AGENDA

FOR THE ORDINARY MEETING OF COUNCIL
TO BE HELD ON
TUESDAY 22 NOVEMBER 2016
COMMENCING AT 7.30 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.
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10. **DELEGATES REPORTS**  

11. **NOTICE OF MOTION**  

12. **URGENT SPECIAL BUSINESS**  

13. **MEETING CLOSE**  

**SEPARATE ATTACHMENTS:**

- Separate Attachment 7.1: [Loddon Mallee Local Government Waste Forum Meeting Minutes 29 February, 23 May and 29 August 2016](#)
- Separate Attachment COM 62A: [Panel Report - Mount Alexander Planning Scheme Amendment C78, October 2016](#)
- Confidential Attachment COM 66A: [Tender Evaluation Report M1288-2016 - Property Renewals – Community Halls](#)
- Confidential Attachment COM 67A: [Tender Evaluation Report - M1277-2016 Local Road Reseal Program](#)
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 – 11 AND 18 OCTOBER AND 8 NOVEMBER 2016

The unconfirmed minutes of the Ordinary and Special Meetings of the Mount Alexander Shire Council held at 7.30 pm on 11 October 2016, 5.00 pm on 18 October 2016 and 7.30 pm on 8 November 2016 at the Mount Alexander Shire Civic Centre have been circulated to Councillors.

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

RECOMMENDATION

That the Minutes of the Ordinary and Special Meetings of the Mount Alexander Shire Council held on 11 and 18 October 2016 and 8 November 2016 be confirmed.
5. PUBLIC QUESTION TIME

6. PETITIONS AND JOINT LETTERS

No petitions or joint letters received.

7. COMMITTEE REPORTS

7.1. LODDON MALLEE LOCAL GOVERNMENT WASTE FORUM MEETINGS

The unconfirmed Minutes of the Loddon Mallee Local Government Waste Forum meetings held on 29 February, 23 May and 29 August 2016 are at Separate Attachment 7.1.

RECOMMENDATION

That the unconfirmed Minutes of the Loddon Mallee Local Government Waste Forum held on 29 February, 23 May and 29 August 2016 meetings be noted.
8. ASSEMBLIES OF COUNCILLORS

8.1. ASSEMBLIES ON 4 OCTOBER, 11 OCTOBER, 18 OCTOBER 2016

RECOMMENDATION

That the Records for the Assemblies of Councillors on 4 October, 11 October, and 18 October 2016 be entered into the record of this meeting (Attachments 8.1, 8.2 and 8.3).
ASSEMBLY OF COUNCILLORS RECORD  
4 OCTOBER 2016  
AT 2.00 PM IN THE 
COUNCIL CHAMBER,  
MOUNT ALEXANDER SHIRE CIVIC CENTRE 
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.

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1. **PRESENT**
   Councillors: Tony Cordy, Chris Cole, Tony Ball, Christine Henderson, Bronwen Machin, Michael Reddon and Sharon Telford

   Officers: Acting Chief Executive Officer (Lucy Roffey), Director Sustainable Communities (Vicky Mason), Acting Director Sustainable Development (Wayne O'Toole), Manager Development Services (Rebecca Stockfeld, Items 6.1 and 6.2) and Acting Senior Town Planner (Tim Blackie, Items 5.1 and 6.2), Youth Development Officer (Mel Fowler, Item 6.3), Events Coordinator (Karen Evennett, Item 6.4) and Manager Community Partnerships (Gaynor Atkin, Item 6.5).

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.

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<th>Councillor left meeting?</th>
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<th>Time Returned</th>
</tr>
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<tbody>
<tr>
<td>5.1. Maldon-Castlemaine Rail Trail</td>
<td>No</td>
<td></td>
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<tr>
<td>5.2. Meeting with Minister relating to Tarran Valley</td>
<td>No</td>
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<td>5.3. Road work requests</td>
<td>No</td>
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<td>5.4. Disability Advisory Committee</td>
<td>No</td>
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<td>5.5. Condition of Calder freeway</td>
<td>No</td>
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<tr>
<td>5.6. Loddon malliee Regional Mayors and CEOs meeting recap</td>
<td>No</td>
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<td>5.7. Waste to Energy grant</td>
<td>No</td>
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<tr>
<td>6.1 PA025/2016: 5-7 Chapel Street (Maldon Retirement Village)</td>
<td>No</td>
<td></td>
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<tr>
<td>6.2 PA139/2016: 3643 Harmony Way (Harcourt Miniature Railway)</td>
<td>No</td>
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<tr>
<td>6.3 Quick Response Youth Grants</td>
<td>No</td>
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<td>6.4 Events Policy and Protocol</td>
<td>No</td>
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<tr>
<td>6.6 Section 86 Workshop Part 2</td>
<td>No</td>
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</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 5.25 pm.
ASSEMBLY OF COUNCILLORS RECORD
11 OCTOBER 2016
AT 6.30 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.

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1. PRESENT

Councillors: Tony Cordy, Chris Cole, Tony Bell, Christine Henderson, Bronwen Machin, Michael Redden and Sharon Telford

Officers: Chief Executive Officer (Darren Fuzzard), Director Corporate Support (Lucy Roffey), Acting Director Sustainable Development (Wayne O'Toole) and Director Sustainable Communities (Vicky Mason).

Visitors: nil

2. APOLOGIES

Nil

3. PURPOSE OF THE MEETING

The purpose of the meeting was to brief Councillors on items that will be considered at the Ordinary Meeting of Council on Day Month 2014 and to discuss matters of interest which impact the Shire.

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<th>Matter Discussed</th>
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<th>Councillor Name</th>
<th>Councillor left meeting?</th>
<th>Time left</th>
<th>Time Returned</th>
</tr>
</thead>
<tbody>
<tr>
<td>ECO 64 PA025/2016: 5-7 Chapel Street (Maldon Retirement Village)</td>
<td>Yes</td>
<td>Telford</td>
<td>Yes</td>
<td>6.45 pm</td>
<td>7.08pm</td>
</tr>
<tr>
<td>ECO 65 PA139/2016: 3643 Harmony Way (Harcourt Miniature Railway)</td>
<td>No</td>
<td></td>
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<tr>
<td>COM 60 Review of rates and charges collection and hardship policy</td>
<td>No</td>
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</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 7.21 pm.
ASSEMBLY OF COUNCILLORS RECORD
18 OCTOBER 2016
AT 1.30 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.

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5. MEETING CLOSE 2
1. **PRESENT**

Councillors: Tony Cordy, Chris Cole, Tony Ball, Christine Henderson, Bronwen Machin, Michael Redden and Sharon Telford

Officers: Chief Executive Officer (Darren Fuzzard), Director Sustainable Communities (Vicky Mason), Acting Director Sustainable Development (Wayne O’Toole), Director Corporate Support (Lucy Roffey), Manager Community Places and Spaces (Ben Grounds, Item 5.1), Active Communities Team Leader (Jacqui Phiddian, Item 5.1), Manager Healthy Environments (Ben Bowman, Item 5.2), Waste Management Officer (Michael Scott, Item 5.2), Manager Governance and Customer Service (Suellen Pepperell, Items 5.5 and 5.6) and Executive Assistant to the CEO (Shannon McMillan).

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.

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<th>Matter Discussed</th>
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<th>Councillor left meeting?</th>
<th>Time left</th>
<th>Time Returned</th>
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<tr>
<td>5.1 Aquatic facility/pool redevelopment</td>
<td>No</td>
<td></td>
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<tr>
<td>5.2 Landfill costs</td>
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<td></td>
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<td></td>
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<tr>
<td>5.3 Key priorities and Advocacy Plan</td>
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<td></td>
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<td>5.4 Planning for a new Council Plan</td>
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<td></td>
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<tr>
<td>5.6 Council meetings and briefings review</td>
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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 4.31 pm.
9. OFFICER REPORTS

9.1. A VIBRANT HEALTHY COMMUNITY (VIB)

NO REPORTS
9.2. BETTER COMMUNITY FACILITIES (BET)

BET 14 APPOINTMENTS TO SPECIAL COMMITTEES OF COUNCIL – ELPHINSTONE COMMUNITY FACILITIES, TARADALE RECREATION RESERVE AND WATTLE FLAT RESERVE

Responsible Director: Director Corporate Support
Responsible Officer: Manager Governance and Customer Service
Original Document: DOC/16/43160

1. Purpose

The purpose of this report is to request Council appoint the membership of the following special committees of Council:

- Elphinstone Community Facilities
- Taradale Recreation Reserve
- Wattle Flat Reserve

2. Background

These Committees are established by Council to exercise functions and powers and perform duties in relation to the management of Council facilities, being recreation reserves and halls.

3. Policy and Statutory Implications

Special committees of Council are formed under Section 86 of the Local Government Act 1989 (the Act), to control and manage Council facilities and to act as a planning, promotion and co-ordinating body for the facilities.

Committee powers and administration are governed by an Instrument of Delegation from Council.

Council is the only party able to appoint members to these committees. Appointment provides the basis of appropriate governance arrangements for the committees in accordance with the Act.

All Instruments of Delegation allow for the Chief Executive Officer and his/her nominee, and the Ward Councillor to attend any meeting as ex-officio members.

4. Issues

Elphinstone Facilities committee of management

The Elphinstone Facilities committee of management held their Annual General Meeting on 13 July 2016 and Council received the Minutes on 20 September 2016. In line with its Instrument of Delegation, the Committee’s membership is for a one year term. The key Council contact is Council’s Active Communities Team Leader.

Taradale Recreation Reserve committee of management

The Taradale Recreation Reserve committee of management held their Annual General Meeting in July 2016 and Council received the Minutes on 19 September 2016. In line with its Instrument of Delegation, the Committee’s membership is for a
three year term. The key Council contact is Council’s Active Communities Team Leader.

**Wattle Flat Reserve committee of management**

The Wattle Flat Reserve committee of management held their Annual General Meeting on 31 March 2016 and Council received the Minutes on 24 October 2016. In line with its Instrument of Delegation, the Committee’s membership is for a one year term. The key Council contact is Council’s Active Communities Team Leader.

5. **Financial and Resource Implications**

   Nil.

6. **Consultation**

   Nil.

7. **Conclusion**

   As set out in the committee’s Instruments of Delegation, Council appointment of membership is required. The proposed appointments are consistent with the committee’s Instruments of Delegation. Only Council can make these appointments.

**RECOMMENDATION**

That Council:

1. Appoint the following persons to the Elphinstone Facilities, Taradale Recreation Reserve and Wattle Flat Reserve committees of management for the terms outlined and revoke the appointment of the retiring Committee members as listed:

   **Elphinstone Facilities committee of management**

<table>
<thead>
<tr>
<th>Name</th>
<th>Expiry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mike Reeves</td>
<td>12/07/2017</td>
</tr>
<tr>
<td>Elaine Geraghty</td>
<td>12/07/2017</td>
</tr>
<tr>
<td>Maree Priestley</td>
<td>12/07/2017</td>
</tr>
<tr>
<td>Gill Maskell</td>
<td>12/07/2017</td>
</tr>
<tr>
<td>Erin Downie</td>
<td>12/07/2017</td>
</tr>
<tr>
<td>Heather Morrison</td>
<td>12/07/2017</td>
</tr>
<tr>
<td>Cassie Gunter</td>
<td>Retired</td>
</tr>
</tbody>
</table>

   **Taradale Recreation Reserve committee of management**

<table>
<thead>
<tr>
<th>Name</th>
<th>Expiry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrew McLean</td>
<td>30/06/2019</td>
</tr>
<tr>
<td>Richard Shill</td>
<td>30/06/2019</td>
</tr>
<tr>
<td>Phil Leitch</td>
<td>30/06/2019</td>
</tr>
</tbody>
</table>
Wattle Flat Reserve committee of management

<table>
<thead>
<tr>
<th>Name</th>
<th>Expiry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bill Quirk</td>
<td>30/03/2017</td>
</tr>
<tr>
<td>Ellie Jacks</td>
<td>30/03/2017</td>
</tr>
<tr>
<td>Donna Allen</td>
<td>30/03/2017</td>
</tr>
<tr>
<td>Pam Mawson</td>
<td>30/03/2017</td>
</tr>
<tr>
<td>Lyn Ace</td>
<td>30/03/2017</td>
</tr>
<tr>
<td>Lyn Plumridge</td>
<td>30/03/2017</td>
</tr>
<tr>
<td>Alysha Mawson</td>
<td>30/03/2017</td>
</tr>
<tr>
<td>Stacey Tolley</td>
<td>30/03/2017</td>
</tr>
<tr>
<td>Louise Scott</td>
<td>30/03/2017</td>
</tr>
<tr>
<td>Tony Scott</td>
<td>30/03/2017</td>
</tr>
<tr>
<td>Kim Wills</td>
<td>Retired</td>
</tr>
<tr>
<td>Terina Leech</td>
<td>Retired</td>
</tr>
</tbody>
</table>

2. **Write to the Committees; confirming the appointments, welcoming new members and acknowledging retiring members and thanking them for their contribution to the Committee and their local community.**
9.3. A THRIVING LOCAL ECONOMY (ECO)

ECO 66 PLANNING PERMIT APPLICATION 121/2016 – USE AND DEVELOPMENT OF A DWELLING AND A SHED AND ASSOCIATED WORKS AT ALLOTMENT 2, SECTION 21 PARISH OF FRYERS, 253 FRYERS – TARADALE ROAD, FRYERSTOWN

Responsible Director: Director Sustainable Development
Responsible Officer: Manager Development Services
Original Document: DOC/16/42111

1. Purpose

The purpose of this report is to enable Council to make a determination on Planning Permit Application 121/2016 for the use and development of a dwelling, shed and associated works at Crown Allotment 2, Section 21 Parish of Fryers, 253 Fryers - Taradale Road, Fryerstown. The application has been referred to Council as there is one outstanding objection and officers are recommending approval.

Refer to:
Attachment ECO 66A: Context and site aerial.
Attachment ECO 66B: Final plans submitted with application.

2. Background

The application was lodged on 15 June 2016 and seeks approval for the use and development of a dwelling, shed and associated works. The site is located within the farming zone and is covered by the bushfire management overlay.

The subject site lies approximately two kilometres to the north east of Fryerstown and 4.8 kilometres south west of Elphinstone. The site is a corner allotment located at the north eastern side of the intersection of Fryers Tunnel Hill Road and Fryers – Taradale Road. The site has an area of 4,604m².

The site has a frontage of 72.42 metres to Fryers Tunnel Hill Road at its western boundary and a frontage of 80.47 metres to Fryers – Taradale Roads at its southern boundary. Vehicle access is from an existing access way off Fryers Tunnel Hill Road.

The site is currently vacant of buildings and is mainly clear of vegetation with some scattered trees in the centre of the site and some higher concentrations around the boundaries. The site generally slopes from the north east to the south west.

The site is located within the farming zone and is covered by a bushfire management overlay, the north and east boundaries abut land that is heavily vegetated and in the public conservation zone.

Nearby allotments of different sizes have been developed with dwellings. Both Fryers Tunnel Hill Road and Fryers – Taradale Roads are fully constructed gravel roads.

The proposed dwelling would be two bedrooms and constructed of lightweight cladding in an American barn style. A 20 metre by 10 metre colourbond shed is also proposed as part of the application. No plans have been supplied for the shed.

3. Policy and Statutory Implications
State Planning Policy Framework (SPPF)

Clause 11.04-5 Environment and water

This policy promotes the protection of natural assets and planning for water energy and waste management systems.

Clause 11.05 Regional development

The relevant policy within this clause promotes sustainable growth and development through a network of settlements identified in the Regional Victoria Settlement Framework Plan and managing land use change in rural areas.

Clause 12.01-1 Protection of biodiversity

This clause relates to the protection and conservation of Victoria’s biodiversity. In particular considering the change of land use or development that may affect biodiversity values of adjoining parks and wetlands.

Clause 13.05 Bushfire

This clause aims to protect the community and strengthen community resilience to bushfire by prioritising the protection of human life.

Clause 14.01 Agriculture

Relevant strategies within this clause relate to assessing the productivity of the agricultural land and making sure that productive agricultural land is protected.

Clause 14.02 Water

This policy relates to the protection of water quality and the protection and restoration (where possible) of water catchments, water bodies and groundwater.

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. Fryerstown is identified as a small rural community within the Shire which is which is seen as an attractive location for rural living.

Clause 21.03-3 Rural living

This clause offers an overview of the rural living within the Shire, acknowledging that rural living has been a part of the area for many years and that if it is carefully planned can have a positive impact.

Clause 21.04-1 Biodiversity

This clause aims to protect and improve biodiversity and habitat quality. Key issues include managing development at the urban-forest interface which poses a threat to native fauna, increases weed invasion and can increase fire risks.
Clause 21.04-3 Rural and landscape character
The objective of this clause is to ensure that the use and development of rural land does not detract from the appearance and character of the area.

Clause 21.05-5 Bushfire
This clause names areas of Fryerstown which are of high bushfire hazard and risk. Objectives of this clause surround the minimisation of risk and the protection of people and property.

Clause 21.06-1 Protection of agricultural land
The relevant objective to this clause relates to protecting the land water and other resources relied upon for agriculture. This includes discouraging the fragmentation of usable agricultural land.

Clause 21.06-2 Sustainable agricultural land use
This clause aims to minimise potential amenity impacts between agricultural uses and sensitive uses including rural lifestyle and increase resistance to change by diversifying the Shires agricultural base.

Clause 21.06-3 Water
This clause aims to improve water quality and waterway health within the shire. Some relevant strategies within this clause include ensuring that acceptable water quality standards are maintained and protect native vegetation and encourage appropriate revegetation to prevent land degradation, maintain water quality and protect biodiversity of flora and fauna species.

Zoning
Clause 35.07 Farming Zone (FZ)
The use and development of a dwelling, a shed and associated works requires a permit under Clause 35.07-1 and 35.07-4 of the Farming Zone.

A permit is triggered under Clause 35.07-1 as the development is proposed on a lot under 40 hectares in size. A permit is triggered under Clause 35.07-4 for building and works associated with a section 2 use, development within 100 metres of a registered watercourse and development within 20 metres of a road.

Overlays
Clause 44.06 Bushfire Management Overlay (BMO)
The proposal requires a permit under the BMO for buildings and works associated with accommodation. An application under this overlay must meet the requirements of clause 52.47, demonstrating that the development appropriately responds to bushfire hazard.

Particular provisions
Clause 52.47 Planning for bushfire
The purpose of this provision includes to ensure that the development of land prioritises human life and strengthens resilience to bushfire, ensure development is designed and sited to respond to bushfire risk and to specify measure for a single dwelling that reduces bushfire risk to an acceptable level.
Clause 52.47 contains a number of specific measures relating to siting, construction standards, water supply and emergency vehicle access that must be met by a development.

4. Issues

Strategic justification for development of a dwelling of the site

The site is located within the farming zone. The primary purpose of the farming zone is to provide for the use of the land for agricultural purposes and to ensure that uses, including dwellings, do not adversely affect the use of land for agriculture.

Decision guidelines of the farming zone aim to ensure that dwellings do not remove land from agricultural production, that the development of a dwelling will not lead to a proliferation of dwellings in the area and that development of a dwelling will limit the opportunity of ongoing operation or expansion of adjacent agricultural uses.

In some instances, however, the physical context of an area is at odds with the policy context. The subject site is located within a locality extending to the west between the site and the Fryerstown township which is comprised of a number of small farming zone allotments, predominantly consisting of ‘bush blocks’. The area to the north and east consists of heavily wooded public land.

The current context is one where no bona fide agricultural activity of any scale is being practiced, and agricultural activity would be heavily constrained by the 4604 square metre area of the land. Therefore, the development of the site with a dwelling will not impact on surrounding agricultural activity. Additionally, the area is not currently being utilised as farmland, but has taken on a rural residential pattern of development. The use of the subject site is consistent and compatible with surrounding land uses.

Overall, the proposal is considered consistent with the use and development in the surrounding area. The proposal is not contrary to the purpose of the farming zone and is consistent with the decision guidelines.

As the subject land abuts Crown land (Fryers Range State Park) to the north and east, management of the urban-forest interface is appropriate in this instance and can be achieved through the inclusion of conditions proposed by the Department of Environment, Land, Water and Planning.

Protection from bushfire

The proposal was submitted with a bushfire management statement which demonstrated that the development can be designed and sited to minimise the risk from bushfire.

The location adjacent to the Fryers Range State Forest poses a significant bushfire threat to the site and any development. Site topography and proximate road access are favourable factors for the site.

The application proposes a construction standard of BAL 29, defendable space to the property boundaries, water supply and access to the requirements of CFA. The application was referred to the CFA who had no objection to the proposal.
The application has demonstrated that bushfire risk can be reduced to an acceptable level through the design and siting of the dwelling and through the implementation of appropriate bushfire protection measures.

**Outstanding objections to the application**

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

*The development of this lot will compromise residential development density in the area.*

The locality is not one that contains agricultural activity, where a dwelling may jeopardise agricultural uses. The subject site is smaller than many of the surrounding allotments, but is also larger than other allotments all of which have been developed with dwellings. The proposal is consistent with the character and land use in the area which is characterised by a rural residential form.

*The block is too small to accommodate a dwelling.*

Relevant considerations in relation to the capacity of the block to support the use for a dwelling due to its size relate to treatment and disposal of wastewater and sufficient supply of defendable space. The proposal was lodged with a land capability assessment and a bushfire management statement both of which demonstrated that the relevant matters could be met on the site.

*The site is covered by the bushfire management overlay, is within an area of aboriginal cultural heritage sensitivity and is surrounded by crown land.*

The purpose of the bushfire management overlay is not to preclude development, but to identify areas where additional assessment must be undertaken to ensure development considers the bushfire risk which exists. As outlined above, the application was lodged with a bushfire management statement satisfactorily demonstrating how the development meets all relevant policy and can reduce risk from bushfire to an acceptable level.

The area is within an area of Aboriginal cultural heritage sensitivity as defined under Regulation 23 of the Aboriginal Heritage Regulations 2007 (the Regulations), being within 200 metres of Fryers Creek. The presence of the area of cultural heritage sensitivity does not preclude development of the site, but identifies an area where Aboriginal cultural heritage may be likely to be present.

Relevant to this application is whether the proposal triggers a requirement for preparation of a cultural heritage management plan under regulation 6 of the Regulations. Under Regulation 8(1)(a) of the Regulations, the construction of a single dwelling is an activity which is exempt from the preparation of a cultural heritage management plan regardless of being located within an area of cultural heritage sensitivity.

The site is surrounded to the east and south by Crown land. The application does not propose to use or access the Crown land as part of this application.

*The site is not suitable for a septic system due to the proximity to Fryers Creek.*

The application was submitted with a land capability assessment which outlined recommendations for wastewater management. The application was referred to Council’s Environmental Health unit and it did not object to the grant of a permit and determined that a wastewater unit could be installed on-site that met relevant EPA guidelines.
The lot is not currently serviced with reticulated power and servicing the lot with reticulated power would not be feasible.

Under clause 35.07-2 of the farming zone, use of the land for a dwelling must, amongst other things, “be connected to reticulated electricity supply or have an alternative energy source”. The provisions of this clause clearly allows alternatives to connection to a reticulated electricity supply.

The owner of the land would be responsible for arranging connection to the reticulated network, at their own cost and in accordance with the requirements of Powercor, or provide an alternative source of energy.

Development of this lot would cause a precedence to be set in the area for development of small lots, resulting in detrimental impact on amenity.

As outlined above, the area is already characterised by rural residential development. The proposal is consistent with the development and character of the surrounding area.

In addition, as the land abuts Crown land to the north and east, and roads to the south and west, it is unlikely to be considered viable for consolidation with a larger agricultural landholding. It is a very small farming zoned lot that is not viable for agricultural productivity.

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 2 signs were also placed on-site.

External Referrals

- Country Fire Authority
  
  No objection subject to conditions

- Department of Environment, Land, Water and Planning
  
  No objection subject to conditions

Internal Referrals

- Infrastructure Unit
  
  No objection subject to conditions

- Environmental Health Unit
  
  No objection subject to conditions

7. Conclusion

Council has received Planning Permit Application 121/2016 for the use and development of a dwelling, and a shed and associated works at Allotment 2 Section 21 Parish of Fryers, 253 Fryers - Taradale Road, Fryerstown. The site is located within the farming zone and is covered by a bushfire management overlay.

One objection was received which raised concerns relating to safety, consistency with surrounding development and setting a precedence.
The proposal has been assessed as being generally in accordance with relevant provisions of the planning scheme and is consistent with the use and development in the area.

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 a dwelling, and a shed and associated works at Crown Allotment 2, Section 21 Parish of Fryers, 253 Fryers - Taradale Road, Fryerstown subject to the following conditions:

1. **PLANS REQUIRED**
   1.1. Prior to the commencement of the development permitted by this permit, a plan of the proposed shed as indicated on the site plan must be submitted to and approved by the responsible authority. The plan must:
       a) Be drawn to scale and two copies provided.
       b) Show the floor plan, elevations and finished floor level.
       c) Include a material and colour schedule.

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 FOR A DWELLING**
   3.1. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
   3.2. The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
   3.3. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.
   3.4. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

4. **USE OF OUTBUILDING**
   4.1. The outbuilding approved by this permit must only be used as a non-habitable outbuilding and must not be used for any other purpose, specifically a dwelling, without the prior written consent of the responsible authority.

5. **DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING**
   5.1. Access to the site must only be from Fryers-Tunnel Hill Road.
   5.2. Prior to work commencing, the shared boundary with Crown land must be fenced to the satisfaction of the responsible authority and the Department of
Environment, Land, Water and Planning in accordance with the Fences Act 1968 and at the applicant’s expense. Fencing must be:

- Erected on the boundaries of the land.
- At least 1.2 metres in height.
- Stock and domestic pet proof.
- Without gates or openings on to adjoining Crown land.

5.3. There are to be no dwellings or buildings constructed within 5 metres of the Crown land boundary.

INFRASTRUCTURE REQUIREMENTS

6. DRAINAGE

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

6.2. The stormwater runoff from future buildings and paved areas must be directed to the legal point of discharge which should be to the creek running along southern boundary of the property subject to NCCMA approval.

6.3. The internal driveway access shall be constructed to appropriate engineering standards approved by council along with appropriate cut off table drains and cross culverts.

7. ACCESS

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

- 3.5 metre wide
- Appropriately sized reinforced concrete pipes 4.8 metre long centred on the crossover. Minimum size is 375 mm diameter.
- Low profile culvert end-walls to all culvert ends
- 100mm minimum compacted thickness of road base gravel from edge of pavement to property line
- No impeding or redirection of existing surface flows as a result of these works

7.2. 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)

7.3. REMOVAL OR TRIMMING OF ROAD RESERVE TREES.

If the applicant / property owner require removal or trimming of trees in the road reserve as part of the works permitted by this planning permit or as part of future works, all the cost associated with 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.
8. CONSENT FOR CONSTRUCTIONS

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.

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

9. CONSTRUCTION OF A DWELLING

9.1. 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.

10. ENVIRONMENTAL HEALTH REQUIREMENTS

10.1. 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 – On-site wastewater management.

10.2. 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.

11. GOULBURN-MURRAY WATER CONDITIONS

11.1. All wastewater from the proposed dwelling must be treated and disposed of using an EPA approved system, installed operated and maintained in compliance with the current EPA Code of Practice for Onsite Wastewater Management and Certificate of Approval.

11.2. All construction activities must follow sediment control principles outlined in “Construction Techniques for Sediment Pollution Control (EPA 1991).

11.3. 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. A reserve wastewater field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.

11.4. Where the following features are present in proximity to the subject land, the wastewater disposal area must be located:
   • Above the 1 in 100 year flood level;
   • At least 60 metres from any dams; and
   • At least 20 metres from any bores.

12. COUNTRY FIRE AUTHORITY REQUIREMENTS

12.1. MANDATORY CONDITION

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

The Bushfire Management Plan (page 19) in the Bushfire Management Statement prepared by Ecotide dated 02/03/2016 must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

12.3. PERMIT EXPIRY

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).

NOTES

Department of Environment, Land, Water and Planning

The adjoining Crown land is not to be used for access, storage of materials or rubbish. Any private use of Crown land requires consent and/or licensing from the Department of Environment, Land, Water and Planning.
Area depicted with cloud “Forest” Classification as per Bushfire Management Overlay report.

Existing Site Plan
1:500

T. Planning

NOTE:
Levels are taken at points across the site to obtain site fall and do not constitute a full site feature survey.

BAL Assessment: BAL 29
Refer to attached documentation from Ecostyle Pty Ltd.
All construction & materials must conform to AS3850-2002.
For further information refer to page 36.
NOTE:
Levies are taken at points across the site to obtain site fall and do not constitute a full site feature survey.

BAL Assessment: BAL 29
Refer to Fire Attack documentation from Blackfire Pty Ltd.
All construction & materials must conform to AS3959-2009.
For further information refer to page 10.

Proposed Site Plan
1 : 500

Proposed New Residence
253 Fryer-Taradale Rd, Fryerstown

T. Planning
1 Proposed North Elevation

2 Proposed South Elevation

T. Planning

BAL Assessment: BAL 29
Refer to attached documentation from Ecobuild Pty Ltd.
All construction & materials must conform to AS2550-2000.
For further information refer to page 50.

R. K. Pesina

253 Fryer-Taradale Rd, Fryerstown

Proposed New Residence

DATE: June 2016

JOB No: 1G 650
Proposed East Elevation
1 : 100

Proposed West Elevation
1 : 100

T. Planning
ECO 67  PLANNING PERMIT APPLICATION 139/2016 – USE AND DEVELOPMENT OF A RESTRICTED RECREATION FACILITY (MINIATURE RAILWAY), DISPLAY OF SIGNAGE, ALTERATION OF ACCESS TO A CATEGORY 1 ROAD AT LOTS 1 AND 2 ON TP085265V, LOTS 1,2,3,4,5,6 AND 7 ON TP817616R, LOT 1 ON PS222072B AND LOT 1 ON TP010382P, 3643 HARMONY WAY, HARCOURT

Responsible Director: Director Sustainable Development
Responsible Officer: Manager Development Services
Original Document: DOC/16/36111

1. Purpose

The purpose of this report is to enable Council to make a determination on Planning Permit Application 139/2016 for the use & development of a restricted recreation facility (miniature railway), display of signage, and alteration of access to a category 1 road at 3643 Harmony Way, Harcourt. The application has been referred to Council as there are three objections to the proposal.

Refer to:
Attachment ECO 67A: Context and site aerial.
Attachment ECO 67B: Final plans submitted with application.

2. Background

Proposal

The application was lodged on 30 June 2016 and seeks approval for use & development of a large miniature railway complex (Restricted Recreation Facility), including display signage and altered access to Harmony Way.

The miniature railway will be open to the public with operating times of Sundays, 11.00 am to 5.00 pm, public holidays and school holiday timetables and public events. The facility would also be available for enthusiasts 8.00 am to 6.00 pm for two to four times per year.

The existing outbuildings on site will be used for storage facilities associated with the railway. The remaining parcels of land will form the miniature railway precinct and will include railway track, building infrastructure and on-site parking and amenities.

The railway station is designed as a scaled down replica of the Maryborough Railway Station and includes covered station platforms, a clock tower, an overhead walkway, a signal box and a water tower. The railway station complex has a total building footprint of approximately 1200m². The building has a maximum height of 10.8 metres to the top of the clock tower, while the balance of the building has a maximum height of 4.8 metres.

The station building would include a ticket booth, waiting area, and toilet amenities for private and public use during operating hours. The station building is sited on the low side of the ridgeline.

Pedestrian access to the station building from the car park is via a pedestrian path which goes through an underpass, underneath a section of track, leading to the station. Railway platforms adjoin the station building, with shelters extending from the station along the length of the platforms. The platform shelters have a maximum height of 3.5 metres and a length of 50 metres each.
Site cut and fill is proposed to facilitate the platforms and tracks. Retaining walls will be stepped with feature planting. A small 6 metre by 3 metre signal box is proposed south of the main station building, with a maximum height of 5.7 metres.

A total length of 3 kilometres of miniature railway track is proposed. The track route generally follows contours of the site and utilises the paths of existing tracks which cross the land.

A rotunda for picnics is located at the southern end of the site with views towards Barkers Creek and the nearby Bendigo line railway bridge, with a platform (40 metres long) to provide access adjacent the rotunda.

New driveways and 106 car parking spaces are proposed. The car park is located adjacent the northern most existing storage building, and is separated from the balance of the land by the unmade (licensed) road reserve. A pedestrian path across the reserve is proposed to provide access between the car park and the station building and miniature railway track.

Site description

The subject site has a frontage of 250 metres to Harmony Way, and lies approximately 670 metres to the north-west of the centre of the Harcourt township. The site is an irregularly shaped lot of 26.43 hectares consisting of 11 parcels of land.

The site is located within the Township boundary of Harcourt, abutting the urban area of the Harcourt Township. Barkers Creek separates the site from the urban zoned part of the town. Land generally south and east of the site is in the Township Zone, whilst land to the west and north of the site is zoned Farming.

Access to the site is via an existing vehicle access to Harmony Way near the north east corner of the site. The site contains two existing outbuildings (sheds) on the site, used for storage. The land does not contain a dwelling, has historically been used for orchards, and is currently used for low scale grazing. There is currently no stock on the land.

The site has varying topography across the site, generally falling towards the east and south towards Barkers Creek. There is an existing open irrigation channel running through the site, areas of granite outcrops and scattered native vegetation.

The site is within an area of Aboriginal cultural sensitivity, requiring high impact activities to be addressed with a cultural heritage management plan.

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 15.03-2 Aboriginal Cultural Heritage

The objective is to ensure the protection and conservation of places of Aboriginal cultural heritage significance. Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties and Provide for the protection and conservation of pre- and post-contact Aboriginal cultural heritage places.

Clause 17.03 – 1 Economic Development – facilitating tourism

Relevant strategies mentioned in this Clause relate to encouraging the development of a range of well-designed and sited tourist facilities, and to ensure that tourism facilities have access to suitable transport and be compatible with and build upon the assets and qualities of surrounding urban or rural activities and cultural and natural attractions.

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. Harcourt is identified as small local community within the Shire which is to accommodate the local community with convenience shopping and other facilities.

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 available within the Shire.

Clause 21.09-3 Tourism

The objective of this clause is to capitalise on the potential for increased tourist visitation following the upgrade of the Calder Highway and improved rail connections with Melbourne and Bendigo and maximising opportunities for the future development of boutique accommodation. Encourage new tourist development to be sited and designed to minimise its impact on the natural environment and landscapes or productive agricultural land.

Zoning

Clause 35.07 Farming Zone

Under Clause 35.07-1 a permit is required for a section 2 use restricted recreation facility.

Under Clause 35.07-4 a permit is required for building and works associated with a section 2 use, restricted recreation facility.

Overlays

Not Applicable
Particular provisions

Clause 52.06 Car Parking

Clause 52.06-5 does not identify a requirement for the provision of car parking for this use. As a result, car parking spaces must be provided to the satisfaction of the responsible authority.

Clause 52.06-7 requires that before a new use commences, plans must be prepared to the satisfaction of the responsible authority.

4. Issues

Strategic justification for use and development of a site within the Farming Zone

There is a range of policy within the planning scheme which aims to protect and enhance productive agricultural land, particularly from the encroachment of incompatible land uses. The site is located within the Farming Zone, and the primary purpose of the farming zone is to encourage the retention of productive agricultural land and ensure that non-agricultural uses, do not adversely affect the use of land for agriculture. The zone also encourages suitable development which supports the retention of employment and population for rural communities.

The use and development of the site for a miniature railway does not contribute to agricultural activity. However the conditions of this site provide an opportunity for an alternative use of the land:

- The Mount Alexander Rural Land Strategy (2014) identifies this specific site as being an area of rolling granite hills, an area of low agricultural value with poor sandy soils that dry out rapidly in dryer months, and a susceptibility to surface erosion. The site contains granite outcrops in various locations. The land is not presently used for agriculture, likely in part due to the low agricultural value of the land.
- The proposal utilises only a minimal amount of the site area, leaving the remainder of the site available for agistment or other agricultural activity.

As such the proposal has little impact on the availability of land for agricultural uses, while supporting the retention of employment and population in the local community. The proposal is considered to be appropriate in regards to the purpose of the Farming Zone.

Local Policy

Under the Harcourt Land Use Framework Plan, the site is also located within the township boundary, adjacent the urban area of Harcourt. The site is specifically highlighted as an area where no significant future residential development is to occur

With minimal site coverage and appropriate siting of the proposed miniature railway use/development, the proposal not overwhelm the character of the area as a landscape background the town centre.

The proposal will support local tourism which will not result in any unreasonable loss of productive agricultural land, will have minimal site coverage and visual impact on the hillside.
Economic development

The site is suitably located to capitalise on the tourism corridor between Melbourne and Bendigo. The site is close to the Calder Freeway, within walking distance to Harcourt and within a 30 minute drive from Bendigo providing high accessibility. The proposal has the potential to support local businesses through increased tourism.

Local policy encourages developments that promote tourism and economic benefit to the shire. The development of the site for a miniature railway creates facilities and services that are compatible with the existing built and natural attractions of the municipality. Policy encourages new tourist development sited and designed to minimise its impact on the natural environment and landscapes including productive agricultural land.

Mount Alexander Shire Council’s Economic Development Strategy 2013-2017 is supportive of the proposed from of development and has signified the need for additional developments of this type within the Castlemaine area. The strategy identifies the limited tourism products that appeal to the family visitor market, and a lack of ‘higher rated’ recreational groups, and special interest groups despite opportunities created by the relative proximity to Melbourne and Bendigo.

Design and siting

The large site area of 26.4 hectares allows for a suitable track length and variation in trip routes necessary to entertain potential visitors. The undulating landscape provides for variety in track layout and views with additional vegetation for visual interest. Existing cleared land allows for the track layout without the need for any native vegetation removal.

The car parking location has been designed and sited to utilise the existing access and internal driveway to the property. The existing buildings on the site are able to be retained and will be utilised for storage and maintenance associated with the proposed use. The main station building location is not on a prominent ridgeline, and is close to the location of existing buildings on the site and adjoining properties. Some broken views to the buildings from the east and south east are available through trees and up the slope depending on the view point. The proposed siting consolidates the main buildings in one part of the site in a location that is not highly visible from the surrounding area.

The extent and size of the proposed buildings is small relative to the large size of the property. The size and location of all buildings has been designed to minimise site cuts as far as practicable. Buildings are generally sited along contours to reduce their visual impact on the landscape.

Safety, code of practice operation

The operation, safety standards and construction methods of the miniature railway are subject to the Code of Practice for Operation of Miniature Railways, Road Vehicles and Plant. It is proposed that the development will adopt the requirements and procedures outlined in this code.

Operations are also required to adhere to all standard total fire ban day requirements regarding machinery. This includes no operation of steam locomotives or other machinery that have a potential likelihood of causing sparks and subsequent fires during total fire bans.
Access considerations

The proposal includes a new 106 space car park and is expected to generate a significant increase in traffic during events, and is proposed to use the existing domestic gravel driveway access.

A suitable assessment of the access by a qualified traffic engineer and any necessary upgrade works needs to be provided, and can be required as a condition of permit.

Signage

The applicant has sought permission for 3 square metres of business identification signage. No specific dimensions or layout has been proposed. Three square metres of business identification signage is the maximum allowed within the Farming Zone under clause 52.05 advertising signs, and would provide suitable identification of the site to passing vehicles.

During discussions in the applicant-objector meeting, identification signage was considered useful as the crossover used by the site is shared with a neighbouring property. Permit conditions would require site and elevation plans showing the location and layout of the proposed signs, which must be to the satisfaction of Council.

Objections to the application

Three submissions were received. An applicant-objector mediation meeting was held on 19 September 2016 at Council's Civic Centre in Castlemaine and all objectors and the applicant were present.

As an outcome of this meeting, agreed amended plan condition requirements including fencing, screening tree plantings, and other measures were created.

On the basis of such conditions, one objector chose to withdraw their objection. The two other objectors commented that they were satisfied with the proposed conditions, but chose to maintain their objector status in order to maintain their appeal rights.

While the objectors concerns are now considered to be suitably addressed, their written concerns and how they are addressed can be summarised as follows:

Loss of privacy and security/ Lack of adequate fencing / screening trees

Amended plan condition requirements including fencing and screening tree plantings where necessary on the site were created as an outcome of the applicant-objector mediation meeting, suitably addressing this concern.

Construction and operating noise levels and dust levels

Noise and dust levels from the site are to be regulated by the relevant EPA regulations. Noise impacts to most properties are expected to be somewhat limited by the large size of the site and available setbacks.

Further increase in operating hours

The permit will only allow for the operating times satisfactory to the responsible authority. The operating time will form part of the permit condition and cannot be altered without the written consent of the responsible authority.
Future increase of development of the site

Any future developments on the site which require planning permission would require a separate planning permit application or amendment and would be subject to the same process as this current application.

Snake movements from the site

The proposed development cannot be expected to directly contribute to an increase in snake movements. It is the responsibility of the landowner to maintain their site, and they have indicated that they will be likely be supporting agistment and grazing activities, limiting the extent of long grass on the site.

No detailed landscape management plans as part of the submission

Amended plan condition requirements including landscaping, planting, and screening on the site were created as an outcome of the applicant-objector mediation meeting, suitably addressing this concern.

Proximity of the public picnic and pavilions area to neighbouring properties

Amended plan condition requirements including landscaping, planting, and screening on the site were created as an outcome of the applicant-objector mediation meeting, which also suitably addresses this concern.

No details regarding use of signal box buildings i.e. use as viewing platforms, areas to take tours, use for general public access etc. This sort of use may present a privacy risk.

The signal box will only be used by staff, there is to be no public availability.

Process of operation during days of Total Fire Bans and detailed risk management plan

Operations are required to adhere to all standard total fire ban day requirements regarding machinery, including no operation of steam locomotives or other machinery that have a likelihood of causing sparks and subsequent fires during total fire bans.

No heights or detailed drawings specified for Viaduct Bridge.

Proposed elevations included in the plans were brought to the attention of the concerned objector during the applicant-objector meeting. The plans show modest heights of approximately 1 to 1.5 metres. This was considered appropriate.

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.

Three objections were received, and one was later withdrawn. The details of the objections are discussed in more detail earlier in this report.
External Referrals

- VicTrack
  No objection subject to conditions
- VicRoads
  No objection, no conditions
- DELWP
  No objection subject to conditions
- Coliban Water Corporation
  No response
- Goulburn Murray Water
  No objection subject to conditions
- Environmental Protection Agency
  No response

Internal Referrals

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

7. Conclusion

Council has received an application for the use and development of a restricted recreation facility (miniature railway), display of signage, alteration of access to a category 1 road at, 3643 Harmony Way, Harcourt. The site is located within the Farming Zone.

The application received three objections, one of which has been withdrawn subject to conditions of approval.

The site is appropriate for the use and development of a restricted recreation facility (miniature railway), and the proposal has been assessed as being generally in accordance with relevant provisions of the planning scheme.

The conditions of this site support consideration of an alternative use to farming and the proposal would contribute to the local economy, tourism and employment, and would not detract from the primary Harcourt township.

The proposed development would utilise a small proportion of the land area, with the remainder of the land still available for agistment or other agricultural purposes, in line with the purpose of the Farming Zone.

The site is identified in planning policy as an area unsuitable for future residential development, a hillside area to be kept largely undeveloped. The minimal site coverage of the proposed miniature railway complies well with this policy.

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 a restricted recreation facility (miniature railway), display of signage, alteration of access to a category 1 road on Lot 1 LP220072 V10027 F288; Lot 1 TP10382; Lots 1-7 TP817616, Lot 1-2 TP85265, 3643 Harmony Way, Harcourt, 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 the plans submitted with the application but modified to show:

a) Provision of a 2 metre high Colourbond fence to the south, west, and the part of the northern boundary of 129 Harmony Way, Harcourt, shared with the subject land. Cost of the fence is to be borne by the developer.

b) Provision of a 2 metre high Colourbond or timber paling fence along the eastern edge of the existing driveway adjacent 131 Harmony Way, Harcourt, from the southern boundary of the existing road reserve to the existing storage shed on Lot 1, LP220072 of the subject land.

c) Provision of a 1.5 metre high solid screening barrier on the eastern side of the eastern most rail track, from the southern boundary of the existing road reserve to the extent of the track shown on drawing TP03 submitted with the application. A landscape strip to the eastern side of the fence is to be provided comprising native vegetation.

d) Provision of internal fencing to define the picnic area around the rotunda. Fencing of the north, east and south boundaries of the space are to be post and wire, while the eastern boundary (adjacent to the platform) to be railway picket style.

e) Provision of a minimum 5 metre wide landscape strip at the southern boundary of the proposed picnic area through to the southern boundary of the site, in a location that maintains views from the site to the existing rail bridge to the south west of the property but prevents direct views to properties on the southern side of Barkers Creek. Landscaping is to comprise of a minimum of three rows of plantings of native species, with mature heights to provide screening to the satisfaction of the responsible authority.

f) Provision of a minimum 3 metre wide landscape strip to the southern edge of the proposed viaduct. Landscaping is to comprise native plant species with a mature height of approximately 1.5 metres.

g) Location and details of all other internal fences around the proposed rail track.

h) Site plans identifying the location of a maximum of two business identification signs for the proposed facility, within the property at the entrance to the site.

i) Elevation and site plans of the proposed business identification signs, showing a combined total advertising area of no greater than 3 square metres.

Unless otherwise approved in writing by the Responsible Authority, all buildings, works, plantings, and fencing 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. ENGINEERING PLANS

3.1. Before the development permitted by this permit starts and prior to commencement of any construction works associated with the use, engineering plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. All works constructed or carried out must be in accordance with those endorsed plans.

The plans are to include:

a) Road construction/upgrading, car parking and vehicle crossing works as per Traffic Impact Assessment Report (TIAR) recommendations as required by the conditions of this permit

b) Harmony Way Intersection upgrading works as per TIAR recommendations.

c) Drainage works as required by the conditions of this permit.

4. TRANSPORT IMPACT ASSESSMENT REPORT

4.1. The development must not proceed until a TIAR is prepared by a Traffic Engineer in accordance with the requirements of the Infrastructure Design Manual and to the satisfaction of Council.

4.2. The TIAR must address such issues as predicted traffic generation and distribution, the impact of the development on the Harmony Way (particularly at the existing access to the development from the Harmony way) and detail any required mitigation works, taking into consideration of all type of road users.

5. TRAFFIC MANAGEMENT PLAN

5.1. Prior to commencement of the use permitted by this permit, a traffic management plan for the site must be submitted to and approved by the Council. A Traffic Management Plan must be developed and a copy kept on the worksite to be produced on request.

This plan to include;

- All necessary road signage (including road closures and details of any detour routes) in accordance with Australian Standard 1742.3 “Traffic Control devices for works on roads” or to a standard approved by Council.

- The measures of providing safe movement access to pedestrians during the intersection upgrading works

- All the speed reduces control signs as per Council recommendations.

6. INTERNAL ACCESS ROADS

6.1. The internal access roads and unmade internal driveway sections to car spaces shall be constructed to appropriate engineering standards approved by council along with appropriate cut off table drains and cross culverts.
6.2. The egress and ingress from internal roads to the council roads including the internal traffic movements are to comply with current traffic management practice in accordance with Australian standards.

7. VEHICLE CROSSOVER WORKS

7.1. Vehicle crossover is to be upgraded in accordance with the TIAR appropriate to the development and existing site conditions to the levels/requirements of the responsible authority.

8. CAR PARKS

8.1. Areas set aside for the parking of vehicles together with the aisle and drives must be properly formed to such levels that they can be utilised in accordance with the endorsed plans and must be drained, demarcated and appropriately signed to the satisfaction of the council in accordance with Australian Standards.

8.2. The boundaries of all car spaces, access and egress lanes 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.

8.3. The area must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

8.4. All car parking spaces associated with the development shall be designed to allow vehicles can enter and exit the car parking area in forward direction.

8.5. 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.

8.6. In the event of overflow car parking causing, in the Responsible Authority's opinion, a nuisance, an additional car parking area(s) must be provided on the subject land or elsewhere to the satisfaction of the Responsible Authority within three months of the Responsible Authority requesting the same in writing.

9. DIRECTIONAL SIGNS

9.1. 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 Council.

9.2. The egress and ingress from internal roads to the council roads including the internal traffic movements are to comply with current traffic management practice in accordance with Australian standards.

9.3. All vehicles must be driven in a forward direction when entering and/or leaving the property.

10. LOADING AND UNLOADING

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

10.2. No unauthorised activities in council road reserve.

10.3. No items are to be tied, or similar, to council street trees and any marking on the council roads are not permitted by the council.

11. AMENITY, EMISSION OF DUST OR DISCHARGE OF DRAINAGE

11.1. The use permitted by this permit must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality by reason of the use; the
transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; or otherwise.

11.2. The internal roads and on-site parking areas must be treated to the satisfaction of the council infrastructure unit if complaints are received by the council regarding loss of amenity to the neighbourhood by the emission of dust or the discharge of drainage.

11.3. Such rectification works will include and not limited to the spray sealing of gravel sections of main access ways/aisles to the requirements and satisfaction of the infrastructure unit, with a further time limit of 12 months.

12. SEDIMENT POLLUTION CONTROL

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

13. CONSENT FOR CONSTRUCTION WORKS

13.1. 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.

14. EXISTING INFRASTRUCTURE CONDITIONS

14.1. The owner / applicant must submit an asset protection permit application and be issued with a permit, prior to the commencement of any use permitted by this permit.

14.2. All existing roads and its reservation assets including all utilities and services are to be protected and maintained throughout the use. Any damage is to be restored and reinstated to the satisfaction of the Council.

15. DRAINAGE WORKS

15.1. The development and works on the subject land, including landscaped and paved areas, must be graded and drained to the satisfaction of the Council as the Responsible Drainage Authority so as to prevent the discharge of water from the subject land across any road or onto adjoining land.

15.2. The drainage system shall include provision of a storm water retention system to limit flow downstream from the development to pre-development levels in accordance with the current Australian Rainfall and Runoff – Flood Analysis and Design for a 10 year annual recurrence interval.

15.3. 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.

16. EROSION MANAGEMENT

16.1. All earthworks are to be designed and constructed to avoid soil erosion. All fill is to be compacted, batters are to be topsoiled and revegetated and all drainage is to be diverted around the disturbed areas/batters. Drainage from benched areas, batters and access tracks is to be diverted on non-scouring grades to stable vegetated areas.
17. COMMENCEMENT OF THE DEVELOPMENT

17.1. Prior to commencement of the use or the development permitted by this permit starts, all the road, driveway, car parking & drainage works stipulated in this planning permit conditions must be installed to satisfaction of council in accordance with the approved plans.

17.2. All existing road reserve assets are to be protected and maintained throughout the works including all utilities and services. Any damage is to be restored to the satisfaction of the Council.

18. ENVIRONMENTAL HEALTH

18.1. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (1411) or as amended.

18.2. Noise from the use of a public address system must comply with the recommendations in Noise Control Guidelines (1254) or as amended.

18.3. All external lighting of the site must be located, directed and shielded, and of such limited intensity so that no nuisance is caused to nearby residents.

19. GOULBURN MURRAY WATER

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

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

20. VICTRACK

20.1. The permit holder must not enter any railway land without the written consent of the Rail Operator. If the permit holder has obtained the Rail Operator’s written consent to enter the railway land, the permit holder must comply with the Rail Operator’s Site Access Procedures and Conditions when accessing the railway land.

20.2. The permit holder must, at all times, ensure that the common boundary with the railway land is fenced at the permit holder's expense to prohibit unauthorised access to the rail corridor.

20.3. The permit holder must not, at any time:
   a) allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
   b) store or deposit any waste, soil or other materials on the railway land.

21. PERMIT EXPIRY – USE AND DEVELOPMENT

21.1. 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).

PERMIT NOTES

If relying on a private water supply for drinking (potable) water all reasonable precautions must be taken to ensure the water is safe for human consumption. For further information please refer to the Guidelines for private drinking water supplies at commercial and community facilities.
9.4. BUILDING SUSTAINABLE COMMUNITIES (COM)

COM 62 CONSIDERATION OF ADOPTION OF PLANNING SCHEME AMENDMENT C78

Responsible Director: Director Sustainable Development
Responsible Officer: Manager Development Services
Original Document: DOC/16/39853

1. Purpose

This report is presented to Council to enable consideration of the recommendations of Planning Panel Report - Amendment C78, and to consider the adoption of Mount Alexander Planning Scheme Amendment C78.

Refer to:

Attachment COM 62B: Site Context Map – Amendment C78 sites for rezingoning, October 2016.
Attachment COM 62D: Proposed Schedule 2 to the Vegetation Protection Overlay, October 2016.
Attachment COM 62E: Proposed Zoning Map for 4 Langslow Street.
Attachment COM 62F: Proposed Zoning Map for Captain Day Road site.
Attachment COM 62G: Proposed Development Plan Overlay map for Captain Day Road site.
Attachment COM 62H: Proposed Vegetation Protection Overlay map for Captain Day Road site.
Attachment COM 62I: Map showing area for proposed removal of Bushfire Management Overlay.

2. Background

Amendment C78 is an amendment requested by two private land-owners to rezone land in two locations.

Planning Scheme Amendment C78 will:

- Rezone land south of Captain Day Road Campbells Creek (as shown on attachment B) from the Farming Zone to General Residential Zone 1;
- Rezone land at 4 Langslow Street Castlemaine from part General Residential Zone 1, and Part Industrial 1 Zone to all Industrial 3 Zone;
- Introduce schedule 10 to the Development Plan Overlay to the Mount Alexander Planning Scheme and apply it to the Captain Day Road site;
- Reduce the mapped area of the Bushfire Management Overlay to only 150m from the eastern boundary of the site; and
- Apply a Vegetation Protection Overlay to 17 large and very large old trees on site.
Chronology of events

<table>
<thead>
<tr>
<th>Date</th>
<th>Decision/Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 February 2016</td>
<td>Council resolved to seek authorisation to prepare the amendment.</td>
</tr>
<tr>
<td>15 April 2016</td>
<td>Council received authorisation A03295.</td>
</tr>
<tr>
<td>24 May 2016 to 30 June 2016</td>
<td>Amendment exhibited eight submissions plus four late submissions received.</td>
</tr>
<tr>
<td>9 August 2016</td>
<td>Council resolved to refer the amendment to a Planning Panel.</td>
</tr>
<tr>
<td>26 August 2016</td>
<td>Planning Panel held directions hearing.</td>
</tr>
<tr>
<td>4 October 2016</td>
<td>Panel issued their report to Council.</td>
</tr>
</tbody>
</table>

The panel supported the amendment and recommended three minor changes.

3. **Policy and Statutory Implications**

**Relevant policies, strategies and plans**

The preparation of the amendment is consistent with the objective of the Council Plan 2013-2017 to ‘utilise land and development policies to deliver outcomes appropriate for the long term needs of our communities’. A number of strategies to achieve this objective are listed, including to ‘Ensure adequate land is available for residential development’. The amendment is consistent with this strategy by providing residential and industrial land.

The proposed rezoning is consistent with a number of documents adopted by Council, including:

- **The Mount Alexander Urban Living Strategy, October 2004**, which identifies the Campbells Creek site as suitable for rezoning for residential development;
- **Castlemaine Land Use Strategy, 2004**, which notes that growth should occur in the Campbells Creek area, and on predominantly cleared land;
- **Castlemaine Residential Strategy, revised 2005**, which identifies the Campbells Creek site within the Castlemaine urban (township) boundary as suitable for rezoning; and
- **Residential Land Demand and Supply Analysis, 2010**, which identified the need to rezone further land for residential development, with Castlemaine having approximately six to nine years of suitably zoned land for residential development in 2010.

**Statutory powers and implications**

**Mount Alexander Planning Scheme Clause 11.02 – Urban Growth**

This clause requires Council to plan for residential growth on a Shire wide basis. Whilst there is sufficient land on a Shire wide basis, there is the need to provide for further residential land in Castlemaine. Over the past five years, 65% of building approvals for dwellings have been in Castlemaine, McKenzie Hill, and Campbells Creek. **Council’s Residential Land Supply and Demand Analysis, 2010**, demonstrated Castlemaine had a six to nine year supply at the time of preparation.
Mount Alexander Planning Scheme Clause 21.12 – Local Area Plans

This Captain Day Road, Campbells Creek site is included in the Castlemaine Framework Plan as being within the urban boundary of Castlemaine, and subject to further investigation for residential expansion. Further investigation has been undertaken in the form of fire and flora and fauna assessments.

The majority of the Langslow Street Castlemaine land is identified as Industrial and Services Business Node within the Castlemaine Framework Plan.

Coliban Water objected to a previous residential subdivision proposal for the land because of its proximity to the Coliban Sewerage Treatment Plant located on the southern side of Langslow Street. The proposed Industrial 3 Zone allows for industries and associated uses compatible with the nearby community so it will provide a buffer between the surrounding Industrial 1 Zone and General Residential Zone.

The Industrial 3 Zone allows for the land to be developed for uses such as a light industry, or warehouses. It may also be used for a convenience shop or restricted retail that requires a large area for handling, display or storage of goods and direct vehicle access. A planning permit would be required before the land could be developed with a building.

Planning and Environment Act 1987 (the Act)

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

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

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

Section 24 of the Act requires a planning panel to consider all submissions referred to it and give submitters, Council and any responsible authorities affected by the amendment an opportunity to be heard. These requirements were met at the panel hearing.

Section 25 of the Act states that the panel must report its findings to Council and may make recommendations. Council received the panel report on 4 October 2015.

Section 26 of the Act requires that Council make the report public within 28 days of receiving it. The report became a public document on 1 November 2016.

Section 27 of the Act states that Council must consider the panel's report before deciding whether or not to adopt the amendment.

Section 29 of the Act allows Council to adopt the amendment (in part or in full) with or without changes. Once Council has adopted the amendment, Section 31 of the Act requires Council to submit the amendment to the Minister for Planning for approval. The purpose of this report is to enable Council to consider adoption of the amendment and submission to the Minister for Planning for approval.
4. **Issues**

The panel supported the amendment, recommending three changes that improve the ordnance drafting. The changes relate to the Captain Day Road site.

The panel supported rezoning the Langslow Street site as exhibited.

Council received four submissions after the exhibition closing date. All late submissions were referred to the Planning Panel and were considered by the Planning Panel in their report. Technically, Council has to resolve to accept the late submissions and this is included in the recommendation.

**Panel Recommendations**

1. *Delete the proposed insertion of Clause 42.02 Vegetation Protection Overlay into the Mount Alexander Planning Scheme from the Amendment.*

At the time of exhibition, the Vegetation Protection Overlay (VPO) did not form part of the Mount Alexander Planning Scheme. Following exhibition of Amendment C78, Amendment C76 was approved which introduced the VPO into the Mount Alexander Planning Scheme. Therefore this is not required as part of Amendment C78.

2. *Replace the exhibited Development Plan Overlay Schedule 9 (DPO9) with the version included at Appendix B to this report, and renumber it as Development Plan Overlay Schedule 10 (DPO10).*

Amendment C76 introduced DPO9 to the Mount Alexander Planning Scheme, necessitating the renumbering of the schedule for this amendment.

The Panel has also recommended four additions to the DPO10 as detailed below:

**Conditions and requirements for permits**

- A Statement of Compliance in respect of subdivision of land must not be issued unless appropriate arrangements for the provision and funding of necessary physical and social infrastructure reasonably necessary for development to occur are made to the satisfaction of the Responsible Authority.

**Requirements for development plan**

- A ‘boulevard’ roadway that separates the bush/grassland areas from urban development is to be encouraged where possible.
- A traffic impact assessment report that considers the likely traffic impacts of the development on the Midland Highway and mitigation measures that may be required in response.
- Arrangements to maintain the integrity of the waterway, associated floodplain and flood flows. All residential lots should be flood free or have suitable flood free building envelopes and all development must have safe access during flood events.

The first change introduces a form of developer contribution for the Captain Day Road rezoning. The wording allows the land owner and Council to come to an appropriate arrangement.
The remaining changes (the bottom three dot points) are made in response to requests from CFA, VicRoads and North Central Catchment Management Authority.

CFA has requested the requirement for a perimeter road be further reinforced through the Development Plan Overlay.

VicRoads has concerns that the level of new development will impact on access to the Midland Highway. The requirements for a traffic assessment and infrastructure funding will ensure that traffic impacts are assessed and the developer will need to make necessary upgrades to the access.

North Central Catchment Management is concerned that there is no flood mapping for the site, and to ensure that any implications from the waterway are considered in the development plan.

All the changes are appropriate and will improve the function of the overlay.

3. Replace the exhibited Vegetation Protection Plan Overlay Schedule 1 (VPO1) with the version included at Appendix B to this report and renumber it as Vegetation Protection Overlay Schedule 2 (VPO2).

The later version of the VPO changes the statement of significance to include reference to the Ecological Assessment report that identified the trees to be protected. There are no changes to the location or number of trees affected.

The renumbering is a technical matter and inconsequential to the substantive matter of the amendment.

5. Financial and Resource Implications

The costs of the planning panel have been met by the land owners as it is a private proponent amendment.

Council has met the administrative costs of the amendment process and preparing and presenting Council’s submission to the panel within the strategic planning operational budget.

The amendment itself will result in a change to the number of planning permit applications received as 27 ha of land in 8 ownerships will be rezoned from Farming Zone to General Residential Zone, allowing for future sub-division. A future increase in planning permit applications is to be expected when providing land for residential development.

6. Consultation

A statutory exhibition of the amendment has been undertaken. The following notice was given as part of the exhibition:

- Letters sent to all relevant government agencies and neighbouring land owners and occupiers (205) – 20 May 2016
- Public Notice placed in the Midland Express – 24 May 2016

Twelve submissions were received. As some of these submissions objected to the amendment or requested changes, Council referred the amendment to a Planning Panel.
The Planning Panel considered all written submissions and submitters were given the opportunity to present to the panel at a hearing. As no submitters wanted to be heard, the Planning Panel considered the amendment on written submissions.

The panel has recommended the amendment proceed as exhibited, subject to minor changes to overlay schedules to address concerns raised by submitters.

7. Conclusion

Amendment C78 rezones land south of Captain Day Road in Campbells Creek from the Farming Zone to the General Residential Zone 1, and rezones land at 4 Langslow Street Castlemaine from the General Residential Zone 3 and the Industrial 1 Zone to the Industrial 3 Zone. As part of the rezoning of the Campbells Creek Site a Development Plan Overlay is applied to the entire site, a Vegetation Protection Overlay is applied to 17 large old trees, and the extent of the Bushfire Management Overlay is reduced.

The amendment has been publicly exhibited and twelve submissions were received. The amendment was referred to a planning panel that supported the amendment, subject to some minor changes to the schedules to the Development Plan Overlay and Vegetation Protection Overlay.

Rezoning of land in Captain Day Road will increase the supply of residential land available for development. Rezoning of land in Langslow Street Castlemaine will create a light industrial buffer between existing residential and industrial land uses.

Adoption of the amendment concludes Council’s role in administering Planning Scheme Amendment C78. If adopted, the amendment will be submitted to the Minister for Planning for approval, and will then be gazetted in the Victorian Government Gazette and come into effect.

RECOMMENDATION

That Council:

1. Accept the four late submissions in accordance with Section 22 of the Planning and Environment Act;

2. Consider and accept the recommendations of the Mount Alexander Planning Scheme Amendment C78 Planning Panel Report;

3. Adopt Mount Alexander Planning Scheme Amendment C78 in accordance with Section 29 of the Planning and Environment Act 1987; and

4. Request the Minister for Planning approve Amendment C78 to the Mount Alexander Planning Scheme as adopted in accordance with Section 35 of the Planning and Environment Act.
Site Context Map – Amendment C78
Sites for Rezoning

Site 1
Captain Day Road, Campbells Creek

Five Flags General Store and Hotel
Campbells Creek Recreation Reserve

Subject site

Mount Alexander Shire Council
PO Box 185, Castlemaine, VIC 3450
25 Lyttleton Street, Castlemaine, VIC 3450
Ph (03) 5471 1760
Fax (03) 5471 1761

Created on Thursday, 14 January 2016 by GIS_MAP
SCHEDULE 9.10 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO 9.10.

RESIDENTIAL DEVELOPMENT PLANS – CAPTAIN DAY ROAD

1.0 Requirement before a permit is granted

A development plan must be prepared to the satisfaction of the responsible authority prior to the subdivision of land, construction of a dwelling or ancillary buildings, or the construction or carrying out of works.

2.0 Conditions and requirements for permits

- All residential development must be serviced with reticulated water and sewerage and underground reticulated electricity.
- All development must be serviced with sealed roads and underground storm water drainage to the satisfaction of the responsible authority.
- A Statement of Compliance in respect of subdivision of land must not be issued unless appropriate arrangements for the provision and funding of necessary physical and social infrastructure reasonably necessary for development to occur are made to the satisfaction of the Responsible Authority.

3.0 Requirements for development plans

Development plans must include the following as appropriate:

- A development concept plan for the whole area to which DPO 9.10 applies showing the road layout and significant features.
- Details of any known proposed staging and anticipated timing of development.
- An indicative lot layout showing areas of public open space and a diversity of lot sizes including smaller lots to provide affordable housing options.
- A proposed internal road network facilitating good pedestrian, cycling and vehicle connectivity and functional emergency vehicular access and egress for residents and emergency services. A ‘clearway’ road that separates the bush/woodland areas from urban development to be encouraged where possible.
- A traffic impact assessment report that considers the likely traffic impacts of the development on the Midland Highway and mitigation measures that may be required in response.
- Building envelopes providing an appropriate and safe setback between residential dwellings and the area of bushfire hazard to the east of the site.
- Arrangements for the preservation of existing vegetation within the development plan area that is identified for retention and initiatives to achieve regeneration of vegetation in appropriate locations where it can be appropriately managed without compromising resident safety.
- The retention of mature remnant native trees within road reserves and areas of public space where possible.
- Provision of alternative access and easements where practical to protect remnant vegetation within the adjoining unused road reserves.
- Arrangements to maintain the integrity of the waterway, associated floodplain and flood...
Mount Alexander Planning Scheme

Floors. All residential lots should be flood free or have suitable flood free building envelopes and all development must have safe access during flood events.

- Provision of landscape and management plans for areas of public open space.
- Provision of a net gain offset for any vegetation removed or left in public open space.
- Incorporation of water sensitive urban design principles.
- Identification of any sites of conservation, heritage or archaeological significance and details of the proposed management of these sites.
- Linkages between the land and any road, bicycle, pedestrian and public transport facilities providing connections to surrounding urban areas, having regard to the Mount Alexander Shire Council’s Walking and Cycling Strategy 2010-2020.
- Safe pedestrian and cycling links within the land and to external roads and paths. Pedestrian and cycling paths should be shared where practical, and cycling lanes painted on roads should be avoided.
SCHEDULE 4.2 TO THE VEGETATION PROTECTION OVERLAY

Shown on the planning scheme map as VPO1VPD2.

CAPTAIN DAY ROAD SIGNIFICANT TREES

1.0 Statement of nature and significance of vegetation to be protected

The vegetation to be protected comprises large or very large Box Ironbark trees as identified in the report, "Ecological Assessment of vegetation on site", 2016 by Gayre Chapman. Such trees are rare in the Castlemaine area due to past mining and logging activities.

2.0 Vegetation protection objective to be achieved

To protect the large and very large trees on the land for environmental reasons and because they are valued by the local community.

To encourage future subdivision and development to be designed in a manner which protects the trees by locating them on larger private blocks or in road reserves.

3.0 Permit requirement

A permit is required to remove, destroy or lop native vegetation.

An application must include the following information:

- Identification of the native vegetation to be removed, destroyed or lopped, and the reasons why this is necessary.
- Details of proposed planting of replacement vegetation.

4.0 Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The vegetation protection objectives of this schedule.
- The reason for the proposed removal, destruction or lopping of native vegetation and the practicality of alternate options which do not require removal, destruction or lopping of native vegetation.
- Whether there is any reasonable alternative means of siting buildings and works in order to conserve the native vegetation of the area.
- The need for a report, by a properly qualified person and to the satisfaction of the responsible authority, on the vegetation and historical significance of the vegetation to be removed.
- The need for replacement vegetation of an appropriate species.
MOUNT ALEXANDER PLANNING SCHEME

Legend:

VPO2 Vegetation Protection Overlay - Schedule 2

Part of Planning Scheme Map 32VPO

AMENDMENT C78
1. Purpose

The purpose of this report is to enable Council to consider the adoption of Mount Alexander Planning Scheme Amendment C081, which rezones the former Castlemaine Police Station and the carpark on the corner of Lyttleton and Frederick Streets from Public Use Zone to Commercial 1 Zone and applies a Design and Development Overlay.

Refer to:

Attachment COM 63A: Aerial photo showing land area to be rezoned, October 2016.
Attachment COM 63C: Zone map showing land to be rezoned to Commercial 1 Zone.
Attachment COM 63D: Overlay map showing land to have Design and Development Overlay Schedule 14 applied.

2. Background

Council received a request to undertake a planning scheme amendment to rezone the former Castlemaine Police Station on 15 April 2016. The request sought to rezone the land from Public Use Zone to a zone suitable for privately owned land to enable Department of Treasury and Finance to sell the site.

At the Ordinary Meeting on 24 May 2016, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C80 which would rezone the former Castlemaine Police station land and adjoining car park land to a Commercial 1 Zone and apply a Design and Development Overlay.

Authorisation A03373 was received by Council on 1 July 2016.

The amendment was exhibited from 26 July 2016 to 8 September 2016. Six submissions were received, including one late submission.

3. Policy and Statutory Implications

Council policy

The amendment is consistent with the Council Plan 2013-2017 A Thriving Local Economy section, and the objective to ‘encourage the establishment of innovative, creative and sustainable businesses’.

The amendment is consistent with the objectives of the Economic Development Strategy 2013-2017, which aims to ‘ensure that Council’s planning and policies support economic development’ and ‘provide adequate commercially zoned areas and serviced sites in Castlemaine’.
Council’s Castlemaine Commercial Centre Study identified heritage as one of the key economic drivers of Castlemaine. The site is included in the Castlemaine Central Conservation area Heritage Overlay, and a Design and Development Overlay is proposed for the site to ensure that any redevelopment of the sites is of a high standard that recognises adjoining heritage buildings.

Statutory powers and implications

Municipal Strategic Statement

The Municipal Strategic Statement for Mount Alexander Shire states that the Shire will manage its unique heritage in a sensitive and sustainable manner. Clause 21.09 Economic Development outlines Council’s vision to develop and reinforce the Castlemaine Commercial Centre’s role as the primary local service centre in the Shire, whilst building on its historic features and improving activity mix, functionality and amenity.

Clause 21.12 contains the local clauses relating to the Shire’s townships with the statement for Castlemaine outlining the objectives of reinforcement of the role of Castlemaine’s CBD as the Shire’s primary commercial centre and to protect its identity and existing character.

Planning and Environment Act

Section 4(1) of the Planning and Environment Act 1987 sets out the objectives of planning in Victoria, the first of which is to provide for the fair, orderly, economic and sustainable use, and development of land.

Section 19 of the Act outlines the requirements for giving notice of a Planning Scheme Amendment. This requirement has been fulfilled.

Section 22 of the Act requires Council to consider all submissions made to a planning scheme amendment. Section 22 (2) states that a planning authority may consider a late submission, and must do so if the Minister directs. Council received one late submission from DELWP.

Section 29 of the Act allows Council to adopt the amendment (in part or in full) with or without changes. Once Council has adopted the amendment, Section 31 of the Act requires Council to submit the amendment to the Minister for Planning for approval. The purpose of this report is to enable Council to consider adoption of the amendment and submission to the Minister for Planning for approval.

4. Issues

Council received five submissions before the closing date for submission, and one late submission. All submissions were from State Government agencies and support the amendment. One submission requested changes to the wording of the proposed Design and Development Overlay (DDO).

The proposed DDO was exhibited with the requirement:

- Provide for safe pedestrian movements around and through the development and to surrounding areas.

The submitter submitted that this wording could be interpreted as requiring public pedestrian access through the site to surrounding areas, and requested it be amended. Following discussion with officers it was agreed that the most suitable wording would be:
• *Provide for safe pedestrian movements around the development and to surrounding areas.*

Officers are satisfied that this amended objective will still achieve the desired urban interface outcome, and support the change.

All submissions have been satisfied. Council can adopt or abandon the amendment. Adopting the amendment will ensure that the two sites are rezoned in a timely manner with appropriate design controls for redevelopment.

If Council chooses to abandon the amendment, the site (particularly the former Police Station) may be rezoned by the Minister for Planning and may not have Council’s desired design controls applied.

5. **Financial and Resource Implications**

The administrative costs to Council are included in the Strategic Planning operational budget. Some costs have been recouped from the Department of Treasury and Finance through statutory fees.

Rezoning of the land will allow for new development. Given the key nature of these sites it is expected that some statutory planning and infrastructure staff members will spend time on activities related to future development proposals. These costs form part of Council’s operating budget.

6. **Consultation**

A statutory exhibition of the amendment has been undertaken. The following notice was given as part of the exhibition:

- Letters sent to all relevant government agencies, prescribed ministers and neighbouring land owners and occupiers (52 in total) – 26 July 2016
- Public notice placed in the Midland Express – 26 July 2016

Six submissions were received, including one late submission. Five of these submissions supported the amendment as exhibited, and one submission supported the amendment subject to a change of wording to the DDO schedule.

7. **Conclusion**

Planning Scheme Amendment C081 proposes to rezone the former Castlemaine Police Station and adjoining carpark from the Public Use Zone to the Commercial 1 Zone. The site has redevelopment potential and is significant within the Castlemaine CBD. A design and development overlay is proposed to ensure any future development is of a high quality design and interfaces well with the surrounding area.

Six submissions were received to the amendment, all of which supported the amendment. One submission requested a minor change to the proposed DDO which would not alter the objectives of the DDO.

Adoption of the amendment is recommended.
RECOMMENDATION

That Council:

1. Accept the late submission from the Department of Environment, Land, Water and Planning;

2. Adopt Mount Alexander Planning Scheme Amendment C081 in accordance with Section 29 of the Planning and Environment Act 1987, subject to the following change;
   - Remove the requirement Provide for safe pedestrian movements around and through the development and to surrounding areas from proposed schedule 14 to the Design and Development Overlay, and replace with Provide for safe pedestrian movements around the development and to surrounding areas; and

3. Request the Minister for Planning approve Amendment C081 to the Mount Alexander Planning Scheme as adopted in accordance with Section 35 of the Planning and Environment Act.
SCHEDULE 14 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO14.

44-50 LYTTLETON STREET, CASTLEMAINE

1.0 Design objectives

- To encourage a high quality built form that responds to the surrounding scale, character and built form of the area.
- To provide a design that respects and protects the recognised heritage values of the Castlemaine Central Conservation Area.
- To provide a design that respects and protects the recognised heritage values of the adjoining Imperial Hotel at 56 Lyttleton Street and heritage sites nearby on Lyttleton Street.
- To encourage a vibrant street life and outdoor activity by creating a high quality public realm with particular emphasis on pedestrian friendliness and active street frontages.
- To provide a high quality example of the use of energy efficient design and environmentally sustainable development.

2.0 Buildings and works

- Fencing
  - A permit is required to construct a fence over 1 metre in height along the external boundaries of the site and on lot frontages.
  - A permit is not required for fencing between lots.

General design

- Buildings and works should be designed to:
  - Provide for an active street frontage.
  - Avoid blank walls along Fredrick Street.
  - Ensure that development in the northern portion of 50 Lyttleton Street does not visually dominate the adjoining former Imperial Hotel building and is appropriately set off from the overhanging ornamental parapet and must not obscure the heritage signage on the western wall of the building.
  - Provide for development that complements and respects the heritage significance of the adjoining Imperial Hotel at 56 Lyttleton Street.
  - Provide for development that complements and responds to the Lyttleton Street streetscape.
  - Provide for high quality architectural outcomes with consideration of building materials, articulation and design features.
  - Locate external storage, waste collection and recycling areas, service areas, loading and unloading facilities so as to minimise their visibility from the street.
  - Development should provide opportunities for passive solar design, natural ventilation and cooling, natural lighting, solar hot water, solar photovoltaic, sustainable stormwater management and reuse to be utilised in the design.

- Access, movement and car parking
  - Encourage shared vehicle access points from the existing road network to allow for safe access to and from the site.
  - Encourage only one vehicle cross over per site.
Mount Alexander Planning Scheme

- Locate car parking predominantly to the rear of site, so as to minimise visibility from the street.
- Provide an internal vehicle layout which ensures the safe movement of vehicles within the development.
- Provide vehicle entry to and exit from the site in a forward direction.
- Provide for safe pedestrian movements around and through the development and to surrounding areas.
- Provide for bicycle parking and/or storage on-site.

3.0 Advertising signs

A permit is required to display a sign. Signage should be of a size and a height that is complementary to the built form of the development, site context and surrounding streetscape and does not detract from road safety where possible.

Before deciding on an application to display a sign, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate, the decision guidelines in Clause 52.05.3.

4.0 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the proposal makes a positive contribution to the provision of quality commercial premises within Castlemaine.
- Whether the location, bulk and external appearance of proposed buildings or works is in keeping with the character and appearance of the streetscape of Lyttleton Street.
- How the development responds to the Fedrick Street frontage.
- Whether the proposal enhances public amenity.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage places, particularly significant sites on Lyttleton Street and the site's location within the Castlemaine Central Conservation Area.
- Whether the proposal demonstrates architectural quality and environmentally sustainable development.
- Whether the advertising signs detracts from the streetscape.
COM 64  SCHEDULE OF ORDINARY MEETINGS OF COUNCIL FOR 2017

Responsible Director:  Director Corporate Support
Responsible Officer:  Manager Governance and Customer Service
Original Document:  DOC/16/45927

1.  Purpose

The purpose of this report is for Council to adopt a schedule of Ordinary Meetings of Council for 2017.

2.  Policy and Statutory Implications

Council’s Meeting Procedures Local Law (No.1 of 2008) requires that:

The date time and place of all Council meetings are to be fixed by the Council and reasonable notice of the meetings must be provided to the public.

Council will comply by including the adopted meeting schedule in Council’s column in the Midland Express and listing the schedule on Council’s website. In addition Council’s weekly column in the Midland Express includes the date and time of the next council meeting.

If special meetings of Council are called in addition to the scheduled ordinary meetings then public notice of the meeting is given in accordance with the Local Government Act 1989 and associated regulations.

3.  Issues

Council officers undertook a benchmarking activity across Victorian local government on frequency and timing of Council Meetings. 34 Councils (of 79) responded to the survey which asked Councils to advise how frequently Council Meetings were scheduled and the time of the day they were held.

The benchmarking exercise found that:

- 74% of responding Councils held meetings monthly (26 respondents)
- 20% of Councils that held fortnightly meetings (7 respondents). Five of the seven Councils in this category were metropolitan Councils.

16 of the 34 Councils that responded provided the start time for their meetings, all of those that responded commenced at 7.00 pm or earlier (8 of these commenced at 6.00 pm or earlier).

This information was presented to Councillors at a Briefing Session. Councillors then discussed meeting frequency and timing and expressed support for less frequent formal Council Meetings with a slightly earlier commencement time. Briefings on (generally) a weekly basis, with a later commencement time, were also supported.

Most Councillors indicated that scheduling Ordinary Meetings on a monthly basis and on the third Tuesday of the month, commencing at 6.30 pm would be agreeable.
The proposed schedule represents a change from previous years, where meetings were scheduled on the second and fourth Tuesday of the month and commenced at 7.30 pm.

All meetings are scheduled to take place in the Civic Centre.

Proposed Ordinary Meeting schedule for 2017

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 February 2017</td>
<td>6.30 pm</td>
</tr>
<tr>
<td>21 March 2017</td>
<td>6.30 pm</td>
</tr>
<tr>
<td>18 April 2017</td>
<td>6.30 pm</td>
</tr>
<tr>
<td>16 May 2017</td>
<td>6.30 pm</td>
</tr>
<tr>
<td>20 June 2017</td>
<td>6.30 pm</td>
</tr>
<tr>
<td>18 July 2017</td>
<td>6.30 pm</td>
</tr>
<tr>
<td>15 August 2017</td>
<td>6.30 pm</td>
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<tr>
<td>19 September 2017</td>
<td>6.30 pm</td>
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<tr>
<td>17 October 2017</td>
<td>6.30 pm</td>
</tr>
<tr>
<td>21 November 2017</td>
<td>6.30 pm</td>
</tr>
<tr>
<td>19 December 2017</td>
<td>6.30 pm</td>
</tr>
</tbody>
</table>

4. Financial and Resource Implications

There are significant efficiency gains in the proposed changes to meeting frequency and timing changes, for both officers and Councillors. The proposed change streamlines the operations of Council business, providing more time for Councillors to be briefed on and to discuss strategic matters and reducing the administrative overhead for managing the Council meeting process.

5. Conclusion

Significant opportunity to make the use of Councillor and staff time more effective and efficient in relation to Council Meetings and briefings exists. By changing to a monthly formal meeting of Council, more Councillor time can be spent on developing strategic positions and direction through briefing sessions with less administrative effort needed to support the formal meetings.
RECOMMENDATION

That Council:

1. Adopt the following Ordinary Meeting schedule for 2017; and

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 February 2017</td>
<td>6.30 pm</td>
<td>All meetings will take place in the Civic Centre.</td>
</tr>
<tr>
<td>21 March 2017</td>
<td>6.30 pm</td>
<td></td>
</tr>
<tr>
<td>18 April 2017</td>
<td>6.30 pm</td>
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<tr>
<td>16 May 2017</td>
<td>6.30 pm</td>
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<td>20 June 2017</td>
<td>6.30 pm</td>
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<td>18 July 2017</td>
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<td>15 August 2017</td>
<td>6.30 pm</td>
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<td>19 September 2017</td>
<td>6.30 pm</td>
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<tr>
<td>17 October 2017</td>
<td>6.30 pm</td>
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<tr>
<td>21 November 2017</td>
<td>6.30 pm</td>
<td></td>
</tr>
<tr>
<td>19 December 2017</td>
<td>6.30 pm</td>
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</tr>
</tbody>
</table>

2. Note that the schedule will be included in Council's column in the Midland Express and on Council's website.
COM 65 APPOINTMENT OF COUNCILLORS AS DELEGATES AND REPRESENTATIVES TO COMMITTEES

Responsible Director: Director Corporate Support
Responsible Officer: Manager Governance and Customer Service
Original Document: DOC/16/45968

1. Purpose

The purpose of this report is for Council to appoint representatives and delegates to committees.

2. Policy and Statutory Implications

Council is required to appoint Councillors as delegates and representatives to committees, as this power is not delegated but held by Council.

3. Issues

Appointment of Councillors as delegates and representatives to committees has historically taken place at the Special Meeting of Council (Statutory Meeting) when the Mayor is elected. It was recognised that this did not allow sufficient time for Councillors to discuss the appointments and so the matter was scheduled for the first Ordinary Meeting of the new Council.

Councillors have now had an opportunity to discuss the various committees and are now in a position to formally appoint delegates and representatives.

There are three types of committees.

<table>
<thead>
<tr>
<th>Type</th>
<th>Committee</th>
<th>Representation Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>External</td>
<td>Committees formed by other organisations or bodies</td>
<td>These committees require representation by Mount Alexander Shire Council (Mayor, Councillor/s, officers)</td>
</tr>
<tr>
<td>Internal</td>
<td>Committees formed by Council</td>
<td>The terms of reference require the Mayor and/or Councillor/s as members.</td>
</tr>
<tr>
<td>Special</td>
<td>Special committees of Council</td>
<td>These are formed under Section 86 of the Local Government Act 1989. Councillors are nominated as ex-officio members of the committee and may attend committee meetings, but have no voting rights.</td>
</tr>
<tr>
<td>Type</td>
<td>Committee</td>
<td>Representation Requirements</td>
</tr>
<tr>
<td>--------------</td>
<td>----------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>External</td>
<td>Loddon Mallee Regional Waste Management Forum</td>
<td>One Council representative plus one substitute</td>
</tr>
<tr>
<td>External</td>
<td>Municipal Association of Victoria</td>
<td>One Council representative plus one substitute</td>
</tr>
<tr>
<td>External</td>
<td>Northern Victorian Cluster Municipal Emergency Management Plan Committee</td>
<td>One Council representative (same rep as the MEMPC)</td>
</tr>
<tr>
<td>External</td>
<td>Victorian Local Governance Association</td>
<td>One Council representative</td>
</tr>
<tr>
<td>External</td>
<td>Workspace Australia</td>
<td>One Council representative</td>
</tr>
<tr>
<td>External</td>
<td>Central Victorian Greenhouse Alliance</td>
<td>One representative (CEO, Councillor or Staff member)</td>
</tr>
<tr>
<td></td>
<td>Director Sustainable Development is the current representative.</td>
<td></td>
</tr>
</tbody>
</table>
### Type | Committee | Representation Requirements
---|---|---
Special | Maldon Community Centre | One Council representative
Special | Metcalfe Hall | One Council representative
Special | Muckleford Community Centre | One Council representative
Special | Newstead Community Centre | One Council representative
Special | Sutton Grange Hall | One Council representative
Special | Taradale Hall | One Council representative
Special | Taradale Recreation Reserve | One Council representative
Special | Wattle Flat Reserve | One Council representative
Special | Wesley Hill Facility | One Council representative

4. **Financial and Resource Implications**

   There are no additional financial or resource implications in relation to this report.

5. **Conclusion**

   That Council appoint delegates and representatives to committees.

**RECOMMENDATION**

That Council:

1. **Appoint Councillors as delegates and representatives to the committees listed below; and**

<table>
<thead>
<tr>
<th>Type</th>
<th>Committee</th>
<th>Representative</th>
</tr>
</thead>
<tbody>
<tr>
<td>External</td>
<td>Buda Historic Home and Garden</td>
<td>Tony Cordy</td>
</tr>
<tr>
<td>External</td>
<td>Calder Highway Improvement Committee</td>
<td>Tony Bell</td>
</tr>
<tr>
<td>External</td>
<td>Friends of Lolotoe Friendship Group</td>
<td>Bronwen Machin</td>
</tr>
<tr>
<td>External</td>
<td>Goldfields Regional Library Corporation</td>
<td>Bronwen Machin</td>
</tr>
<tr>
<td>External</td>
<td>Goulburn Murray Water - Cairn Curran Land &amp; On Water Management Plan Implementation Group</td>
<td>John Nieman</td>
</tr>
<tr>
<td>External</td>
<td>Loddon Mallee Regional Waste Management Forum</td>
<td>Bronwen Machin</td>
</tr>
<tr>
<td>External</td>
<td>Municipal Association of Victoria</td>
<td>Christine Henderson (substitute Sharon Telford)</td>
</tr>
<tr>
<td>External</td>
<td>Northern Victorian Cluster Municipal Emergency Management Plan Committee</td>
<td>John Nieman</td>
</tr>
<tr>
<td>External</td>
<td>Victorian Local Governance Association</td>
<td>Bronwen Machin</td>
</tr>
<tr>
<td>Type</td>
<td>Committee</td>
<td>Representative</td>
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</tr>
<tr>
<td>External</td>
<td>Workspace Australia</td>
<td>Robin Taylor</td>
</tr>
<tr>
<td>External</td>
<td>Central Victorian Greenhouse Alliance</td>
<td>Director Sustainable Development</td>
</tr>
<tr>
<td>Internal</td>
<td>Indigenous Roundtable</td>
<td>Mayor and CEO</td>
</tr>
<tr>
<td>Internal</td>
<td>Mount Alexander Shire Audit &amp; Risk Advisory Committee</td>
<td>Mayor Robin Taylor</td>
</tr>
<tr>
<td>Internal</td>
<td>Mount Alexander: A Healthy Shire: Community Advisory Committee</td>
<td>Mayor</td>
</tr>
<tr>
<td>Internal</td>
<td>Municipal Emergency Management Planning Committee</td>
<td>John Nieman</td>
</tr>
<tr>
<td>Internal</td>
<td>Municipal Fire Management Planning Committee</td>
<td>Christine Henderson</td>
</tr>
<tr>
<td>Special</td>
<td>Barfold Hall</td>
<td>Christine Henderson</td>
</tr>
<tr>
<td>Special</td>
<td>Baringhup Community Association</td>
<td>Sharon Telford</td>
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<tr>
<td>Special</td>
<td>Bill Woodfull Recreation Reserve</td>
<td>Sharon Telford</td>
</tr>
<tr>
<td>Special</td>
<td>Camp Reserve</td>
<td>Robin Taylor</td>
</tr>
<tr>
<td>Special</td>
<td>Campbells Creek Community Centre</td>
<td>Bronwen Machin</td>
</tr>
<tr>
<td>Special</td>
<td>Campbells Creek Recreation Reserve</td>
<td>Tony Bell</td>
</tr>
<tr>
<td>Special</td>
<td>Castlemaine War Memorial Stadium</td>
<td>Tony Bell</td>
</tr>
<tr>
<td>Special</td>
<td>Elphinstone Community Facilities</td>
<td>Christine Henderson</td>
</tr>
<tr>
<td>Special</td>
<td>Guildford Hall</td>
<td>John Nieman</td>
</tr>
<tr>
<td>Special</td>
<td>Guildford Recreation Reserve</td>
<td>John Nieman</td>
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<tr>
<td>Special</td>
<td>John Powell Reserve</td>
<td>John Nieman</td>
</tr>
<tr>
<td>Special</td>
<td>Maldon Community Centre</td>
<td>Sharon Telford</td>
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<td>Special</td>
<td>Metcalfe Hall</td>
<td>Christine Henderson</td>
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<td>Special</td>
<td>Muckleford Community Centre</td>
<td>John Nieman</td>
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<td>Special</td>
<td>Sutton Grange Hall</td>
<td>Tony Cordy</td>
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<td>Tony Bell</td>
</tr>
<tr>
<td>Special</td>
<td>Wesley Hill Facility</td>
<td>Tony Bell</td>
</tr>
</tbody>
</table>

2. **Note that committees will be formally advised of their representative and details of the appointments will be available on Council's website.**
COM 66 AWARDING OF CONTRACT M1288-2016 FOR PROPERTY RENEWALS – COMMUNITY HALLS

Responsible Director: Director Sustainable Communities
Responsible Officer: Building Projects Coordinator
Original Document: DOC/16/45002

1. Purpose

The purpose of this report is to consider and determine the awarding of tender M1288-2016 for Property Renewals – Community Halls for the provision of renewal and capital improvements across seven community halls.

Refer to:

Confidential Attachment COM 66A: Tender Evaluation Report M1288-2016 - Property Renewals – Community Halls

2. Background

The 2016/17 Budget committed funding for the completion of renewal and capital works across seven community halls. These seven halls were targeted as they contained building components that ranked an Overall Condition Index (OCI) 4 or greater. An OCI of 4 equates to intervention level in Council’s Asset Management Plan. Other complementary works will be undertaken at the same time to ensure the halls are brought up to a fair and safe condition and won’t require significant maintenance attention for a number of years.

The seven identified halls are:

1. Elphinstone Hall
2. Barfold Hall
3. Metcalfe Hall
4. Sutton Grange Hall
5. Maldon Community Centre and Progress Hall
6. Campbell’s Creek Community Centre
7. Guildford Hall

A request for tender was publicly advertised on Saturday 24 September 2016 in the Bendigo Advertiser and The Age and on Tuesday 27 September 2016 in the Council Column in the Midland Express. At the closing date of 2.00 pm, Friday 28 October 2016, six submissions were received. The contract is a lump sum contract for a period of six months.

Following a tender evaluation, five tenderers were identified as being successful to complete various work packages across the seven community halls:

1. Argyle Maintenance Pty Ltd
2. FNG Group Pty Ltd
3. Printz Plumbing
4. Programmed Maintenance Services Ltd
5. Ian Cain T/As Ian Cain Electrical

The details of each recommended package of work is outlined in Confidential Attachment COM 66A.
3. **Policy and Statutory Implications**

**Relevant policies, strategies and plans**

This works program is based on the principals of the Asset Management Strategy.

**Statutory powers and implications**

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

Important provisions within Section 186 include minimum standard processes for giving public notice of the purpose of contracts in excess of the value of $150,000. Nothing in Section 186 of the *Local Government Act* requires Council to accept the lowest tender or to accept any tender.

Clause 208 of the *Local Government Act* – ‘Best Value Principles’ requires Local Governments to comply with the Best Value principles, specifically in this instance the need for Council services to meet quality and cost standards, and further provides a number of factors that may be looked at in applying the principles of Best Value.

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

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

4. **Issues**

**Conflict of Interest**

At the commencement of the tender process and following the close of the tender period, the Tender Evaluation Panel completed conflict of interest and confidentiality declarations. No known conflicts were declared at the commencement of the tender process. At the close of the tender process the Procurement Coordinator declared a conflict of interest and was replaced on the evaluation panel by the Procurement Administration Officer.

**Tender Evaluation**

Six conforming and zero non-conforming tenders were received. Following a tender evaluation in accordance with the Procurement Policy, five tenderers were identified as being successful to complete various work packages across the seven community halls:

1. Argyle Maintenance Pty Ltd
2. FNG Group Pty Ltd
3. Printz Plumbing
4. Programmed Maintenance Services Ltd
5. Ian Cain T/As Ian Cain Electrical

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

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cost to Council – Direct &amp; Indirect</td>
<td>35%</td>
</tr>
<tr>
<td>2. Response to Specification</td>
<td>25%</td>
</tr>
<tr>
<td>3. Experience and Qualifications</td>
<td>25%</td>
</tr>
<tr>
<td>4. Risk and Quality Management</td>
<td>5%</td>
</tr>
<tr>
<td>5. Business and Financial Capacity</td>
<td>5%</td>
</tr>
<tr>
<td>6. Sustainability</td>
<td>5%</td>
</tr>
</tbody>
</table>

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

As not all tenderers submitted a cost for each scope item, cost was evaluated and awarded on a per category basis (for example, roofing, plumbing, electrical).

The methodology of tendering and evaluation used will save costs compared with utilising a single contractor for the range of works.

The attached Confidential Tender Evaluation Report details the successful tenderer for each category.

Council's project manager will coordinate works on each site by different contractors, as well as liaison with Committees.

5. **Financial and Resource Implications**

In accordance with Council's 2016/2017 Budget, Property Renewals - Community Halls program was allocated a budget of $330,542, the below table demonstrates the allocated budget.
### 2016/2017 Budget

<table>
<thead>
<tr>
<th>Item</th>
<th>$</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income</td>
<td>Nil</td>
<td>No grant or external funding.</td>
</tr>
<tr>
<td>Expenditure</td>
<td>$330,542</td>
<td>Per adopted 2016/2017 Council Budget</td>
</tr>
<tr>
<td><strong>NET COST TO COUNCIL</strong></td>
<td>$330,542</td>
<td></td>
</tr>
</tbody>
</table>

### 2016/2017 Forecast

<table>
<thead>
<tr>
<th>Item</th>
<th>$</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income</td>
<td>Nil</td>
<td>No grant or external funding.</td>
</tr>
<tr>
<td>Expenditure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tender M1288-2016</td>
<td>$207,679</td>
<td>Per Council Report</td>
</tr>
<tr>
<td>Other costs</td>
<td>$66,213</td>
<td>Completion of asbestos audits, electrical advice regarding the compliance of switchboards and project management costs.</td>
</tr>
<tr>
<td>Tender M1288-2016</td>
<td>$20,800</td>
<td>10% contingency</td>
</tr>
<tr>
<td>Contingency</td>
<td>$20,800</td>
<td>10% contingency</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$294,692</td>
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</tr>
<tr>
<td></td>
<td>$35,850</td>
<td>Available for anticipated, unbudgeted emergency building works</td>
</tr>
<tr>
<td><strong>NET COST TO COUNCIL</strong></td>
<td>$330,542</td>
<td></td>
</tr>
</tbody>
</table>

### 6. Consultation

Once a preliminary scope had been outlined for each of the seven community halls, the committees of each of the respective halls were contacted to discuss this scope. Through these discussions, the scope was modified to take account of the committee’s future work plans and usage for the venues.

Committees will be further consulted about the timing of works as they progress.

### 7. Conclusion

A tender for renewal capital works across seven community halls was released on 24 September 2016 and closed on 28 October 2016. Six conforming tenders were received. Tenders were evaluated in accordance with the Procurement Policy and individual work packages are proposed to be awarded to five separate tenderers. These five tenderers represent the highest scoring response for the individual work packages.
RECOMMENDATION

That Council:

1. Award Contract M1288-2016 Property Renewals – Community Halls to Argyle Maintenance Pty Ltd, FNG Group Pty Ltd, Printz Plumbing, Programmed Maintenance Services Ltd and Ian Cain T/As Ian Cain Electrical as per the confidential attachment for various work packages across seven community halls for a lump sum contract price of $207,678.83 (GST exclusive); and

2. Authorise the Chief Executive Officer to sign and affix the Common Seal to the contract documentation for Contract M1288-2016 Property Renewals – Community Halls.
COM 67 AWARDING OF CONTRACT M1277 – 2016 FOR LOCAL ROAD RESEALING PROGRAM 2016/2017

Responsible Director: Director Sustainable Development
Responsible Officer: Manager Infrastructure
Original Document: DOC/16/43639

1. Purpose

The purpose of this report is for Council to consider and award tender M1277-2016 for the Local Road Resealing Program 2016-2017 for various roads within Mount Alexander Shire.

Refer to:
Attachment COM 67B: Table detailing Road Reseal Segments

2. Background

As part of Council’s commitment to maintain and rehabilitate road infrastructure in an efficient and timely manner, various roads have been identified for resealing as part of the ongoing capital works program. These roads are chosen by reviewing the condition data in Council’s asset management system and verified by road inspections.

A request for tender was publicly advertised on 24 September 2016. At the closing date of 2:00 pm 7 October 2016, four conforming tenders were received.

3. Policy and Statutory Implications

Including consideration of Economic, Social and Environmental impacts.

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

Important provisions within Section 186 include minimum standard processes for giving public notice of the purpose of contracts in excess of the value of $150,000. Nothing in Section 186 of the Local Government Act requires Council to accept the lowest tender or to accept any tender.

Clause 208 of the Local Government Act – ‘Best Value Principles’ requires Local Governments to comply with the Best Value principles, specifically in this instance the need for Council services to meet quality and cost standards, and further provides a number of factors that may be looked at in applying the principles of Best Value.

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

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

4. **Issues**

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

Four conforming tenders were received by the closing date of 2.00 pm Friday 7 October 2016.

<table>
<thead>
<tr>
<th>Tenderer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sprayline Surfacing Services</td>
</tr>
<tr>
<td>Primal Surfacing Pty Ltd</td>
</tr>
<tr>
<td>Boral Resources (Vic) Pty Ltd T/a Boral Asphalt</td>
</tr>
<tr>
<td>Fulton Hogan Pty Ltd</td>
</tr>
</tbody>
</table>

The Tender Evaluation Panel met on 12 October 2016 to undertake the evaluation of the four conforming tenders received. All tenders were evaluated against the pre-determined evaluation criteria outlined below.

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

All four of the tenderers completed and submitted Economic Impact Statements as part of this tender process. As the two highest scoring tenders were within 5%, the economic impact statements were further evaluated.

Primal Surfacing are deemed to have the greatest positive economic impact to the region based on the information supplied.

Following a comprehensive evaluation of tenders against the pre-determined evaluation criteria and weightings, Primal Surfacing Pty Ltd are being recommended as the preferred tenderer for a lump sum contract price of $465,999.18 (GST exclusive) and the submitted schedule of rates.

5. **Financial and Resource Implications**

In accordance with Council’s 2016/2017 Budget, Local Road Reseal program was allocated a budget of $618,209, the below table demonstrates the allocated budget.
<table>
<thead>
<tr>
<th>Item</th>
<th>$</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2016/2017 Budget</strong></td>
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<td></td>
</tr>
<tr>
<td>Income</td>
<td>Nil</td>
<td>No grant or external funding.</td>
</tr>
<tr>
<td>Expenditure</td>
<td>618,209</td>
<td>Per adopted 2016/2017 Council Budget</td>
</tr>
<tr>
<td><strong>NET COST TO COUNCIL</strong></td>
<td>618,209</td>
<td></td>
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<tr>
<td><strong>2016/2017 Forecast</strong></td>
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<tr>
<td>Income</td>
<td>Nil</td>
<td>No grant or external funding.</td>
</tr>
<tr>
<td>Expenditure</td>
<td></td>
<td></td>
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<tr>
<td>Tender M1277-2016</td>
<td>465,999</td>
<td>Per Council Report</td>
</tr>
<tr>
<td>Other costs</td>
<td>59,398</td>
<td>Planning, road investigations and project management costs.</td>
</tr>
<tr>
<td>Tender M1288-2016 Contingency</td>
<td>46,600</td>
<td>10% contingency</td>
</tr>
<tr>
<td></td>
<td><strong>571,997</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>46,212</strong></td>
<td>If savings are realised additional road segments will be resealed.</td>
</tr>
<tr>
<td></td>
<td><strong>618,209</strong></td>
<td></td>
</tr>
</tbody>
</table>

6. **Consultation**

A comprehensive capital works development process was undertaken prior to the decision by Council to proceed with these works.

A tender evaluation panel was formed to plan the tender process, evaluate tender submissions and make a recommendation to Council on the awarding of Contract M1277 -2016 Local Roads Resealing Program 2016/2017. This panel included members from the Infrastructure and Procurement Units.

7. **Conclusion**

Council invited tenders for the local road resealing program 2016/2017 for various roads throughout the municipality and four conforming tenders were received.

Following a comprehensive evaluation of tenders against the pre-determined evaluation criteria and weightings, Primal Surfacing Pty Ltd are being recommended as the preferred tenderer for a lump sum contract price of 465,999.18 (GST exclusive) and the submitted schedule of rates.
RECOMMENDATION

That Council:

1. Award Contract M1277-2016 for Local Roads Reseal 2016-2017 to Primal Surfacing Pty Ltd for a lump sum contract price of $465,999.18 (GST exclusive) and the submitted schedule of rates; and

## Table detailing Road Reseal Segments

<table>
<thead>
<tr>
<th>ROAD OR STREET NAME</th>
<th>TOWN</th>
<th>FROM</th>
<th>TO</th>
<th>AREA M2</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Castlemaine</td>
<td>Change Seal</td>
<td>Park Ent</td>
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<tr>
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<td>Park Ent</td>
<td>Frooms</td>
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<td>Wheeler</td>
<td>Div. Rd</td>
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<td>Coulterd</td>
<td>Etty</td>
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<td>Kerb</td>
<td>Saint</td>
<td>464</td>
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<td>Greenhill</td>
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<td>Hornsby</td>
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<td>Boundary</td>
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</tr>
<tr>
<td>ROAD OR STREET NAME</td>
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<td>TO</td>
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</tr>
<tr>
<td>----------------------------------</td>
<td>---------</td>
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<td>----------</td>
<td>---------</td>
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<td>School Road</td>
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<td>Harcourt</td>
<td>McIvor</td>
<td>Dr Barkers</td>
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<tr>
<td>Eagles Rd</td>
<td>Harcourt</td>
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### Table detailing Road Reseal Segments

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10. DELEGATES REPORTS

11. NOTICE OF MOTION

12. URGENT SPECIAL BUSINESS

13. MEETING CLOSE