MINUTES

OF THE ORDINARY MEETING OF COUNCIL
HELD ON
TUESDAY 19 DECEMBER 2017
AT 6.30 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.
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SEPARATE ATTACHMENTS:

Confidential Attachment PLA 11A: Joint Letter - Resident of Wintringham Housing Units between Hargraves and Lyttleton St- 6 November 2017.
Confidential Attachment PLA 13B: S17D Crown land lease - Castlemaine Garden Caravan Park.
Confidential Attachment PLA 14B: Local Road Reseal Program 2017-2018 Road List - Table 408.161.
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, Christine Henderson, Bronwen Machin, Dave Petrusma,
John Nieman and Robin Taylor.

Officers: Chief Executive Officer (Darren Fuzzard), Director Corporate and
Community Services (Lisa Knight), Acting Director Sustainable
Development (Rebecca Stockfeld) and Principal Governance Officer
(Suellen Pepperell).

2. APOLOGIES

Nil.

3. DECLARATIONS OF INTEREST/CONFLICTS OF INTEREST

Nil.

4. MINUTES

4.1. MEETINGS OF COUNCIL – 21 AND 28 NOVEMBER 2017

The unconfirmed minutes of the Ordinary Meeting of the Council held at 6.30 pm on 21
November 2017 at the Civic Centre have been circulated to Councillors. The open
section of the unconfirmed Minutes have also been posted on the Council website,
pending confirmation at this meeting.

The unconfirmed minutes of the Special Meeting of Council held on 28 November 2017
at 6.00 pm at the Civic Centre have been circulated to Councillors and posted on the
Council website, pending confirmation at this meeting.

The unconfirmed minutes of the Special Meeting of Council, closed to members of the
public to consider a confidential matter, held on 28 November 2017 at 6.30 pm at the
Civic Centre have been circulated to Councillors.
RECOMMENDATION

That the Minutes of the Ordinary Meeting of the Mount Alexander Shire Council held on 21 November 2017 and the Special Meetings held on 28 November 2017 at 6.00 pm and 6.30 pm be confirmed.

MOVED COUNCILLOR HENDERSON

That the recommendation be adopted.

SECONDED COUNCILLOR NIEMAN

CARRIED.
5. CASTLEMAINE WARD COUNTBACK

5.1. ELECTION RESULTS

The Victorian Electoral Commission (VEC) conducted a countback to fill the extraordinary vacancy for the Castlemaine Ward at 11.00 am on 20 November 2017. The successful candidate did not complete a Declaration of Eligibility within 48 hours of the Countback and was therefore not declared as Councillor.

The VEC conducted a second countback in the Council Chamber at 11.30 am on 22 November 2017 in the Mount Alexander Shire Civic Centre, corner Lloyd and Lyttleton Streets, Castlemaine. Dave Petrusma was successful, and following his signing of the Declaration of Eligibility, was declared elected by the VEC at 2.00 pm that afternoon.

Councillor Petrusma signed the Oath of Office and made a declaration to abide by the Councillor Code of Conduct before the Chief Executive Officer on Friday 24 November 2017.

Refer to:

Attachment 5.1A: Signed Oath of Office – Dave Petrusma.

Attachment 5.1B: Declaration to abide by the Councillor Code of Conduct - Dave Petrusma.

The Mayor welcomed Councillor Dave Petrusma as the new councillor for the Castlemaine Ward. The Mayor noted that Councillor Petrusma has signed the oath of office and made a declaration to abide by the Councillor Code of Conduct, which will be included in the Minutes of this Meeting.
I, David John Petrissin, do solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Mount Alexander Shire and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skills and judgement.

Signature of Councillor

DARREN FUZZARD
Chief Executive Officer

Date

24/11/17
I declare that I have read and will abide by the Councillor Code of Conduct for Mount Alexander Shire Council adopted on 21 February 2017.

Signature of Councillor

Name of Councillor (Block Letters)

Darren Fuzzard
Chief Executive Officer

Date 24/1/17

Declaration To Abide By The Councillor Code Of Conduct
6. PUBLIC QUESTION TIME

MOVED COUNCILLOR NIEMAN

That standing orders be suspended at 6.32 pm.

SECONDED COUNCILLOR PETRUSMA

CARRIED.

The Mayor made the following statement in relation to the LGBTIQ roundtable and resolution in September.

“At its September meeting, Councillors resolved to establish an LGBTIQ Roundtable so that Council could develop an informed position on how to support LGBTIQ equality. That resolution said we would have the first meeting of the Roundtable before the end of this year.

Whilst that resolution is being enacted, we won’t make the December deadline. Council and Councillors have met twice with community members who were present at the September meeting to discuss the terms of reference and the process of selecting people for the Roundtable. As a result of these discussions we have all agreed to slow down the process.

We expect to have a community forum in the first quarter next year, hosted by Castlemaine Community House. The purpose of that will be to enable people who identify as LGBTIQ to find out more about the proposed Roundtable and to register their expressions of interest in being part of it.

Council acknowledges that the last few months have been very difficult for people who identify as LGBTIQ and we are particularly grateful to the LGBTIQ members of our community who have consistently engaged with Council over this difficult time to provide us sound advice on how to proceed. We would also like to thank Castlemaine Community House for their continued support.

a. Mr Glenn Braybrook.

Mr Braybrook said the he was not sure about the Chewton Streetscape Survey, noting that he thought it was the third survey in ten years and nothing had been implemented.

Mr Braybrook also said that the survey doesn't state where the streetscape plan starts and ends. He advised that the survey forms do not require names on them and he believed that some people are filling in multiple forms and so the responses will be skewed.

Mr Braybrook stated there were terrific sculptures in Chewton, which while they may have been controversial, had been well received by the locals. He noted that there wasn’t a lot in Chewton, as shops had closed over time and the sculptures provided a good focal point for the community and encouraged visitors to stop in Chewton. He requested that support for these sculptures and other art work be provided.

• The Mayor thanked Mr Braybrook for his statement.
MOVED COUNCILLOR CORDY

That standing orders be resumed at 6.38 pm.

SECONDED COUNCILLOR TAYLOR

CARRIED.

7. PETITIONS AND JOINT LETTERS

Nil.

8. COMMITTEE REPORTS

Nil.
9. ASSEMBLIES OF COUNCILLORS

9.1. ASSEMBLIES ON 8 NOVEMBER, 14 NOVEMBER (3.00 PM AND 4.41 PM), 21 NOVEMBER, 28 NOVEMBER (3.00 PM AND 5.20 PM) AND 5 DECEMBER 2017

RECOMMENDATION

That the Records for the Assemblies of Councillors on 8 November, 14 November (3.00 pm and 4.41 pm), 21 November, 28 November (3.00 pm and 5.20 pm) and 5 December 2017 be entered into the record of this meeting (Attachments 9.1, 9.2, 9.3, 9.4, 9.5, 9.6 and 9.7).

MOVED COUNCILLOR HENDERSON

That the recommendation be adopted.

SECONDED COUNCILLOR TAYLOR

CARRIED.
ASSEMBLY OF COUNCILLORS RECORD  
8 NOVEMBER 2017  
AT 5.10 PM IN THE  
COUNCIL CHAMBER,  
MOUNT ALEXANDER SHIRE CIVIC CENTRE  
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.

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   Councilors: Tony Cordy, Christine Henderson, Bronwen Machin and John Nieman.
   
   Officers: Chief Executive Officer (Darren Fuzzard).

2. **APOLOGIES**
   
   Councillor Robin Taylor

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

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<tbody>
<tr>
<td>Staff Matters</td>
<td>No</td>
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</table>

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

5. **MEETING CLOSE**
   
   Meeting closed at 5.30 pm.
ASSEMBLY OF COUNCILLORS RECORD  
TUESDAY 14 NOVEMBER 2017  
3.00 PM IN THE  
COUNCIL CHAMBER,  
MOUNT ALEXANDER SHIRE CIVIC CENTRE  
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.

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

Officers: Chief Executive Officer (Darren Fuzzard), Director Corporate and Community Services (Lisa Knight), Acting Director Sustainable Development (Rebecca Stockfeld), Principal Governance Officer (Suellen Pepperell), Manager Healthy Environments (Ben Bowman, Items 5.2, 5.3 and 5.5), Climate Change Coordinator (Jay Smith, Items 5.2 and 5.3), Executive Manager Business Performance (Bradley Thomas, Item 5.4), Natural Environment Officer (Kylie Stafford, Item 5.5), Subdivision Officer (Michelle Hutchins, Item 5.1) and Coordinator Statutory Planning (Louise Johnston, Item 5.1).

Visitors:

Item 5.2 Jo Kaptein Project Officer, The Hub Foundation.

2. APOLOGIES

Councillor Tony Cordy

3. PURPOSE OF THE MEETING

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

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<tbody>
<tr>
<td>5.1. Deputation – Birchgrove Property</td>
<td>No</td>
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<td>5.2. Deputation – The Hub Foundation</td>
<td>No</td>
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<td>5.3. Report on Memorandum of Understanding – Council and The Hub Foundation</td>
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<td>5.4. Contracts Within Chief Executive Officer Delegation</td>
<td>No</td>
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<td>5.5. Community Consultation on Draft Waterways Management Plan</td>
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<td>6.1. Technology in Council Meeting Rooms</td>
<td>No</td>
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<td>6.2. Tiny Houses</td>
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<td>6.3. Town Crier</td>
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<td>6.4. Taradale Community Hall Meeting</td>
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<td>6.5. Parking Signage</td>
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<td>6.6. LGBTIQ Meeting</td>
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</table>
4. RECORD OF CONFLICT OF INTEREST

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

5. MEETING CLOSE

Meeting closed at 4.41 pm.
ASSEMBLY OF COUNCILLORS RECORD
14 NOVEMBER 2017
AT 4.41 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
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Councillors: Christine Henderson, Bronwen Machin, John Nieman and Robin Taylor.

Officers: Chief Executive Officer (Darren Fazzard).

2. **APOLOGIES**

Councillor Tony Cordy

3. **PURPOSE OF THE MEETING**

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

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<tbody>
<tr>
<td>Wesley Hill Project</td>
<td>No</td>
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<tr>
<td>Staffing Matters</td>
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</table>

4. **RECORD OF CONFLICT OF INTEREST**

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

5. **MEETING CLOSE**

Meeting closed at 5.30 pm.
ASSEMBLY OF COUNCILLORS RECORD
21 NOVEMBER 2017
AT 5.30 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.

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1. **PRESENT**

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

    Officers: Chief Executive Officer (Darren Fuzzard), Director Corporate and Community Services (Lisa Knight), Acting Director Sustainable Development (Rebecca Stockfeld) and Principal Governance Officer (Suellen Pepperell)

2. **APOLOGIES**

    Nil.

3. **PURPOSE OF THE MEETING**

    The purpose of the meeting was to brief Councillors on items that will be considered at the Ordinary Meeting of Council on 21 November 2017 and to discuss matters of interest which impact the Shire. The matters itemised below reflect those items that were on the Agenda that were discussed by Councillors during the briefing session.

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>PEO 10 Appointments to Special Committees of Council - Camp Reserve, Elphinstone Facilities, Maldon Community Centre, Taradale Hall</td>
<td>No</td>
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<td>PEO 11 Annual Plan 2017/2018 – Quarter 1 Progress Report</td>
<td>No</td>
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<td>PEO 12 Appointment of Audit &amp; Risk Advisory Committee Chair</td>
<td>No</td>
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<tr>
<td>PEO 13 Appointment of the Northern Victorian Integrated Municipal Emergency Management Planning Committee</td>
<td>No</td>
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<tr>
<td>PEO 14 Schedule of Ordinary Meetings for 2018</td>
<td>No</td>
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<tr>
<td>PLA 09 Wesley Hill Recreation Reserve Declaration of a Dog Free Area</td>
<td>No</td>
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<tr>
<td>Eco 43 Planning Permit Application 110/2017 at 19-21 Reckleben Street, Castlemaine - 27 Dwellings and 27 Staged Subdivision</td>
<td>No</td>
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<tr>
<td>ECO 44 Quarterly Financial Management Report to 30 September 2017</td>
<td>No</td>
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<tr>
<td>Castlemaine Ward Countback</td>
<td>No</td>
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4. RECORD OF CONFLICT OF INTEREST

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5. MEETING CLOSE

Meeting closed at 6.15 pm.
ASSEMBLY OF COUNCILLORS RECORD
28 NOVEMBER 2017
AT 3.00 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.

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1. **PRESENT**

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

Officers: Chief Executive Officer (Darren Fuzzard), Director Corporate and Community Services (Lisa Knight), Acting Director Sustainable Development (Rebecca Stockfeld), Governance Support Officer (Augustine Sheppard, Item 5.1), Coordinator Statutory Planning (Louise Johnston, Item 5.1), Subdivision Officer (Michelle Hutchings, Item 5.1), Principal Governance Officer (Sueellen Pepperell, Item 5.2 and 5.4), Manager Community Places and Spaces (Ben Grounds, Items 5.3 and 5.4) and Active Communities Team Leader (Jacqui Phiddian, Items 5.3 and 5.4).

Visitors:

- **Item 5.1:** Damien Tangey, Managing Director, Birchgrove Property.
- **Item 5.2:** John Pizzey and Clive Sharplin, U3A.
- **Item 5.3:** Richard Simon, Simon Leisure.

2. **APOLOGIES**

Nil.

3. **PURPOSE OF THE MEETING**

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

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<td>5.2. Deputation – U3A</td>
<td>No</td>
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<td>5.3. Recreation services and infrastructure plan issues and opportunities paper</td>
<td>No</td>
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<td>5.4. Review of management Models for Outdoor Pools</td>
<td>No</td>
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4. **RECORD OF CONFLICT OF INTEREST**

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

5. **MEETING CLOSE**

Meeting closed at 5.20 pm.
ASSEMBLY OF COUNCILLORS RECORD
28 NOVEMBER 2017
AT 5.20 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.

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1. PRESENT

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

Officers: Chief Executive Officer (Darren Fazzard).

2. APOLOGIES

Nil

3. PURPOSE OF THE MEETING

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

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4. RECORD OF CONFLICT OF INTEREST

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

5. MEETING CLOSE

Meeting closed at 5.57 pm.
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1. **PRESENT**

Councillors: Tony Cordy, Bronwen Machin, John Nieman, Dave Petrusma and Robin Taylor.

Officers: Director Corporate and Community Services (Lisa Knight), Acting Director Sustainable Development (Rebecca Stockfeld), Principal Governance Officer (Suellen Pepperell), Coordinator Statutory Planning (Louise Johnston, Items 5.1-5.3), Statutory Planner (Tim Blackie, Items 5.1-5.2), Subdivision Officer (Michelle Hutchins, Items 5.1-5.2), Manager Community Place and Spaces (Ben Grounds, Item 5.5), Manager Healthy Environments (Ben Bowman, Items 5.6-5.7) Waste Management Coordinator (Michael Scott, Item 5.6) and Executive Manager Business Performance (Bradley Thomas, Item 5.7).

2. **APOLOGIES**

Councillor Christine Henderson.

3. **PURPOSE OF THE MEETING**

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

<table>
<thead>
<tr>
<th>Matter Discussed</th>
<th>Councillor Conflict?</th>
<th>Councillor Name</th>
<th>Councillor left meeting?</th>
<th>Time left</th>
<th>Time Returned</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1. Planning Permit Application 214/2016 - Fourteen (14) Lot Subdivision,</td>
<td>No</td>
<td></td>
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<tr>
<td>Construction of a Dwelling/Fence (Lots 1 and 2), and Alteration to an Existing</td>
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<tr>
<td>Easement at Lots 1 and 2 on TP2323676, Lots 1, 2, 3, 4 and 5 on</td>
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<td>TP1240899E, Lots 1, 2, 3, 4 and 6 on TP946571E, and Lot 2 on PS825554C,</td>
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<tr>
<td>145 Elizabeth Street, Castlemaine</td>
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<tr>
<td>5.2. Planning Permit Application 038/2010 at 7 Main Road, Chewton – 4 Lot</td>
<td>No</td>
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<td>Subdivision</td>
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<tr>
<td>5.3. Off-Leash Dog Park at Lindsay Park Campbells Creek</td>
<td>No</td>
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<tr>
<td>5.4. Briefing on Submissions – Lease of Part of Castlemaine Secondary College Etty Street Campus to Workspace Australia Ltd</td>
<td>No</td>
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<td>5.5. Relinquishment of State Emergency Service Land at Wesley Hill</td>
<td>No</td>
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<tr>
<td>5.6. Landfill Closure and Rehabilitation</td>
<td>No</td>
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<td>5.7. Payroll Budget</td>
<td>No</td>
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<td>5.8. Appointment of Councillors as Delegates and Representatives to Committees</td>
<td>No</td>
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<tr>
<td></td>
<td>Review of Protected Disclosure Procedures</td>
<td>No</td>
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<tr>
<td>8.1</td>
<td>Councillor Access to ICT</td>
<td>No</td>
<td></td>
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<tr>
<td>8.2</td>
<td>Recreation Services Infrastructure Plan (RSIP)</td>
<td>No</td>
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<tr>
<td>8.3</td>
<td>Fryerstown Hall Permit Requirement</td>
<td>No</td>
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<tr>
<td>8.4</td>
<td>Intersection at Newstead</td>
<td>No</td>
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<tr>
<td>8.5</td>
<td>Former Guildford Primary School</td>
<td>No</td>
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<tr>
<td>8.6</td>
<td>Community Satisfaction Survey</td>
<td>No</td>
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</tbody>
</table>

4. RECORD OF CONFLICT OF INTEREST

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

5. MEETING CLOSE

Meeting closed at 5.38 pm.
10. OFFICER REPORTS

10.1. OUR PEOPLE (PEO)

PEO 17 MEMORANDUM OF UNDERSTANDING – COUNCIL AND THE CWA

Responsible Director: Director Corporate and Community Services
Responsible Officer: Communications and Customer Service Manager
Original Document: DOC/17/54766

Executive Summary

The purpose of this briefing is to update Council on the outcome of discussions held with the Castlemaine Country Women’s Association (CWA) and to authorise the CEO to sign a Memorandum of Understanding with the Castlemaine CWA.

The MOU will support the ongoing relationship between Council and the CWA and clarify the conditions under which the CWA can use the Ray Bradfield room for their activities.

Recommendation

That Council:

1. Note that the outcome of the meeting between Council and the Castlemaine CWA was to develop a Memorandum of Understanding between both parties; and

2. Authorise the Chief Executive Officer to sign the Memorandum of Understanding between Council and the Castlemaine CWA.

MOVED COUNCILLOR NIEMAN

That Council:

1. Note that the outcome of the meeting between Council and the Castlemaine CWA was to develop a Memorandum of Understanding between both parties;

2. Amend the Memorandum of Understanding to include the following clause:
   - The CWA will have use of the Ray Bradfield Room three to four times per month, for a maximum of four hours at any one time, for no fee; and

3. Authorise the Chief Executive Officer to sign the Memorandum of Understanding between Council and the Castlemaine CWA.

SECONDED COUNCILLOR PETRUSMA

CARRIED.
Context

The Castlemaine CWA has carried out activities in the Ray Bradfield room, Castlemaine, for many years.

Council resolved at the Ordinary Meeting of Council on 9 February 2016:

That the Mayor and Chief Executive Officer arrange a meeting with representatives of Castlemaine CWA at their earliest opportunity to continue their efforts to clarify and confirm the support to be provided to the group, including conditions for use of the Ray Bradfield room, and that the outcome of the meeting be reported to Council for confirmation.

Now that the result of these meetings is finalised, in the form of a Memorandum of Understanding (MOU), it is timely to report on the matter to Council, in accordance with the Council resolution.

Since early 2016 meetings have taken place to clarify the terms and conditions of use for the Ray Bradfield room. It was agreed in mid-2016 that an MOU be put in place to clearly define the support that would be provided to the Castlemaine CWA, the provision of service from the CWA to Council, and the roles and responsibilities of both parties.

A draft MOU has been prepared for a term of three years, expiring on 31 December 2020.

Refer to:


Policy and Statutory Implications

Relevant policies, strategies and plans

The Council Plan 2017-2021 includes a strategic objective of ‘support the building of social connection in each of our towns’. The CWA meets regularly and as part of the MOU, will conduct a workshop for the community on a mutually agreed theme.

Issues

Council has a practice of entering into Memorandums of Understanding with community organisations where there is a mutual provision of services to the community. MOUs enable the provision of support from Council to be transparent to the community and sets clearly defined roles and responsibilities in place.

The MOU clearly defines the conditions of use of the Ray Bradfield room and the responsibilities of both parties.

Alternate Options

Council could elect not to enter into the agreement.

Financial and Resource Implications

Under the terms of the MOU, the CWA will have use of the Ray Bradfield Room three to four times per month, for a maximum of four hours at any one time, for no fee. In return,
the Castlemaine CWA will provide one two-hour workshop per annum free of charge to Council.

Consultation

Consultation has taken place with the CWA and relevant officers.
MEMORANDUM OF UNDERSTANDING
USE OF RAY BRADFIELDF ROOM

1. PARTIES
   Mount Alexander Shire Councillors
   CWA Castlemaine Branch

2. TERMS OF MEMORANDUM OF UNDERSTANDING
   Start Date: 1 December 2017          End Date: 31 December 2020

3. PURPOSE
   The purpose of the MOU is to outline
   • The level of support that Council will provide to the CWA Castlemaine branch through the
     use of the Ray Bradfield room
   • How the two organisations will communicate with each other

   CWA Constitution
   Purpose – the purposes of the association are
   1. Through community service, improve conditions, especially as they affect the welfare of
      women and children
   2. Grow the association
   3. Promote friendship and support amongst members of the Association and to welcome
      and take an ongoing interest in all newcomers
   4. Encourage members and their families to develop personal skills
   5. Advocate for the sustainable development and the protection of the environment of all
      communities throughout Victoria
   6. Award educational grants and scholarships
   7. Be an affiliated member of the Country Women’s Association of Australia and the
      Associated Country Women of the World and inspire and work for national and
      international well-being
   8. Cooperate with other organisations who have a similar purpose
4. BACKGROUND

Mount Alexander Shire Council aims to create an environment where people of all ages and backgrounds can live a healthy lifestyle and are able to thrive in our diverse community. The Mount Alexander Shire Council Plan 2017 – 2020 contains three pillars: Our People, Our Place and Our Economy.

Council is committed to the strategic objectives that sit under these three pillars. In relation to Council’s partnership with the Castlemaine CWA, the objectives Council will deliver on are:

- Socially connected, safe and inclusive communities
- Local services that support the needs of our community
- Well managed assets for now and into the future

Castlemaine CWA branch formed in 1931 and occupied a building in Victory Park from 1961 to provide community services and a rest room for women and children. This building was moved and the Ray Bradfield Room was constructed in 1996. The Castlemaine CWA branch recognises the needs of our own community and prioritises these needs based on our diversity of skills, which vary from year to year. Branch activities include: supporting schools by providing craft and knitting programs; providing catering when required; providing quality food through our Castlemaine CWA farmers’ market stalls; passing on cooking skills; and assisting families in need, especially those affected by natural disasters and those who do not have other available assistance. Branch activities are not readily publicised.

5. ROLES AND RESPONSIBILITIES

In collaboration:

- The Castlemaine CWA branch may use the Ray Bradfield rooms on booked dates as required. Bookings shall be made in advance by CWA Castlemaine.
- Council will make available a designated set of keys for CWA Castlemaine to use in order to access the Ray Bradfield Room, the storeroom and cupboards.
- Castlemaine CWA will prepare and deliver a two hour workshop to support a Council initiative to be agreed by the parties on an annual basis.
- Make the Ray Bradfield rooms available in the event of unforeseen circumstances (such as electoral matters) or by mutual agreement.

Together, Council and CWA Castlemaine branch will:

- Interact in a courteous and respectful manner, appreciating the differences between local government and the community organisations, for example, by understanding and acknowledging the approval process time-frames of the Council.
- Maintain regular, informal officer contact through the Council’s venue co-ordinator to maximise opportunities for collaboration and information sharing.
- Castlemaine CWA branch will acknowledge Council’s partnership in their annual report and will forward an invitation to Council to attend the CWA AGM.
- Review this MOU before the expiry date.

6. REPORTING

Each party to the MOU report to Councillors annually on the achievements and performance of the MOU.
7. AUTHORISATION

<table>
<thead>
<tr>
<th>Mount Alexander Shire Council</th>
<th>Chief Executive Officer</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>CWA Castlemaine Branch</td>
<td>President</td>
<td>Date</td>
</tr>
</tbody>
</table>

______/____/____

Memorandum of Understanding
10.2. OUR PLACE (PLA)

PLA 11 FOOTPATH DAMAGE IN FRONT OF WINTRINGHAM HOUSING UNITS BETWEEN HARGRAVES AND LYTTLETON STREET

Responsible Director: Acting Director Sustainable Development
Responsible Officer: Acting Manager Infrastructure
Original Document: DOC/17/53600

Executive Summary

On 6 November 2017, Council received a petition containing six signatures from residents with regards to the footpath damage in front of Wintringham Housing Units between Hargraves Street and Lyttleton Street, Castlemaine.

The petition highlighted damage which has been caused to the footpath and a fence by tree roots.

Council officers have completed a site visit and agreed that the damage should be fixed.

RECOMMENDATION

That Council respond to the first signatory on the petition advising the footpath will be repaired and the tree roots cut back.

MOVED COUNCILLOR TAYLOR

That the recommendation be adopted.

SECONDED COUNCILLOR PETRUSMA

CARRIED.
Context

Plane trees, which are predominantly planted in parking bays, have large root systems allowing them to cope well with the dry weather conditions. The root system often grows under footpaths and fences eventually causing lifting and cracking.

Council recently completed a full footpath condition audit, the data from this audit being used to form capital renewal budget bids for next financial year.

Refer to:

Confidential Attachment PLA 11A: Joint Letter - Resident of Wintringham Housing Units between Hargraves and Lyttleton St- 6 November 2017.

Policy and Statutory Implications

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

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

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

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

   (4) A petition or joint letter may nominate a person to whom a reply may be sent, but if no person is nominated the Council may reply to the first or any person whose signature appears on the petition.

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

Issues

Damage caused by tree root systems is the major cause of footpath and fence damage in the Shire.

A number of services have been trenched across the footpath in this area; the reinstatement of these areas is questionable and was unlikely to have been completed under Council permit.

Council has committed to the reconstruction of these footpath areas in early 2018, with funding for these works coming from the Footpath Maintenance Operating Budget.

Alternate Options

Nil.
Financial and Resource Implications

The reconstruction work will be completed using the current footpath maintenance budget and internal Council resources.

Consultation

Council officers have written to the first signatory on the petition to advise Council will consider the matter and respond to the petitioners.
Executive Summary

Council is proposing to enter into a lease with the Department of Education to lease the Etty Street Campus of Castlemaine Secondary College (35 Etty Street Castlemaine). Council will then sub-lease the site to Workspace Australia to use the site as a business incubator and for community use.

Council has undertaken public notice of the lease and received six submissions. At the Special Council meeting held on 28 November 2017 Council invited submitters to speak in support of their submission. Two submitters were in attendance and spoke.

Since the Special Meeting of Council, Workspace and others have requested further time to negotiate terms of the lease.

A report will be presented to Council in 2018 recommending whether or not Council enter into leases with the Department of Education and Workspace Australia.

RECOMMENDATION

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.

MOVED COUNCILLOR TAYLOR

That the recommendation be adopted.

SECONDED COUNCILLOR CORDY

CARRIED.
PLA 13 AWARDING OF 21 YEAR LEASE FOR CASTLEMAINE CARAVAN PARK

Responsible Director: Acting Director Sustainable Development
Responsible Officer: Property Portfolio Coordinator
Original Document: DOC/17/52900

Executive Summary

The purpose of this report is for Council to determine on entering into a long term lease for the Castlemaine Caravan Park at 1 Doran Avenue Castlemaine.

The current operator of the Castlemaine Caravan Park has requested Council enter into a new 21 year lease for the caravan park. The current lease has six and a half years remaining. A long term lease will provide certainty to the operator and support continued investment in the park.

The proposal has been independently reviewed and valued. The current lease allows for the majority of rent to be paid by way of renewal and capital improvements to Council assets of the park. Given this past investment and improvement to the park, the new lease requires two thirds of the rent to be paid in cash, and one third to be paid in renewal and capital improvements. The new lease will require the operator to spend an additional $175,000 in improvements to the park over the first ten years in addition to rental payments.

As part of the lease, the operator will be required to prepare a masterplan for the park that will guide future investment. Future improvements will be derived from this plan.

The new lease will increase income Council receives, and reduce administration to Council, overall delivering a positive outcome for Council.

RECOMMENDATION

That Council:

1. Note that no submissions were received in response to the public notice advertised in accordance with Section 190 and Section 223 of the Local Government Act 1989 indicating Council’s intention to enter into direct negotiations with the current operator for a new long term lease for Castlemaine Caravan Park;

2. Approve entering into a new 21 year lease for Castlemaine Caravan Park, Doran Avenue Castlemaine, with Trailer Park Pty Ltd;

3. Delegate to the Chief Executive Officer the power to make any minor changes to the wording of the lease required by the Department of Environment, Land, Water and Planning through their provision of In Principle Approval;

4. Delegate to the Chief Executive Officer the power to change the starting date of the lease following approval by Department of Environment, Land, Water and Planning; and

5. Authorise the Chief Executive Officer to sign and seal any documentation required to effect a 21 year lease for the Castlemaine Caravan Park.
MOVED COUNCILLOR PETRUSMA

That the recommendation be adopted.

SECONDED COUNCILLOR TAYLOR

CARRIED.
Context

The purpose of this report is to request Council determine to enter into a long term lease for the Castlemaine Caravan Park at 1 Doran Avenue Castlemaine.

The Castlemaine Caravan Park is located on Crown Land managed by Council. The park is leased to an operator to run the caravan park. The current lease on the land commenced on 1 July 2003. The current lease expires in June 2020, with one four year option remaining (to 30 June 2024). The operator approached Council in 2015 seeking a longer-term lease to support greater investment in the business.

Council last considered this matter at their Ordinary Meeting on 23 February 2016. At this meeting Council resolved to:

1. Authorise Council officers to negotiate with the incumbent tenant for a new lease of the Botanical Gardens Caravan Park at 1 Doran Avenue, Castlemaine;

2. Advertise Council's intention to negotiate with the incumbent tenant in accordance with advice from DELWP pertaining to the Crown Land Reserves Act 1978; and

3. Engage a suitably qualified professional to review the lease proposal.

The operator's proposal was independently reviewed in May 2016. The review recommended changes to achieve better value for Council; including increased rent, and additional capital works and improvements to the park.

Council advertised its intention to negotiate with the incumbent in the Council column on 5 April 2016. No submissions were received.

Refer to:

Attachment PLA 13A: Aerial photograph – Area of Castlemaine Caravan Park.

Confidential Attachment PLA 13B: S17D Crown Land Lease - Castlemaine Garden Caravan Park.

Policy and Statutory Implications

Relevant policies, strategies and plans

Council Plan 2017–2021

The pillar of ‘Our Place’ in the Council plan includes strategies to Support business growth and local employment, and Help to grow tourism to the shire.

The Castlemaine Caravan Park is one of the largest tourism accommodation providers in the Shire and contributes to the diverse range of tourism accommodation available. It provides a place for visitors to stay locally longer, contributing to the local economy and enjoy the great experiences the local area has to offer.

Property Leasing and Licensing Policy

The Property Leasing and Licensing Policy, adopted by Council on 8 February 2011, provides the foundation for leasing and licensing decision-making for Council owned or controlled properties. The Policy objectives include ensuring that Council properties are
occupied in accordance with the best interests of the community and Council and to maximise the sustainable use of Council’s assets.

Current Development Plan

The current lease renewal contains a Development Plan detailing agreed capital works projects at the site by both the Lessor (Council) and the Lessee (Trailer Park Pty Ltd). This Plan is underway, and if a new lease is entered into before the expiry of the current lease, outstanding works from the current Development Plan would need to be incorporated into the next plan.

The current Development Plan has required renewal and improvements of around $43,000 a year. These works have improved the profitability of the park, and therefore the rental return.

Leasing Policy for Crown Land in Victoria 2010

This policy applies to land leased under the Crown Land (Reserves) Act 1978 and was developed by the department formally known as DSE (now DELWP). The principles of Crown Land leasing are: to provide benefit to the public, to ensure consistency and transparency through the leasing process and to manage leased Crown Land in an ecologically sustainable manner.

Under the Leasing Policy for Crown Land in Victoria 2010, which sits beneath the Crown Land (Reserves) Act 1978, the leasing process must be fair, open and impartial, whether the lease is allocated through a competitive selection process or through direct negotiations. Council received advice from the Department of Environment, Land, Water and Planning (DELWP) that Council must advertise its intention to negotiate with the incumbent tenant, and this notice was carried out.

Permission to negotiate with the incumbent tenant was sought from the Minister for Environment and Climate Change and granted on 29 December 2015.

DELWP are required to provide In Principle Approval for all leases on Crown Land. Approval normally takes 21 days, however given the complexity of this lease; approval has already exceeded this timeframe. An initial review of the lease has been undertaken, and changes to wording have been made. It is possible some further minor changes may be required. A delegation to allow the Chief Executive Officer to make minor changes to this lease (as required by DELWP) is included in the resolution to this report.

It is expected the lease will need to be approved by the Valuer General’s Office, particularly as the lease has not gone to market. Council have obtained an independent valuation and the outcomes of the lease are consistent with the independent valuation. This valuation should satisfy the requirements of the Valuer General’s Office.

Statutory powers and implications

The Local Government Act 1989

The Local Government Act 1989 regulates the leasing of Council properties. Under Section 190 the maximum lease period of Council properties is 50 years with the additional requirement to undertake a Section 223 public consultation process for any lease term greater than 10 years, or 1 year where the market rent is greater than $50,000 per annum. The requested lease term meets both requirements and therefore required a public notification process.

This process was undertaken in April 2016 and no submissions were received.
Issues

Council received a request to enter into a 21 year in 2015 from the current operator of the park. Council had an independent review undertaken of this proposal and valuation of the lease undertaken.

Rent

The key issue identified in the valuation was that the market rental for the park had increased significantly since the last market review. This was due to investment in the park and the effectiveness of park operations. Given there has been a reduction in the backlog of capital works, the majority of rent will now be proportioned so that 2/3 is paid in cash, and 1/3 in renewal or improvements to Council owned assets in the park, reversing the previous split. It is proposed to increase rent to the following:

<table>
<thead>
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<th>Year</th>
<th>Total Rent</th>
<th>Cash portion</th>
<th>Works portion</th>
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<tbody>
<tr>
<td>1</td>
<td>$80,000</td>
<td>$53,333</td>
<td>$26,667</td>
</tr>
<tr>
<td>2</td>
<td>$90,000 + CPI</td>
<td>$60,000 + CPI</td>
<td>$30,000 + CPI</td>
</tr>
<tr>
<td>3-5</td>
<td>$100,000 + CPI</td>
<td>$66,667 + CPI</td>
<td>$33,333 + CPI</td>
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</table>

The lease allows for CPI adjustments every year, with a market review every five years. A market review will be undertaken during year five to determine rent for year six.

Council Responsibilities

Council will remain responsible for maintenance of existing Council owned assets in the park, such as buildings, services and trees. The renewal of improvements by the operator (as a component of rent) should reduce Council’s ongoing maintenance liability of the park.

Council will also maintain responsibility for compliance with Essential Safety Measure maintenance and inspection requirement. The caravan park is included in Council’s contract for Essential Safety Measure inspections.

Development Plan and Capital Works

The lease also requires the tenant to carry out an additional $175,000 in improvements over the first ten years of the lease. This ensures that substantial funds are reinvested into the park, which should increase occupancy rates and revenue in the park, thereby increasing Council’s return at subsequent market reviews.

The first action in the Development Plan is the preparation of a Masterplan for the park. This will guide future development of the park and investment. It will ensure any improvements (particularly relating to the $175,000 improvements) are targeted and prioritised.

Alternate Options

Council could determine not to enter into this lease. Council would not be able to offer a lease to another tenant, as there is a current lease with six and a half years remaining. Should Council do this, the rent could be increased as discussed above, but Council could not require the additional $175,000 in improvements to the park.
Council could try and renegotiate the terms of the new lease. Council has invested considerable resources to get to this point in terms of officer time and external costs (for the valuation and legal fees for drafting), and has reached an outcome that achieves market value for rent. Attempting to renegotiate the lease will incur costs to Council, and divert resources from other areas. The outcome might not be acceptable to Council, or to the tenant further delaying rental increases and capital investment in the park.

**Financial and Resource Implications**

Officer time and external costs to reach this point of a new lease have been contained within current budget allocations. A 21 year lease term will reduce the officer time and external costs required to re-document the lease each time an option is exercised. It will also provide certainty, yet continued rental increases thanks to market rental increases.

Officer time will continue to be required to manage the lease. Time will be required to review proposals for capital works as part of the development plan, and carry out inspections during development works. The operator will manage contractors, resulting in an administrative saving in comparison to if Council were managing the work ourselves.

Council resources will also be required to manage and undertake maintenance and repairs on Council’s assets. This is the same as the current lease, and can be contained within current budget allocations.

Over the last five years, the administrative costs to Council and maintenance costs of the park have been greater than the rental income received by Council for the caravan park. The new lease requires a substantial increase in cash rental. Based on past maintenance and administrative expenditure, Council’s cash flow position from the caravan park should be positive.

Overall the new lease will have a positive impact on Council’s budget moving forward due to increased income for Council in the form of cash rental, and reduced administration to manage lease option renewals.

**Consultation**

Council undertook a public notification of our intention to enter into the lease in April 2016. No submissions were received.
PLA 14     AWARDING OF CONTRACT M1331-2017 FOR THE LOCAL ROAD RESEALING PROGRAM 2017-2018

Responsible Director: Acting Director Sustainable Development
Responsible Officer: Acting Manager Infrastructure
Original Document: DOC/17/54830

Executive Summary

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

RECOMMENDATION

That Council:

1. Award Contract M1331 - 2017 for Local Roads Resealing 2017/2018 to Primal Surfacing Pty Ltd for a contract price of $909,603.19 (GST exclusive);

2. Authorise the Chief Executive Officer to sign and affix the Common Seal to the contract documentation for Contract M1331 - 2017 for Local Roads Resealing 2017/2018; and

3. Authorise the Chief Executive Officer to act as Superintendent on this project with delegations as described in the Procurement Procedures adopted in December 2016.

MOVED COUNCILLOR CORDY

That the recommendation be adopted.

SECONDED COUNCILLOR TAYLOR

CARRIED.
Context

All contractors were provided with a scope of works, specification and locality plan for each site within the tender documentation. This enabled contractors to make themselves familiar with the sites and requirements to allow a tender price for each separable portion to be provided and equally evaluated against.

Tenders were invited to provide pricing for the works as identified in the attached Table 408.161.

Unsealed road initial treatment and crack sealing were additional provisional items that were included in the lump sum tender price.

A request for tender was publicly advertised on Saturday 11 November 2017. At the closing date of 2.00 pm, Friday 1 December 2017. Three conforming tenders were received.

Refer to:


Confidential Attachment PLA 14B: Local Road Reseal Program 2017-2018 Road List - Table 408.161.

Policy and Statutory Implications

2017-2021 Council Plan

Strategy

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

Measure of success

Increase in satisfaction of the condition of sealed roads (Community Satisfaction Survey).

Statutory powers and implications

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

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

Clause 208 of the Act – ‘Best Value Principles’ requires local governments to comply with the Best Value principles, specifically the need for Council services to meet quality and cost standards, and provides a number of factors that may be looked at when applying the principles.
All goods and services purchased by Council must be compliant with the Occupational Health and Safety Act 2004, the Dangerous Goods Act, Equipment (Public Safety) Act 1987, and associated regulations and codes of practice whenever applicable.

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

**Issues**

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

A request for tender was publicly advertised on Saturday 11 November 2017.

Three conforming were received by the closing date of 2.00 pm Friday 1 December 2017.

**Tenderers**

<table>
<thead>
<tr>
<th>Tenderers</th>
</tr>
</thead>
<tbody>
<tr>
<td>SprayLine Surfacing Services</td>
</tr>
<tr>
<td>Primal Surfacing Pty Ltd</td>
</tr>
<tr>
<td>Boral Resources (Vic) Pty Ltd T/a Boral Asphalt</td>
</tr>
</tbody>
</table>

The Tender Evaluation Panel met on 4 December 2017 to undertake the evaluation of all tenders received.

Tenders were evaluated according to the criteria listed in Table 1 in order of priority. These criteria were included in the tender documents as the criteria that would apply to the evaluation of tenders.

**Evaluation Criteria – Table 1**

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost to Council - Direct &amp; Indirect</td>
<td>30%</td>
</tr>
<tr>
<td>Response to Specification</td>
<td>25%</td>
</tr>
<tr>
<td>Experience &amp; Qualifications</td>
<td>20%</td>
</tr>
<tr>
<td>Risk &amp; Quality Management</td>
<td>10%</td>
</tr>
<tr>
<td>Business &amp; Financial Capacity</td>
<td>10%</td>
</tr>
<tr>
<td>Sustainability</td>
<td>5%</td>
</tr>
</tbody>
</table>

Following a comprehensive evaluation of tenders against the pre-determined evaluation criteria and weightings, Primal Surfacing Pty Ltd are being recommended as the preferred tenderer for a lump sum contract price of $909,603.19 (GST exclusive).
Alternate Options

There were no alternate options considered.

Financial and Resource Implications

Council’s 2017/2018 Capital Works Budget identifies a total budget of $1,000,000 for annual road reseal program. This includes $50,000 in Project Management.

There will be some minor variations due to changes in binder rates after final mix designs are completed and approved by Council Officers.

The table below outlines the total cost to Council.

<table>
<thead>
<tr>
<th>Item</th>
<th>$</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Budget</strong></td>
<td>$1,000,000.00</td>
<td>Funded through Roads to Recovery</td>
</tr>
<tr>
<td>Income</td>
<td>$1,000,000.00</td>
<td>Per adopted 2016/2017 Council Budget</td>
</tr>
<tr>
<td>Expenditure</td>
<td>$1,000,000.00</td>
<td>Per adopted 2016/2017 Council Budget</td>
</tr>
<tr>
<td><strong>TOTAL BUDGET</strong></td>
<td>$1,000,000.00</td>
<td></td>
</tr>
<tr>
<td><strong>Proposed Expenditure</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tender M1331-2017</td>
<td>$909,603.19</td>
<td>Per Council Report</td>
</tr>
<tr>
<td>Other Costs</td>
<td>$50,000.00</td>
<td>Project management and staff back-fill during</td>
</tr>
<tr>
<td><strong>Total Cost</strong></td>
<td>$959,603.19</td>
<td>Total cost over a one year period</td>
</tr>
<tr>
<td><strong>NET COST TO COUNCIL</strong></td>
<td>$959,603.19</td>
<td>Within budget</td>
</tr>
</tbody>
</table>

Consultation

No consultation has been undertaken.
PLA 15  DISCONTINUATION OF GOVERNMENT ROADS CA2012 PARISH OF
RAVENSWOOD, COUNTY OF TALBOT

Responsible Director: Acting Director Sustainable Development
Responsible Officer: Acting Manager Infrastructure
Original Document: DOC/17/40230

Executive Summary

The purpose of this report is for Council to approve the discontinuation of government roads known as Crown Allotment 2012, Parish of Ravenswood, County of Talbot.

RECOMMENDATION

That Council:

1. Complete the discontinuation of government roads known as Crown Allotment 2012, Parish of Ravenswood, County of Talbot;

2. Publish a notice in the Government Gazette describing the discontinuation in accordance with Section 206 Schedule 10 (3a) of the Local Government Act 1989; and

3. Advise the Department of Environment Land Water and Planning that the road is discontinued.

MOVED COUNCILLOR CORDY

That the recommendation be adopted.

SECONDED COUNCILLOR PETRUSMA

CARRIED.
Context

Councillors were briefed on 31 October 2017 that Council officers were proceeding with the statutory process to discontinue an unused government roads known as Crown allotment 2012, Parish of Ravenswood, County of Talbot as follows:

1. Give public notice in accordance with Section 223 of the Local Government Act 1989 of its intention to discontinue the unused government roads known as Crown allotment 2012, Parish of Ravenswood, County of Talbot;
2. Publish the public notice in the Midland Express, a newspaper generally circulating in the municipal district of the Council on 7 November 2017;
3. Accept written submissions on the matter with a closing date of 5.00pm on 6 December 2017;

Councillors would then:

1. Hear any persons who in their written submissions wish to be heard in support of their submission at the Ordinary Meeting of Council on 19 December 2017 in the Castlemaine Civic Centre;
2. Having considered submissions, determine whether to proceed with the proposed discontinuation and publish a notice in the Government Gazette.

The public notice was published in the Midland Express on Tuesday 7 November 2017 advertising the proposed discontinuation of the government roads known as Crown allotment 2012 Parish of Ravenswood, County of Talbot.

No written submission was received by the closing date of 6 December 2017 and no person requested to be heard.

Policy and Statutory Implications

Relevant policies, strategies and plans

Council plan 2017-2021

The preparation of this report is consistent with the strategic objectives of the Council Plan 2017-2021, including managing land use and development in the municipality in accordance with the Mount Alexander Planning Scheme and good governance.

Statutory powers and implications

Schedule 10 - Powers of Councils over Roads

Part 3 – Power to discontinue roads

A Council may, in addition to any power given to it by sections 43 and 44 of the Planning and Environment Act 1987:

(a) Discontinue a road, or part of a road, by a notice published in the Government Gazette; and
(b) Sell the land from that road (if it is not Crown Land), transfer the land to the Crown or itself or retain the land.
Section 207A - Submissions under section 223

A person may make a submission under section 223 on the proposed exercise of any power under –

(a) Clauses 1(b), 2,3,7 and 8 (1)(a) of Schedule 10;

Schedule 10 Clause 3 refers to the power to discontinue roads and Council is required to give public notice of its intention to discontinue the road and invite submissions under a S223 process.

As no submissions were received to the Section 223 public notice, the formal road discontinuation can now be determined.

A notice must be published in the Government Gazette describing the road discontinuance.

Issues

A road discontinuation is being undertaken as the most appropriate procedural option to close the unused government roads known as Crown allotment 2012, Parish of Ravenswood, County of Talbot. The subject roads are not required for public road purposes.

No written submission was received by the closing date and no person requested a hearing. Council can now progress the road discontinuation to the final stage.

Under Schedule 10 (3b) of the Local Government Act 1989, the land is to be transferred to the Crown.

The transfer of land will be managed by Department of Environment Land Water and Planning to the adjoining owner.

Alternate Options

There are no alternate options.

Financial and Resource Implications

There will be administration costs associated with advertising and preparing notices in accordance with the Local Government Act.

Consultation

Council has undertaken a formal public notice process in accordance with the Local Government Act, and consulted with Department of Environment Land Water and Planning.

Consultation has also been undertaken with VicRoads, Vic Track and Council’s Municipal Fire Prevention Officer (MFPO) details of which were provided at the Councillor Briefing session held on 31 October 2017.
PLA 16 RELINQUISHMENT OF SES LAND AT WESLEY HILL

Responsible Director: Director Sustainable Development
Responsible Officer: Property Portfolio Coordinator
Original Document: DOC/17/52534

Executive Summary

Council is Crown Land manager for Wesley Hill Recreation Reserve. Part of the site is occupied by the State Emergency Service (SES). Currently there is no formal occupancy agreement in place. Officers and the SES have investigated options for the site. The preferred option is for Council to relinquish management of this part of the site, and the SES to become a Committee of Management directly from Department of Environment, Land, Water and Planning (DELWP).

RECOMMENDATION

That Council write to the Department of Environment, Land, Water and Planning to relinquish management of part of the Wesley Hill Recreation Reserve occupied by the SES, as shown on the attached plan.

MOVED COUNCILLOR HENDERSON

That the recommendation be adopted.

SECONDED COUNCILLOR TAYLOR

CARRIED.
Context

Council is Crown Land manager for Wesley Hill Recreation Reserve. The eastern part of the site near the corner of McGrath Street and Scotts Avenue is occupied by the CFA and SES. At present there is no formal occupancy agreement in place for either user. Council and both agencies have been discussing various leasing and licensing scenarios for approximately two years; however changes in policies and staff have prevented a solution being reached until now.

The CFA use the former athletics track for training purposes, and the SES use land behind this (fronting Scotts Avenue) for their Castlemaine operations.

The SES has advised their preferred option is to become a Committee of Management for the land. This will reduce their administration and costs, but also give them all responsibility for the land. Consultation is continuing with the CFA to formalise occupancy arrangements that suit them.

Refer to:

Attachment PLA 16A: Proposed area to be relinquished by Council to enable SES to become Committee of Management – 2017.

Policy and Statutory Implications

Statutory powers and implications

The change of reservation is undertaken by the Department of Environment, Land, Water and Planning. As Council is the public land manager, DELWP has requested a written request from Council to relinquish its responsibilities for this land.

Issues

The land has been occupied by SES for many years. It currently contains two sheds and a small yard. These assets are on Council’s asset register, and will need to be transferred to SES should Council relinquish management of the land.

Initially, SES did not wish to become a Committee of Management (a state-wide position). Changes at a State level to their funding and operations have now resulted in this becoming an option, and this is their preferred option.

The Committee of Management will be SES head office. They will undertake all administration of the site (such as insurance), and ensure that the local branch will have a single party to go to for any improvements they wish to make to the site.

The SES are proposing to undertake works to the site over time, initially to formalise a volunteer car park with longer term plans to expand shedding and training/practice facilities. As Committee of Management this will reduce administration for SES to undertake these works. The local branch has received a grant (from SES) to formalise and seal a carpark for their volunteers and many other improvements would be eligible for similar funding. Until an occupancy agreement is in place, these funds cannot be released.

Alternate Options

Various options have been explored by Council. Council investigated licencing land to each of CFA and SES as Council does with many other sites around the Shire. Council
would remain the public land manager, and continue to own the buildings on site. SES would require Council consent (as well as DELWP consent) to make any changes to the site, and would require a planning permit for any works. A licence fee (currently $120 per year to community groups) would be payable.

Council also explored the option of CFA becoming Committee of Management for the whole site, then entering into a separate agreement with SES for their occupancy. In principle support was provided for this option, but it did not progress. A shortcoming of this outcome was that it relied on both agencies head offices dealing with each other for occupancy, further removing the local SES group from management of their site.

**Financial and Resource Implications**

The resources required to address this request can be contained within current budget allocations.

The two sheds on the site have a value of approximately $107,000. If Council were to relinquish this land, their financial value to Council would be lost. In practice these sheds are occupied and maintained by the SES, and it is likely that the highest and best use that delivers the best outcome to the community is for these buildings to continue to be used by the SES. It is unlikely that Council would achieve a financial value from these sheds in any other way.

Council will incur a small administrative cost saving if the land is relinquished. Council will no longer incur insurance costs for the building, or costs to have the buildings revalued whenever asset revaluations are undertaken.

DELWP may require the land to be re-surveyed which will cost approximately $2000 per reserve (if required). This can be accommodated within current budget allocations if needed.

**Consultation**

Consultation has been undertaken with both SES and CFA over the past two years. Most recent consultation with SES has been with their head office, and a meeting held on site with representatives of SES head office, Bendigo operations and local volunteers where it was determined that Committee of Management is their preferred option.

Consultation has occurred with the CFA to determine the location of the boundary of land to be managed by SES, and will continue with them to determine a suitable ongoing occupancy arrangement for the former athletics track they use for training.

No broader community is proposed to be undertaken, as it is not anticipated there will be a change in outcomes for the broader community.
Attachment PLA 16A

Map Scale: 1:1000

Disclaimer Note:

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Created on 22/11/2017 by Daniel Burton
10.3. OUR ECONOMY (ECO)

ECO 45 PLANNING PERMIT APPLICATION 214/2016 – FOURTEEN (14) LOT SUBDIVISION, CONSTRUCTION OF A DWELLING/FENCE (LOTS 1 AND 2), AND ALTERATION TO AN EXISTING EASEMENT AT LOTS 1 AND 2 ON TP232878T, LOTS 1,2,3,4 AND 5 ON TP124889R, LOTS 1,2,4,5 AND 6 ON TP945371E, AND LOT 2 ON PS525554C, 45 ELIZABETH STREET, CASTLEMAINE

Responsible Director: Director Sustainable Development
Responsible Officer: Manager Development Services
Original Document: DOC/17/46337

Executive Summary

Council has received an application for a fourteen (14) lot subdivision, construction of a dwelling/fence (Lots 1 and 2), and alteration of existing easement at 45 Elizabeth Street, Castlemaine. The site is located within the General Residential Zone and is partially covered by the Land Subject to Inundation Overlay (LSIO) and the Significant Landscape Overlay Schedule 2 (SLO2) – Castlemaine Environs.

The application was advertised and has received two objections raising concerns with a range of issues including the safety of access arrangements, lot sizes and layout, the level of parking and footpath provision, visual amenity impact of bin enclosures, potential for overlooking, treatment of an easement, extent of cut and fill, and potential need for retaining walls. Various permit conditions are proposed to address some of these concerns.

The site consists of Lots 1 and 2 on TP232878T, Lots 1,2,3,4 and 5 on TP124889R, Lots 1,2,4,5 and 6 on TP945371E, and Lot 2 on PS525554C.

The purpose of the General Residential Zone is to encourage development that respects the neighbourhood character of the area.

The application has been assessed against the provisions of the General Residential Zone and local and state planning policy and is considered to be appropriate.

It is recommended that a Notice of Decision to grant a planning permit subject to conditions be issued.

Recommendation

That Council issue a Notice of Decision to Grant a planning permit for a fourteen (14) lot subdivision, construction of a dwelling/fence (Lots 1 and 2), and alteration to an existing easement at Lots 1 and 2 on TP232878T, Lots 1,2,3,4 and 5 on TP124889R, Lots 1,2,4,5 and 6 on TP945371E, and Lot 2 on PS525554C, 45 Elizabeth Street, Castlemaine, subject to the following conditions:

1. AMENDED PLANS REQUIRED

   Before the subdivision is certified amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the amended plans dated 29/3/2017 and referred to as Draw Ref PPS01, Revision D, but modified to show:
a) Provision of a 1.5 metre wide footpath along the frontage of Lots 1 to 13 where they meet the common property, which connects to footpath in Langslow Street (at Elizabeth Street intersection) to provide access to the pedestrian trails in the area, with gradients and design suitable for all access including for disabled persons and mobility aids, with any necessary changes to the subdivision layout to facilitate it while still providing adequate vehicle access.

b) Swept path detailed plans showing that the court bowl/dead end of the common property close to Langslow Street will be designed to sufficiently support the turning movements of service and emergency vehicles, and any necessary changes to the subdivision layout, to the satisfaction of both the Responsible Authority and the CFA.

c) Provision of a 1.5 metre wide footpath along the frontage of lots 1 to 13 where they meet the common property, which connects to footpath in Langslow street (at Elizabeth street intersection) to provide access to the pedestrian trails in the area, with gradients and design suitable for all access including for disabled persons and mobility aids, and any necessary changes to the subdivision layout to facilitate it while still providing adequate vehicle access crossover works.

d) Provision of fence toppers along the northern property boundary for a length to be determined by the Responsible Authority in regard to the final height/site levels to provide adequate privacy to the neighbouring lots to the satisfaction of the Responsible Authority.

e) As per NCCMA conditions, show Allotment 1 to be filled to at least (300 millimetres above) the applicable 1% AEP flood level(s). Prior to issuing a statement of compliance a certified survey plan of the finished surface levels prepared by a licensed surveyor must be submitted to the Responsible Authority for its approval.

f) As per NCCMA conditions, show a balance of cut and fill to be achieved on the site. Any proposed cut must be self-draining.

g) As per NCCMA conditions, prior to the commencement of the works detailed plans and computations must be provided to the NCCMA demonstrating how this condition will be achieved must be provided to the North Central CMA for approval.

2. SUBDIVISION LAYOUT PLAN

2.1. The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

3. FORMAL PLAN OF SUBDIVISION

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

4. DWELLING PLANS REQUIRED FOR LOTS 1 AND 2

4.1. Before the construction of dwellings on lots 1 and 2, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:

a) No changes to the ground levels which create new flooding or drainage issues. Any changes to ground levels must not breach any of the existing requirements placed on the subdivision, including that:
• As per NCCMA conditions, a balance of cut and fill must be achieved on the site. Any proposed cut must be self-draining.

• As per NCCMA conditions, Allotment 1 must be filled to at least (300 millimetres above) the applicable 1% AEP flood level(s).

b) Appropriately detailed plans and elevations of the proposed dwelling, any proposed associated outbuildings on each lot, and their associated garden and landscaped areas, showing the design to be appropriate to the purpose and decision guidelines of the Significant Landscape Overlay Schedule 2 (SLO2) – Castlemaine Environs, including demonstrating the following:

• The design should minimise impacts on visually sensitive land forms and areas which have a high degree of landscape character and importance, such as sight lines to the heritage railway and avoiding impacting the privacy of neighbouring properties.

• The buildings and their associated works, gardens, and landscaped areas should be designated on the plans and thereafter maintained in such a manner as to harmonise and suitably fit in with the visual character of their surroundings.

• The design should prevent water pollution and avoid drainage and erosion issues.

5. DWELLING LAYOUT PLANS

5.1. The proposed dwelling layout as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

6. CONSTRUCTION MANAGEMENT PLAN

6.1. Prior to the commencement of works, a Construction Management Plan must be prepared to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must detail:

i. Hours of construction to accord with Local Laws

ii. Management of Langslow Street and Elizabeth Street to ensure that they are not blocked by parked or standing vehicles or any other obstruction, including building materials, equipment, etc. to maintain free vehicle passage to benefitting properties at all times, unless with the written consent of the Responsible Authority

iii. Methods to contain dust, dirt and mud within the site and the method and frequency of clean up procedures, including the management of on-site storage waste construction bins and vehicle washing

iv. No parking of vehicles within the railway reserve and Maldon rail trail area.

v. Management of parking of construction machinery and workers vehicles to prevent adverse impact on nearby properties, including the rail reserve and Maldon rail trail.

vi. Management of staging of heavy vehicles, site deliveries and unloading and lifting points with expected frequency, and traffic management in the vicinity, ensure routes to and from the site minimise disruption to residential properties

vii. Minimising disruption to pedestrian access along footpaths including the Maldon rail trail.

viii. Measures to minimise noise and other amenity impacts from mechanical equipment, including idling trucks, and demolition/construction activities, especially outside of daytime hours

ix. The provision of adequate environmental awareness training for all on-site contractors and sub-contractors
x. A liaison officer for contact by the public and the Responsible Authority in the event of relevant queries or problems experienced.

All works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

7. ENGINEERING PLANS

7.1. Prior to commencement of any construction works associated with the development and certification of the plan of subdivision, detailed access and drainage construction plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. All works constructed or carried out must be in accordance with those endorsed plans.

The plans to include:

a) Vehicle crossing works as required by the conditions of this permit.

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

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

8. DRAINAGE WORKS

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

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

8.3. On completion of the works, certification must be submitted to the Responsible Authority certifying that works have been completed in accordance with the Approved Engineering Plans.

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

8.5. In designing this drainage system the applicant may also consider incorporating aspects from Guidelines for Water Sensitive Urban Design (WSUD).

8.6. The legal point of discharge to the development is to the existing open drain in Langslow street. Clean out and form the open drain as required.
9. COMMON PROPERTY ACCESS

9.1. Access Road construction is to comply with the requirements of the Infrastructure Design Manual for an Access Place. The plans must include details in relation to pavement and formation width, pavement depth, pavement type and surfacing, drainage details, intersection treatments etc. Council’s minimum standards are

- With Asphalt or Concrete
- Provision is to made for the turning circle/court Bowl at the road end for emergency service vehicles
- Provision of a 1.5 metre wide footpath along the frontage of Lots 1 to 13, linking to footpath in Langslow Street (at Elizabeth Street intersection).
- Street/accessway lighting shall be provided to the requirements and satisfaction of both Powercor and the Responsible Authority.

10. VEHICLE CROSSOVER WORKS

10.1. Proposed vehicle crossovers are to be constructed to the levels/requirements of council. No impending or redirection of existing surface flow is allows to occur as a result of these works. Where two crossovers are in close proximity, pipes are to be extended through to create one wide crossover servicing both properties.

11. EASEMENTS

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

12. INFRASTRUCTURE STATUS

12.1. 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.

13. SEDIMENT POLLUTION CONTROL

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

14. CONSENT FOR CONSTRUCTIONS

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

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

14.3. All existing road reserve assets are to be protected and maintained throughout the works including all utilities and services. Any damage is to be restored prior to issuing of statement of compliance.
15. STATEMENT OF COMPLIANCE

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

16. REMOVAL OR TRIMMING OF ROAD RESERVE TREES

16.1. If the applicant / property owner requires removing or trimming of trees in council road reserves as part of the development or as part of future works, all the cost of such removal must be borne by the applicant / property owner. The applicant / property owner must obtain consent and necessary work permits from the council for such future tree trimmings / removals prior to commencement of tree removal works.

17. TELECOMMUNICATIONS

17.1. The owner of the land must enter into an agreement with:
   - a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and
   - a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

17.2. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
   - a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time; and
   - a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

18. VICTRACK CONDITIONS

18.1. Prior to the issue of a Statement of Compliance, the permit holder must install a 1.8 metre high treated pine paling fence along the boundary abutting the rail reserve for the entire length of the site to the satisfaction of Vic Track at the full cost to the permit holder.

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

19. COLIBAN WATER CONDITIONS

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

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

20. DOWNER UTILITIES / AUSNET SERVICES GAS CONDITIONS

20.1. The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the Subdivision Act 1988.

21. POWERCOR CONDITIONS

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

21.2. The applicant shall:

- Provide an electricity supply to all lots in the subdivision in accordance with Powercor’s requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.
- Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria’s Electrical Safety System.
- The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.
- Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- Any construction work must comply with Energy Safe Victoria’s “No Go Zone” rules.

22. NORTH CENTRAL CATCHMENT MANAGEMENT AUTHORITY (NCCMA)

22.1. Unless otherwise agreed in writing with the Responsible Authority and the North Central CMA, allotment 1 must be filled to at least 300 millimetres above the applicable 1% AEP flood level(s). Prior to issuing a statement of compliance a certified survey plan of the finished surface levels prepared by a licensed surveyor must be submitted to the Responsible Authority for its approval.

22.2. Unless otherwise agreed in writing with the Responsible Authority and the North Central CMA, the proposed development must not reduce the available flood storage on the site. A balance of cut and fill must be achieved on the site. Any proposed cut must be self-draining. Prior to the commencement of works detailed plans and computations demonstrating how this condition will be achieved must be provided to the North Central CMA for approval.

23. GOULBURN MURRAY WATER (GMW) CONDITIONS

23.1. All works within the subdivision must be done in accordance with EPA Publication 960 “Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites”, September 2004.
23.2. The Plan of subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.

23.3. The building envelopes must be identified on any plan of subdivision submitted for certification.

23.4. Prior to the Certification of the Plan of Subdivision, Goulburn Murray Water requires a Stormwater Management Plan be prepared to the satisfaction of the Responsible Authority and Goulburn Murray Water. The Plan must be prepared in accordance with the principles outlined in Urban Stormwater: Best Practice Environmental Management Guidelines’ (Victorian Stormwater Committee, 1999). The Stormwater Management Plan must show through the application of MUSIC modelling or similar that the development can meet post construction objectives for environmental management of stormwater, as specified in Table 2.1 of the ‘Urban Stormwater: Best Practice Environmental Management Guidelines’ (Victorian Stormwater Committee, 1999).

23.5. Each lot must be provided with connection to the reticulated sewerage system.

24. WASTE COLLECTION

24.1. A private waste collection shall be required to service the development. It is the responsibility of the developer to prepare a waste management strategy, to the satisfaction of the Responsible Authority, which demonstrates:

- Collection arrangement details
- Collection from individual lots rather than creating a bin storage area
- Maximum waste collection vehicle dimension
- Adequacy and safety of the access roads
- Compliance with Environment Protection Authority noise standards

Prior to the issue of a Statement of Compliance, the developer must enter into a Section 173 Agreement with the Responsible Authority, under Section 173 and 174 of the Planning and Environment Act, which requires a private waste collection to be arranged and maintained by the owners at their cost in accordance with the approved waste management strategy.

The developer and the Responsible Authority shall agree to do all things necessary to register a memorandum of this Agreement on the titles of the land pursuant to Section 181 of the Planning and Environment Act 1987.

The developer must pay all of the reasonable costs and expenses including lawyers checking fees incurred by the Responsible Authority in relation to the preparation, execution, registration, enforcement and cancellation of this Agreement. This shall include costs for obtaining the necessary consents if required by the Land Titles Office before registration of this Agreement.

25. FIRE HYDRANTS

25.1. Fire hydrants must be supplied to the satisfaction of the Country Fire Authority. The hydrants must be located within 120 metres of every building envelope with the spacing between hydrants being a maximum of 200 metres.

25.2. Fire hydrants must be clearly identified in accordance with the Fire Service Guideline – Identification of Street Hydrants for Fire Fighting Purposes.

26. PUBLIC OPEN SPACE CONTRIBUTIONS

26.1. Prior to the issue of the Statement of Compliance, a monetary contribution of an amount equal to 5% of the current value of all the land within the subdivision shall
be paid to the Responsible Authority. If the land is subdivided in stages, the contribution may be paid proportionally to the area of the lots being created.

27. VALUATION EXPENSES

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

28. CONSTRUCTION MANAGEMENT PLAN

28.1. Prior to the commencement of works, a Construction Management Plan must be prepared to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must detail:

a) Hours of construction to accord with Local Laws

b) Management of Langslow Street and Elizabeth Street to ensure that they are not blocked by parked or standing vehicles or any other obstruction, including building materials, equipment, etc. to maintain free vehicle passage to benefitting properties at all times, unless with the written consent of the Responsible Authority

c) Methods to contain dust, dirt and mud within the site and the method and frequency of clean up procedures, including the management of on-site storage waste construction bins and vehicle washing

d) No parking of vehicles in the rail reserve and Maldon rail trail area.

e) Management of parking of construction machinery and workers vehicles to prevent adverse impact on nearby properties, including the rail reserve and Maldon rail trail.

f) Management of staging of heavy vehicles, site deliveries and unloading and lifting points with expected frequency, and traffic management in the vicinity, ensure routes to and from the site minimise disruption to residential properties

g) Minimising disruption to pedestrian access along footpaths including the Maldon rail trail.

h) Measures to minimise noise and other amenity impacts from mechanical equipment, including idling trucks, and demolition/construction activities, especially outside of daytime hours

i) The provision of adequate environmental awareness training for all on-site contractors and sub-contractors

j) A liaison officer for contact by the public and the Responsible Authority in the event of relevant queries or problems experienced.

All works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

29. PERMIT EXPIRY

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

Permit Expiry Note

*The starting of a subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of a plan under Section 6 of the Subdivision Act 1988. Completion is regarded as registration of the subdivision.*

NCCMA Permit Notes

Flood levels for the 1 % AEP (100 year ARI) flood event have been determined for this area under provisions of the Water Act 1989. The determined 1% AEP flood level for the location described above is 271.5 metres AHD.

Advice to Applicant / Council:

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

MOVED COUNCILLOR TAYLOR

That Council defer consideration of PA214/2016 to a future Ordinary Meeting of Council.

SECONDED COUNCILLOR PETRUSMA

CARRIED.
Context

The purpose of this report is to enable Council to make a determination on an application for a proposed fourteen (14) lot subdivision at 45 Elizabeth Street, Castlemaine. The application has been referred to Council for a decision because there are two outstanding objections.

Refer to:

Attachment ECO 45A: PA214/2017 - Context and site aerial.
Attachment ECO 45B: PA214/2017 - Final plans submitted with application.
Attachment ECO 45C: PA214/2017 - Clause 56 Assessment.

The current application was lodged on 19 September 2016 for a proposed twelve (12) lot subdivision, construction of a dwelling/fence (Lots 1 and 2), and alteration to an existing easement. In a further information request forwarded to the applicant on 7 October 2016, Council officers raised various concerns in relation to flooding issues, access, lot layout, and other matters. The North Central Catchment Management Authority also raised flooding concerns with the initial layout.

The application was later subsequently amended by the applicant on 4 April 2017 to include land at 71 Elizabeth Street to the subdivision area, increase the number of lots to fourteen (14), alter the subdivision lot layout to address flooding issues and to provide access via Elizabeth Street rather than the flood prone area of Langslow Street to ensure permanent access.

The subject site has two street frontages, one is to the flood prone East side of Langslow Street, and the other, which will provide access, is to Elizabeth Street. It is currently vacant and comprises thirteen (13) titles containing a total area of approximately 14,597 square metres or 1.45 Hectares. The Castlemaine-Maldon railway reserve passes directly adjacent the site to the South.

Land in the surrounding area is predominantly residential in nature, with dwellings on modest lots of various sizes. The proposed lots vary between 749 and 830 square metres in size, with the exception of the small lot 14 of 412 square metres, and the large lot 13 of 1702 square metres with a long stretch of land alongside the railway track.

The proposed layout of the lots would locate any dwellings built on the site away from the waterway while still providing minor setbacks to side property boundaries. Lots 1 & 2 would be subject to a proposed fill pad to raise the foundations and floor levels of any dwelling to be built on these two sites and a balance of cut and fill across the site to satisfy NCCMA requirements.

The proposed subdivision responds to the primary physical constraint (ie. the flooding risks of Campbells Creek and appropriately aligns access and lot boundaries to address this feature.

Council records do not show any previous planning permit applications on this site in recent history.
Policy and Statutory Implications

State Planning Policy Framework (SPPF)

Clause 11.02-1 Supply of urban land

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

Clause 11.10-3 Planning for growth

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

Clause 11.05 Regional Development

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

Clause 13.02-1 Floodplain Management

The objective of this clause is to assist the protection of life, property and community infrastructure from flood hazard. Planning should avoid intensifying the impacts of flooding through inappropriately located uses and developments.

Clause 14.02-1 Catchment Planning and Management

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

Clause 14.02-2 Water Quality

The objective of this clause is to protect water quality.

Clause 15.01 Urban environment

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

Clause 19.03-2 Water Supply, Sewerage and Drainage

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

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

Clause 19.03 Development infrastructure

Objectives and strategies outlined within this clause have the purpose of ensuring appropriate physical infrastructure is provided during the development of land and that infrastructure meets recognised standards.
Local Planning Policy Framework (LPPF)

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

Under the heading of Township role and identity at Clause 21.02-3, Campbells Creek is classed as a local community centre and identified as a satellite of Castlemaine due to its location, with key features including tree-lined entrances along the Midland Highway and gold mining era development patterns.

Clause 21.05-2 Floodplains
The objectives of this clause are to identify and manage land that is subject to flooding, and to protect life, property and community infrastructure from the risk of flooding.

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

Zoning

Clause 32.08 General Residential Zone (GRZ)
Pursuant to clause 32.08-3 a planning permit is required to subdivide land.

The purpose of the General Residential Zone includes:

- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To encourage development that respects the neighbourhood character of the area.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Overlays

Significant Landscape Overlay –Schedule 2
The entire site is within the Significant Landscape Overlay –Schedule 2 (SLO2).

This overlay refers to the ‘Castlemaine Landscape Significance Area’.

A permit is not triggered for subdivision under this overlay.

The proposal includes the proposed construction of a dwelling on lots 1 and 2, which does trigger a planning permit under the overlay.
In regards to the proposed dwellings and fencing on Lots 1 and 2, while no plans have been provided, it is considered that permit conditions could require that detailed amended plans are provided for these two lots demonstrating a design that is appropriate to the purpose and decision guidelines of the Significant Landscape Overlay Schedule 2 (SLO2) – Castlemaine Environs. These conditions will address matters of visual impact, landscaping, and avoiding the creation of any new drainage or erosion issues.

*Land Subject to Inundation Overlay*

Part of the site is subject to the Land Subject to Inundation Overlay (LSIO).

Pursuant to clause 44.04-2, a permit is required for subdivision within this overlay.

The proposal also includes the proposed construction of a dwelling and fencing on lots 1 and 2, which also triggers a planning permit under the overlay.

The purpose of this overlay includes:

*To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*

*To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*

The subdivision in its current amended form has been designed to provide permanent access from Elizabeth Street rather than flood-prone Langslow Street.

The subdivision has been referred to the North Central CMA (NCCMA) as the relevant referral authority with expertise on flooding risks, who have reviewed the proposal and responded with no objection subject to conditions. These conditions will require flood prone Lot 1 to be raised with adequate fill, and detailed plans and computations to be provided to NCCMA showing a balance of cut and fill and adequate drainage across the subdivision.

The combination of the proposed layout and these conditions together is considered to satisfactorily address the purpose and decision guidelines of the overlay.

In regards to the proposed dwellings and fencing on Lots 1 and 2, it is considered that permit conditions could require that detailed amended plans are provided for these simply demonstrating that their development will not impact the site level and drainage considerations already addressed by the subdivision requirements, and this would suitably address the requirements of the overlay.

**Particular provisions**

*Clause 52.01 Public Open Space Contribution and Subdivision*

Where a subdivision will result in a need for more open space having regard to a variety of factors such as the impact of the proposal on population density, Council may require a Public Open Space contribution to be provided as a planning permit condition.

*Clause 56 Residential Subdivision*

This clause lays out various standards for subdivision proposals. A detailed assessment against the relevant sections of clause 56 has been included as an attachment to this report.
Clause 65 Decision Guidelines

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

Clause 66 Referral and Notice Provisions

This clause includes mandatory conditions requiring permits for subdivision to require the provision of telecommunications services, preferably fibre optic services, where available. The clause also includes standard conditions for the referral of simple two lot subdivisions to service authorities during the later subdivision certification process. These conditions would all be included in any permit to be issued.

Issues

General Residential Zone

A permit is required to subdivide land. While there is no specific minimum lot size in the General Residential Zone, any subdivision should respect the neighbourhood character of the area.

The proposal would create lots of between 412 square metres and 1702 square metres in size, having an average size of 818 square metres, that are all large enough for a dwelling and providing adequate setbacks. The proposal has also been assessed against clause 56 standards and is considered to be compliant.

The subject proposal would result in residential lots of similar size to those existing in the surrounding area, and is considered to be consistent with the purpose and decision guidelines of the General Residential Zone.

Water Quality Impacts and Aesthetic Impacts

The proposed lots have been setback from the existing waterway while still providing property boundary setbacks to address Rescode requirements.

The lots can connect to the existing reticulated water and sewer services and the lots can meet all the waterway setback requirements of the relevant water authorities.

The proposal has been referred to the relevant water authorities, who have no objection, and with the combination of their proposed permit conditions, the building envelopes, and the requirement for a fill pad to elevate the foundations of any dwelling built on lot 1, flooding risks are suitably addressed.

Footpath Provision and Pedestrian Access

The subdivision has been proposed without any provision of footpaths or other dedicated pedestrian access. While vehicle access will be via a shared access way in a common property reserve, the common property reserve will operate and function as a normal street and service 14 lots. Under the standards of clause 56 subdivision, it is expected to provide a footpath for streets serving more than 5 lots.

The site is location provides good pedestrian links with pedestrian trails into the centre of Castlemaine, along Campbells Creek, and the rail-trail to Maldon. These are a significant Council asset and investment which should be linked to wherever possible for the benefit of the residents.
Therefore, proposed permit conditions include the creation of a footpath from lot 13 along the lot frontages to Langslow Street as an amended plans permit condition, creating a link to these trails and the open space along Campbells Creek.

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

The SPPF and LPPF support infill development and increasing densities where appropriate within existing urban areas. Planning policy also recognises the need to address flooding risks and waterway impacts, which are considered to be suitably addressed.

Alternative Options

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

Financial and Resource Implications

Assessment of the application is made using operational budget.

There is the cost of potential appeal to the Victorian Civil and Administrative Tribunal. Should Council issue a Notice of Decision to Grant a Permit objectors could seek review of the decision at VCAT, as could the applicant against conditions. This cost of VCAT would be covered through operational budget in these circumstances.

Consultation

Advertising

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

Two objections were received and not withdrawn.

Applicant Objector Meeting and Objections to the application:

At the end of the advertising period the application had received two objections which included a wide range of concerns.

Council officers met the objectors during counter queries prior to the lodgement of the objections and discussed some of their concerns in person.

It is understood that upon receiving a copy of the objections that the applicant then called both objectors, and met on-site with one of them, to discuss their concerns. Unfortunately the parties were not able to reach any agreement and the objections remain.

In summary, the combined grounds of objection can be summarised as:

The safety risks of allowing access arrangements via Elizabeth Street

The access arrangements to Elizabeth Street have been reviewed by both Council’s infrastructure department and VicRoads, and both have consented to the proposal subject to appropriate permit conditions.

Access via Elizabeth Street rather than Langslow Street is necessary to ensure all year round access for both residents and emergency vehicles, which cannot be ensured via Langslow Street during times of flooding amid heavy winter rains.
**Lack of parking and loss of existing parking spaces**

VicRoads requires the creation of no-parking areas around the access to the new subdivision to ensure the safety. Elizabeth Street as part of the Pyrenees Highway is a busy road, which, combined with the proximity to the Ray Street intersection, necessitates no-parking areas to ensure adequate safety.

Lots along Elizabeth Street are relatively large with space for on-site parking, while much on-street parking is also available slightly further down the street.

All proposed lots within the subdivision are large enough to easily allow for on-site car parking.

**Inappropriate size and layout of lot 14**

While at 412 square metres in size Lot 14 is smaller than other lots in the area, it is still significantly larger than 300 square metres, which is the point at which a permit is required for subsequent development of the lot, and can support a 10m x 15m building envelope in accordance with clause 56 subdivision standards.

It is also created as a result of adding the property at 71 Elizabeth Street to the proposal to provide all-weather all year round access to the subdivision, rather than leaving the proposal dependent upon flood-prone access to Langslow Street.

While smaller than other lots in the area, it is large enough to be practical, and does offer some lot diversity and a more affordable small lot for those who desire such property.

**Lack of footpath provision**

This is a valid concern, as a footpath would usually be expected of a subdivision of this size, and the proposal is in an area with significant existing trails to the centre of town, along Campbells Creek, and along the rail trail to Maldon. It is appropriate to require a footpath, which can be required by a proposed amended plans permit condition.

**Visual amenity impact of bin enclosures**

The applicant has agreed to private waste disposal. Proposed permit conditions would require the creation of a waste management plan, with waste to be collected by a private contractor from each of the individual lots, and the creation of a section 173 agreement on title requiring landowners to continue to maintain these arrangements.

This should allow for the suitable handling of waste collection without requiring any large bin collection area as described by the objection.

**The potential for overlooking neighbouring properties**

The proposed new lots are all to the south of the common property reserve which is 8 metres wide, and future dwellings would be required to be built with adequate setbacks of at least several metres in accordance with Rescode. This results in a total setback of at least a dozen metres from any new dwellings to neighbouring properties, addressing overlooking impacts in accordance with Rescode standards.

**Disregard for the location of a sewer easement**

The alteration of these existing easements is an explicit part of the permit application, with drainage and sewer services intended to still be provided within the area which will become the main stretch of the shared accessway common property reserve area. The proposal has been referred to both Council infrastructure and Coliban Water engineers, who have raised no objection to these changes. The final easement layout will be considered in greater detail during the certification process.
Concerns there may be too much cut and fill, and a need for retaining walls

As per the proposed condition 1 requirement for amended plans, and proposed NCCMA permit conditions, further detailed plans will be required to show flood prone Lot 1 to be raised with adequate fill, a balance of cut and fill and adequate drainage across the subdivision, retaining walls where needed, and other features.

Referrals

The application was referred externally to Goulburn Murray Water, Powercor Australia, North Central Catchment Management Authority, Coliban Water Authority, Downer/Ausnet Utilities (Gas), VicRoads, VicTrack, and internally to Council’s Parks and Gardens, and Infrastructure Units.

Both Council officers and the North Central Catchment Management Authority (NCCMA) raised various concerns with the original plans. In response the applicant amended their plans to change the layout and provide access via Elizabeth Street.

The CFA raised concerns with use of the court bowl design for emergency access, which would be addressed by suitable permit conditions requiring amended plans demonstrating suitable dimensions for the turning emergency vehicles.

After receiving the amended (current) plans with these changes the NCCMA responded with consent subject to conditions.

All other parties responded with no objection subject to various permit conditions which would be included in any permit to be issued.
## Clause 56 Residential Subdivision Assessment

<table>
<thead>
<tr>
<th>Clause/standard</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Clause 56.03-5 Neighbourhood character (C6)</strong></td>
<td>It is considered that the proposal respects the predominant size, layout, and character of the area, with mostly large suburban lots of a similar size to those existing in the area.</td>
</tr>
<tr>
<td><strong>Clause 56.04-1 Lot diversity and distribution (C7)</strong></td>
<td><strong>Complies.</strong> Each proposed lot except lot 14 is greater than 500m² and contain sufficient area to easily accommodate a 10x15m rectangle and provide for private open space. Lot 14 provides some lot size diversity and can accommodate a 10x15m rectangle and provide for private open space.</td>
</tr>
<tr>
<td><strong>Clause 56.04-2 Lot area and building envelopes (C8)</strong></td>
<td><strong>Complies.</strong> The long axis of every proposed lot is within the preferred range of 20° north west - 30° north east. The relatively large lots have relatively good access to northern sunlight.</td>
</tr>
<tr>
<td><strong>Clause 56.04-3 Solar orientation of lots (C9)</strong></td>
<td><strong>Complies.</strong> All lots face the common property shared driveway street access while positioning private open space to the rear.</td>
</tr>
<tr>
<td><strong>Clause 56.04-4 Street Orientation Objective</strong></td>
<td><strong>Complies.</strong> The common property is a simple shared driveway necessary for access to each lot.</td>
</tr>
<tr>
<td><strong>Clause 56.05-1 Integrated urban landscape objectives</strong></td>
<td><strong>Not Applicable</strong> The subdivision does not create</td>
</tr>
</tbody>
</table>
| Clause 56.06-2 Walking and cycling network objectives | Compiles, subject to conditions.  
The subdivision as proposed does not create any new walking or cycling routes.  
However, given the proximity of various good quality walking tracks, and size of the subdivision, a footpath linking to these trails will be required as an amended plans condition. |
|-------------------------------------------------|-------------------------------------------------|
| 56.06-4 Neighbourhood street network objective | Compiles.  
The proposal complies with the Roads corporation's requirements, provides access via a new common property shared driveway well separated and delineated from the arterial road, provides for emergency and service vehicle access. |
| 56.06-5 Walking and cycling network detail objectives | Compiles, subject to conditions.  
With a footpath link to Langslow Street required by amended plan permit conditions, the development will link to a number of pedestrian routes. |
| Clause 56.06-7 (20) - Neighbourhood street network detail objective | Compiles.  
The common property shared driveway area will provide a suitable low speed environment. |
| Clause 56.06-8 (C21) - Lot access | Compiles.  
Access to lots will be provided via the new common property shared driveway with a 6 metre wide formation, and a 8 metre wide reservation in most areas. |
<p>| Clause 56.07-1(C22) drinking water supply | Compiles. |</p>
<table>
<thead>
<tr>
<th>Clause 56.07-2 (C23) Reused and recycled water</th>
<th>Not Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>A recycled water supply is not currently available in the area.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Clause 56.07-3 (C24) Waste Water Management</th>
<th>Complies.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reticulated water and sewer services will be provided as per referral authority proposed permit conditions.</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Clause 56.07-4 (C25) Urban run-off management</th>
<th>Complies.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stormwater from the lots will be appropriately managed by an on-site drainage system to Council’s satisfaction.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Clause 56.08-1 site management (C26)</th>
<th>Complies.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The level of construction activity resulting from the proposed subdivision will be moderate, and regulated by some proposed permit conditions. Thus there will be a minimal effect on the neighbourhood in terms of erosion, dust, run-off, litter, etc.</td>
<td></td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Clause 56.09-1 shared trenching (C27)</th>
<th>Complies.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shared trenching will be used to supply reticulated services to the lots where possible. The common property provides a good opportunity for shared services.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Clause 56.09-2 (C28) Electricity, telecommunications and gas</th>
<th>Complies.</th>
</tr>
</thead>
<tbody>
<tr>
<td>These services will be supplied to the lots in accordance with the providers' requirements.</td>
<td></td>
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<thead>
<tr>
<th>Clause 56.09-3 Fire Hydrants</th>
<th>Complies.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire hydrants will be provided in</td>
<td></td>
</tr>
</tbody>
</table>
| Clause 56.09-4 Public Lighting | Complies, subject to conditions. 
Subject to conditions, public lighting will be provided in accordance with the relevant Australian Standards. | accordance with the CFA’s requirements. The maximum spacing between hydrants will be 200m. The maximum distance between a hydrant and the rear of any lot will be 120m. |
ECO 46 REVIEW OF PROTECTED DISCLOSURE PROCEDURES

Responsible Director: Chief Executive Officer, Darren Fuzzard
Responsible Officer: Principal Governance Officer, Suellen Pepperell
Original Document: DOC/17/52924

Executive Summary

Council received advice from the Independent Broad-Based Anti-Corruption Commission (IBAC) in December 2014 that the procedures adopted by Council in June 2013 did not meet best practice and that the information on Council's website did not provide sufficient information. In response to this advice, the website was updated in late 2015 and a consultant was appointed in February 2017 to review the Protected Disclosure Procedures.

The Procedures are now presented to Council for adoption.

Recommendation

That Council adopt the revised Protected Disclosure Procedures.

MOVED COUNCILLOR HENDERSON

That Council:

1. Adopt the revised Protected Disclosure Procedures; and

2. Authorise the Chief Executive Officer to make minor changes to the Protected Disclosure Procedures as required.

SECONDED COUNCILLOR NIEMAN

CARRIED.
Context

Council adopted Protected Disclosure Procedures in June 2013. In 2014, the Independent Broad-Based Anti-Corruption Commission (IBAC) conducted a review of protected disclosure procedures established and implemented under the Protected Disclosure Act 2012 (the Act). Council was part of that review.

The IBAC reported back to Council in December 2014, advising that Council should review our procedures as they did not meet all the requirements of the Act and that our procedures were not readily available.

In late 2015, Council updated the website information to make the procedures easier to access and improved the content of the website information. This fulfilled one of the recommendations by IBAC.

In February 2017, Council appointed a consultant to undertake a review of our procedures, to ensure they were best practice and met all of the requirements of the Act. Once adopted, Council will have fulfilled all of the recommendations by IBAC.

Refer to:


Policy and Statutory Implications

As a public body, Council is required to have protected disclosure procedures in place and to ensure they readily available to the public and to each member of staff. The procedures must be consistent with the legislation and any guidelines published by the IBAC.

Issues

Council appointed a consultant who produces procedures that are considered best practice in the sector. The consultant assisted Council staff with considering the requirements of the Act and their practical application, this informed the revised Procedures.

As a result of the review a number of improvements were made:

- The structure of the procedures is markedly different and more clearly outlines the responsibilities of all parties involved in protected disclosures.
- The procedures more clearly walk a person through the process and explain concepts relating to disclosures as they logically arise.
- Flow charts detailing the procedure were included.
- The procedure is less internally focussed and focusses more on explaining the procedure and the rights for persons/s making a protected disclosure.
- The contact details of all protected disclosure officers are included in the procedures.

Delegations to protected disclosure officers under the Act were also reviewed as part of the review of the procedures. As an outcome, the number of protected disclosure officers was reduced. This has reduced the burden on all managers requiring the training to conduct the duties of a protected disclosure officer.
As a result of the review, training for protected disclosure officers is required, as well as training for all staff members on the procedures and their availability. This training will be conducted in the first half of 2018.

**Alternate Options**

There are no alternate options; Council must adopt revised Protected Disclosure Procedures to comply with the direction from the IBAC.

**Financial and Resource Implications**

Resourcing for training staff will be undertaken through operational budget provisions.

**Consultation**

Consultation occurred internally with relevant staff members, including proposed Protected Disclosure Officers, the Executive Manager of Organisational Capability, the Acting Director Corporate Support and the CEO.
ECO 47 APPOINTMENT OF COUNCILLORS AS DELEGATES AND REPRESENTATIVES TO COMMITTEES

Responsible Director: Chief Executive Officer
Responsible Officer: Principal Governance Officer
Original Document: DOC/17/52838

Executive Summary

The purpose of this report is for Council to consider appointments as representatives and delegates to committees.

This report recommends that the special committees of Council in the Tarrengower Ward be left vacant until the by-election fills that vacancy in February 2018, at which time the Ward Councillor will be the representative.

Recommendation

That Council:

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

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

2. Note that committee vacancies in the Tarrengower Ward will remain vacant until the by-election fills that vacancy in February 2018, at which time the Ward Councillor will be the representative; and

3. Note that committees will be formally advised of their representative and details of the appointments will be available on Council’s website.

MOVED COUNCILLOR HENDERSON

That the recommendation be adopted.

SECONDED COUNCILLOR PETRUSMA

CARRIED.
**Context**

Council annually considers delegates and representatives to Committees. The purpose of this report is for Councillors to discuss the various committees and express interest in representing Council on those Committees.

There are three types of committees.

<table>
<thead>
<tr>
<th>Type</th>
<th>Committee</th>
<th>Representation Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>External</td>
<td>Committees formed by other organisations or bodies</td>
<td>These committees require representation by Mount Alexander Shire Council (Mayor, Councillor/s, officers)</td>
</tr>
<tr>
<td>Internal</td>
<td>Committees formed by Council</td>
<td>The terms of reference require the Mayor and/or Councillor/s as members.</td>
</tr>
<tr>
<td>Special</td>
<td>Special committees of Council</td>
<td>These are formed under Section 86 of the Local Government Act 1989. Councillors are nominated as ex-officio members of the committee and may attend committee meetings, but have no voting rights.</td>
</tr>
</tbody>
</table>

**Issues**

The representation requirements and the current representatives are outlined in the tables below.

*Table 1: External and Internal Committees*

<table>
<thead>
<tr>
<th>Type</th>
<th>Committee</th>
<th>Representation Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>External</td>
<td>Buda Historic Home and Garden</td>
<td>One Council representative</td>
</tr>
<tr>
<td>External</td>
<td>Calder Highway Improvement Committee</td>
<td>One Council representative</td>
</tr>
<tr>
<td>External</td>
<td>Central Victorian Greenhouse Alliance</td>
<td>One representative (CEO, Councillor or Staff member)</td>
</tr>
<tr>
<td>External</td>
<td>Friends of Lolotoe Friendship Group</td>
<td>One Council representative</td>
</tr>
<tr>
<td>External</td>
<td>Goldfields Regional Library Corporation</td>
<td>One Council representative</td>
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<td>Goulburn Murray Water - Cairn Curran Land &amp; On Water Management Plan Implementation Group</td>
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<td>One Council representative plus one substitute</td>
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<td>External</td>
<td>Victorian Local Governance Association</td>
<td>One Council representative</td>
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<tr>
<td>External</td>
<td>Workspace Australia</td>
<td>One Council representative</td>
</tr>
<tr>
<td>Internal</td>
<td>Indigenous Roundtable</td>
<td>Mayor and CEO</td>
</tr>
</tbody>
</table>
Internal

Mount Alexander Shire Audit & Risk Advisory Committee
Mayor and one Councillor

Internal

Mount Alexander: A Healthy Shire: Community Advisory Committee
Mayor (Chair)

Internal

Municipal Fire Management Planning Committee
One Council representative

Special Committees of Council are usually represented by their Ward Councillor, this is shared in the Castlemaine Ward. Due to the resignation of Tony Bell there are some vacancies. Note that the Tarrengower Ward committees will not have a representative until a Ward Councillor is elected to the vacant position held by Sharon Telford.

<table>
<thead>
<tr>
<th>Type</th>
<th>Committee</th>
<th>Current representative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special</td>
<td>Barfold Hall</td>
<td>Christine Henderson</td>
</tr>
<tr>
<td>Special</td>
<td>Baringhup Community Association</td>
<td>Vacant - Tarrengower Ward</td>
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<tr>
<td>Special</td>
<td>Wesley Hill Facility</td>
<td>Vacant - Castlemaine Ward</td>
</tr>
</tbody>
</table>

Policy and Statutory Implications

Only Council may appoint Councillors as representatives and delegates to Committees. This power has not been delegated.
Issues

It is recommended that the special committee of Council representatives remain vacant until the election of a Tarrengower Ward Councillor.

Alternate Options

There are no alternate options.

Financial and Resource Implications

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

Consultation

Councillors provided advice to officers on representation at the Briefing Session held on 5 December 2017.
11. **DELEGATES REPORTS**

*Meetings Attended by CEO, Acting CEO and Mayor*

The Chief Executive Officer tabled meetings attended by the CEO and the Mayor for the period 18 October to 21 November 2017.

<table>
<thead>
<tr>
<th>Meeting</th>
<th>CEO</th>
<th>Mayor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Election Countback for Castlemaine Ward</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>MARG AGM</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Maldon Hospital AGM</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Regional Centre for Culture – Media Briefing</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Meeting with Victorian Goldfields Railway</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Launch of the Good Country</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Patchwork and Pickles at Buda Homestead</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Loddon Mallee Resource Recovery &amp; Waste Board</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Campbells Creek Community Centre AGM</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Meeting with U3A</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>MAINE FM interview</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Western Region Division 5 Police Medal &amp; Awards Presentation Ceremony</td>
<td>□</td>
<td>✔</td>
</tr>
<tr>
<td>Meeting regarding potential LGBTQI Roundtable</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Audit &amp; Risk Committee</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Loddon Campaspe Councils Meeting</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Library Board Meeting &amp; AGM</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Opening of images and art of the Tarkine</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Market Art Summer Exhibition Opening</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Meeting with Maldon Neighbourhood House</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Regional Partnerships Networking Conference</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Attended By Stander Training</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Meeting with Maryanne Thomas – Member for Macedon</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Newstead CWA 80&lt;sup&gt;th&lt;/sup&gt; Birthday Celebration</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>MAV mayoral training</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Launch of Kevin Walsh’s new book</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Loddon Mallee LGV/FAST Transition Research Project - Council Engagement Workshop</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Meeting with Castlemaine State Festival</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Tour of Hotrod and automotive industry in Mount Alexander</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Maldon Streetscape Project Steering Committee Meeting</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Campbells Creek Senior Citizens Club Christmas Lunch</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Meeting with Castlemaine Secondary College</td>
<td>✔</td>
<td>✔</td>
</tr>
</tbody>
</table>
Harcourt Mountain Bike Park visit with Maree Edwards, David Tripp, DELWP & Win News

Opening of Castlemaine Railway Station Car Park with Cr Petrusma & Maree Edwards

Social Support Christmas Party

Meeting with Mayor Cottrell of Hepburn Shire Council

<table>
<thead>
<tr>
<th>Meeting</th>
<th>CEO</th>
<th>Mayor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harcourt Mountain Bike Park visit with Maree Edwards, David Tripp, DELWP &amp; Win News</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Opening of Castlemaine Railway Station Car Park with Cr Petrusma &amp; Maree Edwards</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Social Support Christmas Party</td>
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<td>✔</td>
</tr>
<tr>
<td>Meeting with Mayor Cottrell of Hepburn Shire Council</td>
<td></td>
<td>✔</td>
</tr>
</tbody>
</table>

12. NOTICE OF MOTION

Nil.

13. URGENT SPECIAL BUSINESS

Nil.

14. CONFIDENTIAL REPORT

This report is confidential in accordance with Section 89(2)(a) of the Local Government Act 1989, which permits the meeting to be closed to the public for business relating to personnel matters.

MOVED COUNCILLOR TAYLOR

That the meeting be closed to the public to consider a matter that is confidential under Section 89 (2)(a) of the Local Government Act 1989, as it relates to personnel matters.

SECONDED COUNCILLOR PETRUSMA

CARRIED. (7.08 pm)

The meeting was reopened to the public at 7.12 pm.

15. MEETING CLOSE

Meeting closed at 7.13 pm