Policy and Statutory Implications

Schedule 3, Clause 14 of the Act requires the following:

(1) The returning officer must prepare a report to the Chief Executive Officer on the conduct of the election within the period of 3 months after election day.

(2) The report must include a certified record of the number of ballot-papers and declarations printed, issued, used, spoiled and returned.

(3) The Chief Executive Officer must ensure that the report is submitted to the Council at the earliest practicable meeting of the Council held after the report is received by the Chief Executive Officer.

The report on the 2016 general election for the Mount Alexander Shire Council was received by the Chief Executive Officer on 20 January 2017. This is the first Meeting of Council since the report was received.

Issues

The report describes the election process and collation of activity rates and election materials. The election was conducted as required by the Act and the report meets the requirements prescribed in Schedule 3, Clause 14.

There were no significant issues arising from the 2016 general election. However there were key changes to the Local Government (Electoral) Regulations 2016, which introduced the following changes in time for the 2016 general election:
Extended postal vote receipt period

This provided an extended period for receipt of postal votes. This meant that votes postmarked as sent by 6.00pm on Friday 21 October 2016, could be received and accepted into the count provided they were received by 12.00 pm on Friday October 2016.

Introduction of the candidate questionnaire

This provided a set of prescribed questions that candidates were invited to answer, these were then made available on the VEC website.

Changes to indication of preferences

This removed the opportunity for candidates at elections held by postal voting to lodge an indication of preferences for inclusion in the ballot pack mailed to voters.

Voter response and election conduct

The number of ballot papers received through the post by 6.00pm on 21 October was 8,134. The extension of time for receipt of postal votes resulted in the inclusion of a further 1,166 ballot papers into the count. This amount represents 12.5% of the total returned votes and illustrates the sound basis for the extension of time for receipt of postal votes.

The vote return rate for the whole of Mount Alexander Shire was 76.99%. This rate was marginally lower than the rate of returned votes in 2016, which was 79.0%, but compares well the State average in 2016 of 75.67%.

The informal vote rate was 2.75%, which is an increase from 2012 which saw an informal vote rate of 2.26%. The rate for the Shire in 2016 was lower than the State average for the 2016 election of 6.06%.

Two written complaints were received in relation to the 2016 election, which were in relation to the conduct of a participant in the election.

5. Financial and Resource Implications

There are no financial implications relating to the receipt of this report. The total budget allocated for the 2016 general election in 2016/2017 Budget was $169,000, which covers the direct cost of the VEC conducting the election and subsequent non-voter costs, as well as ancillary costs such as the councillor transition program and a councillor support kit.

6. Consultation

The VEC sought feedback from the Manager Governance and Customer Service on the conduct of the election. The feedback provided to the VEC was that the election had been conducted well and there were no issues to report to the VEC.

7. Conclusion

The VEC is required to prepare a report and provide it to the CEO within three months of an election. That report was received on 20 January 2017. The CEO is then required to submit the report to the first possible Council Meeting following its receipt. This is the first Council Meeting held since the report was received.
RECOMMENDATION

That Council note the VEC report on the Mount Alexander Shire Council 2016 general election.
10. DELEGATES REPORTS

11. NOTICE OF MOTION

12. URGENT SPECIAL BUSINESS

13. MEETING CLOSE