

MINUTES



FOR THE MEETING OF COUNCIL

Held on Tuesday 19 March 2024

**At 6.30 PM in the
Mount Alexander Shire Council Chamber
Civic Centre
Corner Lyttleton Street and Lloyd Street
Castlemaine VIC 3450**

TABLE OF CONTENTS

1. PRESENT	4
2. APOLOGIES/LEAVE OF ABSENCE.....	4
3. DECLARATIONS OF INTEREST AND CONFLICTS OF INTEREST	4
4. CONFIRMATION OF MINUTES.....	4
4.1. Meeting Of Council and Confidential Meeting Of Council- 20 February 2024	4
5. ACKNOWLEDGEMENTS.....	5
6. PUBLIC TIME.....	5
7. PETITIONS AND LETTERS.....	7
8. COMMITTEE REPORTS.....	7
9. OFFICER REPORTS.....	8
9.1. Community.....	8
9.1.1. Norwood Hill Mural - Artist Recommendation.....	8
9.2. Environment.....	13
9.3. Economy	14
9.3. ECONOMY	14
9.3.1. Planning Application PA015/2022 - 30 Lowther Street, Maldon	14
9.3.2. Planning Application PA210/2022 - 7 Main Road, Chewton.....	36
9.3.3. Awarding Of Contract M1748-2023 Animal Management Services	50
9.3.4. 2023-2024 Financial Report Quarter 2	56
9.3.5. Annual Plan Progress Report Quarter 2 2023/2024	60
10. DELEGATES REPORTS	63
11. NOTICES OF MOTION.....	64
12. URGENT SPECIAL BUSINESS.....	64
13. CONFIDENTIAL ITEMS.....	65
14. MEETING CLOSE	65

ACKNOWLEDGEMENT OF COUNTRY

To start the official proceedings

**I would like to acknowledge that we are meeting on Djaara country
of which the members and elders of the Djaara 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.**

**Council Meetings are audio and video recorded and are made available to the public via
electronic media including YouTube.**

1. PRESENT

Councillors: Tony Cordy, Matthew Driscoll, Christine Henderson, Stephen Gardner, Bill Maltby and Rosie Annear.

Officers: Chief Executive Officer (Darren Fuzzard), Director Infrastructure Development (Michael Annear), Director Corporate and Community Services (Lisa Knight), Governance Coordinator, (Augustine Sheppard).

2. APOLOGIES/LEAVE OF ABSENCE

Councillor Gary McClure.

3. DECLARATIONS OF INTEREST AND CONFLICTS OF INTEREST

Nil.

4. CONFIRMATION OF MINUTES

4.1. Meeting of Council and Confidential Meeting of Council - 20 February 2024

The unconfirmed minutes of the Meeting and the Confidential Meeting of the Mount Alexander Shire Council held at 6.30 pm on 20 February 2024 at the Mount Alexander Shire Civic Centre have been circulated to Councillors.

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

RECOMMENDATION

That the Minutes of the Meeting and Confidential Meeting of the Mount Alexander Shire Council held on 20 February 2024 be confirmed.

MOVED COUNCILLOR ANNEAR

That the recommendation be adopted.

SECONDED COUNCILLOR HENDERSON

CARRIED.

5. **ACKNOWLEDGEMENTS**

Nil.

6. **PUBLIC TIME**

MOVED COUNCILLOR MALTBY

That standing orders be suspended at 6.34 pm.

SECONDED COUNCILLOR HENDERSON

CARRIED.

Read by Mayor Matthew Driscoll.

a. Dean Hurlston, Council Watch

Dear Council,

Could the following questions please be tabled at your next Council meeting and could I have a written response (via return email) in due course.

Question 1

What amount of waste enforcement costs in the current financial year 2023/24 has the Council included in its waste levies charged to residents? (if any)

Question 2

What amount of revenue has council included in the current financial year 2023/24 from waste enforcement actions?

Question 3

Has that revenue been offset in the waste levy OR applied to Councils General Revenue streams?

Response: Director Infrastructure Development

Thank you, Dean, for the interest in Council's provision of waste services.

I am happy to share that Council has not been required to undertake any waste enforcement action in the current financial year.

With that in mind, in response to question one, Council has not committed any budget to waste enforcement in the 23/24 Financial year from our waste service charge.

We do however, commit a small amount of budget towards kerbside bin audits. These audits capture the composition of waste streams and level of contamination at the kerbside to inform community waste education and community reduction activities and future decision making on our waste services.

In response to question two, Council has not received revenue in the 2023/2024 Financial Year from waste enforcement actions.

We do forecast however, revenue through our Transfer Station gate fees and the sale of recoverable items such as steel and items purchased through our “tip shop”

In response to question three, the revenue received from the Transfer Station gate fees is offset against the waste service charge.

Thank you Dean.

b. Lawrence Abou Khater

Mr Abou Khater advised that he sent an email after the last Meeting of Council and asked if it had been received and if would he get a response as he had not as yet.

Response: Mayor Driscoll

The Mayor confirmed that that the email had been received and given that it was an operational issue, it had been referred to the Director Corporate Community Services, who he asked to provide a response to Mr Abou Khater

Director Corporate Community Services:

The Director thanked Mr Abou Khater for coming to the Meeting. She advised that a response to his email had been drafted and that this correspondence will be forwarded to Mr Abou Khater by next week, and apologised for him not yet receiving it.

The Director advised that the content of her response outlined Council’s current policies, strategies and plans around diversity and inclusion, as well as actions undertaken to date. It also explored what potential opportunities exist for cultural and linguistically diverse populations within the Shire, and how Council can work together with these populations. Of note also, she referred to the development of the Council Plan 2024 – 2029 and potential opportunities for consideration there.

The Director acknowledged that Council does not have a racial diversity policy, but asked if the current policies meet the needs of a racial diversity policy.

Mr Abou Khater

Mr Abou Khater asked if anyone at the Meeting of Council 20 February 2024 felt that there was any racism in room at that time.

Response: Mayor Driscoll

The Mayor responded that he did not think there was any racism at that meeting.

MOVED COUNCILLOR MALTBY

That standing orders be resumed at 6.40 pm.

SECONDED COUNCILLOR CORDY

CARRIED.

7. PETITIONS AND LETTERS

Nil.

8. COMMITTEE REPORTS

Nil.

9. OFFICER REPORTS

9.1. COMMUNITY

9.1.1. NORWOOD HILL MURAL - ARTIST RECOMMENDATION

This Report is For Decision

Responsible Director: Chief Executive Officer, Darren Fuzzard

Responsible Officer: Creative Industries Officer, Madeleine McClelland

Attachments:

1. Norwood Hill Mural Concept - Daikota Nelson [9.1.1.1 - 1 page]
2. Concept In-situ - Daikota Nelson [9.1.1.2 - 1 page]
3. Norwood Hill Playground Mural - Artist Statement [9.1.1.3 - 1 page]

Executive Summary

The redevelopment of the Norwood Hill Reserve has created an opportunity to commission an art mural on the ball-sports wall in the youth zone of the park.

In accordance with Council's Public Art Policy, such commissions require the approval of Council.

Council's Public Art Advisory Panel has recommended that Council commission Dja Dja Wurrung artist, Daikota Nelson to further develop the mural concept in consultation with the community and deliver the mural.

RECOMMENDATION

That Council approves the commissioning of artist, Daikota Nelson, to further develop the attached mural concept for the Norwood Hill Reserve through community engagement, and should that receive positive feedback, that Council approves to proceed to installation.

MOVED COUNCILLOR MALTBY

That the recommendation be adopted

SECONDED COUNCILLOR CORDY

CARRIED.

Context

Council has developed the Norwood Hill Reserve with the aim to revitalise the only parkland in South Castlemaine. The park now includes a multipurpose youth zone with parkour challenges, a rebound wall, netball/basketball hoops and expansion of the Reserve's parklands.

This has provided the opportunity to create a mural on the activity wall on the ball courts, that forms part of the youth zone in the park, with the aim to make the space welcoming for young people and local communities.

Norwood Hill holds significance to the local First Nations people and Uncle Rick Nelson is a local to the area. The mural project will respond to this significance in alignment with the newly endorsed Reconciliation Action Plan (RAP) objective to enhance and increase opportunities for First Nations people to benefit from the arts programs. The RAP specifically outlines an action to support First Nations artists in accordance with the Public Art Policy (Action 3.3.2).

Council endorsed its Public Art Policy in December 2022, with the goal to guide best practice in commissioning, management and de-commissioning of public art. Then in December 2023, Council appointed an independent, expert Public Art Advisory Panel to provide key advice on all stages of development and planning for public art, including facilitating acquisition processes and assessing the merit of strategic opportunities and proposals. This is the first recommendation to Council arising from the inaugural Public Art Advisory Panel meeting held on 6 February 2024, chaired by Councillor Bill Maltby.

The objectives of the project are to:

- Create a vibrant and welcoming space in the youth zone and hard courts of Norwood Hill Playground
- Celebrate Dja Dja Wurrung culture
- Promote the development of public art in the Shire

A closed Expression of Interest (EOI) process was undertaken and included a detailed Artists Brief and project scope. Daikota Nelson was shortlisted and has provided a concept plan.

The Public Art Advisory Panel recommends that Council engage Dja Dja Wurrung artist, Daikota Nelson to deliver an art mural at Norwood Hill Playground.

Part of the delivery of the work will include Daikota being mentored by another First Nations Artist, as this project is of a much larger scale and scope than anything Daikota has done before. This direction has the support of Djaara Corporation in that it is serving to develop the artist's skills.

The project will also include community workshops that will be facilitated by Daikota to key local groups including the local kindergarten.

Issues

Daikota Nelson was one of three artists who were invited to respond to a closed invitation to an EOI process including a detailed Artist Brief (project specifications). The total project fee for the mural is under \$20,000 and therefore; not subject to a public tender process.

Two of three artists accepted the invitation to respond to the EOI. They were offered a small fee to prepare an initial concept for consideration, in response to the Artist Brief, which included guidance from Uncle Rick Nelson on the cultural themes to be explored in the mural. One of the

two artists did not submit a concept by the due date, forfeiting their opportunity for selection, and the other artist, Daikota Nelson, submitted all required information.

The Public Art Advisory Panel, including First Nations advisor Dan Mitchell, reviewed Daikota Nelson's concept and considered its suitability, including cultural and social factors, appropriateness for the site and relevant experience of the artist to demonstrate ability to deliver a larger scale mural.

The Panel determined that this artist provided a suitable initial concept that is appropriate for forthcoming community consultation activities. The Panel noted that she may require additional mentoring to work at scale and to help her further develop the initial concept in line with community feedback. Council officers will work with the artist to identify and engage a suitable mentor for the project.

Council should note that this initial design may alter because of the artist's forthcoming community engagement activities, which will include visits to key local groups such as local youth services providers, Castlemaine Secondary School Flexible Learning Options (FLO) program at Etty Street, South Castlemaine Kindergarten, and community engagement pop-ups at busy times in the Norwood Hill Park to engage with regular park users.

Finance and Resource Implications

The mural was identified by the Parks and Recreation team as an activity to make the Norwood Hill Playground redevelopment more welcoming for local community members.

However, sufficient funds were not available from the Infrastructure budget. The project is being funded from the Economy and Culture existing operational budget to support the adopted Public Art Policy.

Risk Analysis

Asset Risk:

The contractor is creating an asset with a ten-year lifespan, which must meet standards outlined in the Public Art Policy and Guidelines. There is a risk that the contractor may not deliver the project to meet requirements. This can be mitigated through project key performance indicators and staged payments with milestone requirements, site inspections to check progress of works and a handover and sign-off process for the final mural.

Reputation Risk:

In engaging an emerging artist to deliver this project, there is a risk they may not be highly skilled in managing stakeholders in the community consultation phase. This risk can be mitigated through Officer presence at all community engagement activities and requesting that the artist work to an agreed community engagement plan.

Climate Impact Statement

There is minimal climate impact expected from this project. Council Officers and the artist will use sustainable materials to install the mural wherever possible to do so.

Gender Equity Statement

It is considered that this report goes towards promoting gender equity principles as outlined in the *Gender Equity Act 2020* and does not contribute to the promotion of inequalities. Mount Alexander Shire Council is committed to meeting its obligations as stated in the Act and to further promote the right to equality as set out in the Charter of Human Rights.

A Gender Impact Assessment has not been completed for this project; however, it directly addresses known under-representation of First Nations and female-identifying artists in public art across Victoria, and in the immediate region.

Alternate Options

Alternatives include not proceeding with the mural or finding another artist to deliver the project.

Communication and Consultation

Consult:

We will keep our community informed, listen to and acknowledge concerns and aspirations, and provide feedback on how community input influenced the decision. We will seek community feedback on drafts and proposals.

As part of their contract with Council, the artist will be engaging with local youth services providers, Castlemaine Secondary School FLO program at ETTY Street, South Castlemaine Kindergarten, and with park-users in Norwood Hill Playground, through art activities, information sessions and cultural storytelling.

Legislation

Heritage Act 2017

The mural will be commissioned in line with the *Heritage Act 2017*.

Local Government Act 2020

The mural will be managed and commissioned in line with the *Local Government Act 2020*.

Planning and Environment Act 1987

The mural will be commissioned in line with the *Planning and Environment Act 1987*.

Strategies and Policy Impacts

Council Plan 2021-2025

Economy - A resilient and growing local economy.

- We are attracting and building investment in our cultural and creative community

Environment - A flourishing environment for nature and people.

- We are maintaining, improving and celebrating our places and spaces

By delivering this commission, Council is increasing its capacity to scope and deliver public art.

Commissioning this mural creates opportunities for partnership and engagement with community organisations, corporations or other government entities. Public art outcomes then create destinations and visitor experiences which enhance tourism, as well as improvements to civic spaces which adds to liveability for residents.

Public art greatly enhances places in our Shire, contributing aesthetically appealing visual elements to streetscapes that are both meaningful and relevant to the region.

Child Safe Standards

Mount Alexander Shire Council is committed to being a child safe organisation and has zero tolerance for child abuse. We recognise our legal and moral responsibilities in keeping children and young people safe from harm and promoting their best interests.

All children who come in contact with Councillors, employees, contractors and volunteers from the organisation have a right to be and feel safe. We have specific policies, procedures and training in place to support employees, volunteers and contractors to achieve these commitments.

We create environments where all children have a voice and are listened to, their views are respected and they contribute to how we plan for, design and develop our services and activities.

Declarations of Conflict of Interest

Under section 130 of the *Local Government Act 2020*, Officers providing advice to Council must disclose any interests, including the type of interest.

No conflicts of interest

The Officers involved in reviewing this report, having made enquiries with the relevant members of staff, report that there are no conflicts of interest to be disclosed.

9.2. ENVIRONMENT

Nil.

9.3. ECONOMY

9.3.1. PLANNING APPLICATION PA015/2022 - 30 LOWTHER STREET, MALDON

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Senior Statutory Planner, Callum Murphy

Attachments: 1. Combined Plans [9.3.1.1 - 5 pages]
2. Clause 56 [9.3.1.2 - 5 pages]

Executive Summary

The purpose of this report is to enable Council to decide on an application for a nine-lot subdivision, native vegetation removal, and access to a Transport Zone 2 at 30 Lowther Street, Maldon. The application has been referred to Council as the development has received more than five objections.

The subject site is located within the General Residential 1 Zone and Significant Landscape Overlay 1 of the Mount Alexander Planning Scheme.

The application was referred to the relevant authorities and advertised to neighbouring properties. The development received consent from the authorities and has received conditional consent by all relevant external parties.

RECOMMENDATION

That Council issue a Notice of Decision to Approve a Planning Permit for a nine lot subdivision, native vegetation removal, access to a Transport Zone 2 at 30 Lowther Street, Maldon.

AMENDED PLANS REQUIRED

1. **Prior to certification of the subdivision, 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. The plans must be generally in accordance with the advertised plans, but further modified to show:**
 - a. **Location of the driveway for each proposed lot.**
 - b. **Location of the building envelopes that:**
 - i. **are parallel to the road,**
 - ii. **provides a consistent front setback on lots addressing Lowther Street;**
 - c. **Building envelopes should be oriented to be parallel to the road.**
 - d. **Provide a statement to show consideration of the Guidelines regarding the subdivision pattern and siting of building envelopes.**
 - e. **a Landscape Plan in accordance with Condition 8 of this permit.**

GENERAL

2. The layout of the subdivision as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.
3. The extent of vegetation to be removed, [destroyed or lopped] as shown on the endorsed plans and documents must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.

VEGETATION REMOVAL

4. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
5. To offset the removal of 0.034 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:

A general offset of 0.017 general habitat units:

- located within the North Central Catchment Management Authority boundary or Mount Alexander Shire municipal district.
- with a minimum strategic biodiversity score of 0.400.

MANDATORY CONDITIONS

6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
7. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
8. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
9. The owner of the land must enter into an agreement with:
 - a. 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
 - b. 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.
10. 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. 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

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- b. 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**

WASTE MANAGEMENT PLAN

11. Before the plan of subdivision is certified under the Subdivision Act 1988, a Waste Management Plan must be prepared by a person suitably qualified. The plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a. a statement of whether the garbage, medical waste, hard waste and recycling will be collected by Council or a private collection, stating the size of bins, frequency of collection and hours of collection;**
- b. include a plan showing the location of the bin storage area on the site and details of screening from public view;**
- c. state where and when the bins will be placed for waste collection;**
- d. bins to be placed on the kerbside for collection must not obstruct pedestrians, street furniture, driveways or other points of access and must not exceed the property frontage; and**
- e. The plan must demonstrate how each property will be able to locate their waste bins onto the street. The plan must provide a suitable solution in the instance the bins are unable to be demonstrably located on the street on collection day. A set of scaled drawing showing the disposal of waste from the occupant to the final collection point must show:
 - i. Elevation drawings;**
 - ii. Residential garbage disposal points;**
 - iii. Waste infrastructure and storage areas; and**
 - iv. Bin presentation location with bin alignment shown for each individual bin showing size. When submitted and approved to the satisfaction of the Responsible Authority, the Waste Management Plan and associated notated plans will form part of this permit.****

12. The Waste Management Plan approved under this permit must be implemented and complied with to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

LANDSCAPE

13. Prior to the statement of compliance, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions and three copies must be provided. The landscape plan must show:

- a. the locations of all landscaping works to be provided on the land;**
- b. the locations of any trees to be retained or removed from the land (including details of species and size);**

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- c. a detailed schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant;
 - d. details of the proposed surface finishes of pathways and driveways; and
 - e. details of the irrigation system to be used on land following completion of the landscaping works

ENGINEERING

Engineering Plans

14. Prior to the certification of the plan of subdivision, detailed access and drainage construction plans must be submitted to and approved by Council. When approved, the plans will be endorsed and form part of the permit. The engineering plans must accord with the Infrastructure Design Manual. All works constructed or carried out must be in accordance with those approved plans and completed to a standard satisfactory to Council prior to the issuing of Statement of Compliance.

DRAINAGE

15. The developer must provide a drainage system to drain all Lots to the legal point of discharge. The drainage system shall be for both major (1% Annual Exceedance Probability (AEP)) and minor rainfall (20% AEP). The 20% AEP system must be fully piped. Drainage systems must be designed and constructed in accordance with the current Australian Rainfall and Runoff – Flood Analysis and Design. The drainage system must include as a minimum.
 - a. Provision of a storm water retention system to limit flow downstream from the whole of site to pre-development levels for a 20% AEP event.
 - b. Easement drains with access pits must be provided to all Lots falling away from the Road and/or to all Lots which slope toward adjoining properties.
 - c. Provision of cut off drains to protect adjoining properties. Provision is to be made to divert major rainfall (1 in 100 year) storm events away from the building envelopes of Lots within this subdivision and away from adjoining properties.
 - d. Provision to intercept litter prior to connection with any Council drain or discharge to a watercourse.
 - e. Erosion control measures at the point of discharge from the development as applicable to the proposed drainage system.
 - f. Designation of the minor and major flow paths shall be indicated on drainage plans.
 - g. In designing this drainage system, the applicant may also consider incorporating aspects from Guidelines for Water Sensitive Urban Design.
16. Where any on-site retention system is contained within private land then prior to the issue of statement of compliance, the applicant/owner must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with Council which affects each Lot within the subdivision. Such agreement must covenant that:
 - a. The owners will maintain the on-site detention system and not undertake any modifications without prior written approval from the Council.
 - b. The owners shall allow duly authorised officers of the Council to inspect the system at mutually agreed times.

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- c. The owners will pay for all costs associated with the construction and maintenance of the on-site detention system.
 - d. This requirement will not apply in the event that a stormwater detention system does not form part of the approved drainage design.

VEHICLE CROSSOVERS

- 17. The proposed vehicle crossover is to be constructed to the satisfaction and requirements of Council. No impending or redirection of existing surface flow is allowed to occur as a result of these works. The crossover must be consistent with the relevant standard design contained in the Infrastructure Design Manual.

ROADS

- 18. The internal vehicle path (common property access) created as part of the subdivision must be constructed from the existing edge of seal on Lowther Street to the satisfaction of Council. Council's minimum standards are:
 - a. Sealed carriageway width of 5.5m.
 - b. Provision of kerb and channel.
 - c. Pavement depth in accordance with subgrade conditions and latest Austroads publications.
 - d. Pavement type to be either approved Natural Gravel or Fine Crushed Rock.
 - e. Wearing course – 30mm asphalt.
- 19. All Land Use Activity Agreement negotiations with Dja Dja Wurrung relating to works associated with the aforementioned subdivision are to be undertaken by the Developer or the Developer's representative. All costs associated with negotiating, undertaking and implementing the negotiated requirements will be at the cost of the Developer. Council will be nominated as the decision maker and any and all costs associated with complying with/implementing the negotiated outcome, including legal costs, will be at the cost of the Developer. Compliance will not be issued prior to all negotiated outcomes being complete and accepted by Dja Dja Wurrung.

SEDIMENT POLLUTION CONTROL

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

CONSENT FOR CONSTRUCTIONS

- 21. 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.
- 22. All existing and proposed easements and sites for existing and required utility services and roads 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.
- 23. Prior to the issue of a Statement of Compliance, all road, drainage and driveway works must be undertaken to the satisfaction of Council's Infrastructure Unit in accordance with the approved engineering plans.
- 24. Prior to the issue of a Statement of Compliance, the owner must submit as constructed plans in a format agreeable to Council.

DEPARTMENT OF TRANSPORT AND PLANNING

25. Only one point of vehicular access from the subject land to Lowther Street is allowed as shown on the appended plan.
26. Before the plan of subdivision is submitted to the Responsible Authority for certification under the Subdivision Act 1988, a Functional Layout Plan (FLP) for Lowther Street must be submitted to and approved by the Head, Transport for Victoria. The plans must be generally in accordance with the plans date stamped 04 March 2023 and annotated Concept Layout Plan (No CLP100 J), but modified to show:
 - a. The access in accordance with VicRoads Guideline Drawing GD4010 for the largest anticipated design vehicle.
27. Prior to the issue of a Statement of Compliance, the following must be completed to the satisfaction of the Responsible Authority, and at no cost to, the Head, Transport for Victoria.
 - a. All works on the approved FLP.
 - b. All disused or redundant vehicle crossings must be removed, and the area reinstated to (as per the surrounding area post and wire fence).

COLIBAN WATER

28. The owner is required to reach agreement with Coliban Water for the provision of reticulated water and sewerage services to Lots 1-9 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 and where necessary, amendments to the existing services, will be required in accordance with our specifications.
29. The reticulated water main extensions required to service the proposed lots within this subdivision must be designed, constructed and must be finalised in accordance with Coliban Water's Developer Installed Works process. Sewer mains are required to provide full lot control.

Agreement is required to be reached with Coliban Water for the existing DN100 sewer main located downstream of the development site, to be upgraded to a DN150 sewer main to ensure capacity existing for the provision of sewerage services for Lots 1-9 within this subdivision.
30. Applications through our Consent to Connect Process are required prior to water supply services and property service drains (sewerage) being amended and/or connected to Coliban Water assets and complying with our conditions.

All private works for water supply and sanitary drainage must be constructed in accordance with the National Plumbing and Drainage Code of Australia being AS 3500, the MRWA Water Metering & Servicing Guidelines 2022 and or any relevant requirements of Coliban Water.
31. Evidence is required to verify that the existing water meter, service pipes and property service drains servicing the existing residence located on Lot 4, have been amended and redirected where required to ensure that these are contained within the boundaries of the proposed Lot 4.

Evidence required must include letter/statement from a registered and licensed plumbing contractor, and as-constructed plan of any necessary drain amendments and a copy of a Victoria Building Authorities Compliance Certificate.

32. Application for a separate connection to Coliban's potable water supply main, will need to be made through our consent to connect process, prior to Coliban Water's approved contractor installing the water supply tapings, service pipes, meter assemblies and digital data devices (water metres) for Lots 1-3 fronting Lowther Street, which will be located in an accessible location within 3.0 metres but no closer than 600mm, inside the title boundary line of each title fronting Lowther Street.

33. Prior to Coliban Water issuing statement of compliance for this subdivision, evidence is required to verify that a potable water supply service pipe/s, including fire service/s (if required), have been constructed into the common property and each of the lots having rights over the Common Property within this development site.

When the domestic water supply and the fire service (if required), is proposed to be constructed as a larger single service pipe into a development site boundary. Then the domestic water supply offtake must be constructed from the upstream side of the fire service isolation valve and ancillary equipment located just inside the common property fronting the road reserve.

The domestic service pipe must then run parallel to the fire service continuing within the common property for each water meter assembly offtake for lots being serviced via the Common Property. An isolation valve and a Back-Flow Prevention Device (BFPD when required per AS3500), is to be constructed adjacent to the offtake on the shared domestic service pipe. Ideally this isolation valve is constructed above ground level or may be constructed within a shroud and an approved cover for its location, which must be clearly visible at the finished surface level.

Agreement is required to be reached with Coliban Water for either, the water meters to be in an accessible location within 2.0 metres but no closer than 600mm, inside the Lowther Street Common Property title boundary line, or in approved locations within in each of the Lots 5-9.

Where the water meter assemblies are proposed to be located within each of the Lots 5-9, an approved isolation valve and suitable Backflow Prevention Device, will be required on the shared water supply which is to be located within 2.0 metres of the Common Property title boundary at Lowther Street.

The developer's registered and licensed plumbing contractor will be required to complete the construction of the water main tapping, service pipes, meter assemblies for the lots being serviced via the Common Property, all works except for water meter supply & installation.

Water meter assemblies must be constructed to provide a minimum clearance of 150 mm above the finished surface level and each of the service pipes. An application will then be required through Coliban Water's consent to connect process for our approved contractor to supply and install the digital data devices (water meters).

Evidence in the form of a letter/statement is required from a registered and licensed plumbing contractor, an as constructed plan, including copies of the Victorian Building Authorities Compliance Certificates for the new water services including the fire services if constructed.

The plumbers as constructed plan is also required to provide detail of, the location of the water meters, the domestic and fire service pipes, including the Detector Check Valve, the bypass meter, isolation valves, Backflow Prevention Devices and all other ancillary equipment necessary for compliance within the development site.

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34. 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 make payment to Coliban Water of New Customer Contributions (NCCs). These contributions are based upon the number of additional allotments connected (or to be connected) to Coliban Water's water, sewer or recycled water networks. A quote will be supplied to the owner on the referral of the certified plan of subdivision.
 35. All Coliban Water assets within the subdivision, are to be protected by an easement created in favour of Coliban Region Water Corporation.
 36. Please note under Section 165(5) of the Water Act 1989, Coliban Water is not required to ensure that the water pressure is adequate for firefighting. It is important to note that Coliban Water does not guarantee fire flows.

GOULBURN MURRAY WATER

37. Any 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 1988.
38. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
39. All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provision. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.
40. All works within the subdivision must be done in accordance with EPA Publication 1834 Civil Construction, Building and Demolition Guide (November 2020).

POWERCOR AUSTRALIA

41. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of the Act.
42. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.
43. Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplied available, with the cost of such works generally borne by the applicant.
44. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victoria Service and Installation Rules (VSIR).
45. Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

PERMIT EXPIRY

46. This permit will expire if one of the following circumstances applies:
 - a. The removal, destruction or lopping of native vegetation does not start within two years of the date of this permit.
 - b. The removal, destruction or lopping of native vegetation is not completed within ten years of the date of this permit.
47. This permit will expire if one of the following circumstances applies:
 - a. The plan of subdivision is not certified within two years of the date of this permit.

b. The registration of the relevant stage of subdivision is not completed within five years from the date of certification of the plan of subdivision.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of *Planning and Environment Act 1987*.

MOVED COUNCILLOR GARDNER

That the recommendation be adopted

SECONDED COUNCILLOR MALTBY

CARRIED.

COUNCILLOR CORDY CALLED FOR A DIVISION.

Councillors for: Maltby, Gardner, Annear, Henderson and Driscoll.

Councillors against: Cordy

Summary

Application Details:	Nine lot subdivision, removal of native and non-native vegetation and access to a Transport Zone
Application No:	PA05/2022
Applicant:	Michael Dunn Metropol Planning Solutions
Land:	30 Lowther Street, Maldon
Zoning:	General Residential Zone – Schedule 1 (GRZ1)
Overlays:	Significant Landscape Overlay – Schedule 1 (SLO1)
Triggers:	<ul style="list-style-type: none"> • A planning permit is required for subdivision of land under Clause 32.08-3 of the General Residential Zone • A planning permit is required to construct a building or construct or carry out works under Clause 42.03-2 of the Significant Landscape Overlay • A planning permit is required for the removal of native vegetation under Clause 52.17 • A permit is required to create access to a road in Transport Zone 2
Notice:	Yes, via letters to adjoining and surrounding landowners and occupiers and signs on the site
Referrals:	<ul style="list-style-type: none"> • Coliban Water – No objection subject to conditions • Downer Utilities – No response • Goulburn Murray Water – No objection subject to conditions • North Central CMA – No objection • Powercor Australia – No objection subject to conditions • Head, Transport for Victoria – No objections subject to conditions • Engineering – No objection subject to conditions
No. of Objections:	6
Key Considerations:	<ul style="list-style-type: none"> • Compliance with the Planning Policy Framework • Neighbourhood Character • Compliance with the Maldon Design Guidelines • Appropriateness of the subdivision within the GRZ and SLO • Compliance with Clause 56 (ResCode) • Issues raised in objections

Context

Subject Site

The subject site is located at 30 Lowther Street, Maldon, legally known as Lot 1, TP117623, Vol. 9820, Fol. 865, Parish of Maldon.

The site is rectangular shaped with a total area of 1.160ha and frontage to Lowther Street (southern boundary). Lowther Street is categorised as a Transport Zone 2 Road (responsibility of the Department of Transport and Planning), a sealed dual lane Road.

The subject site is vacant and undeveloped, and gently slopes downhill to Lowther Street. The subject site has a mixture of sparse exotic vegetation, including stands of natives and weeds. The property is currently accessed via the existing dwelling.

The surrounding areas are characterised with single storey, pitched gabled dwellings on generous allotments surrounded by trees. The allotments along Lowther Street are larger allotments with larger front setbacks. Along Lowther Street, significant allotments include the Mount Alexander Works Depot, Union Hill Mine and Maldon Golf Club.



Figure 1 - Subject Site

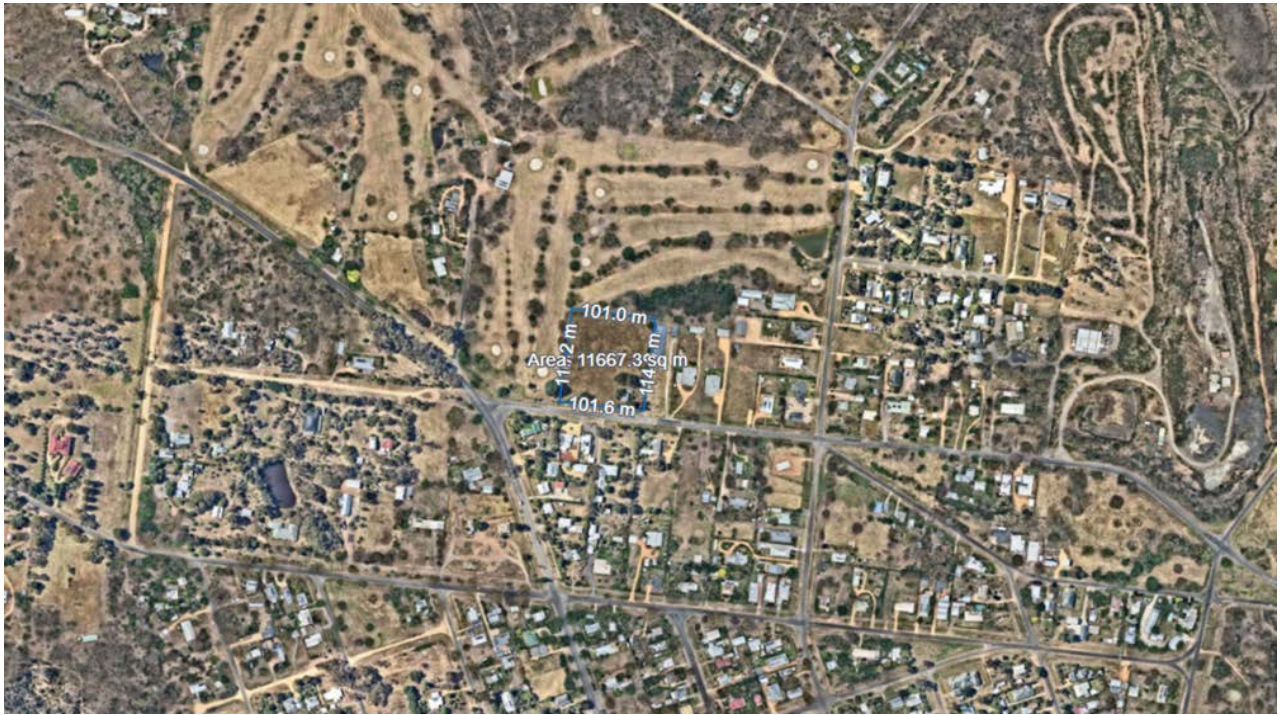


Figure 2 - Surrounding Area

Proposal

The application is seeking approval for a single-stage subdivision of the land into nine lots. The details of this proposal are summarized below:

Subdivision Stage 1 – Lot 1 to 9 inclusive

Lot 1 – 9 will contain the south section of the site

Lot #	Site Area (sqm)	Frontage	Maximum Depth
1	1051	22.37m	50.21m
2	1158	23.17m	50.12m
3	1141	22.77m	50.07m
4	1140	22.77m	50.02m
5	1104	No frontage.	54.26m
6	1104	No frontage.	54.18m
7	1138	No frontage.	54.01m
8	1137	No frontage.	46.22m
9	1030	No frontage.	61.84m
Common Property	1324	N/A	N/A



Figure 3 - Proposed Subdivision

Access

Access to all allotments is required to be accessed via the common property. No new crossovers are permitted to be constructed along Lowther Street.

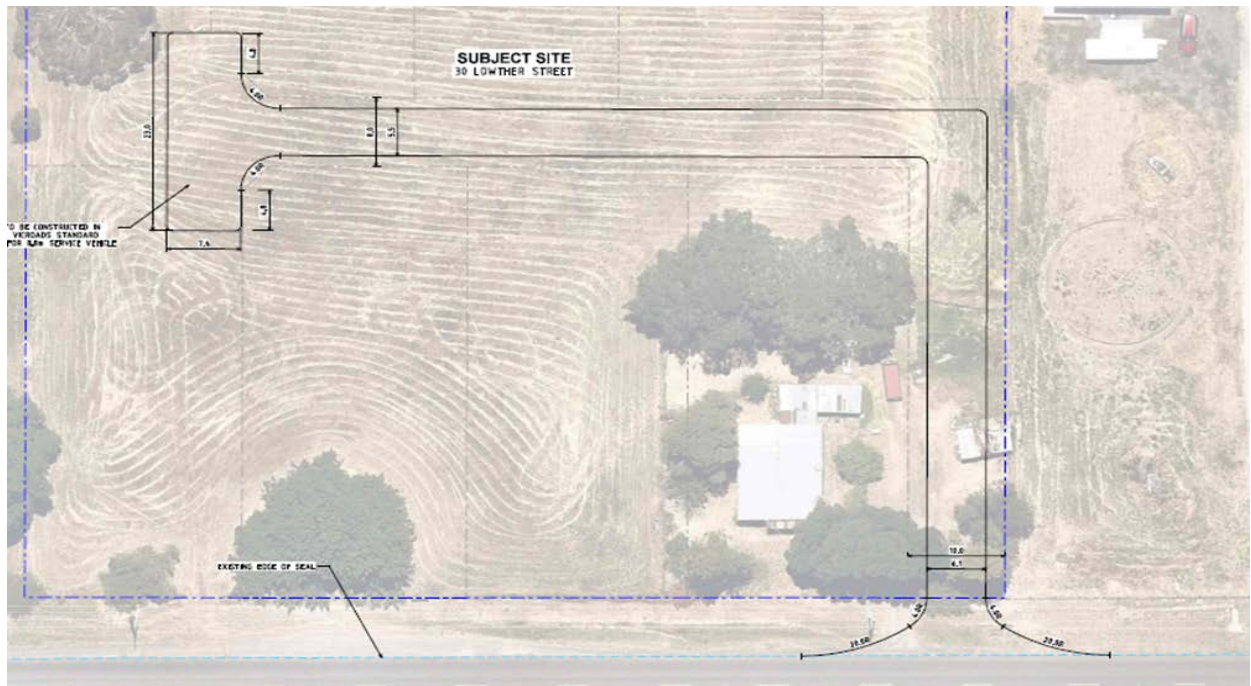


Figure 4 - Proposed Internal Access

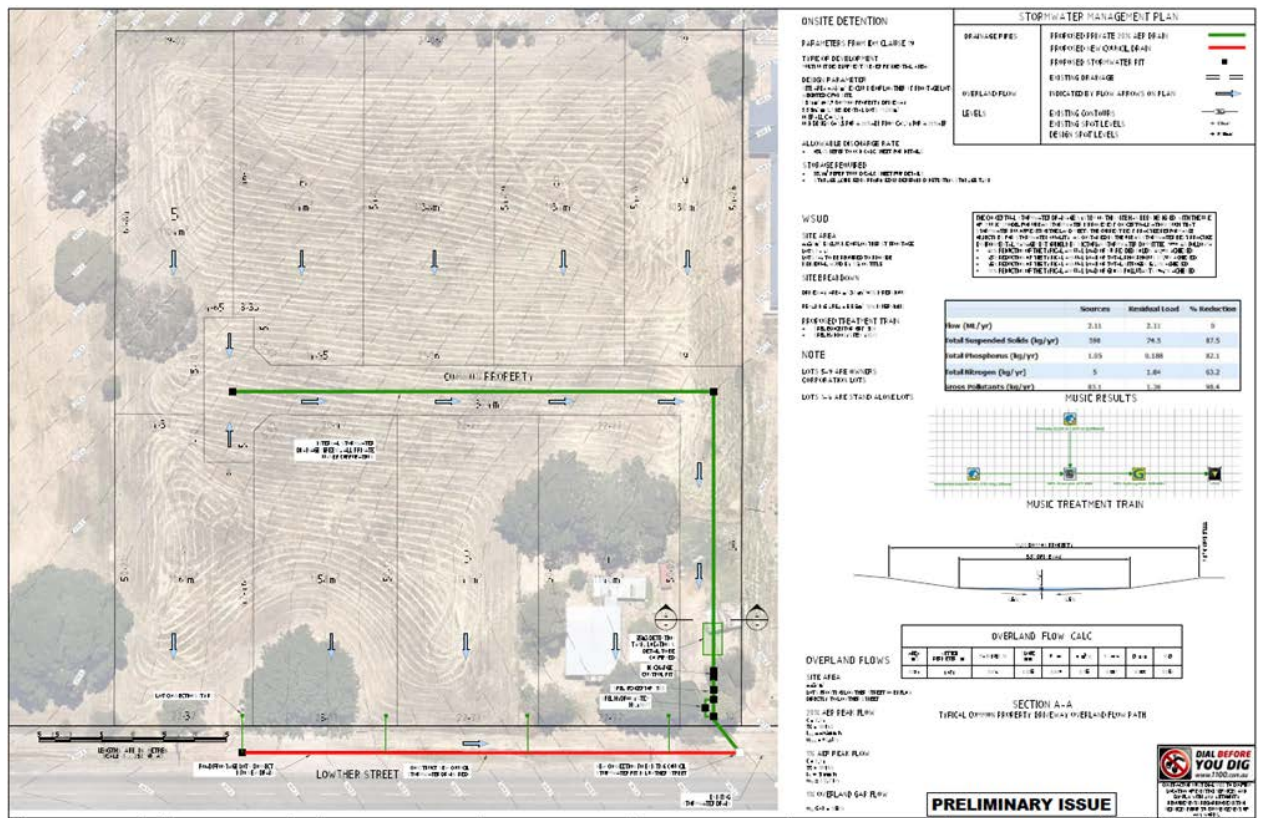


Figure 5 - Proposed Stormwater

Removal of Vegetation

The proponent proposes to remove 0.034 hectares of native vegetation. This patch of vegetation is on the north-eastern corner of the site. The tree to be removed will be a small Black Wattle.

The application also seeks the removal of exotic vegetation on site.

Offsets required to compensate for the proposed removal of native vegetation from the study area are:

- 0.017 general habitat units, with the following offset attribute requirements
- A minimum strategic biodiversity value (SBV) of 0.400
- Located within the North Central Catchment Management Authority boundary or the Mount Alexander Shire Council municipal district.
- Include protection of no large trees

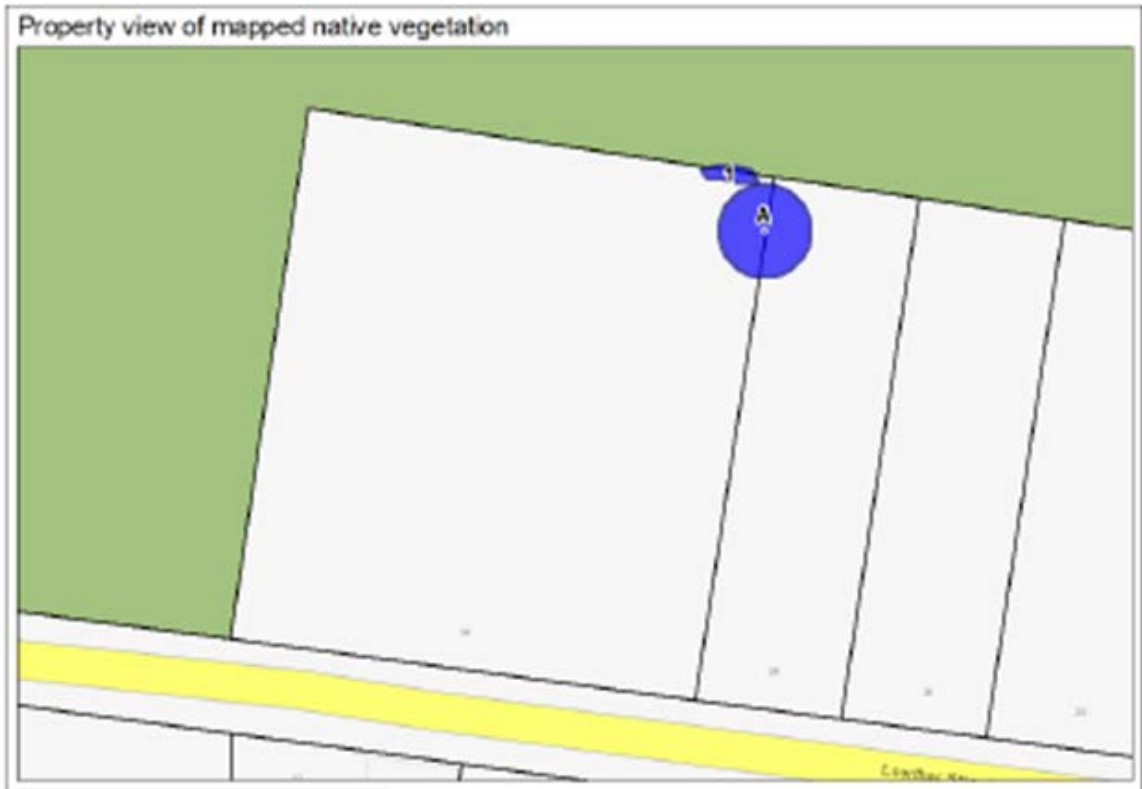


Figure 6 - Proposed vegetation to be removed



Figure 7 - Proposed Vegetation to be removed

Issues

The key issues for consideration relate to the appropriateness of future proposed development, the Planning Policy Framework, the General Residential Zone Schedule 1, the Significant Landscape Overlay Schedule 1, Removal of Native Vegetation and Creation of crossover on Road Zone 2, and Section 5.1 of the Maldon Design Guidelines and compliance with Clause 56 of the Mount Alexander Planning Scheme and the issues raised by objectors. The following provides a response to considerations:

Compliance with the Planning Policy Framework

The Planning Policy Framework of the Mount Alexander Planning Scheme seeks to ensure that residential development and subdivisions are located within established towns with access to transport and services. Policies also seek to ensure that development is designed with regard to the natural features of a site, and that new subdivisions can be appropriately serviced with infrastructure.

The proposed development is consistent with the Planning Policy Framework as the proposal accords with the general intent of the policies, including Clause 02.03-6 (Housing) which promotes “*encouraging new subdivisions to have a diversity of lot sizes, including smaller lots to promote affordability*” and “*supporting the development of smaller dwellings to respond to the changing housing needs of the community,*”. Clause 15.01-3S (Subdivision design) encourages “*providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people*”. Clause 02.03-1 (Settlement) and Clause 11.01-1R (Settlement - Loddon Mallee South) encourage and support growth in Maldon.

The subject site is located within the township boundary established within the Maldon Framework Plan. Clause 02.04 of the Mount Alexander Planning Scheme encourages urban expansion within the boundary. The proposal supports settlement principles by directing development capable of accommodating growth and reduces urban sprawl outside of established settlement boundaries.

Appropriateness of the proposed subdivision within the General Residential Zone

Pursuant to the Zone, a planning permit is required for the subdivision of land. In support of the application, the applicant has provided a subdivision plan and ResCode assessment.

The purpose of the General Residential 1 Zone, is as follows:

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

An application in the General Residential 1 Zone must consider the following relevant decision guidelines:

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

The application has demonstrated compliance with the requirements and guidelines of the residential zone. The above listed points have been assessed and the application is considered acceptable to the provisions of the planning scheme for the following reasons.

- The subject site is a suitable site for increased residential density as it is zoned for residential use with good access to existing services and facilities. The development will provide additional housing supply. Appropriate onsite amenity and avoidance of detrimental impacts to nearby dwellings is achieved by the proposed design and layout. Conditions are to be placed on the permit to ensure consistent preferred building design and siting with the streetscape.
- Vacant parcels created by this subdivision are of adequate size and layout to cater for future dwellings on the land that will benefit from good northern solar access. The land is fully serviced with reticulated utilities and extensions to the new lots can be readily undertaken.
- The proposed subdivision is reasonable in scale and makes a positive contribution to this policy aspiration as it will facilitate capacity for the future construction of additional dwellings on the vacant lots.
- The application is consistent with the standards and objectives of Clauses 56 and a detailed assessment has included at the above section the report.

Appropriateness of the proposed subdivision within the Significant Landscape Overlay

Pursuant to the Overlay, a planning permit is required for the subdivision of land.

The purpose of the Significant Landscape Overlay, is as follows:

- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

An application in the Significant Landscape Overlay must consider the following relevant decision guidelines:

- The statement of the nature and key elements of the landscape and the landscape character objective contained in a schedule to this overlay.
- The conservation and enhancement of the landscape values of the area.
- The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.
- The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation.
- The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area.
- The impact of buildings and works on significant views.

The application has demonstrated compliance with the requirements and guidelines of the overlay. The above listed points have been assessed and the application is considered acceptable to the provisions of the planning scheme for the following reasons.

- The Maldon Design Guidelines are applicable given the site's location within the Significant Landscape Overlay Schedule 1. The Applicant has suitably designed the subdivision in line with the recommendations of the guidelines.

-
- Future dwellings proposed on lots created will trigger a planning permit under the Significant Landscape Overlay. This will create the opportunity to 'encourage development of a type which does not detract from the value of the landscape due to its siting, height or general appearance'.
 - The subject site is an appropriate site to facilitate infill development within Maldon and the proposed subdivision makes consideration of the proposed subdivision pattern, siting and impact of building envelopes and the potential for the new properties to cater for development that complies with the decision guidelines for the significant landscape area.

Clause 52.17 Native Vegetation and Removal of Native Vegetation

The Mount Alexander Planning Scheme aims to protect remanent vegetation and fauna habitat including wildlife corridors in the region. The site has not been identified as a key location supporting high ecological value. However, several trees within the subject property are proposed to be removed to facilitate the creation of new building envelopes and construction of drainage access.

A Native Vegetation Assessment has been conducted by Cumbre. The report identified one patch of Native Vegetation. It is proposed to remove one patch of native vegetation, in line with the report. All other vegetation on site or the Road Reserves is to be retained.

The application has met the three-step approach and is an adequate compromise between meeting the key objectives of the development and minimising the impacts of the proposal on native vegetation.

Clause 52.29 Land Adjacent to the Principal Road Network

The development proposes the creation of a single accessway to Lowther Street. Lowther Street is an arterial road. The design response allows for all vehicles to enter and exit the site in a forward direction in accordance with Department of Transport and Council requirements.

The plans submitted with the application identify that sufficient space will be provided a common access allowing the entrance and exiting of vehicles in a forward direction. The proposal has been considered to comply with the requirement of Clause 52.29.

Given the proposal is for residential subdivision, traffic volumes will not bring unreasonable impacts.

The application has been referred to Council's Engineering Team and Department of Transport to review, both authorities have had no objection to the proposal subject to conditions.

Clause 53.01 Public Open Space Contribution and Subdivision

Clause 53.01 (Public Open Space) requires that 'a person who proposes to subdivide land must make a contribution to the Council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both).' If no amount is specified, a contribution for public open space may still be required under Section 18 of the *Subdivision Act 1988*.

As this subdivision will be creating nine lots for residential purposes it is considered reasonable and required to request a public open space contribution to be made as a condition.

Compliance with Clause 56 (ResCode)

Clause 56 of the Mount Alexander Planning Scheme applies to an application to subdivide land. The purpose of Clause 56 (ResCode) is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To create liveable and sustainable neighbourhoods and urban places with character and identity.
- To achieve residential subdivision outcomes that appropriately respond to the site and its context for:
 - Regional cities and towns
- To ensure residential subdivision design appropriately provides for:
 - Policy implementation
 - Liveable and sustainable communities
 - Residential lot design
 - Urban landscape
 - Access and mobility management
 - Integrated water management
 - Site management
 - Utilities

The application has been assessed against and is considered to meet the relevant standards and objectives of Clause 56 (ResCode), noting the proposed lots provide areas and dimensions that enable appropriate siting of future development, solar access, vehicle access and parking, water management, easements and retention of significant vegetation where appropriate.

Finance and Resource Implications

Cost of appeal to the Victorian Civil and Administrative Tribunal.

Alternate Options

Council could issue a Notice of Decision to Refuse the Planning Permit. It is noted that this could result in a Victorian Civil and Administrative Tribunal Hearing.

Communication and 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.

Issues

Following advertisement of the application in accordance with sections 52(1)(a) and 52(1)(d) of the *Planning and Environment Act 1987*, six objections were received.

- neighbourhood character
- waste collection

-
- loss of amenity
 - loss of vegetation
 - road safety
 - conflicting adjoining land uses

Issue 1. Neighbourhood Character

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

Within the last decade Lowther Street has changed considerably. The western side of the subject site contain few recent developments, with most of the dwellings coming from a subdivision that was endorsed by Council in the past few years. The wider subdivision lot sizes of the area are sporadic. The surrounding residential properties are General Residential Zone. The creation of nine lots in an area is not considered to create a significant negative impact.

Within the Mount Alexander Planning Scheme, a variety in lot sizes is recommended in Clause 02.03-6 Housing. Concern has been raised in relation to the impact of the future development of the proposed lots on the neighbourhood.

One of the most often repeated concerns that were raised in submissions detailed the worry of the lots potentially containing higher density dwellings. The land is under GRZ with a maximum height control of 11 metre, in consideration of neighbourhood character of this area and Maldon Design Guidelines, future development with double storey dwellings is a reasonable dwelling design for residential areas.

As the proposed application is for a vacant lot subdivision, Council cannot consider development in the scope of this application. It is possible to consider restrictions such as building envelopes and building heights. A building envelope restriction is recommended to ensure the consistent character of dwellings facing Lowther Street.

Issue 2. Waste Collection

Several submissions raised concern regarding how waste collection will be managed.

The application has not provided a solution to the provision of waste management services. Condition 11 has been included to ensure the development can suitably locate waste management services on the kerbside for collection. The distance from property to the kerbside is at a maximum of approximately 110 metre. The average distance from the properties to the kerbside is approximately 65 metre. This distance is considered a reasonable distance to walk to place bins onto the kerbside for collection.

Issue 3. Loss of Amenity

Several submissions raised concerns regarding potential loss of amenity from future development on the proposed subdivision. Specific concern was identified in relation to overlooking, loss of privacy and impact on views.

As this application is for vacant subdivision and no planning permit will be required for the construction of a residential dwelling due to the zone, any future development on the subject site would be required to be assessed against relevant building regulations as they relate to the protection of amenity including overshadowing and overlooking.

Given the size of the allotments and siting of the lots, it is not considered to be necessary to impose restrictions on the lots to restrict the future development, noting the site is within proximity of several modern dwellings. In addition, the Mount Alexander Planning Scheme, as it relates to this site, does not allow the consideration of views from adjoining properties.

Issue 4. Loss of Vegetation and impact of Wildlife and Native Fauna

The extent of vegetation removal is considered to either not require planning permission or meet the objectives of the relevant vegetation removal policy. In relation to native vegetation, all native vegetation is to be offset and its value recouped to prevent any net loss to biodiversity within the state. See below Native Vegetation section.

Issue 5. Road Safety

The Department of Transport and Planning has restricted the development to have one accessway. All traffic will be directed to a single point of conflict where traffic management devices will be located. The Department of Transport and Planning has included conditions that require the access to be constructed to a 'Typical Access to Rural Properties' standard or 'GD4010' that allows good visibility to oncoming traffic for vehicles entering and exiting the single access point.

Issue 6. Conflicting adjoining Land Uses

Objections were raised in relation to the potential land use conflict between the golf club and the residences. The matters raised were of a civil nature and not matters to be assessed under a planning scheme. Matters raised included the establishment of a Section 173 Agreement to prevent residences from complaining about stray balls. As this is not a planning matter, no conditions or agreements will be put in place regarding these objections as this exceeds the scope of the planning scheme.

Applicant-Objector Consultation

External Referrals	
Coliban Water	<i>Conditional consent where connection to reticulated sewage was agreed.</i>
Goulburn Murray Water	<i>Conditional consent where connection to reticulated sewage was agreed.</i>
North Central Catchment Management Authority	<i>No objection.</i>
Downer Utilities	<i>No response.</i>
Powercor Australia	<i>Conditional consent.</i>
Department of Transport	<i>Conditional consent subject to access to the site being limited to one accessway via Lowther Street.</i>
Internal Referrals	
Councils Engineering Department	<i>Conditional consent.</i>
Councils Heritage Department	<i>Consent subject to conditions.</i>

Legislation

Planning and Environment Act 1987

Declarations of Conflict of Interest

Under section 130 of the *Local Government Act 2020*, Officers providing advice to Council must disclose any interests, including the type of interest.

No conflicts of interest

The Officers involved in reviewing this report, having made enquiries with the relevant members of staff, report that there are no conflicts of interest to be disclosed.

9.3.2. PLANNING APPLICATION PA210/2022 - 7 MAIN ROAD, CHEWTON

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Senior Statutory Planner, Callum Murphy

Attachments:

1. Bushfire Management Plan [9.3.2.1 - 1 page]
2. Acoustics Report [9.3.2.2 - 3 pages]
3. Site Plan [9.3.2.3 - 1 page]
4. Fence Design [9.3.2.4 - 4 pages]

Executive Summary

The purpose of this report is to enable Council to decide on an application for a three-lot subdivision and works for the removal of a sound attenuation mound at 7 Main Road, Chewton.

The application has been referred to Council for a decision as the Planning Department is seeking to approve the application and five objections were received.

The subject site is in the Industrial 3 Zone, Bushfire Management Overlay and Design a Development Overlay – Schedule 8 pursuant to the Mount Alexander Planning Scheme. The application was advertised, the grounds for the aforementioned objections are as follows:

- The loss of amenity due to Industry.
- The proposed removal of the noise attenuation mound.
- The development of an industrial sound abatement fence.

RECOMMENDATION

That Council issue a Notice to Grant a Planning Permit for a Three-lot Subdivision, Construction of a Fence and Earthworks at 7 Main Road, Chewton subject to the following conditions:

LAYOUT NOT TO BE ALTERED

1. **The development as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.**
2. **The layout of the subdivision as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.**

GENERAL CONDITIONS

3. **Construction activities must be managed so that the amenity of the area is not detrimentally affected through the:**
 - a) **transport of materials, goods or commodities to or from the land;**
 - b) **inappropriate storage of any works or construction materials;**
 - c) **hours of construction activity;**
 - d) **emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil; and**

e) presence of vermin.

to the satisfaction of the Responsible Authority.

4. All external materials must be non-reflective and finished in natural colours or shades to the satisfaction of the Responsible Authority.
5. All new walls on or facing the boundary of an adjoining property must be cleaned and finished to the satisfaction of the Responsible Authority.
6. All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
8. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
9. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
10. Before the issue of a Statement of Compliance [for any stage of the subdivision] under the *Subdivision Act 1988*, the permit holder must pay to the Responsible Authority a cash payment equivalent to 2 per cent of the site value of all the land in the subdivision in lieu of the provision of land for public open space, unless otherwise agreed in writing by the Responsible Authority.
11. Before the issue of a Statement of Compliance, an acoustic fence must be erected as per the endorsed plans to a maximum height of 2.1 metres above natural ground level to the satisfaction of the Responsible Authority. The fence must be designed by a suitably qualified acoustic engineer to the satisfaction of the Responsible Authority.

MANDATORY BUSHFIRE CONDITION

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

ENGINEERING CONDITIONS

Engineering Plans

- 13. Prior to certification of a plan of subdivision, detailed access and drainage construction plans must be submitted to and approved by Council. When approved, the plans will be endorsed and form part of the permit. The engineering plans must accord with the Infrastructure Design Manual. All works constructed or carried out must be in accordance with those approved plans and completed to a standard satisfactory to Council prior to the issuing of Statement of Compliance.**

Drainage

- 14. 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.**
- 15. The site stormwater discharge is not to be increased by the proposed development. If it does then the drainage system shall include provision of storm water detention 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 10% Annual Exceedance Probability event (IDM Design standards - Section 19.3 Requirements).**
- 16. Prior to the issue of statement of compliance, the applicant/owner must enter into an agreement under section 173 of the Planning and Environment Act, 1987 with Council which affects each Lot within the subdivision. Such agreement must covenant that:
 - a) The owner will maintain the on-site detention system and not undertake any modifications without prior written approval from the Council.**
 - b) The owner shall allow duly authorised officers of the Council to inspect the system at mutually agreed times.**
 - c) The owner will pay for all costs associated with the construction and maintenance of the on-site detention system.****

This requirement will not apply in the event that a stormwater detention system does not form part of the approved drainage design.

Vehicle Crossovers

- 17. Vehicle crossovers must be constructed to the satisfaction and requirements of Council. No impeding or redirection of existing surface flow is allowed to occur as a result of these works. Council's minimum standards are detailed in the Infrastructure Design Manual:**
- 18. All Land Use Activity Agreement negotiations with Dja Dja Wurrung relating to works associated with the aforementioned subdivision are to be undertaken by the Developer or the Developer's representative. All costs associated with negotiating, undertaking and implementing the negotiated requirements will be at the cost of the Developer. Council will be nominated as the decision maker and any and all costs associated with complying with/implementing the negotiated outcome, including legal costs, will be at the cost of the Developer. Compliance**

will not be issued prior to all negotiated outcomes being complete and accepted by Dja Dja Wurrung

Sediment Pollution Control

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

Consent for constructions

20. Prior to the commencement of any works on the road reserve the owner/applicant must submit a Minor Works in a Road Reserve application and be issued a permit to occupy the road for works.
21. 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.

COLIBAN WATER

22. Prior to the commencement of the construction of buildings or other works, the Land Capability Assessment, prepared by Archaeo-Environments Pty Ltd, and dated 21 September 2022, must be endorsed under the permit.
23. The disposal area, and any recommendations for fencing or the prevention of trafficable access to the disposal area, which are set out in the Land Capability Assessment, must be shown on the site plans that form part of the permit.
24. The wastewater treatment system and disposal area must be installed, and, at all times, must be operated and managed, in accordance with the endorsed Land Capability Assessment and the council-issued septic tank permit.

PERMIT EXPIRY

25. This permit will expire if one of the following circumstances applies:
26. The development is not started within two years of the date of this permit.
27. The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of *Planning and Environment Act 1987*.

28. This permit will expire if one of the following circumstances applies:
- a) The plan of subdivision is not certified within 2 years of the date of this permit;
 - b) The registration of the relevant stage of subdivision is not completed within five years from the date of certification of the plan of subdivision.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of *Planning and Environment Act 1987*.

MOVED COUNCILLOR MALTBY

That the recommendation be adopted

SECONDED COUNCILLOR GARDNER

CARRIED.

COUNCILLOR MALTBY CALLED FOR A DIVISION.

Councillors for: Maltby, Annear, Gardner and Driscoll.

Councillors against: Cordy and Henderson

Summary

Application Details:	Three Lot Subdivision, Earthworks and Buildings and Works for a Fence
Application No:	PA210/2022
Applicant:	SPIIRE (Bendigo)
Land:	7 Main Road, Chewton
Planning Policy Framework:	<ul style="list-style-type: none"> • Clause 13.05-1S – Noise • Clause 13.07-1S – Land use Compatibility • Clause 13.07-1L-01 – Amenity Impacts from Industrial Uses • Clause 15.01-3S – Subdivision Design • Clause 15.03-2S – Aboriginal Cultural Heritage • Clause 17.03-1S – Industrial Land Supply • Clause 17.03-2S – Sustainable Industry • Clause 18.02-4S – Roads
Zoning:	<ul style="list-style-type: none"> • Clause 33.03 – Industrial 3 Zone
Overlays:	<ul style="list-style-type: none"> • Clause 43.02 – Design and Development Overlay (Schedule 8) • Clause 44.06 – Bushfire Management Overlay
Triggers:	<ul style="list-style-type: none"> • Clause 33.03-4 (Buildings and Works) • Clause 33.04-5 (Subdivision) • Clause 43.02-3 (Subdivision) • Clause 44.06-2 (Subdivision)
Notice:	Yes - Letters to adjoining owners and occupiers, and signage on site
Referrals:	<ul style="list-style-type: none"> • Coliban Region Water Corporation • Country Fire Authority • Department of Transport • Goulburn-Murray Water • North Central Catchment Management Authority • Internal Engineering Department
No. of Objections:	Five
Consultation Meeting:	No
Key Considerations:	<ul style="list-style-type: none"> • Compliance with the Planning Policy Framework • Compliance with the Zone and Overlay • Impact on amenity of nearby residential uses • Grounds of objection
Conclusion:	Issue a Notice to Grant a Planning Permit

Context

Site and Surrounds

The certificate of title identifies that the subject site is made up of two allotments described as Lot 2 on Plan of Subdivision 621072, and Lot 13 on Plan of Subdivision 621072. The site is an irregular shaped allotment located on the southern side of Main Road / Pyrenees Highway in Chewton. The property is approximately 9546 square metres in area. The site has a frontage of 44m in width along Main Road / Pyrenees Highway.

The property currently contains an existing warehouse use. Proposed Lots 2 and 3 contain native vegetation, however evidence has been provided via the Applicant to show the vegetation is planted vegetation, and thus not of planning consideration. Vehicle access is via the north along Main Street/Pyrenees Highway.

The property has three distinct adjoining interfaces. The northern interface is the Highway, with a small group of residential dwellings directly across the road. The northern interface has a view line to the Castlemaine Heritage Diggings. Sparse vegetation and chicken wire fencing acts as the frontage to the site and is the characteristic of the northern interface.

The western and south-western interface are adjoining Industrial 3 Zone properties. The land to this second interface is a bus depot. Sparse vegetation aligns the property boundary. The depot building is constructed on a lower elevation to the existing warehouse building. There are no major distinctions between the two blocks of land.

The third interface is to the east and south-eastern boundary, the property adjoins nine General Residential 1 Zoned properties. Eight of the nine properties contain an occupied dwelling. The interface between the eastern most boundaries is a noise attenuation mound with sparse vegetation adjoining the boundary.

Proposal

The application seeks approval for a three-lot subdivision of the land and works to remove existing sound attenuation mound and construction of a sound attenuation fence:

- Lot Number 2A: The proposed Lot 2A is to be an irregular square shaped allotment with a total area of 2,569sqm. The allotment contains the existing warehouse use with access via the common property to the north and west.
- Lot Number 2B: The proposal Lot 2B is to be an irregular shaped allotment with a total area of 3,169sqm. The site currently contains a car park but will be a vacant allotment for future development.
- Lot Number 13A: The proposal Lot 13A is an irregular shaped allotment with a total area of 3,311m. The site contains the noise attenuation mound. This site will be a future industrial development opportunity.
- The creation of a carriageway easement through Lot 2A to provide rear access to Lot 13A.
- The common property is to be extended by 621sqm along the western boundary to provide access to Lot 2B.

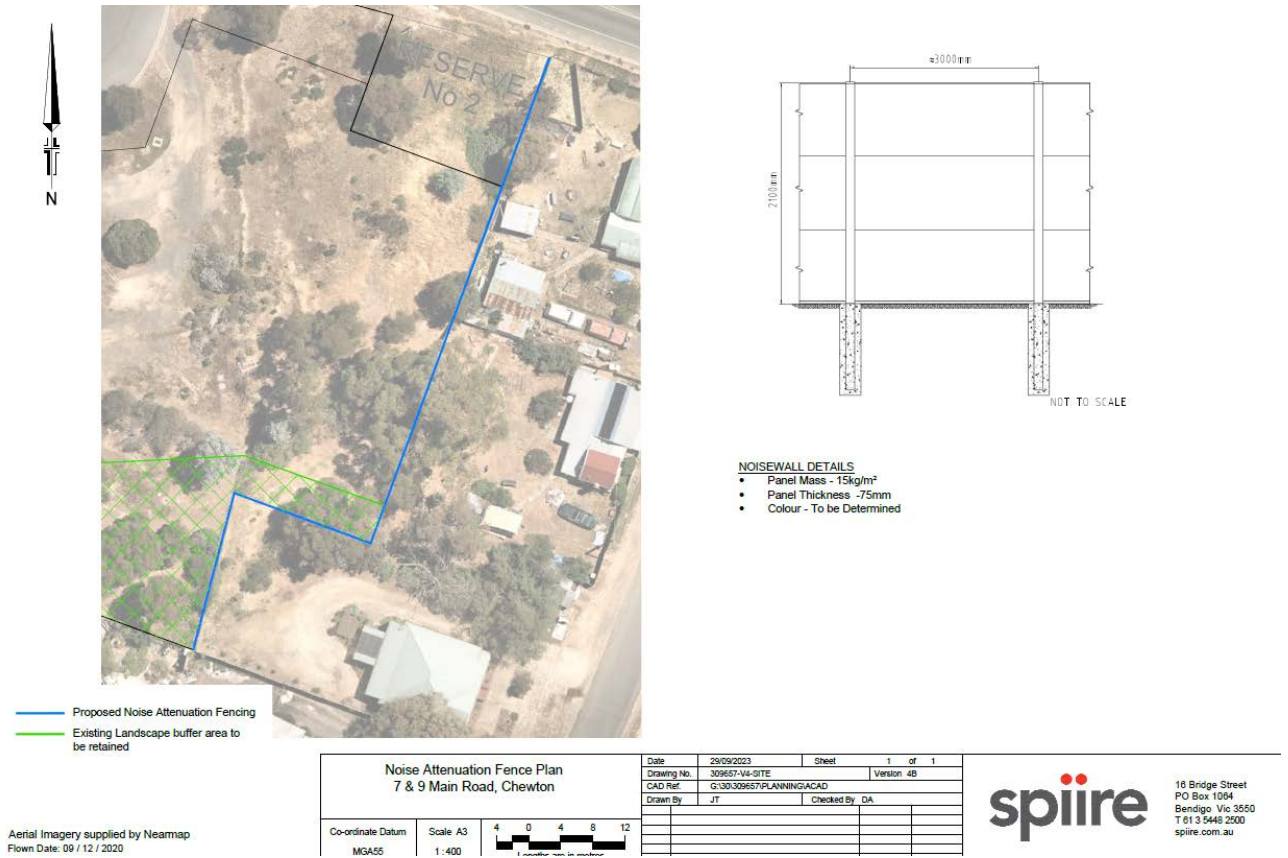


Figure 1: Proposed Site Plan

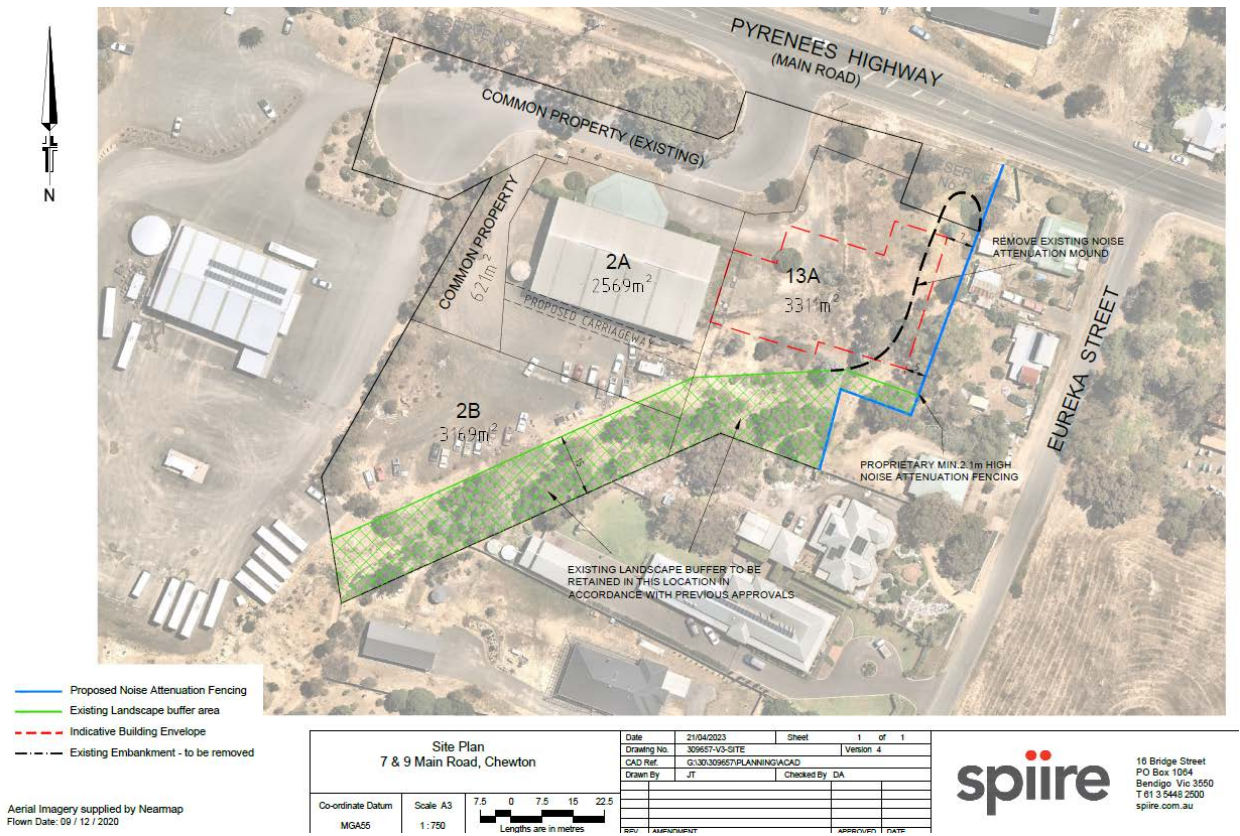


Figure 2. Propose Site Plan (cont.)

Issues

The key issues for consideration relate to the appropriateness of the subdivision, earthworks and construction of a fence in relation to the Planning Policy Framework, the Industrial 3 Zone, the Design and Development Overlay and the Decision Guidelines of the Mount Alexander Planning Scheme.

Compliance with the Planning Policy Framework

The Planning Policy Framework contained within the Mount Alexander Planning Scheme integrates state, regional and local policy and identifies long term directions about land use and development in the municipality.

The proposal is consistent with the Planning Policy Framework. The proposal provides a satisfactory design response that addresses the Municipal Planning Strategy and Planning Policy Framework surrounding amenity and the interaction of industrial uses adjoining sensitive land uses such as residential.

Clause 02.03-7 states that Council's strategic directions for industry are "discouraging the establishment of industry that may have offsite amenity impacts on land outside of existing and planned industrial estates". Clause 17.03-1S seeks to provide adequate supply of industrial land in appropriate locations where "appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses". Clause 17.03-2S seeks to "provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards".

It is considered that a subdivision in the Industrial 3 Zone is a possible outcome when considered under the relevant local and state policy, the proposal has provided sufficient evidence to separate the potential amenity effects of Lot 13A and the adjoining sensitive land use of residential dwellings. The application sought to provide an acoustic fence to substitute the removal of the noise attenuation mound. The fence as per the evidence provided suggests the fence will operate to the same standard as the earth bunding. The design of the fence is not considered adversely impactful. The Applicant amended the application throughout the process to alter the design and distance of the fence and has retained the southern part of the bunding. Two properties will have a boundary to the fence.

Appropriateness of the proposed subdivision and works within the Industrial 3 Zone

The subject site is located within the Industrial 3 Zone, which covers the small industrial estates located along the southern side of Main Street / Pyrenees Highway. The relevant objectives of the Industrial 3 Zone include:

- To provide a buffer between the Industrial 1 Zone and Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.
- To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.

A planning permit is required for a subdivision and works in the Industrial 3 Zone. In determining an application, the relevant decision guidelines must be considered:

- Interface with non-industrial areas.

For this proposal, it is considered that the application has provided an adequate response to the amenity concerns of neighbours. As no industrial development is proposed with the subdivision or works, Council must consider the possibilities of industry that may not require a permit for the use of the land, and thus must ensure that the subdivision and works provide suitable buffers to sensitive land uses to anticipate a potentially detrimental industry.

The zoning ensures any future development will require a planning permit, and thus must be considered against the amenity provisions of the zone. The purpose of the subdivision has been stated to allow for another industry to be proposed on the vacant allotment. The subdivision has adequately provided noise abatement measures, access to the front and rear of the site and suitable space for an appropriate development. The subdivision has developed methods of limiting future impact to dwellings. The applicant amended the application considering the objectors to reduce the amount of earth bunding to be removed.

Appropriateness of the proposed works in the Design and Development Overlay

The subject site is located within the Design and Development Overlay (Schedule 8). A relevant design objective set out in the schedule is *"to protect the amenity of nearby residential areas"*. A planning permit is required subject to Clause 43.02-2 for works and subdivision, the relevant decision guidelines to be considered are:

- Whether the proposal provides for an appropriate landscape screen from the Pyrenees Highway, the Castlemaine Diggings National Heritage Park and the adjoining residential development.

For this proposal, it is considered that the application has proposed an adequate response to the amenity concerns of neighbours. The key consideration in the Design and Development Overlay when compared to the Industrial 3 Zone is the visual amenity impact. It is considered the application for buildings and works for a noise retention fence has provided evidence to suggest the neighbours will not be detrimentally impacted of the visual elements. The current layout of the site affords the neighbours' views to the native vegetation on the mound and view lines to the north of the Castlemaine Diggings National Heritage Park. The visual bulk of the fence will not detract from the existing character of the property and not greatly affect the access to solar currently afforded to the residents. The location of the fencing does not restrict view lines to or from the Castlemaine Diggings National Heritage Park.

The subdivision proposal adequately addresses the planning policy framework, the zoning purpose and decision guidelines.

Compliance of the subdivision in the Bushfire Management Overlay

The purpose of the Bushfire Management Overlay is as follows:

- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.
- To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

Pursuant to the Bushfire Management Overlay, a planning permit is required to subdivide the land. In support of the application, the applicant has provided the following:

- A **bushfire hazard site assessment** including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard must be prepared in accordance with Sections 2.2.3 to 2.2.5 of AS3959:2018 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2. Photographs or other techniques may be used to assist in describing the bushfire hazard.
- A **bushfire hazard landscape assessment** including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site. Photographs or other techniques may be used to assist in describing the bushfire hazard. This requirement does not apply to a dwelling that includes all of the approved measures specified in Clause 53.02-3.
- A **bushfire management statement** describing how the proposed development responds to the requirements in this clause and Clause 53.02. If the application proposes an alternative measure, the bushfire management statement must explain how the alternative measure meets the relevant objective.

The application has been reviewed by the Country Fire Authority. The Authority provided no objection to the application nor any comment. The Applicant has provided suitable evidence to suggest that the buildings have adequately considered the matter of bushfire protection. A condition has been placed on this recommendation to ensure the bushfire management plan provisions are met.

Communication and Consultation

Public Notice

Public Notice of the application was given in accordance with Section 52 of the *Planning and Environment Act 1987* to owners and occupiers of adjoining land. Council received five objections from five properties. A response to the objections is provided as follows:

- Loss of amenity to potential industry

Consideration of any application for works and subdivision must be assessed against the relevant provisions of the planning scheme. This proposal is in accordance with all relevant components of the planning policy, zone and overlays of the Mount Alexander Planning Scheme.

The loss of amenity is the primary concern for all submitters to the application. It is considered that the concerns raised by the objectors have been addressed by the Applicant. The application has suitably provided a proposal that shows evidence that future development on the three lots will not affect the existing amenity of the adjoining residential areas. The proposal has provided an Acoustic Report via Enfield Acoustics Pty Ltd. The report adequately shows the fencing will abate noise to the same rating as the existing earth bund.

The zoning is an Industrial 3 Zone. A permit will be required for an industry. Council must ensure the future land use does not adversely affect the impact of the neighbours.

-
- Demolition of the noise attenuation mound

The proposal is seeking to maximise the operable area of Lot 13A through the demolition of the noise attenuation mound. The application has sought to amend the application to develop the noise attenuation fence as per the condition on the previous planning permit application.

The neighbouring residential area initially objected to the development of the current industrial use on the site. The objectors agreed to the creation of the sound attenuation mound or fence as a condition requirement to satisfy the amenity concerns posed via the industry use. The submitters to this application have raised the concern that the mound is a viable solution through the provision of a soft view line that blocks the views of the industry and adequately abates noise from becoming an amenity concern. Council acknowledges that the noise attenuation fencing was a valid option originally alongside the mound. The mound currently limits to industrial land in terms of available square meterage. It also creates a potential ember attack risk to structures compared to fencing due to the required landscaping to support the ground integrity of the bunding.

The fence is considered a preferable outcome considering the policy and strategies of the Mount Alexander Planning Scheme.

- Development of an industrial sound abatement fence

Concerns have been raised with the solution provision by the Applicant to mitigating the amenity loss through potential noise pollution of a future industry. The Applicant provided a written component in their proposal stating a sound abatement fence will be installed.

The objectors have raised specific concerns to the industrial design of the fence that will create a large wall on their boundary fence, creating a new hard boundary where currently vegetation is littered on the existing mound. No alternative or specific proposals have been provided by the Applicant. Council agrees that the fence is an appropriate solution to noise attenuation and maintaining privacy for both parties. A condition will be placed on the permit to require a detailed fence design to ensure the fence does not detrimentally impact the amenity.

- Removal of Vegetation

Concern has been raised in relation to the removal of the vegetation on the boundary of the residential properties and the industry.

Vegetation removal is not a planning permit trigger and thus the considerations of vegetation removal are not a relevant planning permit consideration. The Applicant has stated in their proposal that vegetation to be removed will be required because of meeting Bushfire Management provisions. In addition to this, evidence through historical photographs has been provided to show the vegetation was planted to maintain the integrity of the bunding. The vegetation is planted, and evidence of this occurring has been provided, and therefore exempt from permit requirements.

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.

Referrals

External Referrals	
Coliban Water	<i>No objection subject to conditions.</i>
Goulburn Murray Water	<i>No objection.</i>
North Central Catchment Management Authority	<i>No objection.</i>
Country Fire Authority	<i>No objection.</i>
Department of Transport and Planning	<i>No response.</i>
Internal Referrals	
Councils Engineering Department	<i>Conditional consent.</i>

Alternate Options

Council could issue a Notice to Refuse the Grant of a Planning Permit. It is noted that this could result in a Victorian Civil and Administrative Tribunal Hearing.

Finance and Resource Implications

Cost of appeal to the Victorian Civil and Administrative Tribunal.

Legislation

Planning and Environment Act 1987

Strategy and Policy Impacts

Council Plan 2021-2025

In forming their position, Council Officers had regard to the following strategies contained within the *Mount Alexander Council Plan 2021-2025*:

- Ensure there is sufficient residential, commercial and industrial land to meet demand
- Support innovative industries and individuals
- Protect urban and landscape character

Environment - A flourishing environment for nature and people.

- Our community is growing in harmony with nature
- We are facilitating managed growth of our towns while protecting natural assets

Principle - We are always improving.

- Council is responsive to the needs of the communities it serves

Principle - We are engaging genuinely with the community.

- Our community feels heard and is able to influence and participate in the decisions that impact them

Declarations of Conflict of Interest

Under section 130 of the *Local Government Act 2020*, Officers providing advice to Council must disclose any interests, including the type of interest.

No conflicts of interest

The Officers involved in reviewing this report, having made enquiries with the relevant members of staff, report that there are no conflicts of interest to be disclosed.

9.3.3. AWARDING OF CONTRACT M1748-2023 ANIMAL MANAGEMENT SERVICES

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear
Responsible Officer: Coordinator Community Safety and Amenity, Ron Medler
Attachments: 1. Confidential - Tender Evaluation Report M 1748-2023 [9.3.3.1 - 12 pages]
2. Confidential - M 1748-2023 Tender Evaluation Quantitative Assessment [9.3.3.2 - 1 page]
3. Confidential - M 1748-2023 Tender Evaluation [9.3.3.3 - 2 pages]

Executive Summary

The purpose of this report is to present to Council the outcome of the public tender for the contract of the provision of Animal Management Services.

One tender was received by the closing date of 8 December 2023 at 2.00pm.

The tender was evaluated using predetermined evaluation criteria and weightings. The evaluation panel recommend awarding the contract to Mount Alexander Animal Welfare Inc.

RECOMMENDATION

That Council:

1. **Awards contract M1748-2023 Animal Management Services to Mount Alexander Animal Welfare Inc. commencing 1 July 2024. The contract is for an initial three-year period, with the option of an additional two by one-year extensions, for a total estimated contract value of \$1,222,652 (GST excl.), of which:**
 - **The value of the first year of the contract is \$230,292.16 (GST excl.) to be adjusted by Consumer Price Index annually on the anniversary of the contract.**
 - **The value of the first three-years of the contract is estimated at \$711,810 (GST excl.).**
 - **The value of the option two by one-year extensions is estimated at \$510,842 (GST excl.).**
2. **Notes the contract provides for annual Consumer Price Index adjustment on the anniversary of the contract.**
3. **Authorises the Chief Executive Officer to sign and affix the Common Seal to the contract documentation for Contract M1748-2023 for Animal Management Services for an initial three-year term from 1 July 2024 to 30 June 2027.**
4. **Authorises the Chief Executive Officer to approve the extension of Contract M1748-2023 for Animal Management Services for two by one-year contract terms from 1 July 2027 to 30 June 2028 and 1 July 2028 to 30 June 2029, subject to satisfactory performance, should that option be exercised.**
5. **Authorises the Chief Executive Officer to approve contract variations to the cumulative total of \$366,795 (GST excl.), equating to 30 percent of the estimated**

total contract value over the five-year term. Should the scope of the contract change significantly a report will be prepared for Council.

- 6. Approves the governance structure outlined within the attached Confidential Tender Evaluation Report.**

MOVED COUNCILLOR ANNEAR

That the recommendation be adopted

SECONDED COUNCILLOR HENDERSON

CARRIED.

Context

Council has a statutory obligation under the *Domestic Animals Act 1994* to provide an animal management service, including a pound service.

A public tender for the provision of Animal Management services was advertised on Saturday 11 November 2023 and closed at 2:00pm on Friday 8 December 2023. One tender submission was received from Mount Alexander Animal Welfare Inc.

Issues

The Tender Evaluation Panel met on 20 December 2023 to undertake the evaluation of the one tender received. The tender was evaluated in accordance with the criteria detailed within the tender documents (refer to Table 1)

Evaluation Criteria	Weighting
Risk Management	Pass/Fail
Response to Specification	20%
Experience & Qualifications	25%
Business and Financial Capacity	20%
Sustainability	5%
Local Content	20%
Environmental sustainability	5%
Social procurement	5%

Table 1 - Evaluation Criteria

Finance and Resource Implications

The estimated cost of the maximum five-year duration of this contract (including contract extensions) is estimated at \$1,222,652 which is made up of:

- \$230,292.16 (GST excl.) for the first year, which will be adjusted annually by Consumer Price Index (CPI) on the anniversary of the contract.
- The initial three-year period is estimated at \$711,810. (GST excl.).
- The value of the option two by one-year extensions is estimated at \$510,842 (GST excl.).

A forecast of \$240,000 (GST excl.) has been included in the Financial Year 2024/2025 annual budget for the provision of Animal Management Services. The forecast budget is adequate to cover the initial cost. If the budget amount of \$240,000 is maintained for the five-year period, there is an estimated \$22,652 deficit projected. The estimate is informed by the inclusion of conservative CPI projects, and will be mitigated by monitoring the provision of services through the schedule of rates included.

Risk Analysis

Regulatory Risk:

Without a contract in place the Council would not be compliant under the *Domestic Animals Act, 1994* that requires Councils to have a pound service.

Safety Risk:

Domestic animals and livestock found at large within the Shire may present a general safety risk to the public. The level of risk varies, where animals at large may attack out of fear or natural aggression without the control of their owner, and livestock often present road safety risks. The ability to safely house animals away from their owner mitigates such aforementioned risk.

Furthermore, the provision of a pound services, provides for members of the community to surrender animals if they are unable to look after them. Without a service, there is a risk of owners abandoning their animals, resulting in an increase in strays which in turn increases the risk to safety of the public and the animal.

Climate Impact Statement

The tender was evaluated against environmental sustainability as this was as a pre-determined evaluation criterion. Tenders were required to complete a tender response schedule detailing how their environmental objectives align with Council objectives.

The Tenderer advises that they have in place objectives to reduce power use through measures to reduce electricity usage and have installed energy efficient heating and cooling with low-cost temperature control and solar panels which has significantly reduced their power usage and carbon footprint.

The design of the new cattery that was built in 2019 is of high-quality insulation and double-glazed windows to create an energy efficient building. All upgrades and newly installed products and materials that are more economical and reduces the impact on the environment are sourced and used wherever practical.

Gender Equity Statement

It is considered that this report goes towards promoting gender equity principles as outlined in the *Gender Equity Act 2020* and does not contribute in the promotion of inequalities. Mount Alexander Shire Council is committed to meeting its obligations as stated in the Act and to further promote the right to equality as set out in the Charter of Human Rights.

Alternate Options

Council could decide not to award the pound contract to Mount Alexander Animal Welfare, however, this is not recommended as this would cause a breach of the *Domestic Animals Act, 1994*.

Council could decide to use a neighbouring Council's pounds. This is not recommended as this would not offer an efficient service to the community nor allow for the efficient use of resources within the Community Safety and Amenity unit.

Council could decide to retender to seek more than one submission, this is not recommended due to the limited availability of service providers and appropriate, purpose built facilities located within the Mount Alexander Shire.

Communication and Consultation

Prior to tendering a tender evaluation panel was formed consisting of staff from Council business units including Procurement and Development Services

An online tenderer information session was offered on 21 November 2023, the tenderer information session was not attended by the one tender.

Inform:

The tenderer will be notified of the outcome of their tender submission.

Legislation

Domestic Animals Act 1994

The *Domestic Animals Act 1994* requires Councils to have a pound facility for the purposes of seizure of domestic animals and livestock. This facility may be either Council owned and operated, or be a facility approved as a Domestic Animal Business under the *Domestic Animals Act 1994*. This Act requires that a pound and all facilities must be compliant with the Code of Practice for the Operation of Shelters and Pounds.

Local Government Act 2020

The *Local Government Act 2020* provides relevant direction to local government regarding procurement and contracts

Strategies and Policy Impacts

Council Plan 2021-2025

Council's Plan has as an objective related to the achievement of the actions in the Domestic Animal Management Plan 2022-2025.

Council's Domestic Animal Management Plan addresses responsible pet ownership and animal welfare by focussing on registration, identification, dog attacks, nuisance behaviour, dangerous/ menacing/restricted breed dogs, and animal businesses. It also deals with Council's domestic animal control services, authorised officer training, emergency management and matters relating to the enforcement, compliance and evaluation of the Council's control measures. Maintenance of an effective pound service is critical to achieving the plans objectives.

Child Safe Standards

Mount Alexander Shire Council is committed to being a child safe organisation and has zero tolerance for child abuse. We recognise our legal and moral responsibilities in keeping children and young people safe from harm and promoting their best interests.

All children who come in contact with Councillors, employees, contractors and volunteers from the organisation have a right to be and feel safe. We have specific policies, procedures and training in place to support employees, volunteers and contractors to achieve these commitments.

We create environments where all children have a voice and are listened to, their views are respected and they contribute to how we plan for, design and develop our services and activities.

Declarations of Conflict of Interest

Under section 130 of the *Local Government Act 2020*, Officers providing advice to Council must disclose any interests, including the type of interest.

No conflicts of interest

The Officers involved in reviewing this report, having made enquiries with the relevant members of staff, report that there are no conflicts of interest to be disclosed.

9.3.4. 2023-2024 FINANCIAL REPORT QUARTER 2

This Report is For Information

Responsible Director: Director Corporate and Community Services, Lisa Knight

Responsible Officer: Executive Manager Corporate Services, Carolyn Ross

Attachments: Finance Report - Q 2 - December 2023 [**9.3.4.1** - 24 pages]

Executive Summary

The purpose of this report is to present the Finance Report for the six-months ended 31 December 2023. This report was presented to the Audit and Risk Committee on 23 February 2024.

RECOMMENDATION

That Council notes the 2023/2024 Financial Report Quarter 2 for the six-month period ended 31 December 2023.

MOVED COUNCILLOR CORDY

That the recommendation be adopted

SECONDED COUNCILLOR HENDERSON

CARRIED.

Context

Regular review of financial performance and reporting of Council activities provides an overview as to how different programs and projects are being delivered. This reporting assists in monitoring Council's achievement of objectives in the Strategic Resource Plan, Financial Plan and annual Budget whilst ensuring that Council is financially sustainable in the long term. The Finance Report is presented to Councillors at a Councillor Briefing and a Meeting of Council on a quarterly basis.

The Finance Report presented includes the following information:

- Income Statement
- Statement of Capital Works in Progress
- Balance Sheet
- Investments
- Financial Ratios
- Cash Flow Statement

Issues

The Finance Report provides a snapshot of the year-to-date financial performance for the 2023/2024 financial year. The current budget includes adopted amounts for carry forward projects (capital projects, special projects, and operating items).

An error in the budget was identified in preparing this report, namely \$120,000 received prior to 30 June 2023 for the Municipal Emergency Resourcing Program for the year 2023/24.

However, the 2023/2024 income budget was not adjusted downwards to nil. Consequently, there will be a year-to-date variance on this item.

Finance and Resource Implications

The Finance Report gives a concise summary of the financial performance against Council's Budget for the period.

Financial Risk:

In developing the Annual Budget, Council is prudently and proactively managing its financial obligations, sustainability, and risk. This Finance Report provides information on the organisation's performance against budget and, where material variances occur, an explanation is provided.

Climate Impact Statement

In developing the annual Budget, Council can choose to allocate funds to address the impacts of climate change directly or indirectly. As this report is an overview of Council financial performance per se, no overall consideration has been given to the impacts of climate change.

However, there may be one-off or capital projects that address the impact of climate change. These projects may not be specifically discussed in this report, but they are subject to additional oversight processes within the organisation.

Alternate Options

There are no alternate options. A finance report must be presented on a quarterly basis as per the *Local Government Act 2020* (the Act).

Communication and Consultation

Inform:

We will keep our community informed.

Explanations of major variances are provided by Council Officers responsible for the services and are summarised in the Finance Report.

Legislation

Local Government Act 2020

Section 97(1) of the Act requires the Chief Executive Officer to ensure that a quarterly budget report is presented to Council at a Meeting of Council which is open to the public.

Section 97(2) of the Act states that the quarterly budget report must include:

- A comparison of the actual and budgeted results to date
- An explanation of any material variances
- Any other matters as prescribed by the regulations

Section 97(3) of the Act also states:

- In addition, the second quarterly report of a financial year must include a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required.

As no quarterly financial reporting regulations have been prescribed for the Act, Council Officers have continued to use the same format of reporting as in previous quarters.

No material changes to the 2023/24 budget have been identified requiring a revised budget to be adopted.

Strategies and Policy Impacts

Council Plan 2021-2025

- We are engaging genuinely with the community
- We are always improving
- We are delivering together

Councillors will promote and ensure responsible financial management by receiving and reviewing quarterly financial reports, using agreed project management processes for large projects, and conducting regular internal audits of Council activities.

Declarations of Conflict of Interest

Under Section 130 of the *Local Government Act 2020*, Officers providing advice to Council must disclose any interests, including the type of interest.

No conflicts of interest

The Officers involved in reviewing this report, having made enquiries with the relevant members of staff, report that there are no conflicts of interest to be disclosed

9.3.5. ANNUAL PLAN PROGRESS REPORT 2023/2024 QUARTER 2

This Report is For Information

Responsible Director: Director Corporate and Community Services, Lisa Knight

Responsible Officer: Executive Manager Corporate Services, Carolyn Ross

Attachments: 1. Annual Plan Progress Report - Q 2 December 2023 [9.3.5.1 - 17 pages]

Executive Summary

This report provides an update on the status and progress of projects in the Annual Plan 2023/2024 to the end of December 2023.

RECOMMENDATION

That Council notes the Annual Plan Progress Report 2023/2024 Quarter 2.

MOVED COUNCILLOR HENDERSON

That the recommendation be adopted

SECONDED COUNCILLOR ANNEAR

CARRIED.

Context

The Annual Plan outlines the actions for 2023/2024 that will be implemented as priorities from the Council Plan 2021-2025. The quarterly progress report is prepared to inform Councillors and the community on progress against agreed actions.

Issues

The quarterly report will provide an update on:

- The status of each project
- Its progress towards completion
- If completed, the date completed, which can be compared to the target completion date
- An overall comment

Included in the 2023/2024 Annual Plan are 20 current year actions and ten prior year actions.

Finance and Resource Implications

Projects and initiatives contained in the Annual Plan are fully funded in the 2023/2024 budget. Many projects are contained within the capital works program or funded as a one-off initiative. Several programs are also funded from an annual operating budget.

Risk Analysis

Financial Risk:

Managing financial risk for the Annual Plan commences by allocating specific or operational funds to resource the delivery of Annual Plan actions. This quarterly report provides information to readers on Council's performance in its achievement of Annual Plan actions.

Climate Impact Statement

In preparing the Annual Plan, Council can choose to allocate funds to address the impacts of climate change directly or indirectly. In this report, where an Annual Plan action specifically addresses the impacts of climate change, a progress comment has been provided for information.

Alternate Options

There is no legislative requirement for Annual Plan reporting to be undertaken on a quarterly basis, however, in the interests of transparency, regular reporting of such information to our community is good practice.

Communication and Consultation

Some of the individual projects within the Annual Plan involve community consultation or consultation with relevant stakeholders.

Inform:

We will keep our community informed.

Legislation

Local Government Act 2020

Council has adopted a Council Plan for 2021-2025 in accordance with section 90 of the *Local Government Act 2020* (the Act), together with a budget for 2023/2024, in accordance with section 94 of the Act.

The Council Plan sets out the aspirations of Council and the strategies and objectives to achieve Council's vision for Mount Alexander Shire: Working together for a healthy, connected shire. The budget allocates resources to the activities and services that Councillors have identified as important to achieve Council's vision.

The Annual Plan is prepared each year and progress in delivering projects is reported to Councillors and the community each quarter and in the Annual Report in accordance with the Act. The Plan is structured around the pillars included in the Council Plan:

- Our Principles – how we will work
- Our Pillars – what we want to achieve
- Our Objectives – to help us get there

Strategies and Policy Impacts

Council Plan 2021-2025

Attached is a summary as of 31 December 2023 of actions included in the third year of the Council Plan 2021-2025.

Declarations of Conflict of Interest

Under section 130 of the *Local Government Act 2020*, Officers providing advice to Council must disclose any interests, including the type of interest.

No conflicts of interest

The Officers involved in reviewing this report, having made enquiries with the relevant members of staff, report that there are no conflicts of interest to be disclosed.

10. DELEGATES REPORTS

Meetings attended by CEO and Mayor from 21 February 2024 to 19 March 2024.

MEETING	CEO	MAYOR
Meeting with Chief Executive Officer and Head of Development, Haven, Home Safe to discuss affordable housing project in Templeton Street, Castlemaine (Clare Richards, Housing Solutions Broker also in attendance)	✓	
Opened Norwood Hill Recreation Reserve Youth Space with Maree Edwards MP (Cr Henderson also in attendance)	✓	✓
Gold Central Vic radio interview	✓	
Attended Loddon Campaspe Councils CEOs meeting	✓	
MAINfm radio interview		✓
Meeting with Castlemaine Bowling Club representatives to discuss future plans for this facility (Cr McClure also in attendance).	✓	
Meeting with CEO, Dhelkaya Health and CEO, Bendigo Kangan Institute to discuss matters of common interest for Mount Alexander Shire	✓	
Gold Central Vic radio interview	✓	
Attended Rural Councils Victoria event at Parliament House, Melbourne	✓	✓
Meeting with owner and manager of a commercial development in Maldon to discuss proposed project (Merryn Tinkler, Manager Economy and Culture also in attendance)	✓	
Launched 33 rd Harcourt Applefest (Cr Cordy and Cr McClure also in attendance)	✓	✓
Attended Taradale Mineral Springs Festival (Cr Henderson also in attendance)	✓	
Gold Central Vic radio interview	✓	
Attended Loddon Campaspe Councils CEOs meeting	✓	
Meeting with Strategic Projects Officer and Consultant to Heritage Victoria for briefing on the Victorian Goldfields World Heritage Project (Michael Annear, Director Infrastructure and Development; Merryn Tinkler, Manager Economy and Culture also in attendance)	✓	
Gold Central Vic radio interview	✓	
Chaired Economic Development Strategy project control group meeting		✓
ABC Radio interview (Big Tree at Guildford)		✓

MEETING	CEO	MAYOR
Listening post at Rural Transaction Centre, Newstead		✓
Meeting with Castlemaine Circus		✓
Attended opening of Castlemaine Art Museum's Wildflowers and Terrace Projection (Michael Wolfe)		✓
Attended Chewton Pool Swimming Achievement Awards		✓
Marched at ChillOut, Daylesford		✓
Meeting with stakeholder regarding potential development opportunity in Mount Alexander Shire		✓
Attended Newstead Community Market		✓

The Chief Executive Officer (CEO) spoke of attending the Rural Councils Victoria event at Parliament House with Mayor Driscoll and noted the large attendance and the words of appreciation for Local Government Associations (LGAs). It is hoped for subsequent support from the State Government.

The CEO also noted a meeting with the Strategic Projects Officer and Consultant to Heritage Victoria for a briefing on the Victorian Goldfields World Heritage Project. He noted that Council would be part of the bid being put forward to UNESCO world heritage bid. He responded to a question from Councillor Annear advising that the bid could potentially involved on private and public land and this involves a strong process of negotiation.

The CEO also advised how much he enjoyed the Taradale Mineral Springs Festival.

Mayor Driscoll spoke of opening the updated space at the Norwood Hill Recreation Reserve and noted what a great space it is.

He spoke of his MAIN FM interview. The Mayor advised that he launched 33rd Harcourt Applefest and congratulated the Committee on the success of the event.

The Mayor noted other events he attended and also spoke of marching under Council's banner at the ChillOut Festival at Daylesford and noted that there was approximately 20,000 people in attendance. He stated he hoped that Council's participation would continue in the future.

Councillor Annear spoke of the Council event held for International Women's Day. She advised that she felt very special at being invited to be a speaker that included representatives from Loddon Mallee Regional Health and Council Officers. She also noted that LGAs have almost 50 per cent parity of women as Councillors.

11. NOTICES OF MOTION

Nil.

12. URGENT SPECIAL BUSINESS

Nil.

13. CONFIDENTIAL ITEMS

These reports are confidential in accordance with section 66(2)(a) of the *Local Government Act 2020*, which permits the meeting to be closed to consider confidential information.

RECOMMENDATION

That Council closes the Ordinary Meeting of Council 19 March 2024, in accordance with Section 66 (2)(a) of the *Local Government Act 2020*, in order to consider confidential information, as it contains as defined in the Local Government Act under Section 3, Definitions – Confidential Information:

- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.**
- (g) Private commercial information, being information provided by a business, commercial or financial undertaking that—**
 - i. relates to trade secrets; or**
 - ii. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.**

MOVED COUNCILLOR MALTBY

That the recommendation be adopted

SECONDED COUNCILLOR CORDY

CARRIED.

This part of the meeting closed at 7.52 pm.

14. MEETING CLOSE

Meeting closed at 8.02 pm.