MINUTES

OF THE ORDINARY MEETING OF COUNCIL
HELD ON
TUESDAY 16 OCTOBER 2018
AT 6.30 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.
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Confidential Attachment PLA 16A: Draft Lease – Minister for Education and Mount Alexander Shire Council – Etty Street, Castlemaine.
Separate Attachment ECO 48E: Proposed Flood Overlay and Land Subject to Inundation Overlay mapping.
Confidential Attachment ECO 49A: Contract NPN 1.17 Fuel Card Bulk Fuel Discounts MAV Procurement
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

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

Officers:    Chief Executive Officer (Darren Fuzzard), Director Corporate and
Community Services (Lisa Knight), Acting Director Sustainable
Development (Ben Grounds), Principal Governance Officer (John Taylor).

2. APOLOGIES

Nil.

3. DECLARATIONS OF INTEREST/CONFLICTS OF INTEREST

Nil.

4. MINUTES

4.1. ORDINARY MEETING OF COUNCIL – 18 SEPTEMBER 2018

The unconfirmed minutes of the Ordinary Meeting of the Mount Alexander Shire Council
held at 6.30 pm on 18 September 2018 at the Mount Alexander Shire Civic Centre have
been circulated to Councillors.

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

RECOMMENDATION

That the Minutes of the Ordinary Meeting of the Mount Alexander Shire Council
held on 18 September 2018 be confirmed.

MOVED COUNCILLOR HENDERSON

That the recommendation be adopted.

SECONDED COUNCILLOR CORDY

CARRIED.
5. PUBLIC QUESTION TIME

MOVED COUNCILLOR PETRUSMA

That standing orders be suspended at 6.32 pm.

SECONDED COUNCILLOR NIEMAN

CARRIED.

a. Mr Larry O’Toole, President, Castlemaine Hot Rod Centre Inc.

Mr O’Toole spoke in favour of Item PLA 16, Proposed Leases for Etty Street Castlemaine Secondary College Campus.

b. Mr Jim Norris, Vice-Chairman, Workspace Australia.

Mr Norris spoke in favour of Item PLA 16, Proposed Leases for Etty Street Castlemaine Secondary College Campus.

c. Ms Maree Edwards MP, State Member for Bendigo West.

Ms Edwards spoke in favour of Item PLA 16, Proposed Leases for Etty Street Castlemaine Secondary College Campus.

d. Mr Paul Frye, Principal, Castlemaine Secondary College.

Mr Frye spoke in favour of Item PLA 16, Proposed Leases for Etty Street Castlemaine Secondary College Campus.

e. Mr Jon Leivers, Representative of Castlemaine Landcare.

Mr Leivers spoke in favour of Item PLA 14, Adoption of Castlemaine Urban Waterways Management Plan 2018.

f. Ms Audrey Mancor.

Ms Mancor spoke in support of the Newstead Memorial Park petition.

g. Mr Darryl Nettleton.

Mr Nettleton spoke in relation to the Castlemaine Gift, which is to be held on 5 January 2019.

h. Ms Rachel Edmonds, Castlemaine Landfill operator.

Ms Edmonds spoke in relation to the recent publicity regarding the Castlemaine Landfill.

i. Mr Daryl Edmonds, Castlemaine Landfill operator.

Mr Edmonds also spoke in relation to the recent publicity regarding the Castlemaine Landfill.
MOVED COUNCILLOR PETRUSMA

That standing orders be resumed at 7.06 pm.

SECONDED COUNCILLOR NIEMAN

CARRIED.
6. PETITIONS AND JOINT LETTERS

6.1. NEWSTEAD MEMORIAL PARK PETITION

Council received a petition on 8 October 2018 from residents of Newstead and surrounding areas requesting that Council fund an upgrade to the facilities at the Newstead Memorial Park, including a toilet block, BBQ and seating upgrades and community information signage.

RECOMMENDATION:

That Council receive a report on this petition at the next Ordinary Meeting of Council on 20 November 2018.

MOVED COUNCILLOR HENDERSON

That the recommendation be adopted.

SECONDED COUNCILLOR NIEMAN

CARRIED.

7. COMMITTEE REPORTS

7.1. AUDIT AND RISK ADVISORY COMMITTEE

The unconfirmed Minutes of the Audit and Risk Advisory Committee meeting held on 23 August 2018 are at Attachment 7.1A.

RECOMMENDATION

That the unconfirmed Minutes of the Audit and Risk Advisory Committee Meeting be noted.

MOVED COUNCILLOR HENDERSON

That the recommendation be adopted.

SECONDED COUNCILLOR CORDY

CARRIED.
AUDIT AND RISK ADVISORY COMMITTEE MEETING MINUTES
23 AUGUST 2018 AT 1.00PM AT THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.

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1. PRESENT

Committee members:
Ken Belfrage (Chair), Nicole Cox, Marina Bland (via phone), Glenn Sutherland, Councillor Bronwen Machin (Mayor)

Officers: Chief Executive Officer (Darren Fuzzard); Executive Manager Business Performance (Bradley Thomas), Executive Manager Organisational Capability (Jude Holt, Item 7)

Visitors: Andrew Zavitsanos (Crowe Horwath), RSD Audit (Phil Delahunty, Item 1 - 6)

2. APOLOGIES

Councillor Tony Cordy

3. DECLARATIONS OF INTEREST / CONFLICTS OF INTEREST

Nil

4. ACCEPTANCE OF MINUTES

The unconfirmed minutes of the Audit and Risk Advisory Committee meeting held on 14 June 2018 at the Council Chamber, Mount Alexander Shire Civic Centre had been circulated to Committee members.

RECOMMENDATION

That the unconfirmed Minutes of the Audit and Risk Advisory Committee meeting on 14 June 2018 be confirmed.

Moved: Glenn Sutherland Seconded: Nicole Cox

5. MATTERS ARISING FROM PREVIOUS MINUTES

The matters arising from previous minutes were noted as completed.

6. FINANCE REPORTS

6.1. REVIEW OF ANNUAL FINANCIAL STATEMENTS FOR 2017/2018

The draft Financial and Performance Statements for the year ended 30 June 2018 were presented and then discussed.

RECOMMENDATION

That the Audit and Risk Advisory Committee, following consideration of the draft financial statements for the year ended 30 June 2018, recommend to Council that:

- Council gives its in-principle agreement to adopt the statements for forwarding to the Victorian Auditor General for approval; and
6.2. EXTERNAL AUDIT – CLOSING REPORT

The closing report was tabled at the meeting and discussed by Phil Delahunty (External Auditor) with no significant items of concern noted.

6.3. CLOSED SESSION – AUDITORS AND COMMITTEE ONLY

Management left the meeting to allow the Committee to discuss matters with both the Internal and External Auditors. No issues to note.

7. WORKPLACE RISK MANAGEMENT REPORT – AUGUST 2018

The Audit and Risk Advisory Committee noted the Workplace Risk Management Report: August 2018.

8. CHIEF EXECUTIVE OFFICER – VERBAL REPORT

The Audit and Risk Advisory Committee noted the CEO’s report which included the following topics:

- CEO performance review
- Senior management recruitment update
- Advocacy plans
- Waste and landfill
- Shared services
- Service planning
- Policies and procedures project

9. MAYOR – VERBAL REPORT

The Audit and Risk Advisory Committee noted the Mayor’s report which included the following topics:

- Vision Super update
- Long Term Financial Plan workshop
- Aged Care transition
10. AUDIT REPORTS

10.1. INTERNAL AUDIT – PUBLICATIONS OF INTEREST – APRIL-JUNE 2018

The Audit and Risk Advisory Committee noted the Internal Audit Publications of Interest Report.

10.2. INTERNAL AUDIT – ACCOUNTS PAYABLE

The Internal Audit report (Accounts Payable) was presented and discussed.

Recommendation

That the Audit and Risk Advisory Committee note the Internal Audit Report (Accounts Payable).

Moved: Glenn Sutherland
Seconded: Marina Bland

10.3. INTERNAL AUDIT – PROGRESS UPDATE

The Audit and Risk Advisory Committee noted the Internal Audit Progress Update.

10.4. VAGO – ANNUAL PLAN

The Victorian Auditor General Office Annual Plan was presented and discussed.

Recommendation

That the Audit and Risk Advisory Committee note the VAGO Annual Plan 2018/2019.

Moved: Glenn Sutherland
Seconded: Nicole Cox

11. OTHER MATTERS

11.1. INTERNAL AUDIT CONTRACT - UPDATE

An update of the progress in the tender and appointment of Internal Audit contractor was provided.
11.2. APPOINTMENT OF AUDIT AND RISK COMMITTEE MEMBERS

Nicole Cox was not present for this matter.

The current term of Independent Member, Nicole Cox was discussed.

Recommendation

It is recommended that the Audit and Risk Advisory Committee recommend to Council the reappointment of Nicole Cox for a 3 year appointment as an independent member of the Audit and Risk Advisory Committee.

Moved: Ken Belfrage  Seconded: Glenn Sutherland

12. OTHER MATTERS – FOR INFORMATION ONLY

12.1. VAGO – MANAGING THE MUNICIPAL AND INDUSTRIAL LANDFILL LEVY

12.2. VAGO - LOCAL GOVERNMENT INSURANCE RISKS

12.3. ANNUAL PLAN 2017/2018 Q4 UPDATE

12.4. ANNUAL PLAN 2018/2019

13. GENERAL BUSINESS

13.1. OWNERSHIP AND USE OF COUNCIL LAND

14. NEXT MEETING

Thursday 29 November 2018 (1.00pm - 3.00pm)

15. MEETING CLOSED: 3.35PM
8. **ASSEMBLIES OF COUNCILLORS**

*Responsible Director: Chief Executive Officer*

*Responsible Officer: Principal Governance Officer*

**Executive Summary**

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

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

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

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

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

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

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

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

**RECOMMENDATION**

That Council notes the records for the Assemblies of Councillors, as required under the Local Government Act 1989.

**MOVED COUNCILLOR NIEMAN**

That the recommendation be adopted.

**SECONDED COUNCILLOR CORDY**

CARRIED.
## ASSEMBLY OF COUNCILLORS RECORD

### CEO AND COUNCILLORS ONLY DISCUSSIONS

## ASSEMBLY DETAILS

<table>
<thead>
<tr>
<th>Date:</th>
<th>4 September 2018</th>
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<tbody>
<tr>
<td>Time</td>
<td>5.30 pm to 6.20 pm</td>
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<tr>
<td>Location</td>
<td>Council Chamber, Civic Centre, Cnr Lloyd and Lyttleton Streets, Castlemaine</td>
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## ATTENDANCE

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<tr>
<td>Officers:</td>
<td>Chief Executive Officer (Darren Fuzzard).</td>
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<tr>
<td>Visitors:</td>
<td>Nil.</td>
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<tr>
<td>Apologies:</td>
<td>Councillor Dave Petrusma</td>
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## MATTERS DISCUSSED

1. Mid Term review of Council Plan.
2. Work Safe.
3. HR update.
4. Regional Priorities document.
5. Regional Partnerships – Healthy Hearts initiative.
7. Notices of motion by other Councils.
8. Wheel & Loom.
9. Affordable Housing.
11. No Meanness Initiative.

## CONFLICT OF INTEREST DISCLOSURES

<table>
<thead>
<tr>
<th>Matter No.</th>
<th>Councillor / Officer name and description of interest</th>
<th>Councillor / Officer left the meeting</th>
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**ASSEMBLY OF COUNCILLORS RECORD**

**COUNCILLOR BRIEFING SESSION**

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<th>MATTERS DISCUSSED</th>
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<tbody>
<tr>
<td>1. Community Satisfaction Survey Briefing.</td>
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<td>3. Contracts within Chief Executive Officer Delegation.</td>
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<td>6. Sale of Land at 22 Kyneton-Metcalfe Road, Metcalfe to Country Fire Authority.</td>
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<tr>
<td>10. Forest Street.</td>
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<td>12. Lights On In Building.</td>
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<tr>
<td>13. Wheel and Loom Building.</td>
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| CONFLICT OF INTEREST DISCLOSURES |
ASSEMBLY OF COUNCILLORS RECORD
CEO AND COUNCILLORS ONLY DISCUSSIONS

ASSEMBLY DETAILS
Date: 11 September 2018
Time 6.10 pm to 6.57 pm
Location Council Chamber, Civic Centre, Cnr Lloyd and Lyttleton Streets, Castlemaine

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

MATTERS DISCUSSED
3. HR Update.
4. Rates Notices.
6. Local Law No.1.
8. Planning Matter in Campbells Creek.

CONFLICT OF INTEREST DISCLOSURES

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ASSEMBLY OF COUNCILLORS RECORD
COUNCIL MEETING BRIEFING

ASSEMBLY DETAILS
Date: 18 September 2018
Time 5.30 pm to 6.15 pm
Location Council Chamber, Civic Centre, Cnr Lloyd and Lyttleton Streets, Castlemaine

ATTENDANCE
Councillors: Tony Cordy, Stephen Gardner, Christine Henderson, Max Lesser, Bronwen Machin, John Nieman, Dave Petrusma.
Officers: Chief Executive Officer (Darren Fuzzard), Acting Director Corporate and Community Services (Bradley Thomas), Acting Director Sustainable Development (Ben Grounds), Principal Governance Officer (John Taylor).
Visitors: Nil.
Apologies: Nil.

MATTERS DISCUSSED
1. Communications Strategy
2. Joint letter response - Wesley Hill Pedestrian Issues
3. Planning Permit Application PA125/2018 – Use and Development of a Dwelling at Shicer Gully Road, Guildford
4. Planning Permit Application 124/2018 – Two lot Subdivision, Use and Development of a Dwelling and Alteration of Access to a Road in a Road Zone Category 1 AT 2342 Calder Highway, Elphinstone
5. Planning Permit Application 172/2018- Partial Demolitions and Additions to an Existing Building in a Heritage Overlay, Reduction of Car Parking Provision, and a Flood Lit Sign, at 11 Urquhart Street, Castlemaine
7. 2017/2018 Carry Forward Projects
8. Awarding of Contract M1363-2018 for Operation and Management of Outdoor Aquatic Centres for the Period 1 November 2018 TO 30 June 2021
9. Community Use of Public Assets Policy

CONFLICT OF INTEREST DISCLOSURES

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ASSEMBLY OF COUNCILLORS RECORD
COUNCILLOR BRIEFING SESSION

ASSEMBLY DETAILS
Date: 25 September 2018
Time 3.00 pm to 5.55 pm
Location Newstead Community Centre, 9 Lyons Street, Newstead

ATTENDANCE
Councillors: Stephen Gardner, Christine Henderson, Max Lesser, Bronwen Machin, John Nieman and Dave Petrusma.
Officers: Chief Executive Officer (Darren Fuzzard), Acting Director Corporate and Community Services (Bradley Thomas), Acting Director Infrastructure and Development (Shannon Meadows), Principal Governance Officer (John Taylor), Manager Community Partnerships (Gaynor Atkin, Item 5.1) and Executive Manager Infrastructure (Tanya Goddard, Item 5.2).
Visitors: Nil.
Apologies: Councillor Tony Cordy

MATTERS DISCUSSED
1. Draft Mount Alexander Early Years Plan 2018-2021
2. Adoption of the Road Management Plan
3. Contracts within Chief Executive Officer Delegation
4. Rating Strategy Update
5. Voices for Indi
6. Ranters Gully Road Speed Limit
7. Compaction Rates at Castlemaine Landfill
8. Ordinary Meeting of Council – Going Live
9. Dogs On and Off Lead
10. Rose Bushes in Victory Park
11. Planting at Harcourt Roundabout
12. Recycling Workshop

CONFLICT OF INTEREST DISCLOSURES

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# ASSEMBLY OF COUNCILLORS RECORD
## COUNCILLOR BRIEFING SESSION

### ASSEMBLY DETAILS

**Date:**
2 October 2018

**Time:**
2.00 pm to 4.14 pm

**Location:**
Council Chamber, Civic Centre, Cnr Lloyd and Lyttleton Streets, Castlemaine

### ATTENDANCE

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

**Officers:**
Chief Executive Officer (Darren Fuzzard), Director Corporate and Community Services (Lisa Knight), Acting Director Infrastructure and Development (Shannon Meadows), Governance Support Officer (Augustine Sheppard), Acting Manager Development Services (Tracey Watson, Items 5.1 – 5.3), Fast Track Planner (Daniel Spark Item 5.1), Coordinator Strategic Planning (Dominique Trickey, Items 5.2 and 5.3), Strategic Planner (Lauren Watt, Items 5.2 and 5.3), Economic Development Officer (Eva Parkin, 5.3), Executive Manager Business Performance (Bradley Thomas, Item 5.4) and Procurement Coordinator (Andrea O’Grady, Item 5.4).

**Visitors:**
Nil.

**Apologies:**
Councillor Stephen Gardner.

### MATTERS DISCUSSED

1. Planning Permit Application 020/2018 – Use and Development of a Dwelling at 18 Donkey Gully Road, Campbells Creek.
5. Greenlight Planning Software.
7. Aquatic Centre.
8. McNabb Road.
10. Development–Main Road Chewton.
11. Pedestrian Access – Wesley Hill.
12. Aged Care Workshops.
CONFLICT OF INTEREST DISCLOSURES

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ASSEMBLY OF COUNCILLORS RECORD

CEO AND COUNCILLORS ONLY DISCUSSIONS

ASSEMBLY DETAILS

Date: 2 October 2018
Time 4.15 pm to 7.00 pm
Location Council Chamber, Civic Centre, Cnr Lloyd and Lyttleton Streets, Castlemaine

ATTENDANCE

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

MATTERS DISCUSSED

1. Health Hub officer.
2. Etty Street Campus Proposed Leases.
4. Loddon Murray Community Leadership Program.
5. State Government’s ‘pick my projects’ Initiative.
7. Councillor Representation at Rural Councils Victoria and Municipal Association of Victoria.
9. Local Law No. 1.
10. Media.

CONFLICT OF INTEREST DISCLOSURES

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9. OFFICER REPORTS

9.1. OUR PEOPLE (PEO)

PEO 10 CONSIDERATION OF 2017/2018 ANNUAL REPORT

Responsible Director: Director Corporate and Community Services
Responsible Officer: Media and Communications Coordinator
Original Document: DOC/18/40045

Executive Summary

The purpose of this report is to present the Mount Alexander Shire Council Annual Report for 2017/2018 for Council endorsement.


In accordance with the Local Government Act 1989 (the Act), the Annual Report was submitted to the Minister for Local Government on 27 September 2017. It is now being considered at an Ordinary Meeting of Council within 30 days following the submission.

RECOMMENDATION


MOVED COUNCILLOR HENDERSON

That the recommendation be adopted.

SECONDED COUNCILLOR CORDY

CARRIED.
Context


The Annual Report was delivered to the Minister for Local Government by 30 September 2018 in accordance with the Local Government Act 1989 (the Act).

Refer to:


Policy and Statutory Implications

Relevant policies, strategies and plans


The Financial Statements and Performance Statements were adopted by Council at the Ordinary Meeting of Council on 18 September 2018.

Policy and statutory implications

Council has a statutory obligation to prepare an Annual Report in accordance with the Local Government Act 1989. The Annual Report must be lodged with the Minister for Local Government by 30 September each year and be considered at an Ordinary Meeting of Council within 30 days following the submission. The Act also requires that Council provide 14 days public notice of when the Annual Report will be considered by Council and where the community may view the report. Council has complied with all requirements under the Act.

The Annual Report must include a report of operations and service performance indicators, a governance and management checklist, audited Financial Statements and an audited Performance Statement. While the format of the report of operations is not prescribed, the Act and regulations sets out information that must be contained as a minimum.

Issues

The 2017/2018 Annual Report highlights a year of achievement for the Shire with actions completed in the Annual Plan and Budget. It is the first report to measure progress against the strategic goals in the Council Plan 2017 – 2021, and has been redesigned this year.

In addition to reporting on progress against the Annual Plan and Budget, the Report outlines where Council has engaged with stakeholders and the community to get them involved in decision making. It summarises Council’s advocacy priorities, the partners that help us deliver programs and services and how we improved service delivery.
Council’s overall operating budget was $37.37 million, compared to $33.77 in the previous year. Council spent $8.14 million on capital works. The completion of the $1.9 million Stage 1 redevelopment of Wesley Hill Recreation Reserve was a highlight. Stage 2 construction of a multipurpose pavilion is on schedule for completion at the end of the year.

In addition to focusing on road and bridge renewal programs, Council completed a three year program of building upgrades as well as safety works to improve community facilities around the Shire. The community provided input on designs for a new play space in Victory Park and streetscape designs for seven towns.

To boost health and wellbeing, Council joined with partners to provide mental health first aid training for young people, teachers and parents; motivated thousands of kids to walk to school; co-delivered healthy aging projects to improve transport options and connections in the community; and supported clients through the transition to the National Disability Insurance Scheme.

Council adopted a Refugee Welcome Zone Action Plan and facilitated the LGBTIQ+ Roundtable to develop a more welcoming, supportive and socially inclusive community.

It launched online directories for business and community to help connect people, and provided more than $140,000 to support 61 community groups to run programs and events.

To help address climate change Council installed solar panels on the historic Market Building. It appointed a new contractor to start kerbside waste and recycling collection in October, after a competitive tender process.

Actions to help boost our economy included works to support the opening of the La Larr Ba Gauwa Park in Harcourt, and training and support for job seekers and local businesses through a jobs fair and workshop series.

Participation in the Regional Centre for Culture put the spotlight on creativity in the Shire, with events for everyone to enjoy and bring new visitors to the region. The At Home Residency Program and new fee structure at the Phee Broadway Theatre provided artists and community groups with greater access to the space for performance and conversation.

In planning for growth Council prepared or implemented planning amendments to pave the way for a new supermarket in Castlemaine, more housing options in the growth areas and better protection for the community from flood and fire.

The organisation introduced a new corporate Facebook page to keep the community informed and began the installation of a new corporate system to integrate data and streamline processes for customers.

Alternate Options

There are no alternate options.

Financial and resource implications

The Annual Report includes the audited annual Financial Statements adopted by Council at its Ordinary Meeting on 18 September 2018. The report of operations includes a financial snapshot which highlights the following financial results:
• Council recorded an operating surplus of $3.02 million for the period which was $1.26 million greater than budget. Total revenue for the 2018/2019 year was $38.39 million.

• The increase in income, mainly due to the early payment of the Financial Assistance Grant (FAG) of $2.4 million in the current financial year, offset by $0.98 million of unbudgeted expenditure in relation to flood/storm recovery works.

• Council ended the 2017/2018 financial year with a cash balance of $18.64 million with $16.3 million restricted.

• The value of property, infrastructure, plant and equipment increased from $308.91 million to $339.28 million as a result of capital expenditure of $8.14 million and the revaluation of bridge assets ($34.38 million).

Consultation

A public notice advising the Annual Report will be considered at the Ordinary Meeting of Council on 16 October 2018 was advertised in Council’s regular column in the Midland Express on Tuesday 2 October, 14 days prior to the meeting. The public notice advised where copies of the report could be inspected.
9.2. OUR PLACE (PLA)

PLA 13 SALE OF LAND AT 22 KYNETON-METCALFE ROAD, METCALFE TO COUNTRY FIRE AUTHORITY

Responsible Director: Acting Director Infrastructure and Development
Responsible Officer: Planning Portfolio Coordinator
Original Document: DOC/18/40051

Executive Summary

Council owns two adjoining parcels of land at 22 Kyneton-Metcalfe Road in Metcalfe, Crown Allotments 5 and 7, Section C, Parish of Metcalfe, generally opposite the Metcalfe Hall. Council declared these surplus and resolved to sell both lots in March 2012. However, in August 2013, prior to sale, Council received a petition from the community opposing the transaction. In response Council resolved not to sell the land.

Country Fire Authority (CFA) has approached Council expressing an interest in acquiring part of one of these lots to construct a new purpose built fire station. Informal consultation indicates the community are in support of this action. CFA has been advised that Council would consider the sale of both lots at market value. CFA is agreeable to this purchase subject to the cost of the land. The last formal valuation was undertaken in 2014.

To proceed with the sale of land, Council will firstly have to dissolve the previous resolution or make a new resolution, obtain a current market valuation, negotiate a sale price with CFA and undertake notice of the disposal of the land in accordance with Section 223 of the Local Government Act 1989.

Council would be required to hear from any submitters for or against the sale of the land before making a formal decision to proceed.

RECOMMENDATION

That Council:

1. Notes the Council resolution of 13 August 2013 when it determined to cease any further action toward the sale of the land at 22 Kyneton-Metcalfe Road, Metcalfe (comprising Crown Allotments 5 and 7, Section C, Parish of Metcalfe).

2. Authorises officers to negotiate the possible sale of 22 Kyneton-Metcalfe Road, Metcalfe (Crown Allotments 5 and 7, Section C, Parish of Metcalfe) to the CFA on the basis of both lots being sold together and at current market value.

3. Notes that, subject to agreement being reached with the CFA on the basis of item 2 above, notice will be given in accordance with Section 189 and 223 of the Local Government Act 1989 that Council intends to dispose of the land at 22 Kyneton-Metcalfe Road, Metcalfe (Crown Allotments 5 and 7, Section C, Parish of Metcalfe) to the CFA.

4. Notes that should any submitters to the proposed sale wish to be heard then an opportunity to do so will be arranged in accordance with section 223 of the Local Government Act.
5. Notes that, subject to the outcome of the above, a future report will be presented to Council for consideration on the sale of 22 Kyneton-Metcalfe Road, Metcalfe (Crown Allotments 5 and 7, Section C, Parish of Metcalfe) to the CFA.

MOVED COUNCILLOR HENDERSON

That the recommendation be adopted.

SECONDED COUNCILLOR CORDY

CARRIED.
Context

Council owns two parcels of land, Crown Allotments (CAs) 5 and 7 Section C, Parish of Metcalfe, at 22 Kyneton-Metcalfe Road, Metcalfe, generally opposite the Metcalfe Hall.

In 2012, Council resolved to sell this land, along with a number of other parcels. However, in response to community feedback, Council later determined not to proceed with sale of these parcels.

The CFA have approached Council to purchase a part of CA 5 to develop a new fire station. Informal consultation with community members has identified a general support for the proposal.

The existing fire station has reached the end of its life and has limited facilities. A new fire station must include contemporary facilities such as showers, toilets and internal space for members to meet. Better facilities will assist the CFA to attract and retain new members. Depending on the approved shed design, it could also be more broadly available for the community to use for meetings and gatherings not related to CFA.

The current fire station occupies an area of approximately 200m² of the Metcalfe Council depot site. A much greater area of land is required than the existing station footprint, however the current site is not suitable for expansion or redevelopment of the CFA facility as Council uses the site for stockpiling construction materials. Additionally, poor sight lines make entering and exiting the site dangerous, particularly for larger vehicles.

The CFA have calculated approximately 2000m² of land would be required; however, the reticulated sewerage system is not available in Metcalfe and it is possible greater area would be required to accommodate all development and a septic system.

Councillors were previously briefed on the sale of this land in May 2018, and determined to consider sale of both lots to the CFA at market value. CFA have stated a continued interest in buying the land on these conditions.

Sale of the land will reduce on-going costs for Council and provide a one-off income that can be invested elsewhere for greater community benefit.

It is possible CFA will manage to contain development to one lot and will on-sell the remaining lot. This could be to a private owner. In that scenario Council will not have full control over whether all the land will be used for community benefit.

Refer to:

Attachment PLA 13A Aerial photograph of site and current the CFA station site

Policy and Statutory Implications

Relevant policies, strategies and plans

Council Plan 2017-2021

There are a number of strategies from the Council Plan which support the sale of this land. These include:

Support the building of social connections in each of our towns

The CFA is a key social connection for many small local communities. Whilst the existing CFA station was fit for purpose when it was constructed, changing expectations of the
community, in particular an expectation of more contemporary facilities, and the need to attract a broader range of volunteers means that it is no longer fit for purpose.

**Build the Capacity of our community to manage the impact of climate change and changing weather patterns**

The CFA is a key responder to bushfires, which are likely to become more frequent and more intense as a result of climate change. There is a need to attract and retain more volunteers, necessitating a greater diversity of members. Improved facilities will help achieve this.

**Review, maintain, renew and expand the assets of our community**

The CFA fire station is a key community asset. The current site is too small to enable expansion, making it unsuitable for renewal. As such an alternative site is required.

**Council Policies – Land Disposal Policy**

The purpose of this policy is to ensure best practice and statutory compliance with the sale, exchange and transfer of land, and to establish a consistent basis to identify surplus land.

To ensure best practice Council will follow the Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land (the Guidelines).

To achieve consistency of practice land must meet at least one of eight criteria to be considered surplus. This land is currently used as open space and meets two of the eight criteria, being:

- The land (being used for a Council service) has a net realisable value for another purpose which is significantly greater than the cost of re-establishing the service on another site.
- Other land assets in close proximity provide a similar service.

There are two other parcels of Council owned or managed space immediately adjoining, meeting the second criteria. There is no cost to re-establish the current use of this land on the immediately adjoining land. The value of a new upgraded fire station is substantially greater than using the adjoining land as public open space. Additionally Council would also obtain funds as proceeds from the sale of the land.

**Local Government Best Practice Guideline for the Sale, Exchange & Transfer of Land**

This State Government publication specifies the legal requirements under the Local Government Act 1989 for the sale, exchange or transfer of land, and procedures. It addresses the public notice requirements (including contents of notice), general principles and procedures for the sale of land.

General principles state that in addition to complying with the Local Government Act 1989, a sale should be conducted through a public process unless circumstances exist that justify an alternative method of sale, for example the sale or exchange of land by private treaty.

Council should explain to its community the circumstances which led to its decision to use an alternative method of sale in the interests of probity, public accountability and transparency.

Sale of land should be in the best interests of the community and provide the best result, both financial and non-financial, for the Council and the community, and sales and
exchanges of land should occur at not less than the market value assessed by a valuer engaged by Council.

Particular actions apply when selling land by private treaty. Council should give consideration to the loss of public access caused by the sale, and should balance any change against the public/community benefit which may arise from the sale/exchange and managed properly.

Further, where a council and a Victorian government agency are proposing to transact a private treaty sale of land, the Victorian Government Land Monitor’s Policy needs to be followed in relation to the transaction and valuations. Valuations must be undertaken by the Valuer-General Victoria (VGV) who will value the land and advise on the transaction. To avoid unnecessary costs and delays, joint instructions from the council and Victorian government agency should be made to the VGV.

Council complies with these guidelines.

As a Victorian government agency, CFA must comply with the Government Land Monitor’s Policy.

The Victorian Government Land Transactions Policy (VGLTP) provides a framework of accountability and transparency for the conduct of land transactions.

The VGLTP states that unless an exemption applies, Victorian Government Agencies must not purchase land at a price which is greater than the current market value of the land as determined by the VGV.

Statutory powers and implications

Local Government Act 1989
Section 189 of the Local Government Act outlines restrictions on the power to sell land as follows:

189. Restriction on power to sell land
(1) Except where section 181 or 191 applies, if a Council sells or exchanges any land it must comply with this section.
(2) Before selling or exchanging the land the Council must—
   (a) ensure that public notice of intention to do so is given at least 4 weeks prior to selling or exchanging the land; and
   (b) obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the Valuation of Land Act 1960 a valuation of the land which is made not more than 6 months prior to the sale or exchange.
(3) A person has a right to make a submission under section 223 on the proposed sale or exchange.

Section 223 of the Local Government Act outlines the rights and requirements under a Section 223 process as follows:

223. Right to make submission
(1) The following provisions apply if a person is given a right to make a submission to the Council under this section (whether under this or any other Act)—
   (a) the Council must publish a public notice—
      (i) specifying the matter in respect of which the right to make a submission applies;
      (ii) containing the prescribed details in respect of that matter;
(iii) specifying the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published;
(iv) stating that a person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission.

Council will undertake the public notification process and give consideration to any submissions prior to entering into any formal agreement with the CFA.

Issues

Past resolution

In 2012, Council undertook the public notice process for the sale of this land; no submissions were received so Council resolved to proceed to sale. However, following this resolution, Council received a petition from 35 residents opposing the sale. Reasons given included:

- The land is public land, and is the only undeveloped public land in the township.
- The land supports significant indigenous flora.
- Development will increase traffic movement at an already dangerous intersection.
- The land links the hall and the recreation reserve.
- Metcalfe Landcare proposes to plant further local native specimens.
- The sale will produce only a short-term gain but a significant community loss.

In response, Council resolved not to sell the land.

A resolution of Council is binding on future decisions until it is dissolved or a new resolution made.

The previous Councillor resolution made 13 August 2013 states '[t]hat Council determine to cease any further action towards the sale of land identified as, assessment numbers 8404 and 8408, 22 Kyneton-Metcalfe Road Metcalfe East (CA 5 & CA 7, Section C, Parish of Metcalfe) and instead keep the land in public ownership as provision of public open space for the use and enjoyment of residents of Metcalfe and visitors'.

A dissolution or new resolution will be required to proceed with the sale of the land.

Concerns raised by 2013 petition

When initially approached by the CFA this year, Council officers advised that the community was opposed to the sale following the 2013 petition. The local CFA Captain has advised that the CFA and Landcare were the primary drivers of the petition. CFA had identified this site as the most suitable location for a future CFA station. At the time the State Government were renewing a number of CFA stations in the local area and around the state. The sale of the land into private ownership would prevent it from being available in the future for a fire station.

The purchase of the land by the CFA will see it remain initially in public ownership. It is hoped the development may provide a facility that can be used by the broader community for meetings and function space.

The two main issues raised in the petition that will remain outstanding are the native flora and proposed plantings by Metcalfe Landcare. There does not appear to have been
any tree planting to date, and part of the site (and the Crown Land behind) will remain managed by Council to allow for future works. Grasses in the construction area will be disturbed.

Only part of the site will be developed, although a larger part will be disturbed to allow for installation of the septic lines in much the same way the land would be disturbed for development of a dwelling.

Area

The CFA are not able to expand at the current location of the CFA facility.

The current CFA station occupies an area of approximately 200m² of the Metcalfe Council depot site, probably on an old informal agreement. This site is not suitable for expansion or redevelopment of the CFA facility as Council uses the site for stockpiling construction materials.

Though CFA initially indicated they wished to purchase approximately 2000m² of CA 5, consent has been given to proceed with the sale and acquisition of both lots totalling 8,400m².

Councillors should be aware that CFA may seek to fit all development on the one lot and on-sell the remaining lot, or realign boundaries and sell a portion of one lot. Council will not have control over future dealings if it sells land to CFA. Land may be sold into private ownership and lost for public access.

Location for CFA station

The land at 22 Kyneton Metcalfe Road Metcalfe is a good location for the CFA station. It keeps all community buildings (including the Hall and the Recreation Reserve pavilion) centrally located in the town, and retains a similar location to the current CFA station, being 90 metres away. It provides the ability for the CFA station to be used for larger township events (such as the tractor pull), retaining the central community hub.

Risk Analysis

The risk to Council is that submissions suggesting the land is better used for a purpose other than for a new CFA facility. This can be addressed/considered during the process if required.

Process

If Councillors endorse proceeding with the sale of the subject land, officers will begin a consultation process as defined in section 223 of the Local Government Act. This will advertise the intention to sell and give members of the public 28 days to make a submission, which may be nominated to be heard at a Council Meeting. A Council resolution will be required to formally sell the land once a buyer has been identified.

Alternate Options

Council could decide not to sell the land. This would be consistent with the August 2013 Council resolution. This will mean the CFA would need to continue to look elsewhere for a site for a future fire station. This may delay development of a future fire station in Metcalfe, and would likely remove the fire station off the main road in the centre town.

The CFA could liaise directly with Department of Environment, Land, Water and Planning and seek to have Council’s management of the Crown Land adjoining the
subject site relinquished. This would retain the development in the town centre, but would be less visible, off the main road, and Council would forego revenue from the sale of our land, while public open space would still be used for development of the CFA station. The CFA would still incur land acquisition costs to purchase from another State Government department.

Financial and Resource Implications

Officer time would be required to administer the sale, and Council would incur costs for an independent valuation and conveyancing. Officer time would be contained within current operational budgets, and the valuation and conveyancing costs could be offset against the sale price.

Council had the land valued for sale in January 2013 at $50,000 (for the one lot). In 2016 the two parcels were consolidated for valuation, and assessed at $70,000. Council’s last asset valuation was undertaken in 2017: this is a less rigorous desktop valuation, and therefore less accurate. It provided a value of $105,000. The current market value is likely to be close to the average of these two figures, per lot.

Consultation

There has been no formal consultation to date, however officers have discussed with a number of Metcalfe residents. While all have different recollections of past actions around the petition, all supported the land being used to construct a CFA station.

The Metcalfe CFA have undertaken internal consultation with their members, and it is very supportive of the land being used to construct a new CFA station. The Metcalfe CFA have also obtained letters of support from all other community groups in Metcalfe in support of the sale. This includes a letter from Metcalfe Landcare who were opposed to the earlier proposed sale.

The Metcalfe Hall Committee of Management passed a motion on the 6 April 2018 supporting the CFA’s proposal for the land.

Council will undertake public notice of the sale, and accept public submissions in accordance with section 223 of the Local Government Act. It is not proposed to undertake further informal consultation prior to the public notice as the land will remain in public ownership.

In accordance with the Local Government Act Council will undertake public notice and consider any submissions for or against before entering into formal agreement for the sale of the land.
Aerial photograph of site and current CFA station site

- Subject Land – 22 Kyneton Metcalfe Road
- Existing CFA Station
- Metcalfe Hall
- Crown Land
PLA 14   ADOPTION OF CASTLEMAINE URBAN WATERWAYS MANAGEMENT PLAN 2018

Responsible Director: Acting Director Infrastructure and Development
Responsible Officer: Natural Environment Officer
Original Document: DOC/18/37176

Executive Summary

The purpose of this report is to present the final Castlemaine Urban Waterways Management Plan 2018 (the Plan) for adoption.

The Plan’s development followed a thorough consultation process. An advisory group was established consisting of Council officers, community members and experts from regional and state government authorities. A consultant was appointed to work with the advisory group to develop a draft plan.

The draft Plan was presented to Councillors in late 2017. Feedback was received and consent to take the draft plan for community feedback granted.

A six week community public consultation period returned 44 written submissions. Of these, 43 were extremely positive and clearly expressed support for the Plan and of Council’s direction for management of urban waterways.

RECOMMENDATION


MOVED COUNCILLOR LESSER

That the recommendation be adopted.

SECONDED COUNCILLOR PETRUSMA

CARRIED.
Context

Council currently holds a licence agreement with the State Government regarding the management of the unreserved crown land that makes up the Castlemaine Urban Waterways project area. This agreement is overseen by the Department of Environment, Land, Water and Planning (DELWP), and is renewed annually. This licence makes Council responsible for all related land management matters.

The Castlemaine Urban Waterways project area covers 70 hectares of Crown land encompassing approximately 7.7 linear kilometres of waterway and adjoining environs through urban areas of Castlemaine, Chewton and Campbells Creek.

Council engaged Riverness Pty Ltd to assist with the development of the draft Urban Waterways Management Plan (the Plan). Key project tasks comprised:

- Implementing a robust and efficient stakeholder engagement program.
- Setting overarching goals for the management of the project area.
- Identifying the values, threats and risks to the values.
- Developing a works program.
- Providing visually appealing maps suitable for ongoing community and stakeholder engagement.

Council, the Friends of Campbells Creek Landcare Group, the Castlemaine Landcare Group, and other contributors have worked together to develop the Plan.

The purpose of the Plan is to guide the management of the Crown Land creek corridor. Importantly, the Plan will assist both Council and community groups in seeking external funding to complete the recommended works program and projects.

Implementing the Plan will provide benefits to the public including an urban connection to natural environment, climate mitigation through shade and cooling, places for passive contemplation, safer, better connected and more appealing transportation trails, and new recreation opportunities such as trail running. It is expected that the following long-term outcomes will be achieved:

1. Environment - Measurable improvement in stream and ecosystem health.
2. Social - Increased, safe, well connected access and safety to enable recreational usage for walking and cycling and passive connection with the waterways and nature.
3. Economic - Coordinated community collaboration to manage and improve these spaces, primarily via formalised working arrangements with Landcare groups and Connecting Country for improved community and visitor experience.

The roles and responsibilities of the three core groups involved in Urban Waterway management - Council, Friends of Campbells Creek Landcare Group and the Castlemaine Landcare Group, will be outlined in a Memorandum of Understanding.

It is intended that the Plan is reviewed every five years.

Refer to:

Policy and Statutory Implications

Relevant policies, strategies and plans

Council Plan 2017 – 2021
Includes the strategic objective: ‘A clean and green community’ with the strategy to protect and enhance the natural environment and states that we will ‘work with community groups on land management and weed control’. This plan has been developed in partnership with the Landcare groups who work along urban waterways. It commits them to a range of tasks including extensive weed control, and delivers on this commitment.

The Council Plan 2017 – 2021 incorporates The Public Health and Wellbeing Plan

Is connected to this plan and includes the strategy ‘Improve access to a range of convenient, safe, accessible and sustainable travel choices.’

The Castlemaine Urban Waterways and the walking and cycling trails along them have the potential to contribute significantly to this strategy.

The Environment Strategy 2015 – 2025
Is strongly connected to this plan. The Environment Strategy includes three strategic priority areas that relate directly:

- ‘Enable the community to take action’.
- ‘Collaborate with external organisations’.
- ‘Protect natural environment assets’.

The Environment Strategy includes the key strategic task: ‘Develop a strategic plan for urban waterways in Castlemaine, Campbells Creek and Chewton’. The development of the plan will fulfil this commitment.

The Public Open Space Strategy (May 2016)
Includes the strategic recommendation:

‘Explore opportunities to increase levels of Council support/resourcing for community groups or agencies in order to promote stewardship, conservation and enhanced environmental outcomes for waterway and conservation & environment open space reserves throughout the Shire’.

The development and implementation of the Plan relates directly to this recommendation and assists Council to fulfil this commitment.

The Walking and Cycling Strategy 2010 – 2020
Includes the walking and cycling network along Campbells Creek, Forest Creek and Barkers Creeks as ‘primary routes’ along the ‘trail network’. This plan identifies similar issues and strategies. Implementing this plan will assist Council in fulfilling commitments from this strategy.

The Water for Victoria Plan 2016
The Plan is aligned to this state-wide plan in its approach to supporting healthy environments and thriving communities.
The Victorian Waterway Management Strategy 2013

The Plan is aligned to this state-wide strategy in its approach to supporting environmental, social, cultural and economic values (of waterways) that are important to communities.

North Central Waterway Strategy 2014 – 2022

The Plan is closely aligned to the vision which states that waterways will be managed sustainably, their ecological diversity and function will improve while supporting the community's recreational and amenity use.

Castlemaine, Campbells Creek and Chewton Flood Management Plan 2015

The Plan supports recommendations included in this plan.

Statutory powers and implications

Council as the licensee of the land is considered to be the responsible land manager. Land managers are responsible for weed, pest animal and fire management under the Catchment and Land Protection Act 1994 (CaLP Act 1994) and the Country Fire Authority Act 1958.

Excerpt from the CaLP Act 1994:

Part 3 — Duties of the Secretary and land owners

20 General duties of land owners

(1) In relation to his or her land a land owner must take all reasonable steps to -

(a) avoid causing or contributing to land degradation which causes or may cause damage to land of another land owner; and

(b) conserve soil; and

(c) protect water resources; and

(d) eradicate regionally prohibited weeds; and

(e) prevent the growth and spread of regionally controlled weeds; and

(f) prevent the spread of, and as far as possible eradicate, established pest animals.

Excerpt from the CFA Act 1958:

43 Duties and powers of councils and public authorities in relation to fire

(1) In the country area of Victoria it is the duty of every municipal council and public authority to take all practicable steps (including burning) to prevent the occurrence of fires on, and minimise the danger of the spread of fires on and from -

(a) any land vested in it or under its control or management; and

(b) any road under its care and management.

(2) A municipal council or public authority may -

(a) acquire any equipment;

(b) do any thing;

(c) expend from its funds any amount - that is necessary or expedient for the purpose of fulfilling its duty under subsection (1).
Issues

Council’s reputation

The large number of submissions received as part of the community consultation process clearly demonstrates that there is strong support for the Plan. Furthermore, this support is coming from a wide cross section of the community who all present a supportive view. In adopting the Plan and then implementing it, Council will be responding to this significant amount of positive feedback and support.

Feedback from numerous individual Landcare members identified that there is a range of views and opinions within the Landcare community. Until now, the diverse views of the Landcare community have not been expressed to Council.

Social impacts, including community impact and possible community response

Adoption and implementation of this plan will have wide ranging positive impacts on the wider community, as the link to the many strategic documents indicates. This most importantly includes on-going and lasting positive health, social and environmental impacts gained by the community when the trail network is complete and it is more accessible to a wider range of the community, connecting more people to the natural environment.

Impact upon operations

Refer to ‘Financial and Resource Implications’ section.

Natural environment and sustainability

Council will have to define what effective natural resource management looks like on the land due to the highly engaged Landcare community. This means undertaking works along the waterways to a level that meets both the community’s expectations and also legislative requirements.

Council officers will continue to work with representatives of the two Landcare groups to negotiate and define what is an acceptable work standard to them, but more importantly the broader community and their own diverse Landcare members.

Alternate Options

Council may choose not to adopt the Plan. In doing so, Council will not meet its commitment from the Annual Plan 2017 – 2018 of ‘implementing the Urban Waterways Management Plan’.

This action will also have a negative impact on Council’s reputation and will erode the goodwill volunteer community members have donated in their time and expertise in development of the Plan.

If choosing not to adopt the Plan Council’s land management obligations will not change, full land manager responsibilities will remain as the licensee.

Financial and Resource Implications

Management of the urban waterways presents a considerable resource challenge for Council. Having already accepted the license agreement for management of the unreserved crown land that makes up the Castlemaine Urban Waterway, it is essential that a commitment is made to the skills and resources required to ensure that waterway
environs are managed in a condition that meets community and DELWP expectations and legislative requirements.

The urban waterway areas are high profile. Their management involves a range of challenges, including pest animals and weeds, fire protection, tree maintenance, grass slashing, litter removal, illegal dumping, encroachment, track maintenance and improving the natural systems of the waterways.

Council’s existing role in waterway management is limited. Development of the Plan is an important step in identifying opportunities, direction and outcomes however, not allocating adequate resources will, over time, create a number of issues related to community safety and expectation exposing Council to risk and general community dissatisfaction.

This resource requirement is intensified given the location of the waterways in the middle of Chewton, Castlemaine and Campbells Creek. Additionally, the ready access along the walking and cycling trails provides a range of recreational opportunities, and interface with neighbours is likely to increase public interest in the area.

Working in a collaborative manner with the Landcare groups enables Council to have ready access to a range of highly skilled volunteers. Some of the commitments included in the Plan will be delivered by Landcare at no direct cost to Council. Landcare groups will however, require assistance from Council with regard to grant applications and advocacy.

The detailed works program within the Plan prioritises and broadly costs each action. Some actions have already been identified and committed to as part of other existing Council plans and strategies. However the contained works program is quite operational in its context and therefore does present as a different set of commitments. The works program does represent a major resource challenge for Council but the plan is clear in stating that the works program will only be implemented when funds become available.

In draft, the Plan has recently enabled Council to access a $45,000 grant from DELWP to undertake significant weed control, planting and community education events over the next 12 months. The Friends of Campbells Creek Landcare group have also recently obtained $60,000 from the state government to complete further restoration works. It is expected that the Plan will improve the likelihood of Landcare and Council obtaining future funding from external sources.

Consultation

An Advisory Group was established and included key Council officers and representatives from DELWP, NCCMA, Connecting Country and Landcare. An invitation was extended to Dja Wurrung who chose not to participate.

Advisory Group members collaborated to provide extensive written feedback during the public consultation period, extensive and detailed document review work, workshop attendance and technical data.

The draft plan was available for community feedback in April and May for a period of six weeks. During this time the plan was promoted and included in Council’s newspaper bulletin, Council website, library noticeboard, Council’s Facebook page and the Healthy Environments sustainability e-news list. All adjacent rate payers and residents (approximately 270) were notified by direct mail and all external referral authorities were notified by mail. Hard copies of the draft plan were available at reception for viewing.
There were 44 written submissions received. Of these, 43 were extremely positive and clearly expressed support of the Plan and of Council’s direction for management of urban waterways.

Much of the feedback received was very detailed in nature, reflecting the tone of the plan. The majority of individual submitters clearly support the environmental outcomes of the project but see that Council investing in infrastructure updates along the trails as a priority. This has been incorporated into the prioritisation of each individual action in the works program.
PLA 15 ADOPTION OF THE ROAD MANAGEMENT PLAN

Responsible Director: Acting Director Infrastructure and Development
Responsible Officer: Executive Manager Infrastructure
Original Document: DOC/18/39837

Executive Summary

The purpose of this report is for Council to adopt the draft Road Management Plan (RMP) following public exhibition of the document and as presented at the Councillor Briefing Session on 26 September 2018.

As noted at the previous briefing session, the Road Management Plan is primarily used to establish the minimum reasonable level of safety offered to the public in regard to road related infrastructure and is not of itself a statement regarding asset maintenance and service standards offered by Council.

RECOMMENDATION

That Council:

1. Adopt the amended Road Management Plan at the Ordinary Meeting of Council on 16 October 2018; and

2. Place a notice in the Government Gazette stating the date that the amended Road Management Plan was adopted.

MOVED COUNCILLOR PETRUSMA

That the recommendation be adopted.

SECONDED COUNCILLOR NIEMAN

CARRIED.
Context

A comprehensive review of the current Road Management Plan (RMP) was undertaken in consultation with Council’s insurers and in consideration of RMP’s by other nearby Councils.

A public notice was placed in the Midland Express dated 31 July 2018 and in the Victorian Government Gazette dated 2 August 2018 as required by the Road Management Act for the purpose of seeking feedback.

Written submissions in response to the review of the draft RMP were accepted up until Friday 24 August 2018. At the conclusion of the advertising period, no written submissions were received. There were, however, some further minor drafting changes identified by staff.

The draft RMP has been updated and has been prepared for formal adoption by Council.

Subject to adoption, officers will give notice of the amendment to the RMP as required by Road Management (General) Regulations 2016, Part 3, Division 2 – Amendment of Road Management Plans. This means:

- A notice will be placed in the Victorian Government Gazette, stating the date the amendment took place and following the Ordinary Meeting of Council 16 October 2018.
- That a copy of the amended RMP can be inspected at the Council Offices, Civic Centre, Lyttleton Street, Castlemaine during business hours or by visiting the website.

Refer to:


Policy and Statutory Implications

This review has been conducted in accordance with the Road Management (General) Regulations 2016 Part 3 Division 1– Road Management Plans.

The amendment to the RMP will be made in accordance with the Road Management (General) Regulations 2016 Part 3 Division 2 Section 13 which requires that the amended Road Management Plan must be available for inspection:

- At the office of the road authority specified in the notice; and/or
- On an internet site maintained by the road authority, and
- That the substance of the amendment and date of effect must be recorded on that plan.

Issues

The proposed changes improve clarity around intervention service levels and response times for hazards or defects identified across the network. The service levels and response times are achievable within existing resources and programming, and have remained unchanged from the last briefing.
A summary of the findings of the review of the RMP are listed below:

Road Hierarchy

The RMP details a road hierarchy which provide a framework in order to rank each of the roads for maintenance activities.

- Link roads (LK)
- Collector and Strategic roads (CS)
- Local roads (LL)
- Minor roads (MN)
- Unformed roads (UR).

The following changes are proposed to the road hierarchy:

1. Change the hierarchy descriptions to remove reference to sealed and unsealed roads (as both may be apparent in the LL and MN levels).
2. LL adjusted to only include those roads that provide access to urban properties.
3. Minor roads adjusted to only include those roads that provide access to rural properties.
4. Within Assetic (Council’s asset management system), an adjustment be made to alter the hierarchy for minor roads (MN) that fit the description of UR (approximately 40 roads), noting that many of these roads were identified in the previous condition audit as being incorrectly categorised. A list of roads being reviewed is attached in the finding and conclusions report.
5. An amendment to the UR hierarchy description to include roads that provide driveway access to properties.

Intervention levels

Defect descriptions have been adjusted based on neighbouring Local Governments and Council’s road network, to provide clarity over when a defect requires intervention, and with some additions to address additional potential hazards.

Sealed roads:

- Potholes of greater than 300 millimetres diameter was increased from 50 millimetres to 75 millimetres in depth.
- Edge drops onto an unsealed shoulder more clearly defined to greater than 10 metres in length and 100 millimetres in depth.
- Edge break in the traffic lane more clearly defined to greater than 20 metres in length and greater than 200 millimetres across lane (and increase from 100 millimetres).
- Debris more clearly defined as loose material in the traffic lane spread greater than 2 metres in diameter and greater than 30 millimetres in depth, or other debris causing a danger to road users.

Unsealed roads:

- Wheel ruts, shoves and potholes decreased in depth from greater than 150 millimetres to greater than 100 millimetres in depth and with a defined width greater than 500 millimetres in width.
- Increase clarity regarding corrugations (rather than subjective deformations).
- Debris more clearly defined as loose material in the traffic lane spread greater than 50 metres in length and greater than 50 millimetres in depth, or other debris causing a danger to road users.
Traffic control defects:
- The number of missing guideposts has increased from 5% to 25% over a distance of one kilometre.

Roadside vegetation defects:
- Intervention levels have been added to include the need to address roadside vegetation intruding the traffic lane envelope.

Footpath and Shared Path defects:
- Additional descriptors have been added to improve safety parameters.

**Response times**

Response times have been reviewed to take into account comments from our insurers, who indicated that some mandatory response times were too long, and to address some categories which were previously not specified, as follows:

- Specific targets have been revised for potholes, edge repairs, and shoulder defects for sealed and unsealed roads:
  - Some of which were previously not included (MN), and some of which have been reduced in timeframe (all road types with drainage pit lid hazards).
  - The LL time frame was extended from two months to three months for pothole rectification, and this was changed to align with the other sealed hazard rectification requirements, as well as to align with a suitable timeframe which was also added for MN (noting this was previously not included).
- Additions for defects on the unsealed CS road network (previously not included).
- Roadside vegetation defects now include an intervention level of 4.5 metre clearance zone (previously not included).
- Additions for defects identified on a footpath or shared path Category 2.

Response times to reactive inspections (raised through customer requests and or other external means) have also been changed to reflect the same rectification times as detailed for hazards identified via proactive inspections (i.e. to ensure a consistent approach to rectification).

**Road inspection frequencies**

Road inspection frequencies are currently managed in Assetic and aligned with the requirements of the RMP and road hierarchy. Work tickets are raised if a defect/hazard is identified from the inspection and these are recorded in the Strategic Maintenance Planning module of Assetic and tracked until close out.

To provide consistency across the network, Minor roads (MN) are proposed to be inspected at the same frequency as Local roads (LL), which is a change from eight months to annual inspections.
Alternate Options

If Council elects to maintain the current inspection and response times nominated in the existing RMP, the following issues (as identified by the insurer) could ensue:

- Council could be challenged due to response times being too long from when the hazard of defect is recorded.
- Hazards or defects could be overlooked during an inspection as the description is too broad or subjective.

Irrespective of changes made or not, Council must complete this review of its RMP.

Financial and Resource Implications

The changes proposed are supported and achievable within allocated budget provisions.

Consultation

Exhibition of the draft RMP was completed as required by the Road Management Act. A public exhibition of the RMP for 28 days yielded no submissions from the community and given the nature of this document, little or no response from the community is considered quite common. The ability for the community to influence the commitments made in the document is also quite limited in practice as the response times to rectify hazards and the frequency of hazard inspections is substantially determined by Council’s insurers.

A notice will be placed in the Victorian Government Gazette stating the date the amendment took place.

A copy of the amended RMP will be available for inspection at the Council offices or by visiting the website.
Executive Summary

Many buildings at the Etty Street campus of Castlemaine Secondary College have been vacant for some time following the progressive opening of the new Blakeley Road campus. While the school has retained a presence in a small number of buildings at the Etty Street campus, the majority are now vacant.

In the lead up to most student programs being relocated to the new school site, a number of interested community groups (including Castlemaine Hot Rod Centre Ltd, Workspace Australia, U3A and Castlemaine Theatre Company) worked with local member Maree Edwards and the school board and principal to develop an idea for the re-use of the Etty Street site. The proposed re-use is now broadly described as ‘office space, educational and community activities’.

Council was asked to become more involved in this initiative around two years ago, when it was identified that the Castlemaine Secondary College could not perform the role of ‘property manager’ as had been initially planned.

Since that time, a variety of lease and purchase options were explored amongst the parties. This report recommends action by Council to support the most favoured option of the parties that enables full use of the facility at a peppercorn rent for a period of up to 15 years. This action would see Council enter into a lease with the Minister for Education.

The recommended action is predicated on a commitment by the Department of Education to also retain the land currently occupied by the now unused oval, until after Council has determined what the best overall strategic future use of that land is. This would be treated as a separate project should Council determine to proceed with the recommended lease with the Minister for Education.

RECOMMENDATION

That Council:

1. Acknowledge the initiative and significant ongoing efforts of the past and present Castlemaine Secondary School Principal and Board, Jim Norris and Rebecca Dempsey of Workspace Australia, Larry O’Toole of the Castlemaine Hot Rod Centre Ltd, Win Jodell of U3A, Kate Stones of Castlemaine Theatre Company Inc., and local member, Maree Edwards, to re-purpose the secondary college campus in Etty Street as a new hub for office space, educational and community activities.

2. Enter into a 15 year lease (comprising an initial five years and two options of a further five years) with the Minister for Education that substantially covers the site of the former secondary college campus in Etty Street, on the basis of peppercorn rent being payable and as described in the draft lease agreement attached as Confidential Attachment PLA 16A.

3. In accordance with Sections 190 and 223 of the Local Government Act, publish a public notice advising of its intention to enter into separate 15 year leases (comprising an initial five years and two options of a further five years) with
Workspace Australia and Castlemaine Hot Rod Centre Ltd for portions of the former secondary college campus in Etty Street, in accordance with the following:

a. The areas nominated in Attachment PLA 16B for each party.

b. Peppercorn rent being payable in accordance with that agreed between the Minister for Education and Mount Alexander Shire Council.

c. The rights, powers, obligations and remedies nominated for the Tenant in the draft lease between the Minister for Education and Mount Alexander Shire Council being the rights, powers, obligations and remedies nominated for Workspace Australia and Castlemaine Hot Rod Centre Ltd in their respective leases.

d. Provision in each lease for an agreed amount of floor space to be set aside and maintained for community use at an agreed hire rate.

4. Invite submissions to the proposed leases with Workspace Australia and Castlemaine Hot Rod Centre Ltd and hear any submitters wishing to be heard at a future meeting of Council, in accordance with Section 223 of the Local Government Act and prior to making a decision on whether or not to enter into the proposed leases.

MOVED COUNCILLOR PETRUSMA

That Council:

1. Acknowledge the initiative and significant ongoing efforts of the past and present Castlemaine Secondary School Principal and Board, Jim Norris and Rebecca Dempsey of Workspace Australia, Larry O’Toole of the Castlemaine Hot Rod Centre Ltd, Win Jodell of U3A, Kate Stones of Castlemaine Theatre Company Inc., and local member, Maree Edwards, to re-purpose the secondary college campus in Etty Street as a new hub for office space, educational and community activities.

2. Enter into a 15 year lease (comprising an initial five years and two options of a further five years) with the Minister for Education that substantially covers the site of the former secondary college campus in Etty Street, on the basis of peppercorn rent being payable and as described in the draft lease agreement attached as Confidential Attachment PLA 16A.

3. In accordance with Sections 190 and 223 of the Local Government Act, publish a public notice advising of its intention to enter into separate 15 year leases (comprising an initial five years and two options of a further five years) with Workspace Australia and Castlemaine Hot Rod Centre Ltd for portions of the former secondary college campus in Etty Street, in accordance with the following:

   a. The areas nominated in Attachment PLA 16B for each party.

   b. Peppercorn rent being payable in accordance with that agreed between the Minister for Education and Mount Alexander Shire Council and adjusted as deemed necessary to cover the reasonable costs arising from any obligations in the head lease that are not subsequently
transferred to Workspace Australia and/or Castlemaine Hot Rod Centre Ltd.

c. The rights, powers, obligations and remedies nominated for the Tenant in the draft lease between the Minister for Education and Mount Alexander Shire Council being the rights, powers, obligations and remedies nominated for Workspace Australia and Castlemaine Hot Rod Centre Ltd in their respective leases.

d. Provision in each lease for an agreed amount of floor space to be set aside and maintained for community use at an agreed hire rate.

4. Invite submissions to the proposed leases with Workspace Australia and Castlemaine Hot Rod Centre Ltd and hear any submitters wishing to be heard at a future meeting of Council, in accordance with Section 223 of the Local Government Act and prior to making a decision on whether or not to enter into the proposed leases.

SECONDED COUNCILLOR CORDY

CARRIED.
Context

In 2014, following the decision to move the Castlemaine Secondary College (the college) from its Etty Street location to the current site in Blakeley Road, the board and principal of the college worked closely with representatives of Workspace Australia, Castlemaine Hot Rod Centre Ltd, U3A and Castlemaine Theatre Company, together with local member, Maree Edwards, to develop shared plans for re-use of the Etty Street facility.

Initially it was anticipated that the various groups could be direct tenants to the college, however as this option was explored further, it became evident that such an arrangement would create a level of complexity for the college that was unacceptable.

As a result, around two years ago, Council was requested to assist in the process by becoming the head lessee to the Minister for Education. Since that time, officers have been working with the Department of Education, the board and principal of the college, Workspace Australia, Castlemaine Hot Rod Centre Ltd and Maree Edwards to establish arrangements that would best meet the needs of the parties.

The arrangements that have now been agreed enable:

- The college to continue offering selected classes in a safe and clearly delineated location at the Etty Street site for the foreseeable future.
- Long term certainty to Workspace Australia and the 40-50 businesses that are typically supported and housed at the Halford Street facility.
- Establishment of a ‘life-long community education and industry innovation campus’ by the Castlemaine Hot Rod Centre Ltd and its partners.
- Use by other approved community groups of a portion of the facilities at Etty Street at an agreed fee.
- Thorough planning and community engagement to be undertaken to identify the best possible future use of the land currently occupied by the now unused college oval.

Of the above, the matter yet to be fully resolved is the extent of the site that can be made available for other community groups and the associated fee. It is noted that this matter was the subject of concern expressed in late 2017 when Council published a notice indicating its intent to enter into a lease arrangement with Workspace Australia. It is for this reason that the recommendation to Council in this report, requires the current proposed lessees (Workspace Australia and Castlemaine Hot Rod Centre Ltd) to reach agreement with Council (represented by the Chief Executive Officer) on this point as a pre-condition to obtaining their leases.

The proposal for Council to have separate lease agreements with Workspace Australia and Castlemaine Hot Rod Centre Ltd arose in very recent discussions. For Workspace Australia, this change removes a considerable site management risk that involves around fifty percent of the site buildings in which it would have had little day to day control. For Castlemaine Hot Rod Centre Ltd, it means a more direct relationship with decision makers about its management arrangements and development proposals.

While a second lease does add a further amount of administrative effort for Council it is agreed that, given the two parties would occupy approximately half of the site buildings each and would substantially act independently, such a split is sensible.

As part of the negotiations, it has been agreed between Workspace Australia and Council officers that maintaining the grounds (including the oval area) in a clean, neat and tidy condition would be the responsibility of Workspace Australia. This requirement will be included in the relevant lease should this proposal proceed.
The previous resolutions of Council on this matter are as follows:

Ordinary Meeting of Council 17 October 2017

That Council:

1. Give public notice in accordance with Section 190 and Section 223 of the Local Government Act 1989 that it proposes to enter into a lease with Workspace Australia for the former Castlemaine Secondary College Etty Street campus;

2. Make copies of the lease available for inspection at Council’s Civic Centre and on Council’s website;

3. Call a Special Meeting of Council to be held at the Civic Centre Castlemaine at 6:00 pm on Tuesday 28 November 2017 to hear from submitters;

4. Hear any person who makes a written submission in relation to the proposed lease to Workspace Australia, by 5:00pm 20 November 2017, at the above Special Meeting; and

5. Consider any submissions made, and consider entering into the lease at the Ordinary Meeting of Council to be held on Tuesday 19 December 2017.

Ordinary Meeting of Council 19 December 2017

That Councillors:

1. Note that the parties to the lease are continuing to negotiate the terms of the lease; and

2. Note that a report for decision about Council entering into a lease with the Department of Education, to lease the Etty Street Campus of Castlemaine Secondary College (35 Etty Street Castlemaine) and a sub-lease for the site with Workspace Australia, will be presented to Council in 2018.

Refer to:

Confidential Attachment PLA 16A: Draft Lease – Minister for Education and Mount Alexander Shire Council – Etty Street, Castlemaine.
Attachment PLA 16B: Plan of Proposed Lease Areas.

Policy and Statutory Implications

Relevant policies, strategies and plans

Council Plan 2017-2021

The Council Plan 2017-2021 (the plan) identifies Council playing a key role in economic development. Council’s role includes initiatives to build the local economy including supporting the growth of local businesses and reducing barriers for business development. A specific strategy is to ‘Assist businesses to start and operate in our shire’ which is the primary purpose of Workspace Australia.

The plan also commits to Council building partnerships with the community and developing and implementing community focused projects. This initiative has the potential to strongly deliver on that objective.

Council’s Economic Development Strategy outlines a number of objectives that relate to this initiative, in particular:

- Promote collaboration and innovation.
- Provide targeted learning, skill development and business support.
- Ensure that resources and infrastructure support business growth and innovation.

Again, the recommended role of Council in the Etty Street campus initiative can deliver significant results against these objectives.

Property Leasing and Licensing Policy

Council’s Property Leasing and Licensing Policy provides that generally community agreements will be for a term of three years, however that Council may offer a longer term where it is in the best interests of the community or where a tenant substantially invests in fixed assets and fully maintains the property.

In this instance, it is considered to be in the best interests of the community to offer a longer term than three years, as this will enable both Workspace Australia and Castlemaine Hot Rod Centre Ltd to make substantial investments to appropriately fit out the facilities for the proposed purposes.

Victorian Government Landholding Policy

This policy outlines the requirements for Victorian Government agencies to adhere to if retaining or purchasing land. The policy makes a number of references to community use and economic benefits of the use of State owned land, in particular:

Community Use

With the approval of the acquiring or landholding Minister, State ownership of land or an interest in land, is necessary to provide for use by other government or community organisations where:

- Land is sold or transferred for a public or community purpose and the terms of sale include a restriction on title that reflects the public or community purpose, so that any future change in the use of the land requires the State’s consent; the State receives market value rent; or
- Where the State receives less than market value rent, the social, environmental or community benefits of use are considered to justify the costs to the State.

Where it is considered desirable for other government or community organisations to occupy land that is held by the State but it is unfeasible for that other organisation to acquire the land, the landholding Minister may approve the retention of the land for the purpose of enabling occupation.

The agency must justify that the other government or community occupation of the land is the most efficient and sustainable manner that enhances economic and social outcomes.

Occupation should only be granted where the State receives market value rent or the landholding Minister is satisfied that the social, environmental or community benefits of occupation justify the costs incurred by the State of providing such accommodation.
The explicit approval of the landholding Minister is required if land is to be retained for this reason.

**Statutory powers and implications of the Local Government Act**

Section 190 of the Local Government Act restricts Council’s power to lease land. This states:

(3) **If the lease is to be**—

   (a) **for 1 year or more and**—

       (i) the rent for any period of the lease is $50 000 or more a year; or

       (ii) the current market rental value of the land is $50 000 or more a year; or

   (b) **for 10 years or more; or**

   (c) **a building or improving lease**—

       the Council must at least 4 weeks before the lease is made publish a public notice of the proposed lease.

(4) **A person has a right to make a submission under Section 223 on the proposed lease.**

As the proposed leases are for more than ten years, Council must give public notice of them and consider public submissions.

Section 223 of the Local Government Act outlines the rights and requirements under a Section 223 process as follows:

Section 223 – Right to make submission

(1) **The following provisions apply if a person is given a right to make a submission to the Council under this section (whether under this or any other Act)**—

   (a) **the Council must publish a public notice**—

       (i) specifying the matter in respect of which the right to make a submission applies;

       (ii) containing the prescribed details in respect of that matter;

       (iii) specifying the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published;

       (iv) stating that a person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission.

For clarity, there is no requirement for Council to publish a public notice or to invite submissions in relation to the proposed lease arrangement with the Minister for Education.
Mount Alexander Planning Scheme

As the proposed activity is not being undertaken by the public land manager (the Department of Education), planning permits for use and for works will be required. Accordingly, the proposed leases will require that all necessary permits are obtained by the lessees.

Discussion

The relocation of most student programs away from the Secondary College campus in Etty Street, has created an unusual opportunity for Council to assist various parties to address challenges that they face or to realise opportunities that they desire.

The short term nature of Workspace Australia’s lease arrangement with Castlemaine Health over the Halford Street site is a concern and significant risk for both Workspace Australia and Council, given the critical role this not-for-profit organisation plays in supporting many businesses to establish and succeed in Mount Alexander Shire.

So too, helping community groups to find suitable accommodation is an important opportunity for Council to consider. While it is generally beyond Council’s means to provide this accommodation directly, this initiative offers Council an opportunity to use its status with the Victorian Government to facilitate access to government buildings by such groups, that would be difficult (if not impossible) for them to achieve on their own.

The Castlemaine Hot Rod Centre Ltd proposal offers wide benefit to the Shire. Building on the unquestionably strong national and international reputation of the hot rod and automotive sector of the Shire, the proposal seeks to further unlock its significant tourism potential and looks to integrate leading edge education opportunities with the college and TAFE, that supports ongoing growth in this important sector of our economy and creates more ways for our young people to stay in the Shire.

By supporting these initiatives in the way proposed, Council would be taking on new risks that are inherent in the management and operation of property and facilities. However, it is suggested that the community and economic benefits anticipated to arise from doing so are significant and outweigh these risks. Further, the proposed leases to both Workspace Australia and Castlemaine Hot Rod Centre Ltd will ensure that, to the greatest extent possible, this risk is carried by those who have the best ability to manage it.

Alternate Options

No role by Council

Council could choose to have no role in this proposal and encourage the community groups to pursue direct relationships with the Minister for Education. The Department of Education has indicated that a direct lease relationship between the Minister and any party other than Council is very unlikely to be accepted and, if it were to be, then full commercial rental rates would apply. Accordingly the business model on which Workspace Australia operates would not be possible and the proposal is extremely unlikely to proceed.

The Department of Education has also emphasised that, in instances where property becomes redundant to the needs of the Minister (in this case, Education), it is normal for the land to be declared as such and then sold (usually at normal market rates). If this were to occur, it is very unlikely that the parties involved could fund such a purchase and again the proposal would be extremely unlikely to proceed.
Maintain a single lease only

Administratively, this is a more attractive option for Council. Should Council wish to do so, then it is recommended that such a lease be established with Workspace Australia as the management of multiple tenants on a site is part of its core business and proven capability. However, as previously noted there is considerable benefit from risk management and efficiency perspectives for the two proposed parties to have their own leases with Council. Given the limited additional administration required to do so, it is considered that the benefit to the two organisations is worth supporting.

Maintain multiple leases for all individual community groups on the site

The benefit of this model is that it offers an opportunity for Council to directly manage every user on the site and therefore to have a closer ability to manage any risks associated with operation of the site. This would however be at odds with the Workspace Australia model and would create considerable additional work that would require resourcing by Council, while missing the opportunity to use Workspace Australia’s expertise in this area. It is considered that the option to require Workspace Australia and Castlemaine Hot Rod Centre Ltd to provide an agreed amount of space for community groups at an agreed hire rate is a better option.

Council purchases the whole site

For this to occur, the site would have to be deemed surplus to the Minister for Education’s needs and then go through a process to establish interest or otherwise in the land by other government departments. If none were identified, then Council would be offered the opportunity to purchase the land. Under current State Government policy this could potentially occur at around half the commercial rate of the property, however:

1) Generally this process takes no less than two years, and

2) There is no guarantee that such a policy will be in place in future.

Irrespective, the purchase price would still likely be in the order of several millions of dollars. The current proposal is considered a far better option than purchasing as it requires no capital investment by Council, is not dependant on a variety of factors that could change in future and is understood to be well supported by the current Minister for Education.

Financial and Resource Implications

Development of the project to date has required considerable officer time over the last two years and further work will be required to establish the leases if approved. This time however has been accommodated in existing salary budgets and some further relatively minor legal expenditure would be required as part of finalising the proposed leases.

Ongoing officer time will be required to review tenancy applications for businesses and for community groups as the landlord’s consent (both Council and the Department of Education) will be required for all tenancies. The majority of this administrative work would however be undertaken by Workspace Australia and/or Castlemaine Hot Rod Centre Ltd.
Consultation

There has been substantial and ongoing consultation and negotiation over a two year period with Workspace Australia, Castlemaine Hot Rod Centre Ltd, Castlemaine Secondary College, the Department of Education and local member, Maree Edwards. Consultation with U3A and Castlemaine Theatre Company has also occurred on a less frequent basis.

This report recommends undertaking public notice in accordance with Sections 190 and 223 of the Local Government Act, in regard to the leases proposed with Workspace Australia and Castlemaine Hot Rod Centre Ltd. If the recommendation is supported, then this process will occur as previously described.
9.3. OUR ECONOMY (ECO)

ECO 47     PLANNING PERMIT APPLICATION 020/2018 – USE AND DEVELOPMENT OF A DWELLING AT 18 DONKEY GULLY ROAD, CAMPBELLS CREEK

Responsible Director: Acting Director Infrastructure and Development
Responsible Officer: Acting Manager Development Services
Original Document: DOC/18/33238

Executive Summary

Council has received an application for use and development of a dwelling in Campbells Creek. Two objections to the application have been received; one has been withdrawn, and one objection stands.

The subject site is located in the Farming Zone and is not covered by any Overlays. The purpose of the Farming Zone is to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of the land for agriculture.

Issues raised include the construction of a dwelling not in accordance with the Farming Zone guidelines, particularly on a lot less than 40 hectares; privacy, noise, and the effects of the development on local fauna.

The application has been assessed against the decision guidelines of the Farming Zone and is considered an appropriate development at this location.

It is recommended that Council issue a Notice of Decision to Grant a Planning Permit, subject to conditions as noted in this report.

RECOMMENDATION

That Council issue a Notice of Decision to Grant a Planning Permit for the use and development of a dwelling at 18 Donkey Gully Road, Campbells Creek on the following grounds:

1. LAYOUT NOT ALTERED
   1.1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

2. CONSOLIDATION
   2.1. Prior to the construction of the dwelling, the four parcels legally described as Lots 1 and 4 on Title Plan 758303Q and Lots 5 and 6 on Title Plan 446039V must be consolidated into one lot under the Subdivision Act 1988.

3. GOULBURN MURRAY WATER
   3.1. All wastewater requiring disposal to land must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must be an EPA approved system, installed, operated and maintained in accordance with the relevant EPA Code of Practice and Certificate of Conformity.
   3.2. The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy.
(based on a minimum 4 bedrooms), including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land. 4. The wastewater disposal area must be located at minimum setback distance of at least 60 metres from any dams.

3.3. All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.

3.4. The wastewater disposal area 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 disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.

3.5. All construction and ongoing activities must be in accordance with sediment control principles outlined in ‘Construction Techniques for Sediment Pollution Control’ (EPA, 1991). Planning Note: The subject property is located within an area of Cultural Heritage Sensitivity. Should the activity associated with proposed development require a Cultural Heritage Management Plan (CHMP), planning permits, licences and work authorities cannot be issued unless a CHMP has been approved for the activity.

4. ENVIRONMENTAL HEALTH

4.1. 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.

4.2. 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.

5. DRAINAGE

5.1. The whole paved areas must be graded and drained to the Legal Point of Discharge, so as to prevent the discharge of water from the subject land across any road or onto any adjoining land.

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

6. VEHICLE CROSSEOVERS/ INTERNAL DRIVEWAY

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

- 3.5 metres wide
- Appropriately sized reinforced concrete pipes (minimum 375 millimetres) 4.8 metres long centred on the crossover matching the capacity of the open drain.
- Culvert end-walls to all culvert ends.
6.2. 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. INFRASTRUCTURE STATUS
7.1. 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. SEDIMENT POLLUTION CONTROL
8.1. 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).
8.2. The developer must ensure that all site works conducted during any stages of the proposed development minimises any erosion damage to surrounding public and private property and assets.
8.3. The developer is required to re-instate any erosion damage or sediment build-ups caused by the proposed works to any residential or public assets.

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

10. USE AND DEVELOPMENT
10.1. The permit for the use and development of the land will expire if one of the following circumstances applies:
   a) The development is not commenced within two years of the date of this permit;
   b) The development is not completed within four years of the date of this permit;
   c) The use is not commenced within two years after the completion of the development;
   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 Note:

Goulburn Murray Water

The subject property is located within an area of Cultural Heritage Sensitivity. Should the activity associated with proposed development require a Cultural Heritage Management Plan (CHMP), planning permits, licences and work authorities cannot be issued unless a CHMP has been approved for the activity.
MOVED COUNCILLOR NIEMAN

That the recommendation be adopted.

SECONDED COUNCILLOR HENDERSON

CARRIED.
Context

The purpose of this report is to enable Council to make a determination on Planning Application 020/2018 for the use and development of a dwelling at 18 Donkey Gully Road, Campbells Creek.

The application has been referred to Council for determination because there is an outstanding objection to the application.

Attachment ECO 47A: PA020/2018 Site layout.
Attachment ECO 47B: PA020/2018 Aerial.

The application was lodged on 23 January 2018 and seeks approval for use and development of a dwelling within the Farming Zone. The application originally sought approval for the re-subdivision of the existing lots into two lots and the development of a single dwelling on the revised two lots. The applicant amended the proposal to the development of a single dwelling on the consolidated lots after Council officers advised that more than one dwelling on the land would not be supported.

The site is located at 18 Donkey Gully Road in Campbells Creek. It is 3.66 hectares in size and contains no remnant native vegetation. The site consists of four titles, and those titles are to be consolidated as part of this development.

The dwelling is proposed to be sited to provide a considerable setback to the rail reserve and to allow the effluent envelope to be downslope from the dwelling. The application also proposes to retain an existing grazing paddock, and areas are designated that could contain a food garden or native plants, and screening plants around the effluent envelope.

The land directly adjoins two parcels, 20 and 22 Donkey Gully Road, both containing a dwelling, associated outbuildings and a small dam. Grazing is the only agricultural activity occurring on adjacent lots. Adjoining land comprises a mixture of lot sizes, however all being a similar or smaller size to the subject land and all developed with dwellings.

Policy and Statutory Implications

Planning Policy Framework (PPF)

Clause 14.01-1 Protection of Agricultural Land
The objective of this Clause is to protect productive farmland which is of strategic significance in the local or regional context. The development of a dwelling within agricultural land should not detract from the long-term productive capacity of the land.

Clause 14.02-1S Catchment Planning and Management
The objective of this Clause is to assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

Clause 14.02 -2S Water Quality
The objective of this Clause is to protect water quality.

Clause 16.01-5S Rural Residential Development
Planning should manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.
Clause 19.03-3S Water Supply, Sewerage and Drainage

The protection of water supply from uses that may cause possible contamination must be considered in permit applications.

Appropriate on-site waste disposal methods in areas not connected to a reticulated sewerage system must be provided to all lots created through subdivision.

Local Planning Policy Framework (LPPF)

Clause 21.02 Vision and framework plan

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

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

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

Clause 21.04-1 Biodiversity

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

Clause 21.04-3 Rural and landscape character

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

Clause 21.06-1 Protection of agricultural land

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

Strategies to implement the objectives of this Clause include:

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

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

Clause 21.06-3 Water

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

Clause 22.04 Use and development of land in the Farming Zone and Rural Living Zone
The policy basis for this Clause builds on other Municipal Strategic Statement objectives of:

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

The policy basis acknowledges that the fragmentation of productive agricultural land is to be avoided to ensure the productive capacity of the land is maintained.

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

It is determined in this case that the dwelling will not adversely affect agricultural activities as there is little activity in the nearby properties. The agricultural land has already been fragmented and the addition of a single dwelling will not lead to further land fragmentation.

Zoning

Clause 35.07 Farming Zone (FZ)
A permit is required for use and development of a dwelling on a lot less than 40 hectares in the Farming Zone (Clause 35.07-1).

The purpose of the Farming Zone is:

- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure dwellings do not adversely affect the use of land for agriculture.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Overlays

None applicable.

Particular provisions

Clause 65 Decision Guidelines
While a permit can be sought for this use and development, it is not implied that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this Clause.

Issues

Farming Zone
A planning permit is required to use and develop a dwelling on land less than 40 hectares in the Farming Zone, and also to allow a reduction in the development setbacks applicable in the Schedule to the Zone.
The proposed use and development of a dwelling on a lot less than 40 hectares must be considered against the guidelines of the Farming Zone. The purpose of the Farming Zone is to ensure that non-agricultural uses do not adversely affect the use of the land for agriculture and to promote agriculture as the primary land use. A dwelling on land zoned Farming is a non-agricultural activity.

The proposed dwelling would be sited in a building envelope of 25 x 20 metres and will have reduced setbacks as follows:

- 43 metres to the dwelling at 20 Donkey Gully Road
- 93 metres to the dwelling at 4 Donkey Gully Road.

The Schedule to the Farming Zone requires a 100 metre setback to dwellings not in the same ownership; planning consent is required to reduce that setback. The applicant has supplied suitable justification for the reduced setback and based on the shape, existing vegetation and size of the site it is deemed a suitable location. The owner of 20 Donkey Gully Road has advised Council that they are satisfied with the proposed dwelling location.

The use and development of a dwelling in this instance would not hinder or impede on agricultural production on the subject site; however, farming practice on the site is largely limited due to the size of the site and as the site is surrounded by parcels containing dwellings it is unlikely to cause any further impacts on the agricultural production on this site or in the surrounds.

The application was submitted with a Land Capability Assessment, addressing key points of soil quality and wastewater management on the site. The siting of the proposed dwelling has taken into account surround dwellings as well as the most suitable location given the constraints of the site.

In a recent VCAT decision McDonald v Hepburn SC [2018] VCAT 714 (30 May 2018) VCAT decided to approved a dwelling in a similar set of circumstances. VCAT held the view that:

- The dwelling is unlikely to inhibit the expansion of adjoining and nearby agricultural uses due to the small lot settlement pattern of surrounding lots.
- The proposed dwelling will not result in a loss or fragmentation of productive agricultural land.
- The proposed dwelling is in a location that will not adversely impact surrounding agricultural activities.

**Protection of water quality**

An additional issue to consider is the potential impact on water quality as a result of the development.

As noted above, an LCA was submitted with the application that identified both limiting and mitigating factors for the proposed development lot in relation to wastewater disposal. The LCA demonstrated how wastewater can be contained and treated on the proposed lot.

**Alternative Options**

Council could refuse the application. This is not recommended as the proposal adequately addresses the relevant considerations of the planning scheme. Additionally, precedent at VCAT supports this assessment.
Financial and Resource Implications

Assessment of the application is made using operational budget.

Should Council refuse to grant a planning permit the applicant could seek review of the decision at the Victorian Civil and Administrative Tribunal. In this instance an external representative would represent council at VCAT, through operational budget.

Should Council decide to issue a Planning Permit, the applicant could appeal any permit conditions. An objector to the application may also seek a review of any decision made by Council to approve the use and development. In these instances, Council officers would represent Council at VCAT, through operational budget.

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. A sign was also placed on-site.

Two objections were received from nearby landowners.

The applicant met with one neighbour abutting their property, and through negotiation agreed on a proposed dwelling location. That objection was withdrawn.

It was determined not to conduct a mediation with the remaining objector as the matters within that objection could not be resolved. Therefore one objection remains standing and raises the following concerns:

- Privacy.
- Light pollution.
- Noise pollution.
- Impact on local environment.

Consideration of any application must be assessed against the relevant provisions of the Planning Scheme; in this instance, the proposed dwelling is considered to be an acceptable outcome, and the matters raised by the objector do not warrant refusal of the application.

The application was referred to Council’s Environmental Health Unit, Council’s Infrastructure unit and Goulburn Murray Water, the relevant water authority for the Cairn Curran special water catchment. All referral authorities are satisfied that the proposal can be approved with appropriate conditions to be placed on the permit.
ECO 48 MOUNT ALEXANDER PLANNING SCHEME AMENDMENT C082 – CASTLEMAINE, CAMPBELLS CREEK AND CHEWTON FLOOD MANAGEMENT PLAN

Responsible Director: Acting Director Infrastructure and Development
Responsible Officer: Manager Development Services
Original Document: DOC/18/36898

Executive Summary

This report is presented to Council to enable its consideration of:

- The recommendations of the independent Planning Panel that heard submissions in relation to Amendment C082; and
- How to proceed.

At this stage of the process Council must consider whether to:

- Adopt the Panel’s recommendations in full or in part, and request the Minister for Planning to approve the amendment; or
- Abandon the amendment.

Planning Scheme Amendment – Table 1

<table>
<thead>
<tr>
<th>Steps</th>
<th>Status</th>
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<tbody>
<tr>
<td>Council resolved to seek authorisation to prepare the amendment</td>
<td>✓ Complete</td>
</tr>
<tr>
<td>Council decides whether to seek ministerial authorisation</td>
<td>✓ Complete</td>
</tr>
<tr>
<td>Public exhibition of planning scheme amendment</td>
<td>✓ Complete</td>
</tr>
<tr>
<td>Submissions received and considered</td>
<td>✓ Complete</td>
</tr>
<tr>
<td>Council requests an independent panel to consider submissions</td>
<td></td>
</tr>
<tr>
<td>Panel hearing and report</td>
<td>✓ Complete</td>
</tr>
<tr>
<td>Council considers the recommendations of the Panel, and decides whether to adopt or abandon the planning scheme amendment</td>
<td>Current stage in the process</td>
</tr>
<tr>
<td>If adopted, send to Minister for approval and gazettel</td>
<td></td>
</tr>
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RECOMMENDATION

That Council:


2. Adopt Planning Scheme Amendment C082 and submit it to the Minister for Planning for approval in accordance with Sections 29 and 31 of the Planning and Environment Act 1987; and

3. Request that the Minister for Planning approve Amendment C082 to the Mount Alexander Planning Scheme as adopted in accordance with Section 35 of the Planning and Environment Act 1987.

MOVED COUNCILLOR LESSER

That the recommendation be adopted.

SECONDED COUNCILLOR CORDY

CARRIED.
Context

Planning Scheme Amendment C082 proposes to implement the findings of the Castlemaine, Campbells Creek and Chewton Flood Management Plan, August 2015, which was commissioned by the North Central Catchment Management Authority (NCCMA) and Mount Alexander Shire Council and adopted by Council at its Ordinary Meeting on 10 November 2015.

The amendment proposes to apply flood controls to properties that are located in active flow paths to ensure that flooding is considered in development proposals. It also proposes to introduce exemptions from planning permit requirements under the Overlays when certain conditions are met.

The amendment proposes to amend the Mount Alexander Planning Scheme in the following ways:

Mapping changes

- Insert the following new Overlay maps: 1LSIO-FO, 2LSIO-FO, 4LSIO-FO, 10LSIO-FO, 11LSIO-FO, 12LSIO-FO, 18LSIO-FO, 19LSIO-FO, 20LSIO-FO, 21LSIO-FO, 22LSIO-FO, 23LSIO-FO, 24LSIO-FO, 31LSIO-FO, and 32LSIO-FO.
- Delete the following Overlay maps: 1LSIO, 2LSIO, 4LSIO, 10LSIO, 11LSIO, 12LSIO, 18LSIO, 19LSIO, 20LSIO, 21LSIO, 22LSIO and 23LSIO.

Ordinance changes

- Amend Clause 21.05-2 (Floodplains) of the Municipal Strategic Statement consistent with the outcomes of the Castlemaine, Campbells Creek and Chewton Flood Management Plan, August 2015 and including the document as a reference document in the planning scheme.
- Insert Clause 44.03 (Floodway Overlay) into the Mount Alexander Planning Scheme.
- Insert a new Schedule 1 “Flooding from Waterways” to Clause 44.03 (Floodway Overlay) into the Mount Alexander Planning Scheme.
- Insert a new Schedule 1 “Flooding from Waterways” to Clause 44.04 (Land Subject to Inundation Overlay) into the Mount Alexander Planning Scheme.
- Insert a new Schedule 2 “Flooding from Waterways” to Clause 44.04 (Land Subject to Inundation Overlay) into the Mount Alexander Planning Scheme.
- Replace the existing unnumbered Schedule to Clause 44.04 (Land Subject to Inundation Overlay) to Schedule 2 in the Mount Alexander Planning Scheme.
- Amend Schedule 2 to Clause 44.04 (Land Subject to Inundation Overlay) to correct a minor typographical error.
- Amend the Schedule to Clause 61.03 to update the list of maps in the Mount Alexander Planning Scheme.

Chronology of events

The table below shows the key milestones in the process leading to this decision point.

<table>
<thead>
<tr>
<th>Action</th>
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<tr>
<td>Council resolved to seek authorisation from the Minister</td>
<td>15 August 2017</td>
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<tr>
<td>Council received ministerial authorisation A03659</td>
<td>16 October 2017</td>
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The independent Planning Panel supported the amendment and made the following recommendation:

- Amendment C082 to the Mount Alexander Planning Scheme be adopted as exhibited, subject to the removal of the proposed Land Subject to Inundation Overlay from the property at 2 Brigade Avenue, Campbells Creek and the surrounding area as proposed by Council and the NCCMA.

This report is presented to Council to enable:

- Consideration of the recommendations of the independent Planning Panel.
- Consideration of how to proceed.

Refer to:

Attachment ECO 48B: Proposed Clause 21.05.
Attachment ECO 48C: Proposed Schedule 1 to Land Subject to Inundation Overlay (LSIO).
Attachment ECO 48D: Proposed Schedule to Flood Overlay (FO).
Separate Attachment ECO 48E: Proposed Flood Overlay and Land Subject to Inundation Overlay mapping.

**Policy and Statutory Implications**

**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.
- To balance the present and future interests of all Victorians.

Submissions made to Council during exhibition of the amendment were referred to and considered by an independent panel, in accordance with Section 24 of the Act. The Panel reported its findings to Council in accordance with Section 25 of the Act, and Council made publicly available the Panel report on 13 August 2018, meeting its obligation under Section 26 of Act.
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.

**Issues**

The independent Planning Panel supported the amendment and recommended:

- Amendment C082 to the Mount Alexander Planning Scheme be adopted as exhibited, subject to the removal of the proposed Land Subject to Inundation Overlay (LSIO) from the property at 2 Brigade Avenue, Campbells Creek and the surrounding area as proposed by Council and the NCCMA.

The specifics of the Panel’s recommendations are addressed as follows.

**Panel Recommendations**

The Panel recommends that Council:

- Exclude the land at 2 Brigade Avenue, Campbells Creek and the surrounding area as proposed by Council and the NCCMA as shown in Figure 3 from the Land Subject to Inundation Overlay.

**Officer response**

The owner of the property at 2 Brigade Avenue, Campbells Creek submitted that the LSIO was no longer required as the overland flow had changed after subdivision works had realigned the topography in the vicinity of the property. After review, the NCCMA agreed that drainage works had redirected stormwater runoff from a local catchment and advised Council that the relevant planning scheme map should be varied by excluding the property. Council accepted the NCCMA advice and recommended the variation to the Panel.

**Alternative Options**

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

**Financial and Resource Implications**

Adoption of the amendment will result in an increase in the number of planning permit applications and this would have a short term effect on Council’s costs in terms of staff time required to assess these applications. Council will need to ensure it meets its statutory obligations in regard to planning permit applications.

The costs of administering the planning scheme amendment and the costs of the planning panel have been met within the 2017/2018 and 2018/2019 Strategic Planning budget, as well as the funding received through the Flood and Emergency Risk Resilience – Implementation of the Victorian Floodplain Management Strategy funding program.
Consultation

The Planning Scheme Amendment documents were subject to a statutory exhibition. The minimum statutory exhibition period is one calendar month. The amendment was made publicly available from 31 October 2017 to 8 January 2018. The following notice was given as part of the exhibition:

- Letters sent to all relevant government agencies, prescribed ministers and land owners and occupiers (623 in total) — 2 November 2017.
- Public notice placed in the Midland Express — 31 October 2017.

Council received 13 submissions, and a late submission was received in the week prior to the Panel hearing. All submitters were given the opportunity to be heard at the Panel hearing.

The independent Planning Panel has considered all submissions and these are addressed individually in the Panel Report.
ENVIRONMENTAL RISKS

This Clause provides local content to support Clause 13 (Environmental Risks) of the State Planning Policy Framework.

21.05-1 Climate change

The Victorian Government's Report on Climate Change Science and Greenhouse Gas Emissions in Victoria (March 2012), projects that Victoria will experience more days over 35°C, higher annual mean temperatures, reduced average rainfall and stream flows, fewer and heavier rainfall days and other effects. Whilst most of its effects are projected to be negative, climate change could also present opportunities, particularly in the agriculture and alternative energy sectors.

Responding to climate change is a complex task that affects, and is affected by, nearly all aspects of the planning system in some way. The policy context for climate change operates at all levels of government and is continually changing. The expectations of the Mount Alexander community in relation to responding to climate change are high. More work is needed to develop appropriate local responses that are effective and consistent with broader scale initiatives for addressing climate change.

Key issues

- Acknowledging that agriculture could be significantly affected by a changing climate.
- Recognising that climate change is likely to exacerbate flooding and bushfire risks.
- Recognising that climate change has the potential to adversely affect transport, drainage and energy systems, biodiversity, food supplies and tourism.
- Acknowledging that Council has limited ability to directly address many environmental outcomes and must work with others to achieve environmental objectives.

Objective 1

To increase the Shire's resilience to the adverse effects of climate change.

Strategies

Strategy 1.1 Discourage land use and development in areas outside of town boundaries that is likely to be significantly affected by the detrimental effects of climate change.

Strategy 1.2 Discourage the development of dams that are not essential to the conduct of agricultural or horticultural enterprises.

Strategy 1.3 Encourage developments that maximise the capture and re-use of water from buildings.

Implementation

The strategies in relation to environmental risk will be implemented through the planning scheme by:

Further strategic work

Reference documents


21.05-2 Floodplains

Floodplains exist around the Loddon River and major watercourses in the Shire including Muckleford Creek, Forest Creek and Barkers Creek. The township of Newstead has historically been vulnerable to flooding from the Loddon River and is currently protected by levee banks. The Planning Scheme recognises a number of areas that are subject to inundation in the 1 in 100 year flood event.

Significant flood events occurred in the Shire in 2010, 2011 and 2012 including in the townships of Castlemaine, Campbells Creek and Chewton which were affected by riverine flooding. The January 2011 flood event is believed to be the highest, or close to the highest, flood on record. Flooding caused damage to businesses, homes and sporting facilities, and caused significant distress and hardship to members of the community. Following these events, the Victorian Floods Review (2012) identified the need to build greater resilience for infrastructure and settlements in the context of flood risk. Land use planning is considered to be the most effective means of reducing flood risks.

The North Central Catchment Management Authority, in partnership with the Mount Alexander Shire Council, developed the Castlemaine, Campbells Creek and Chewton Flood Management Plan in recognition of the need to identify and reduce the risk of future flooding.

Key issues

- Recognising that a number of areas in the Shire that are susceptible to flooding are not identified by overlay provisions in the planning scheme.
- Recognising that, although many floodplains have been modified significantly from their natural state, they contain native vegetation that provides important habitat links for flora and fauna.

Objective 1

To identify and manage land that is subject to flooding.

Strategies

Strategy 1.1 Update flood mapping for Newstead, Baringhup, Muckleford Creek, Harcourt, Sutton Grange, Maidon, Guildford, Taradale and for the rural areas between Campbells Creek and Guildford.

Strategy 1.2 Support the preparation of any planning scheme amendments to update flood overlays.

Strategy 1.3 Implement adopted flood and drainage studies and support land use and development initiatives for flood mitigation works.

Objective 2

To protect life, property and infrastructure from the risk of flooding.

Strategies

Strategy 2.1 Discourage intensive forms of development or inappropriate uses in areas subject to the Floodway Overlay and Land Subject to Inundation Overlay.
unless risks can be adequately managed in consultation with the relevant Catchment Management Authority.

Strategy 2.2 Ensure that strategic plans for new urban development identify land that is subject to inundation and locate open space or other suitable uses in these areas.

Implementation

The strategies in relation to floodplains will be implemented through the planning scheme by:

Application of zones and overlays

- Applying the Floodway Overlay and Land Subject to Inundation Overlay in accordance with relevant planning practice notes and the advice of the relevant catchment management authority.

Further strategic work

- Updating flooding provisions for Newstead, Baringhup, Muckleford Creek, Harcourt, Sutton Grange, Maldon Guilford, Tansdale and for the rural areas between Campbells Creek and Guilford.

Reference documents

- Castlemaine, Campbells Creek and Chewton Flood Management Plan 2015
- North Central Regional Catchment Management Strategy 2013-2019

21.05.3 Soil degradation

Soil contamination

The Shire’s gold mining and industrial heritage has left a legacy of contaminated soils in some parts of the Shire, although most areas that are potentially contaminated have not been formally identified or assessed. Many of the sites that are likely to be contaminated from former gold mining activities are now located on public land. Sites that are potentially contaminated will be progressively identified and managed as infill development occurs.

Erosion

The intensive gold mining of the 19th century also significantly resulted in clearing and soil disturbance around waterways, creek flats and hilltops, making these areas more susceptible to erosion. Many of the Shire’s rural areas are characterised by steep land, which is often cleared and therefore susceptible to erosion. Much of this land is unsuitable for further development or should only be developed in accordance with strict conditions that reflect the environmental sensitivity of the land. The Rural Land Study (2014) contains more detailed information about the location and extent of erosion issues in the Shire.

Salinity

Parts of the Shire are affected by salinity, which reflects the poor condition of the Loddon and Campaspe water catchments. Salinity is a recognised issue in the catchment of the Cairn Curran Reservoir. The salinity has been caused by vegetation clearing that has caused water tables to rise bringing waterlogging and high salt concentrations. Salinity can be reduced by revegetation with deep-rooted perennial species and protecting and re-establishing native vegetation. Areas that are subject to salinity have not yet been formally identified in the planning scheme. The Rural Land Study (2014) contains more detailed information about the location and extent of salinity related issues in the Shire.

Key issues

- rehabilitating degraded land, including former mining and industrial sites.
Mount Alexander Planning Scheme

- Recognising that the loss of topsoil and salinity significantly affect agricultural productivity and biodiversity.

Objective 1

To ensure that potentially contaminated land is properly assessed and remediated if it could be used for a sensitive use.

Strategy

Strategy 1.1 Require site assessments and environmental audits for land that is potentially contaminated in accordance with relevant planning practice notes.

Objective 2

To reduce the risk of erosion in urban and rural areas.

Strategy

Strategy 2.1 Discourage development under the Erosion Management Overlay unless the policy guidelines of this clause are met.

Objective 3

To minimise the impact of salinity and rising water tables on the environment, buildings and other infrastructure.

Strategies

Strategy 3.1 Encourage the revegetation of areas that contribute to salinity with deep rooted perennial species and indigenous vegetation.

Strategy 3.2 Minimise the drainage of saline and nutrient rich water from irrigated and urban areas.

Implementation

The strategies in relation to soil degradation will be implemented through the planning scheme by:

Application of zones and overlays

- Applying the Environmental Audit Overlay to potentially contaminated land in accordance with the relevant planning practice notes.
- Applying the Erosion Management Overlay to land with slopes of greater than 20 percent or that are subject to erosion.
- Applying the Salinity Management Overlay to areas that are subject to salinity.

Further strategic work

- Engaging with the Department of Environment, Land, Water and Planning to confirm the type of information that is available for erosion and salinity management in the Shire and its accuracy.
- Developing policies or other provisions and agreements to assist decision making under the Erosion Management Overlay and Salinity Management Overlay.
Reference documents

- North Central Second Generation Dryland Salinity Management Plan
- North Central Regional Catchment Management Strategy 2013-2019
- Mount Alexander Shire Council Rural Land Study, 2014

21.05-4 Noise and air

Most of the Shire’s industrial areas either abut, or are located close to residential areas. There is potential for this to cause conflict between industry and sensitive uses. This requires ongoing management through the planning process.

Objective 1

To ensure that noise and air emissions do not affect the amenity of sensitive uses.

Strategies

Strategy 1.1 Ensure that new or expanding industrial uses in industrial areas that abut residential zoned land employ appropriate noise and air emission management techniques, or other strategies to reduce amenity impacts on sensitive uses.

Strategy 1.2 Ensure that animal keeping and racing dog training is sited and designed to protect the amenity of residential areas.

Implementation

The strategies in relation to noise and air will be implemented through the planning scheme by:

Policy guidelines

- Applying Council’s local policy Clause 22.06 (Animal Keeping and Greyhound Training) when considering applications for animal keeping or greyhound training.

Further strategic work

- Investigating the application of the Environmental Significance Overlay to the Castlemaine Water Reclamation Plant.

Bushfire

The Shire faces significant urban bushfire hazard risks at the fringes of all of its main townships, namely Castlemaine, Maldon, Newstead and Harewood. There are also areas of high bushfire risk in smaller settlements such as Chewton, Fryerstown and Taradale and the rural areas of the Shire.

The Shire’s main town, Castlemaine, is surrounded by bushfire hazards. The greatest risks are to the north, west, south and south east. There is some vacant land that is zoned for residential development close to these areas.

The risk of bushfires to life and property is affected by a wide range of factors, including topography, access arrangements and the conservation significance of the vegetation. At a regional level, the Shire has a relatively high level of exposure to bushfire risks associated with heritage, assets and settlements.
The implications of bushfire risk for the future planning of the Shire will emerge over time as planning work is undertaken to assess bushfire risk, defendable space requirements, vegetation management regimes and other responses. The former Department of Planning and Community Development prepared a Regional Bushfire Planning Assessment, 2012. The findings of this work have been incorporated into the Framework Plans in Clause 21.12 and serve as a starting point for more detailed strategic investigations into bushfire risk.

Key issues

- Recognising that significant areas of the Shire are subject to moderate or high levels of bushfire risk.
- Recognising that bushfires are unpredictable and that all bushfire hazards must be considered in planning decisions, including areas outside the Bushfire Management Overlay.
- Balancing the need to retain native vegetation for its biodiversity values with the need to create areas of defendable space around new dwellings.
- Recognising that many areas that have potential for urban expansion in Castlemaine and other townships are close to vegetated land that represents a high fire hazard.
- Managing bushfire risks on small sites that have limited potential to accommodate defendable space around new dwellings.

Objective 1

To establish a sound planning framework to respond to bushfire risk.

Strategies

- Strategy 1.1 Ensure that detailed consideration has been given to bushfire risk prior to the rezoning of land.
- Strategy 1.2 Use development plans, incorporated plans and schedules to the Bushfire Management Overlay to manage development in areas of high bushfire risk.

Objective 2

To minimise the risk of bushfire to life and property.

Strategies

- Strategy 2.1 Direct urban development to the lowest risk locations and avoid development in areas of extreme risk during the preparation of strategic land use or settlement strategies.
- Strategy 2.2 Specify setback conditions, building envelopes and other controls to ensure that fire risk is minimised when subdivisions are assessed, based on the advice of the Country Fire Authority.
- Strategy 2.3 Discourage developments that do not respond appropriately to bushfire risk, having regard to the advice of the Country Fire Authority.

Implementation

The strategies in relation to bushfire will be implemented through the planning scheme by:

Policy guidelines

When deciding on applications for use and development that may be affected by bushfire, implement the Defendable Space for Townships, Settlements and Population Clusters, 2014, as appropriate.
Application of zones and overlays

- Applying the Bushfire Management Overlay to areas of high bushfire hazard risk.
- Using development plan overlays, incorporated plan overlays and schedules to the Bushfire Management Overlay to manage development in areas of bushfire risk.

Further strategic work

- Developing schedules to the Bushfire Management Overlay to minimise referral requirements.
- Investigating bushfire related issues on vacant residential land at the urban-forest interface to guide updates to the Castlemaine Residential Strategy.
- Investigating bushfire related issues at a strategic level through updates to the Urban Living Study.

Reference documents

- Loddon Mallee Region - Regional Bushfire Planning Assessment, 2012
SCHEDULE 1 TO CLAUSE 44.04 LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as LSIO01.

FLOODING FROM WATERWAYS

1.0 Permit requirement

A permit is not required to construct a building or construct or carry out the following buildings and/or works:

Extensions and alterations to existing buildings

- An extension to an existing building (not including an outbuilding associated with an existing dwelling), provided the floor level of the proposed extension is not lower than the existing floor level and the gross floor area of the extension does not exceed 40 square metres.
- An upper storey extension to an existing building if there is no increase in the ground floor footprint.
- An extension to an outbuilding associated with an existing building where floor levels are at least 150 millimetres above the 1 per cent AEP (Annual Exceedance Probability) flood level.

New and replacement buildings

- A replacement dwelling provided the floor level is at least 300 millimetres above the 1 per cent AEP (Annual Exceedance Probability) flood level and the additional gross floor area does not exceed 40 square metres. The responsible authority may require evidence of the existing building envelope.
- A non-habitable building (including an outbuilding associated with a dwelling) with a floor area of less than 10 square metres.
- An outbuilding associated with a dwelling provided the floor level is at least 150 millimetres above the 1 per cent AEP flood level, the floor area is less than 120 square metres and it is setback a minimum of 50 metres from the top of bank of any designated waterway.
- An open sided agricultural or farm building such as a hay shed, cattle yard, covered horse stable or other yards.
- An agricultural shed (other than one used for industrial, retail or office purposes) for the storage of farm machinery, farm vehicles and workshop associated with a rural use in a rural zone provided the floor area is less than 200 square metres and setback a minimum of 30 metres from the top of bank of any designated waterway.
- A movable building associated with a caravan park provided the floor level is at least 300 millimetres above the 1 per cent AEP flood level.

Other buildings and works

- A replacement fence and gate in the same location and of the same type and materials as the existing fence.
- Roadworks or bicycle pathways and trails carried out by a public authority, if there is less than 50 millimetres change to existing surface levels, or if the relevant floodplain management authority has agreed in writing that the flow path is not obstructed.
Mount Alexander Planning Scheme

- Landscaping, driveways, and vehicle cross overs associated with a dwelling, if there is less than 50 millimetres change to existing surface levels, or if the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.
- An in-ground swimming pool or spa and associated open style security fencing, where the perimeter edging of the pool or spa is constructed at natural surface levels and excavated material is moved outside of the area affected by the overlay.
- A rainwater tank, a pergola, verandah, carport or deck.
- A tennis court at existing surface level with retractible fencing.
- A sportsground, racecourse or recreation area (with no permanent grandstand or raised viewing area), playground, park furniture including seating, tables, shelters, rubbish bins, playground equipment, barbeques, shade sails, drinking fountains and public toilets.
- Buildings and works associated with cat cages and runs, bird cages, dog houses, and other domestic animal enclosures associated with the use of the land as a dwelling if it is less than 10 square metres in floor area at ground level.
- Buildings and works associated with a telecommunications facility where the requirements of Clause 52.19 are met.
- Any sign on supporting posts or a building where the sign itself is more than 500 millimetres above the natural surface level.
- A pump shed.
- Earthworks associated with the construction of a dam, where no fill is imported to the site, the dam is not constructed on a waterway, the dam does not exceed 3 megalitres in capacity and there is no embankment.
- Buildings and works on land affected by an existing planning permit, restriction or agreement:
  - if the land has been developed in accordance with the permit, restriction or Section 173 Agreement requiring a finished ground surface level at least 300 millimetres above the 1 per cent AEP flood level; and
  - if survey plans confirm that the ground surface level has been constructed in accordance with the permit, restriction or Section 173 Agreement requirements, and
  - if the buildings and works do not lower the ground surface level or result in a finished floor level for a dwelling that is below 300 millimetres above the 1 per cent AEP flood level.
Attachment ECO 48D

SCHEDULE 1 TO CLAUSE 44.03 FLOODWAY OVERLAY

Shown on the planning scheme map as FO01 or RFO01.

FLOODING FROM WATERWAYS

1.0 Permit requirement

A permit is not required to construct a building or construct or carry out the following buildings and/or works:

Extensions and alterations to existing buildings

- An extension to an existing building (not including an outbuilding associated with an existing dwelling), provided the floor level of the proposed extension is not lower than the existing floor level and the gross floor area of the extension does not exceed 20 square metres.

- An upper storey extension to an existing building if there is no increase in the ground level footprint.

New and replacement buildings

- A replacement dwelling provided the floor level is at least 300 millimetres above the 1 per cent AEP (Annual Exceedance Probability) flood level and the additional gross floor area does not exceed 20 square metres. The responsible authority may require evidence of the existing building envelope.

- A non-habitable building (including an outbuilding associated with a dwelling) with a floor area of less than 10 square metres.

- An open sided agricultural or farm building such as a hay shed, cattleyard, covered horse stable or other yards.

Other Buildings and Works

- Roadworks, or bicycle pathways and trails carried out by a public authority if there is less than 50 millimetres change to existing surface levels, or if the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.

- Landscaping, driveways, and vehicle crossings associated with a dwelling, if there is no change to existing surface levels, or if the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.

- An in-ground swimming pool or spa and associated open style security fencing, where the perimeter edging of the pool is constructed at natural surface levels and excavated material is moved outside the 1 per cent AEP flood extent.

- A pergola, verandah, deck, garage or carport that is open on all sides and (if not at ground level), has unenclosed foundations.

- A carport constructed over an existing carspace.

- A tennis court at existing surface level with retractable fencing.

- A sportsground, racecourse or recreation area (with no permanent grandstand or raised viewing area), playground, park furniture including seating, tables, shelters, rubbish bins, playground equipment, barbeques, shade sails, drinking fountains and public toilets.
MOUNT ALEXANDER PLANNING SCHEME

- Buildings and works associated with cat cages and runs, bird cages, dog houses, and other domestic animal enclosures associated with the use of the land as a dwelling if less than 10 square metres in floor area at ground level.
- Buildings and works associated with a telecommunications facility where the requirements of Clause 52.19 are met.
- Any sign on supporting posts or a building where the sign itself is above the 1 per cent AEP flood level.
- A pump shed.
Planning and Environment Act 1987

MOUNT ALEXANDER PLANNING SCHEME

AMENDMENT C082

EXPLANATORY REPORT

Who is the planning authority?
This amendment has been prepared by the Mount Alexander Shire Council, which is the planning authority for this amendment.

Land affected by the Amendment
The amendment applies to approximately 623 properties within Castlemaine, Campbells Creek and Chewton.

These properties are within the boundaries of the Castlemaine, Campbells Creek and Chewton Flood Management Plan, August 2015 and are located in the Forest Creek, Campbells Creek and Barkers Creek catchments.

Of the properties to be affected, approximately:
• 406 properties are to have the current Land Subject to Inundation Overlay removed.
• 318 properties are to have the Floodway Overlay (FO1) applied for the first time.
• 499 properties are to have the Land Subject to Flood Inundation (LSIO1) applied.
• 305 properties are to be covered by the Land Subject to Inundation Overlay (LSIO1) for the first time.
• 294 properties are to have both the FO and the LSIO applied.

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

The amendment applies to a specific area of the municipality as indicated on the map below.
The amendment also affects land in the rural areas of the municipality including Newstead, Earinghup, Muckleford Creek, Harcourt, Sutton Grange, Maiden, Guildford, Taradale and for the rural areas between Campbells Creek and Guildford where the Land Subject to Inundation Overlay already applies. The amendment only proposes to make minor administrative changes to these areas by changing the title of the overlay schedule and map labels to Land Subject to Inundation Overlay Schedule 2 (LSIO2). It also makes a minor typographical correction to the permit requirements in the schedule.

**What the amendment does**

The amendment implements the findings of the Castlemaine, Campbells Creek and Chewton Flood Management Plan, August 2015, which was commissioned by the North Central Catchment Management Authority (NCCMA) and Mount Alexander Shire Council and adopted by Council on 10 November 2016. The amendment applies flood controls to properties that are located in active flow paths to ensure that flooding is considered in development proposals. It also exempts planning permit requirements under the overlays when certain conditions are met.

The amendment amends the Mount Alexander Planning Scheme in the following ways:

**Mapping changes**

- Inserts the following new overlay maps: 1LSIO-FO, 2LSIO-FO, 4LSIO-FO, 10LSIO-FO, 11LSIO-FO, 12LSIO-FO, 13LSIO-FO, 14LSIO-FO, 20LSIO-FO, 21LSIO-FO, 22LSIO-FO, 23LSIO-FO, 24LSIO-FO, 31LSIO-FO, and 32LSIO-FO.
• Deletes the following overlay maps 1LSIO, 2LSIO, 4LSIO, 10LSIO, 11LSIO, 12LSIO, 13LSIO, 15LSIO, 20LSIO, 21LSIO, 22LSIO and 23LSIO.

Ordinance changes

• Amends Clause 21.06-2 (Floodplains) of the Municipal Strategic Statement consistent with the outcomes of the Castlemaine, Campbells Creek and Chewton Flood Management Plan, August 2015 and including the document as a reference document in the planning scheme.

• Inserts Clause 44.03 (Floodway Overlay) into the Mount Alexander Planning Scheme.

• Inserts a new Schedule 1 “Flooding from Waterways” to Clause 44.03 (Floodway Overlay) into the Mount Alexander Planning Scheme.

• Inserts a new Schedule 1 “Flooding from Waterways” to Clause 44.04 (Land Subject to Inundation Overlay) into the Mount Alexander Planning Scheme.

• Inserts a new Schedule 2 “Flooding from Waterways” to Clause 44.04 (Land Subject to Inundation Overlay) into the Mount Alexander Planning Scheme.

• Replaces the existing unnumbered Schedule to Clause 44.04 (Land Subject to Inundation Overlay) to Schedule 2 in the Mount Alexander Planning Scheme.

• Amends Schedule 2 to Clause 44.04 (Land Subject to Inundation Overlay) to correct a minor typographical error.

• Amends the Schedule to Clause 61.03 to update the list of maps in the Mount Alexander Planning Scheme.

**Strategic Assessment of the Amendment**

**Why is the Amendment required?**

The amendment is required to implement the findings of the Castlemaine, Campbells Creek and Chewton Flood Management Plan (the Flood Management Plan).

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

The objective of the Flood Management Plan was to investigate and recommend potential options to reduce the impact of flooding on these three townships. This involved an extensive review of available data and historic flood information to simulate various past flood events throughout the townships.

The existing Land Subject to Inundation Overlay (LSIO) in the Mount Alexander Planning Scheme has been recognised as being out of date and inaccurate. This has caused a range of issues for property owners and for Council in the implementation of the planning scheme.

The Flood Management Plan recommends an amendment to the Mount Alexander Planning Scheme to incorporate new flood mapping so that flood hazard can be identified when considering future land development. This involves the introduction of the Floodway Overlay (FO) and changes to the LSIO for mainstream flooding. Mainstream flooding occurs when heavy rainfall produces surface run-off which flows into streams and rivers and water overflows the river banks causing flooding.

The FO is to be applied to land based on a combination of the 10% Annual Exceedance Probability (AEP), flood hazard and flood depth. The LSIO is to be applied to land based on the 1% AEP flood extent (lower flood risk than land to be covered by the Floodway Overlay).

*Land use planning is recognised as being the best means of avoiding future flooding problems.*

*Through careful planning, flood risks to life, property and community infrastructure can be minimised and the environmental significance of our floodplains protected.* (Planning Practice Note 12 Applying the Flood Provisions in Planning Schemes - A guide for councils [June, 2015]).

**How does the Amendment implement the objectives of planning in Victoria?**
The amendment implements the objectives of planning in Victoria under sections 4(1) and 12(1)(a) of the Planning and Environment Act 1987 by:

- Providing for the fair, orderly, economic and sustainable use, and development of land. The amendment identifies land that is subject to flooding and introduces appropriate provisions and guidelines for new development.

- Providing for the protection of natural and man-made resources. The amendment ensures that development will not negatively impact flood storage and active flow paths.

- Securing a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria. The amendment establishes a planning framework that will minimise risks to life and property from flooding.

- Protecting public utilities and other assets. The amendment ensures that development does not exacerbate flood risks to these assets.

- Facilitating development in accordance with the above objectives. The amendment establishes clear provisions that allow for different solutions to address flooding issues.

**How does the Amendment address any environmental, social and economic effects?**

**Environmental Effects**

The amendment will help to prevent inappropriate development from occurring that could reduce the capacity of the floodplain to store and convey water or divert floodwater to other land not normally inundated by floodwater. The amendment will help to prevent blockages of floodways that can "have adverse environmental impacts, such as isolating wetlands, destroying natural habitats, eroding stream channels and increasing siltation." (Planning Practice Note 12 Applying the Flood Provisions in Planning Schemes - A guide for councils [June, 2015]).

**Social Impacts**

Flooding can have significant psychological and health related consequences for individuals and social consequences for local communities. Effects can include the loss of life, loss of home, temporary or permanent displacement and loss of possessions and memorabilia.

The amendment seeks to protect life and property in areas at risk of flooding by applying development provisions in areas that are affected by flooding, to reduce risks to life and property. The new provisions will create a safer living and working environment for the residents of Castlemaine, Campbells Creek and Chewton.

**Economic Impacts**

It is expected the amendment will have long term positive economic benefits. However in the short term an increase in development costs may occur in order to meet the planning provisions. The amendment will address long term and regularly occurring negative economic impacts by discouraging inappropriate development on land that has been identified as being exposed to unacceptable levels of flooding, and discourage inappropriate development that exacerbates flooding in other areas.

**Does the Amendment address relevant bushfire risk?**

The amendment will not result in any change to the risk to life from bushfires, or risks to property, community infrastructure and the natural environment from bushfire.

**Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes, as required by Section 7(5) of the Planning and Environment Act 1987. The amendment and new provisions have been written in plain English. The new schedules and provisions have been prepared in accordance with the requirements of this direction.

The amendment has been considered against Minister's Direction No. 11 Strategic Assessment of Amendments, as required by Section 12(2)(a) of the Act..
How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment supports the following State planning policies:

- Clause 11.07-1 (Regional planning), which states that it is policy to respond to the impacts of climate change and natural hazards and promote community safety by siting and designing new dwellings, subdivisions and other development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards, such as flood.

- Clause 11.14 (Loddon Mallee South), which states that in considering policy objectives and strategies for the Loddon Mallee South region, planning must consider as relevant the Loddon Mallee South Regional Growth Plan. This Plan recommends actions to undertake flood mapping and implement flood overlays into the Mount Alexander Planning Scheme.

- Clause 13.02-1 (Floodplain management), which aims to protect life, property and community infrastructure and environmental assets from flood hazards by:
  - Identifying land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority, in planning scheme maps.
  - Avoiding the intensification of impacts of flooding through inappropriately located uses and developments.

- Clause 14.02-2 (Water quality), which aims to discourage incompatible land uses in areas subject to flooding to ensure minimum impact on downstream water quality of flow volumes.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

- The amendment implements the following clauses of the Local Planning Policy Framework:

  - Clause 21.05-2 (Environmental Risks - Floodplains) by:
    - Addressing Objective 1: To identify and manage land that is subject to flooding.
    - Addressing Strategy 1.2: Assist the relevant Catchment Management Authority in preparing any planning scheme amendments to update flood overlays.

  - Clause 21.06-3 (Water), which aims to:
    - Improve water quality and waterway health in the Shire.
    - To increase environmental flows in all streams and watercourses.

Does the Amendment make proper use of the Victoria Planning Provisions?

The Victoria Planning Provisions contain a range of provisions for responsible authorities to identify and manage flooding, which have been derived based on the type of flooding and the potential level of risk to life and property. The amendment makes proper use of these provisions and has been prepared with consideration of Planning Practice Note 12. Applying the Flood Provisions in Planning Schemes - A guide for councils (June, 2015).

In choosing planning scheme tools, consideration was given to:

- the purpose and operation of each overlay;
- the experience of the NCCMA in working with the overlay in different municipalities;
- the experience of other municipalities that have developed, or are developing, new flooding provisions;
- other relevant technical guidance prepared by authorities or governments.

How does the Amendment address the views of any relevant agency?
The amendment has been prepared in close consultation with the NCCMA, which supports the content of the amendment.

Considerable consultation has taken place with key stakeholders and government agencies as part of the preparation of the Castlemaine, Campbell's Creek and Chewton Flood Management Plan 2015. This included an extensive consultation process with the public in relation to the flood mapping.

All relevant agencies will be given the opportunity to provide formal comment during the exhibition stage of the amendment process.

**Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

This amendment will not have any impact upon the transport system, as defined by the *Transport Integration Act 2010*.

**Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

  This land is generally already developed, and it is unlikely that this control will result in a significant increase in number of planning permits issued. The amendment exempts the need to obtain planning permits for minor buildings and works, enabling the resources of the responsible authority to be focused on forms of development that are likely to have the greatest impact. The slight increase in resource and administrative costs of the responsible authority will be offset by greater community resilience to the impacts of flooding, and reduced resourcing required in an emergency flood event.

**Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Mount Alexander Shire Council, Civic Centre, 27 Lyttleton Street, Castlemaine

<table>
<thead>
<tr>
<th>Location</th>
<th>Land / Area Affected</th>
<th>Mapping Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Castlemaine, Chewton, Campbells Creek</td>
<td>Areas intended for deletion in the vicinity of McKay Street, Colles Road and Happy Valley Road, Moonlight Flat</td>
<td>Mount Alexander C082 Map19LSIO Exhibition</td>
</tr>
<tr>
<td>Castlemaine</td>
<td>Areas intended for deletion in the vicinity of Gingell Street and along the Barkers Creek corridor</td>
<td>Mount Alexander C082 Map20LSIO Exhibition</td>
</tr>
<tr>
<td>Castlemaine</td>
<td>Areas intended for deletion along the Barkers Creek corridor and along the Forest Creek corridor in between Happy Valley Road and Montgomery Street</td>
<td>Mount Alexander C082 Map21LSIO Exhibition</td>
</tr>
<tr>
<td>Castlemaine and Campbells Creek</td>
<td>Areas intended for deletion along the Barkers Creek and Campbells Creek corridors</td>
<td>Mount Alexander C082 Map22LSIO Exhibition</td>
</tr>
<tr>
<td>Castlemaine</td>
<td>Areas intended for deletion along the Forest Creek corridor encompassing sections of Barkers Street, Greenhill Avenue, Pyrenees Highway, McGrath Street and Goodies Court</td>
<td>Mount Alexander C082 Map23LSIO Exhibition</td>
</tr>
<tr>
<td>Castlemaine, Chewton, Campbells Creek</td>
<td>In the vicinity of McKay Street, Colles Road and north of Pyrenees Highway, Moonlight Flat</td>
<td>Mount Alexander C082 Map19LSIO-FO Exhibition</td>
</tr>
<tr>
<td>Castlemaine</td>
<td>Along the Barkers Creek corridor encompassing Gingell Street, and parts of Walker Street, Finch Street, Thomas Street, Edward Street and Charles Street</td>
<td>Mount Alexander C082 Map20LSIO-FO Exhibition</td>
</tr>
<tr>
<td>Castlemaine</td>
<td>Along the Barkers Creek corridor encompassing Merrifield Street, Burnett Road, Froomes Street, Downies Road, Hadley Street, Baker Street and Blakeley Road</td>
<td>Mount Alexander C082 Map21LSIO-FO Exhibition</td>
</tr>
<tr>
<td>Castlemaine and Campbells Creek</td>
<td>Along the Barkers Creek corridor including Gingell Street, Forest Street, Bruce Street, Gauton Street and Camp Court. Along the Campbells Creek corridor including Butterworth Street, Elliot Street, Cunnack Street, Elizabeth Street, Roberts Avenue and Johnstone Street / Midland Highway</td>
<td>Mount Alexander C082 Map22LSIO-FO Exhibition</td>
</tr>
<tr>
<td>Castlemaine</td>
<td>Along the Forest Creek corridor encompassing Bruce Street, Barker Street, Greenhill Avenue, Wheeler Street, McGregor Street, Urquhart Street, Pyrenees Highway, Happy Valley Road, McGrath Street, Merson Street, Scotts Avenue and Goodies Court.</td>
<td>Mount Alexander C082 Map23LSIO-FO Exhibition</td>
</tr>
<tr>
<td>Chewton</td>
<td>Along Fairburn Street, Shepherds Street, North Street, Walkers Road, Ammon's Road and Faraday Road, Mitchell Street and the Pyrenees Highway. Also a small section south of the Melbourne and Murray River Railway corridor</td>
<td>Mount Alexander C082 Map24LSIO-FO Exhibition</td>
</tr>
<tr>
<td>Campbells Creek</td>
<td>Small section along Campbells Creek corridor, west of Midland Highway</td>
<td>Mount Alexander C082 Map31LSIO-FO Exhibition</td>
</tr>
<tr>
<td>Campbells Creek</td>
<td>In the vicinity of Campbells Creek encompassing Fords Road, Fryers Road and Midland Highway (Daylesford Road)</td>
<td>Mount Alexander C082 Map32LSIO-FO Exhibition</td>
</tr>
</tbody>
</table>
ECO 49  AWARDING OF CONTRACT NPN 1.17 FOR BULK FUEL, FUEL CARD SERVICES, AND OILS, LUBRICANTS AND VEHICLE CARE PRODUCTS FROM 1 NOVEMBER 2018 TO 31 JANUARY 2021

Responsible Director:  Director Corporate and Community Services
Responsible Officer:  Procurement Coordinator
Original Document:  DOC/18/40562

Executive Summary

The National Procurement Network (NPN) is the consolidated entity of the State purchasing bodies, where we utilise MAV Procurement.

The NPN, with WA Local Government Association as Lead Agency, issued a Request for Tender (RFT) for the Supply of Bulk Fuel, Fuel Card Services and Oils, Lubricants and Vehicle Care Products.

The effective operation of Council’s motor vehicle fleet and plant and equipment rely on the goods and services that can be provided under this contract.

This report provides information on the procurement process to award a panel contract for the purchase of bulk fuel, fuel card services and oils and lubricants conducted by the National Procurement Network (NPN).

RECOMMENDATION

That Council:

1. Accept the recommendation from NPN Contract 1.17 Bulk Fuel, Fuel Card Services, and Oils, Lubricants and Vehicle Care Products and appoint Viva Energy Australia as the supplier of fuel card services on a variable discounted bowser price basis for the period 1 November 2018 to 31 January 2021;

2. Accept the recommendation from NPN Contract 1.17 Bulk Fuel, Fuel Card Services, and Oils, Lubricants and Vehicle Care Products and appoint Caltex Australia Petroleum Pty Ltd as the supplier of bulk fuel on a discounted price based on the Caltex Weekly Pricing for the period 1 November 2018 to 31 January 2021;

3. Accept the recommendation from NPN Contract 1.17 Bulk Fuel, Fuel Card Services, and Oils, Lubricants and Vehicle Care Products and appoint Armadillo Group Pty Ltd, Puma Energy, Caltex Australia Petroleum Pty Ltd, Castrol Australia, Fuchs Lubricants (Australasia) Pty Ltd, Inenco Group, Liberty Oil Corporation, Lowes Petroleum Service, Reliable Petroleum Pty Ltd, Royal Precision Lubricants and Valvoline as the suppliers of oils and lubricants on a variable discounted rate for the period 1 November 2018 to 31 January 2021; and

4. Authorise the Chief Executive Officer to sign the Acceptance of NPN Contract 1.17 Bulk Fuel, Fuel Card Services, and Oils, Lubricants and Vehicle Care Products for the contract period 1 November 2018 to 31 October 2021 with an option to extend the contract for an additional two years with the approval of the Chief Executive Officer.
MOVED COUNCILLOR CORDY
That the recommendation be adopted.
SECONDED COUNCILLOR PETRUSMA
CARRIED.
Context

A request for tenders was advertised from 29 July 2017 with the contract proposed to commence 1 February 2018 for a three (3) year initial term, plus extension options for a maximum period of two (2) years, exercisable at the sole discretion of the Principal (NPN).

Prior to tendering, the NPN completed a comprehensive review of the previous goods and services provided under the previous contract.

Council utilised the previous NPN contract which covered bulk fuel products, fuel card services and oils and lubricants and provided good value to Council throughout that time.

Refer to:

Confidential Attachment ECO 49A: Contract NPN 1.17 Fuel Card Discounts, MAV Procurement.

Policy and Statutory Implications

The Local Government Act 1989 (the Act) provides direction to Local Government Authorities in regards to procurement of goods and services and the awarding of contracts. Section 186 of the Act requires councils to undertake competitive market testing processes before entering into contracts for goods or services over $150,000 or for the carrying out of works over the value of $200,000.

Clause 208 of the Act, Best Value Principles requires Local Government Authorities to comply with the various Best Value Principles, including the need for Council services to meet quality and cost standards. All goods and services purchased by Council must be compliant with the Occupational Health and Safety Act 2004, the Dangerous Goods Act 1985, Equipment (Public Safety) Act 1987, and associated regulations and codes of practice wherever applicable.

Issues

NPN, with WA Local Government Association as Lead Agency, issued a Request for Tender (RFT) for the Supply of Bulk Fuel, Fuel Card Services and Oils, Lubricants and Vehicle Care Products on 29 July 2017 in a number of national newspapers including The Age and The Australian. The Tender closed on 29 August 2017 and 26 tenders were received.

The key categories under this contract are as follows:

- Provision of bulk petroleum products including diesel, ULP, PULP, E10, jet fuel and onsite refuelling;
- Provision of fuel card services including a discount off the pump price for listed fuel products;
- Provision of oil and lubricants including supply of oils, greases and other lubricants used in fleet maintenance and services.

A Tender Evaluation Panel (TEP), consisting of representatives from WA Local Government Association, Local Buy QLD, Local Government Procurement NSW, Municipal Association Victoria, LGA South Australia, and Local Councils in Western Australia evaluated the tender responses using a weighted matrix based on financial, technical, commercial and corporate social responsibility.
This Tender process is now concluded. The NPN has awarded the contract to a panel of 23 suppliers nationally, with 17 suppliers awarded in Victoria, for an initial term of 3 years plus extension options for a maximum period of 2 years.

**Alternate Options**

Without accessing this contract, Council will not have access to the discounts and pricing applicable under the contract. The combined spend and purchasing power of the NPN likely provides a greater value than if we were to publicly tender to procure the goods and services covered in this contract ourselves.

The estimated annual spend would also be non-conforming against Councils Procurement Policy and Section 186 of The Act if we do not access this contract or go to public tender.

**Financial and Resource Implications**

Given the expected spend under this contract ($330,000 annually) this contract is outside the CEO delegation and must be approved by Council.

Council engaged The Shell Company of Australia Limited (Viva Energy Australia Pty Ltd) under the previous MAV Procurement contract to supply fuel using fuel cards, Caltex Australia Petroleum for the supply of bulk fuel and Castrol Lubricants for oils and lubricants.

Under the new contract, Viva Energy Australia Pty Ltd offer the best value for fuel card purchases, offering $0.055 cents per litre off the pump price and no monthly administration card fees. This is the best discount when you remove suppliers that do not have adequate locations within the Shire.

Under the previous contract Council purchased bulk diesel from Caltex Australia Petroleum at a discounted rate of $0.047 cents per litre off the Caltex Weekly Pricing “CRP”. Caltex Australia Petroleum offer the greatest discount under the new contract at $0.0825 cents per litre off the Caltex Weekly Pricing “CRP”.

Bulk fuel is currently delivered to the Castlemaine and Maldon Works Depots. Throughout the previous contract period, Caltex Australia Petroleum implemented an online ordering system which streamlined the ordering and delivery of bulk fuel.

Council currently purchase oils and lubricants from various local suppliers. It is proposed to continue to purchase these goods locally and wherever possible purchase oils and lubricants from local suppliers that are distributors covered under Contract Number NPN1.17 Bulk Fuel, Fuel Card Services, and Oils, Lubricants and Vehicle Care Products to take advantage of contract pricing.

**Consultation**

Western Australian Local Government Association (WALGA) acted as lead tendering agents for the NPN.

A Tender Evaluation Panel (TEP), consisting of representatives from WALGA, Local Buy QLD, Local Government Procurement NSW, Municipal Association Victoria, LGA South Australia, and Local Councils in Western Australia evaluated the tender responses.

Internal consultation has occurred with Council Officers from Business Performance and Infrastructure units.
10. **DELEGATES REPORTS**

**Meetings Attended by Chief Executive Officer and Mayor**

The Chief Executive Officer tabled meetings attended by the CEO and the Mayor for the period 19 September to 16 October 2018.

<table>
<thead>
<tr>
<th>Meeting</th>
<th>CEO</th>
<th>Mayor</th>
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<tbody>
<tr>
<td>Attended Castlemaine Health Strategic Planning Day</td>
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<tr>
<td>Attended Dementia Friend Event</td>
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<tr>
<td>Attended Age Friendly meeting regarding Retirement Villages</td>
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<tr>
<td>Meeting with Dja Dja Wurrung representatives regarding Township Entry Signs (Acting Director Infrastructure and Development also in attendance)</td>
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<tr>
<td>Attended the Run the Maine - Awards and Recognition Night</td>
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<tr>
<td>Attended Castlemaine Takes Pride Meeting</td>
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<tr>
<td>Attended the Democracy Working Group’s Meeting</td>
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<tr>
<td>Attended New Northern Art Gallery Opening</td>
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<tr>
<td>Meeting with Friends of Campbells Creek Landcare Group</td>
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<tr>
<td>Meeting with Mount Alexander Bio Energy to discuss project proposal in Mount Alexander Shire</td>
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<tr>
<td>Interview with Gold Central Victoria Radio</td>
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<tr>
<td>Meeting with developer regarding potential Retirement Village (Acting Director Infrastructure and Development also in attendance)</td>
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<tr>
<td>New Kerbside Collection Launch Opening</td>
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<tr>
<td>Meeting with Maree Edwards MP to discuss matters of interest for Mount Alexander Shire</td>
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<tr>
<td>Meeting with Regional Director Loddon Mallee, DELWP to discuss matters of interest for Mount Alexander Shire</td>
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<tr>
<td>Interview with Gold Central Victoria Radio</td>
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<tr>
<td>Meeting</td>
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<tr>
<td>Attended meeting with Tennis Club</td>
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<tr>
<td>Interview with MAINfm</td>
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<tr>
<td>LGBTIQ Roundtable Agenda Planning Meeting</td>
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<tr>
<td>Mount Alexander Seniors Festival Opening</td>
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<tr>
<td>Attended Run the Maine Event</td>
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<tr>
<td>Attended Seniors Festival Cricket Event at Harcourt Reserve</td>
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<tr>
<td>Health and Wellbeing meeting with CEOs of Castlemaine Health and Castlemaine and District Community Health</td>
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<tr>
<td>Interview with Gold Central Victoria Radio</td>
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<tr>
<td>Interview with Pattern Makers regarding Castlemaine Art Gallery</td>
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<tr>
<td>Attend Rural Councils Transformation Program Workshop with CEO's from 10 Councils</td>
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<tr>
<td>Attended Funding Announcement for the Goods Shed</td>
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<td>Attended Senior Festivals Concert</td>
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<td>Attended Old School Boys Association Annual Reunion Dinner</td>
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<tr>
<td>Attended Campbells Creek CFA Truck Handover</td>
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<tr>
<td>Attended Castlemaine Billy Cart Rally</td>
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<td></td>
</tr>
<tr>
<td>Interview with Gold Central Victoria Radio</td>
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</tbody>
</table>

Councillor Henderson spoke in relation to Municipal Association Victoria (MAV) training on meeting procedures that she, Councillor Cordy and Councillor Lesser had recently attended.

11. NOTICE OF MOTION

Nil.

12. URGENT SPECIAL BUSINESS

Nil.
13. **MEETING CLOSE**

Meeting Closed at 7.59 pm.