

Planning Assessment Officer Report

Porcupine Village
PA2403444
8 Allans Road, Maldon



Planning Assessment Officer Report
Development Assessment



VICTORIA
State
Government

Department
of Transport
and Planning

OFFICIAL

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Executive Summary



Key Information	Details																																											
Application No:	PA2403444																																											
Received:	19 December 2024																																											
Statutory Days:	19																																											
Applicant:	Porcupine Village Pty Ltd c/- Planning & Property Partners Pty Ltd																																											
Planning Scheme:	Mount Alexander																																											
Land Address:	8 Allans Road, Maldon (Lot 1 on Title Plan 131208F and Crown Allotment 18F, Section F, Parish of Maldon)																																											
Proposal:	Use and development of the land for the purposes of a place of assembly (including function centre, museum), restaurant, motel and caretaker's dwelling, construct buildings and carry out works, removal of vegetation (including native vegetation), reduce the car parking requirement, construction and display of business identification signage, sale and consumption of liquor and alteration of access to a Transport Zone 2.																																											
Development Value:	\$ 1.9 m																																											
Why is the Minister responsible?	<p>In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible authority for use of development to which Clause 53.22 applies.</p> <p>This application is eligible under Category 2, Clause 53.22 as the proposal incorporates a place of assembly and food and drink premises land uses listed in Table 2 and is partly funded by the State of Victoria, through a tourism grant agreement with Department of Jobs, Services, Industry and Resources.</p>																																											
Why is a permit required?	<table><tr><th>Clause</th><th>Control</th><th>Trigger</th></tr><tr><td rowspan="4">Zone:</td><td>Clause 35.07</td><td>Farming Zone</td><td>Use of the land for a place of assembly (including function centre and museum), restaurant, motel and dwelling.</td></tr><tr><td>Clause 35.07</td><td>Farming Zone</td><td>Construct a building and carry out works associated with Section 2 land uses.</td></tr><tr><td></td><td></td><td>Construct a building within 100 metres of a Transport Zone 2.</td></tr><tr><td></td><td></td><td>Construct or carry out earthworks which change the rate of flow or the discharge point of water across a property boundary.</td></tr><tr><td rowspan="2">Overlays:</td><td>Clause 42.03</td><td>Significant Landscape Overlay, Schedule 1 and 3</td><td>Construct a building and carry out works.</td></tr><tr><td></td><td></td><td>Remove, destroy or lop vegetation (trees with diameter of 40cm or more at a height of 1.3 metres above ground level).</td></tr><tr><td></td><td>Clause 44.06</td><td>Bushfire Management Overlay</td><td>Buildings and works associated with accommodation and place of assembly uses.</td></tr><tr><td rowspan="5">Particular Provisions:</td><td>Clause 52.05</td><td>Signs</td><td>Construct and display business identification signage.</td></tr><tr><td>Clause 52.06</td><td>Car Parking</td><td>Reduction to the car parking requirements</td></tr><tr><td>Clause 52.17</td><td>Native Vegetation</td><td>Remove, destroy or lop native vegetation.</td></tr><tr><td>Clause 52.27</td><td>Licensed Premises</td><td>Use land to sell or consume liquor.</td></tr><tr><td>Clause 52.29</td><td>Land Adjacent to the</td><td>Alter access to a Transport Zone 2.</td></tr></table>	Clause	Control	Trigger	Zone:	Clause 35.07	Farming Zone	Use of the land for a place of assembly (including function centre and museum), restaurant, motel and dwelling.	Clause 35.07	Farming Zone	Construct a building and carry out works associated with Section 2 land uses.			Construct a building within 100 metres of a Transport Zone 2.			Construct or carry out earthworks which change the rate of flow or the discharge point of water across a property boundary.	Overlays:	Clause 42.03	Significant Landscape Overlay, Schedule 1 and 3	Construct a building and carry out works.			Remove, destroy or lop vegetation (trees with diameter of 40cm or more at a height of 1.3 metres above ground level).		Clause 44.06	Bushfire Management Overlay	Buildings and works associated with accommodation and place of assembly uses.	Particular Provisions:	Clause 52.05	Signs	Construct and display business identification signage.	Clause 52.06	Car Parking	Reduction to the car parking requirements	Clause 52.17	Native Vegetation	Remove, destroy or lop native vegetation.	Clause 52.27	Licensed Premises	Use land to sell or consume liquor.	Clause 52.29	Land Adjacent to the	Alter access to a Transport Zone 2.
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Principal Road Network

Cultural Heritage:	CHMP approved 22 December 2021			
Land Uses:	Dwellings	Office	Retail	Other
	Caretaker's dwelling (1)	0	Restaurant	Motel, Place of Assembly, Function Centre, ancillary Museum and Hotel.
Parking:	Cars	Motorcycles	Bicycles	
	139	0	9 (required by permit condition)	
Referral Authorities:	CFA (S55 – Determining) DEECA (S55 – Recommending) Head, Transport for Victoria – (S55 – Determining) Coliban Water – (S55 – Determining) Goulburn Murrumbidgee Water (S55 – Determining) Mount Alexander Council (S52 – Notice)			
Public Notice:	Notice of the application was undertaken by the applicant at the direction of the Minister for Planning. Nine objections have been received.			
Delegates List:	Approval to determine under delegation received on 25 June 2025			



Application Process

1. Planning permit PA290/2021 was issued by Mount Alexander Shire Council on 17 December 2021, allowing use of the land for a restaurant/ café and hotel and the associated use of the land for the sale and consumption of liquor. This permit allows for the operation of the existing 'Golden Nugget' restaurant and historic hotel building on the land, associated with the historical village. At the timing of writing, this permit remains valid.
2. Planning permit PA045/2022 was lodged with Mount Alexander Shire Council in 2022 but was later withdrawn. This application was generally consistent with the current proposal.

Aboriginal Cultural Heritage

3. The majority of the subject site is included in an area of Aboriginal Cultural Heritage. The proponent has engaged with the Dja Dja Wurrung, the relevant Registered Aboriginal Party, prior to lodgement of this application.
4. A Cultural Heritage Management Plan (CHMP) was approved on 22 December 2021.
5. No Aboriginal cultural heritage or potential areas of cultural heritage sensitivity were identified within the activity area, based on a survey coverage of 95% of the site. The CHMP identified ground disturbance across large portions of the site, through dam and historic building construction, historic mining activities, wastewater effluent fields, compacted gravel and rubbish piles (Figure 1). The heavy ground surface disturbance caused by these activities have removed any cultural sensitivity associated with the Porcupine Creek within the survey area and a complex assessment was determined to be unnecessary.
6. It is noted the CHMP was prepared based on a previous version of the proposal, which included additional accommodation such as glamping tents, converted shipping containers and caravan park. The revised proposal currently being considered includes development of prefabricated cabins in the northeast of the main lot. The overall accommodation capacity and development area is reduced compared with the previous proposal.
7. A memo prepared by the author of the CHMP, Archaeological Excavations consultants, dated 22 May 2024, was submitted to support the application. This memo concludes an amendment to the CHMP is not required based on the design changes, given the updated works remain within the delineated activity extent previously identified. The wording of the report provides some flexibility for changes, describing the proposal as *'works to existing infrastructure, creation of permanent structures and various portable to semi-portable structures.'* On the basis the amended development is within the same area and remains generally consistent with the works assessed, no further changes to the CHMP were required.



Figure 1 Extent of ground surface disturbance and associated activity – CHMP



8. The key milestones in the application process were as follows:

Development Facilitation Program: Pre-application	
Department of Jobs, Skills, Industry and Regions (DJSIR) Grant Agreement signed	14 June 2022
Pre-application DFP application received	2 February 2024
DFP Eligibility letter issued (Clause 53.22 – Category 2 pathway)	25 November 2024

Milestone	Date
Application lodgement	8 January 2025
Further information requested	4 February 2025
Further information received	7 April 2025 (<i>unsatisfactory</i>) 16 May 2025 (<i>unsatisfactory</i>) 23 May 2025
Decision Plans	Plans prepared by Dale Grant Building Design & Documentation, titled ‘Porcupine Village’ and dated 23 May 2025.
Other Assessment Documents	<ul style="list-style-type: none">• Red Line Plans prepared by Dale Grant Building Design & Documentation and dated 11 December 2024 and Paul Evans Registered Architect dated 13 October 2021.• Materials and finishes schedule prepared by Dale Grant Building Design & Documentation Architects, dated 7 April 2025.• Arboricultural Impact Assessment, prepared by Tree Department, Version 1.2 dated 6 March 2025.• Flora and Fauna Assessment prepared by Nature Advisory and dated November 2024.• Waste Management Plan prepared by One Mile Grid, and dated 7 April 2025.• Transport Impact Assessment prepared by One Mile Grid, dated 28 June 2024.• Drainage Management Report prepared by Kevin Wiseman Consulting Civil Engineer, Revision 5, dated 18 April 2025.• Bushfire Planning Report prepared by Living Rural Bushfire & Native Vegetation Assessments and dated 26 April 2024.• Bushfire Management Plan prepared by Living Rural Bushfire & Native Vegetation Assessments, Revision 5 and dated 26 April 2024.• Bushfire Emergency Plan prepared by Living Rural Bushfire & Native Vegetation Assessments, dated 26 April 2024.• Environmental Noise Assessment prepared by Audiometric and Acoustic Services and dated 22 May 2025.• Landscape Masterplan prepared by CDA Design Group and dated 3 May 2025.

9. The subject of this report is the decision plans (as described above).

Proposal Summary

10. The proposal can be summarised as follows:

Key Information	Details
Proposal:	Use and development of the land for the purposes of a place of assembly (including function centre, museum), restaurant, motel and caretaker's dwelling, construct buildings and carry out works, removal of

vegetation (including native vegetation), reduce the car parking requirement, construction and display of business identification signage, sale and consumption of liquor and alteration of access to a Transport Zone 2.

Total Site Area:	5.87 ha (approx. combined area)
Height:	Various building heights, maximum height proposed 9.8 metres (museum)
Setbacks:	Northwest boundary – 11 metres (minimum setback) Southeast boundary – 10.4 metres (minimum setback) Northeast boundary – 25.35 metres (minimum setback) Southwest boundary - 21.61 metres (minimum setback)
Land Uses:	Place of assembly (function centre, museum, 'historic village' and ancillary uses) Restaurant Motel Dwelling (caretakers house)
Car Parking:	139 spaces
Bicycle Parking:	9 spaces (required by permit condition)
Motorcycle Parking:	N/A
Total Parking:	140 car parking spaces
Loading and Waste arrangements:	Waste storage in dedicated storage area, adjoining proposed workshop/ machinery shed. Waste collection and loading occur adjoining storage area, accessible via Allans Road.

Site history

11. The site was established as 'Porcupine Village' in 1993, when the land was developed with motel buildings, the historic village and a caretaker's dwelling. No evidence of planning consent for these initial works has been provided. The operation of the village and motel ceased in 2005, with the dwelling land use continuing to operate.
12. The site was purchased by the current proponent in 2020, who sought to expand and recommence the accommodation and place of assembly land uses. The proponent constructed a function marquee, wildlife enclosure, carparking areas, removed tracts of vegetation (including native vegetation) and carried out various earthworks on the land, without planning consent. This application seeks retrospective approval for these works, as well as development and works which occurred on the land when the village was originally established.
13. Various additional works and development of the land are now also proposed, including construction of additional buildings and carparking areas, earthworks, signage and removal of vegetation, together with the uses proposed.

Proposal

14. The proposal incorporates several key land uses, broadly described as:
 - Place of assembly including function centre, museum, historic village, and ancillary tourist activities including wildlife park and petting zoo.
 - Food and drink service including restaurant, ancillary take away food van and ancillary hotel (bar).
 - Motel, including motel rooms and prefabricated cabins.
 - Caretaker's dwelling.
15. Various buildings and works are proposed as part of the proposal, ranging from construction of new buildings, vehicle access and carparking areas, construction and display of business identification signage, utilities and servicing connections and earthworks.
16. The proposal includes the sale and consumption of liquor within the restaurant, hotel and function centre spaces.

17. Consent is also sought for removal of vegetation on the land, including native vegetation.
18. A detailed description of the various components of the proposed is provided below.

Place of Assembly

Function Centre

19. Use of the land for a function centre is sought as part of this application. The centre will accommodate events, including weddings, with a maximum capacity of 250 patrons. Operating hours of 12 noon to 11pm on Friday, Saturday and public holidays and 12 noon – 10pm on Sunday are proposed.
20. Retrospective consent is sought for development of a function marquee in the southwest of the main lot. This marquee was constructed in 2022 without a planning permit. The structure has a width of 20 metres, length of 25 metres and maximum height of 7.2 metres. The marquee is setback approximately 39.7 metres from the southeastern site boundary (Bendigo-Maldon Road frontage) and 57.7 metres from the northwestern boundary (Allans Road frontage).
21. The marquee is constructed on a concrete slab, with white plastic PVC walls and roof. Internally the space includes a bar, food preparation area and storage space. An associated amenities building and staff lunchroom is proposed to the north of the marquee, servicing patron and staff requirements. There is an existing corrugated iron fence which surrounds the marquee to the east, west and south. This fence is proposed to be upgraded with 16mm thick treated pine palings to act as an acoustic fence.
22. A service access to the marquee is provided along the northern wall, via the food preparation area. Access for patrons is proposed via the western door into an open landscaped area. This space is intended to be used for wedding ceremonies and other similar outdoor events associated with the marquee. An airlock is proposed to be constructed adjoining the entrance.

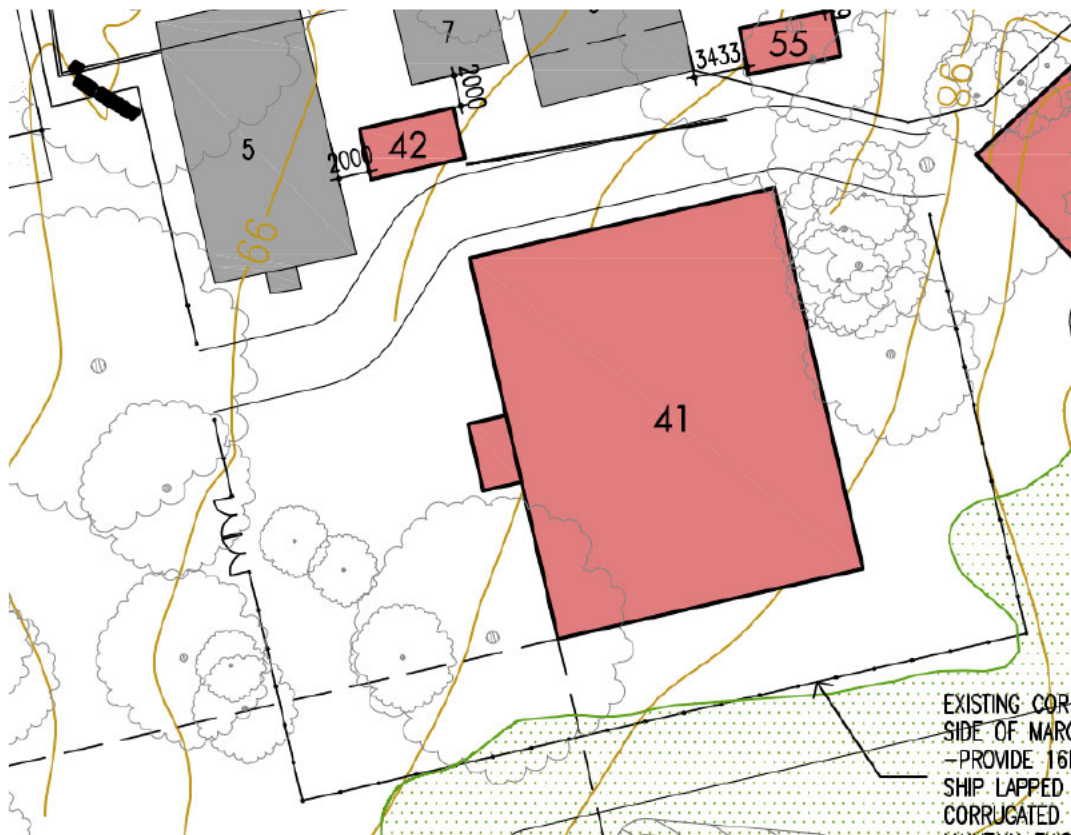


Figure 2 Site Plan - function marquee, associated patron/ staff amenities building site plan and fencing

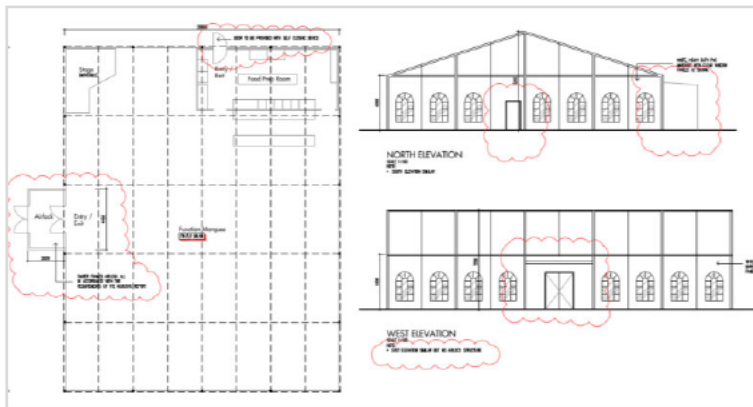


Figure 3 Function marquee floor and elevation plans

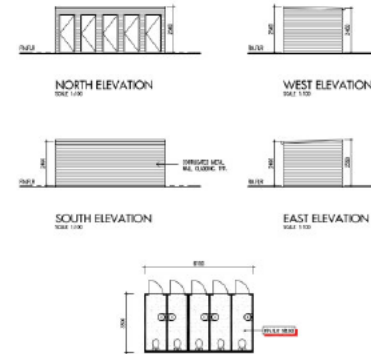


Figure 4 Marquee amenities floor and elevation plans



Figure 5 Function marquee northern entrance



Figure 6 Function marquee western wall and adjoining courtyard

Historic Village

23. The existing historic village consists of 32 distinct timber buildings/structures, central to the main lot. The village was constructed on the land in 1993 when 'Porcupine Village' was originally established, before closing to the public in 2005.
24. The historic village is designed to replicate a 1850s gold mining village typical to the Victorian goldfields and Maldon region. Each building is arranged to form a village 'main street', with various historical land uses common for the time including a bathhouse, hotel (bar), funeral parlour, school, blacksmith, post office, doctors' surgery, dressmaker, mining supplies store, police station, general store, butcher, bank and historic dwellings. Visitors will be able to enter each building, which is staged with furniture, machinery and collectables typical of the time period.
25. The village is supported by associated tourist activities including dressing in traditional costumes, gold panning within the existing pond, and bowling at the historic bowling alley.
26. The gift shop, petting zoo, wildlife sanctuary and hotel land uses are ancillary to the historic village experience and have not been considered as separate individual land uses.
27. A small ticket box is proposed at the entrance to the historic village, adjacent to the Allans Road carpark. The structure is proposed as a prefabricated container, measuring 3 metres wide and 6 metres long.



Figure 7 Various timber structures in historic village



Figure 8 Replica dwelling



Figure 9 Replica butcher shop



Figure 10 Replica bathhouse



Figure 11 Replica butcher store



Figure 12 Petting Zoo

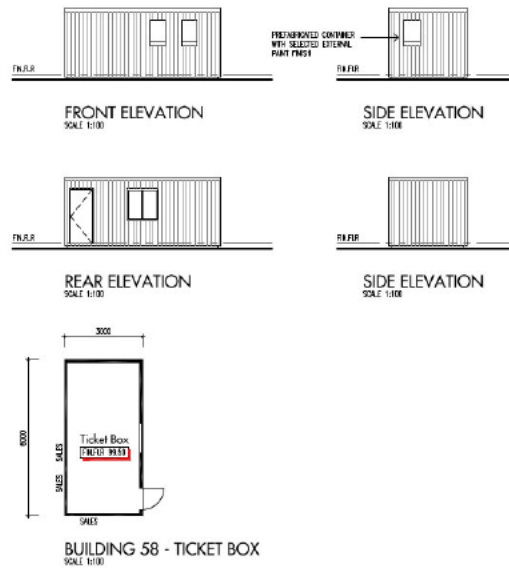


Figure 13 Proposed ticket box floor plan and elevations

Museum

28. A museum is also proposed, which will display various archival material associated gold rush period in the region. The museum materials are currently displayed in an existing building on the land and are intended to be relocated to the proposed museum building.
29. The museum to be constructed at the southeast of the site, northeast of the function marquee.
30. A new building is proposed with a width of 9.7 metres, length of 23 metres and maximum height of 9.84 metres, incorporating zincalume corrugated metal roof sheeting and timber wall cladding. The southern portion of the building is designed with a gable end roof, 4.7 metres high, while the northern portion is designed with larger wall height of 4.9 metres and hip roof.

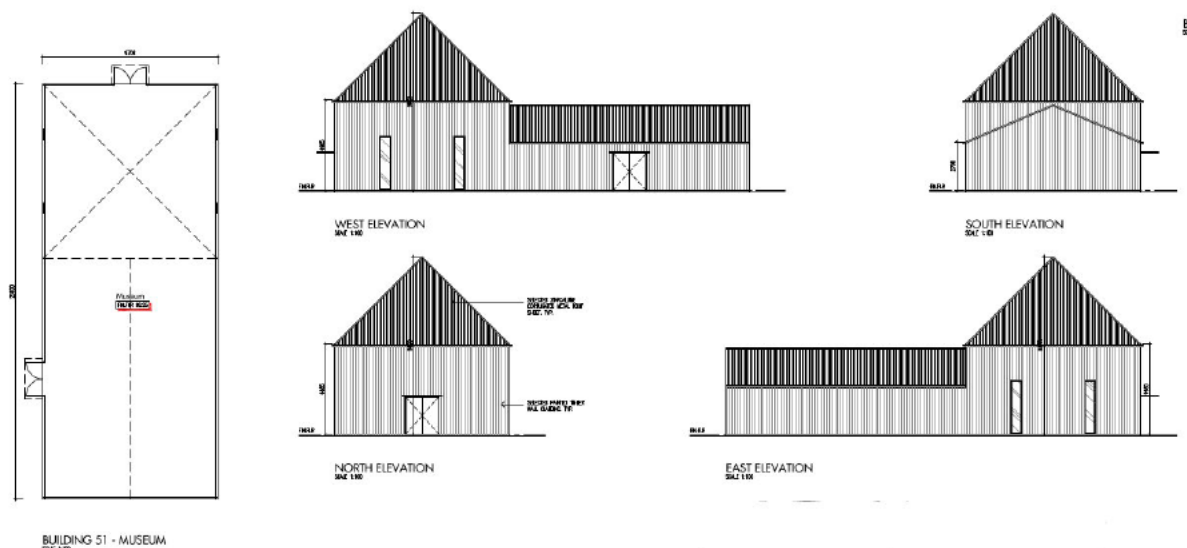


Figure 14 Museum floor plan and elevations

Wildlife Park

31. There is an existing wildlife park on the adjoining secondary lot to the northeast. This lot intersects the main parcel at a point approximately 110 metres northeast of Bendigo-Maldon Road. The triangular shaped lots separating the two parcels is vacant Crown land. The application notes permission to access the secondary lot via the Crown land parcel has been granted, however this consent has not been provided to DTP.
32. A wildlife exhibit has been constructed at the northwestern corner of the secondary lot, comprising of colorbond sheeting walls, glazing and shade sails. The enclosure covers an area of approximately 326sqm and is open to the sky other than the central roofed storage area. The enclosure houses smaller wildlife such as wombats and dingoes.
33. The remainder of the secondary lot is open for larger wildlife such as emus and kangaroos to roam across the site. Patrons enter the wildlife park through gated entrance at the southwest and can move freely within the park. No additional works or changes to the use of the lot is proposed beyond the existing conditions.

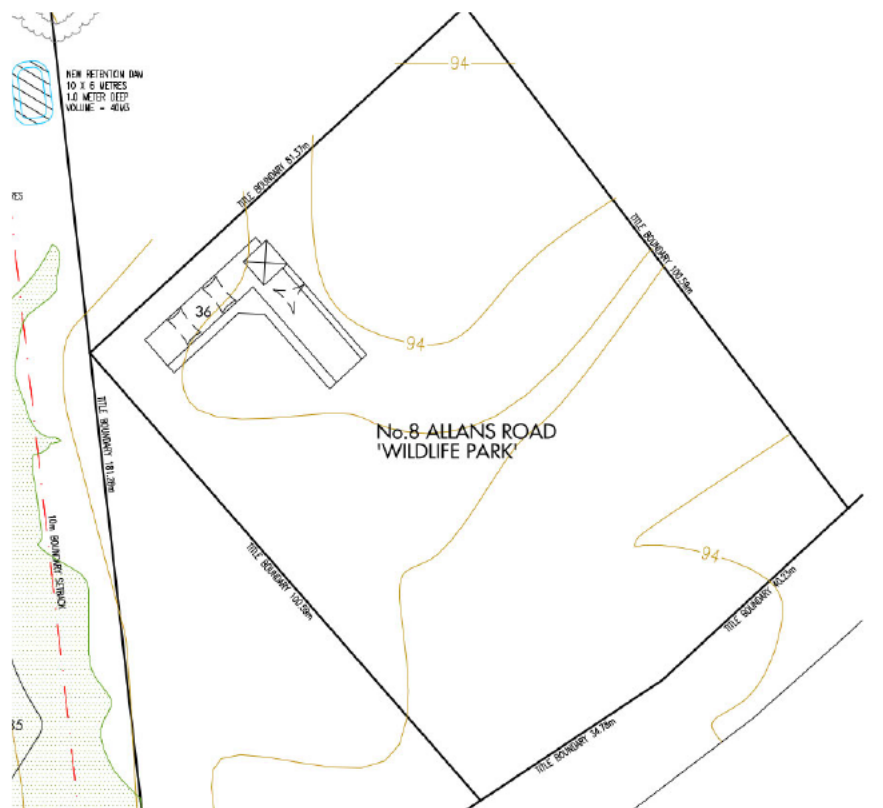


Figure 15 Secondary lot - existing wildlife park



Figure 16 Existing wildlife park



Figure 17 Existing wildlife enclosure at northwest of secondary lot

Food and drink

Restaurant

34. An existing restaurant building is located central to the site approximately, 60 metres from the Allans Road entrance. The restaurant building is single storey, with internal area of approximately 142sqm and an additional 177sqm partially covered courtyard at the rear. The courtyard includes small stage area, used for live music performances. The use is proposed to cater for a maximum of 100 patrons, operating from 12 noon – 10pm Friday – Sunday.
35. The sale of liquor for consumption within the restaurant is also proposed. The areas where the service of alcohol associated with the restaurant is shown in the below red line plan, including internal areas and rear courtyard.
36. The restaurant is currently operating under an existing council approval, known as the 'Golden Nugget'. An on-premises liquor licence has been granted, consistent with the council approval and the below red line plan.



Figure 18 Existing restaurant - floor plan

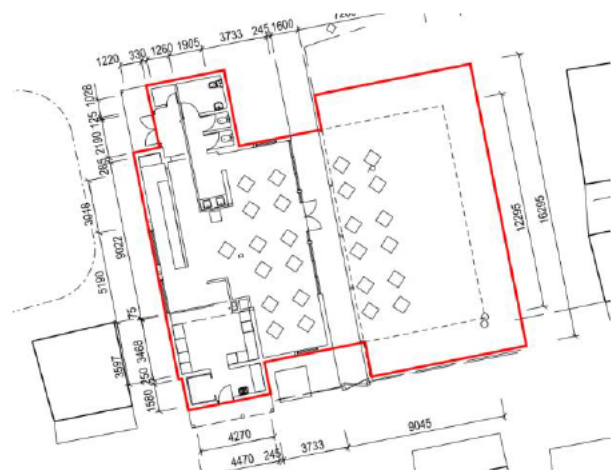


Figure 19 Red line plan - restaurant



Figure 20 Existing restaurant building - elevation plans



Figure 21 Existing restaurant - roofed outdoor area



Figure 22 Existing restaurant - rear courtyard

Ancillary food van

37. A double-sided food van is proposed within the historic village, approximately 18 metres east of the existing motel building. This van is to be moveable and is not intended as a permanent structure. The indicative van size is shown as 2.1 metres wide, 6.1 metres long and 2.6 metres high.
38. The van is proposed to provide informal food options for visitors to the village and function as an ancillary to the restaurant on-site. The food van will not service customers who are not visiting as a patron and is therefore not considered a standalone take-away food premises. The van will not serve alcohol, and there is no red-line plan associated with this area.

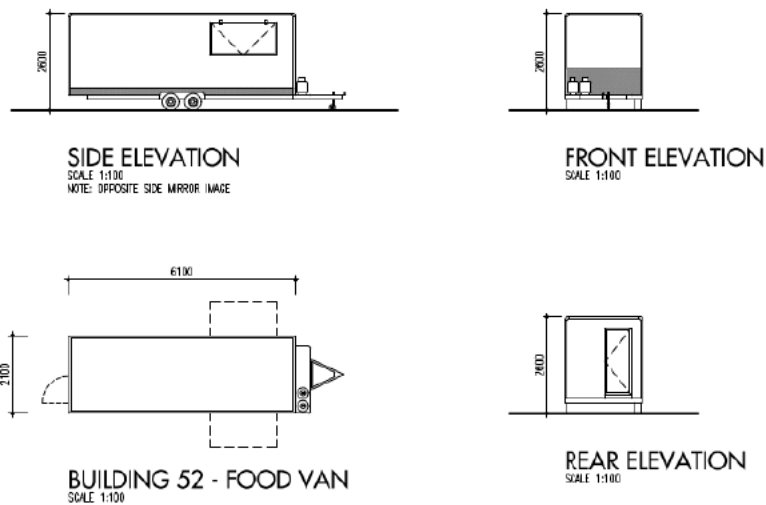


Figure 23 Proposed food van - plan and elevations

Hotel (bar ancillary to place of assembly)

39. There is a small hotel building which forms part of the historic village, proposed to be used as a bar. The hotel building is a narrow double storey timber structure, approximately 6.04 metres wide and 5.35 metres deep. The ground floor of the building is designed as a traditional bar, with maximum capacity for 5 patrons.
40. This land use is considered ancillary to the historic village (place of assembly) use and will be used by visitors to the village or guests of the motel only. Patrons of the bar will not visit the site specifically for this land use.
41. The sale of liquor for consumption within the hotel building is proposed. The areas where the service of alcohol associated with the restaurant is shown in the below red line plan, with a total area of 31.7sqm. The application does not specify separate / unique hours of operation for the hotel land use as it is considered ancillary to the proposed historic village.

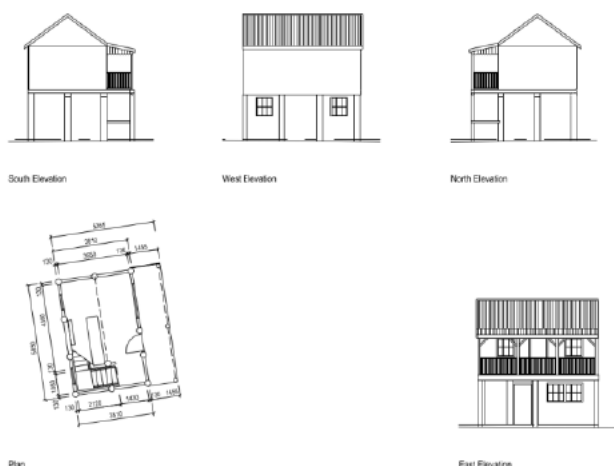


Figure 24 Floor and elevation plans - existing hotel building

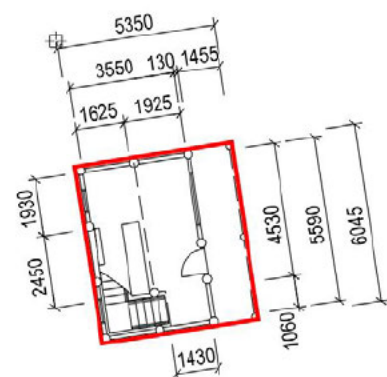


Figure 25 Proposed red line plan - Hotel building



Figure 26 Existing hotel building



Figure 27 Bar and seating area (maximum 5 patrons)

Accommodation

Motel

42. There are two existing motel buildings located central to the main site. These buildings are each approximately 177sqm, single-storey developments, with verandahs along the western elevation.
43. The two motel buildings incorporate a total of 8 motel rooms, being 5 double and 3 family rooms with an overall capacity for 22 guests.

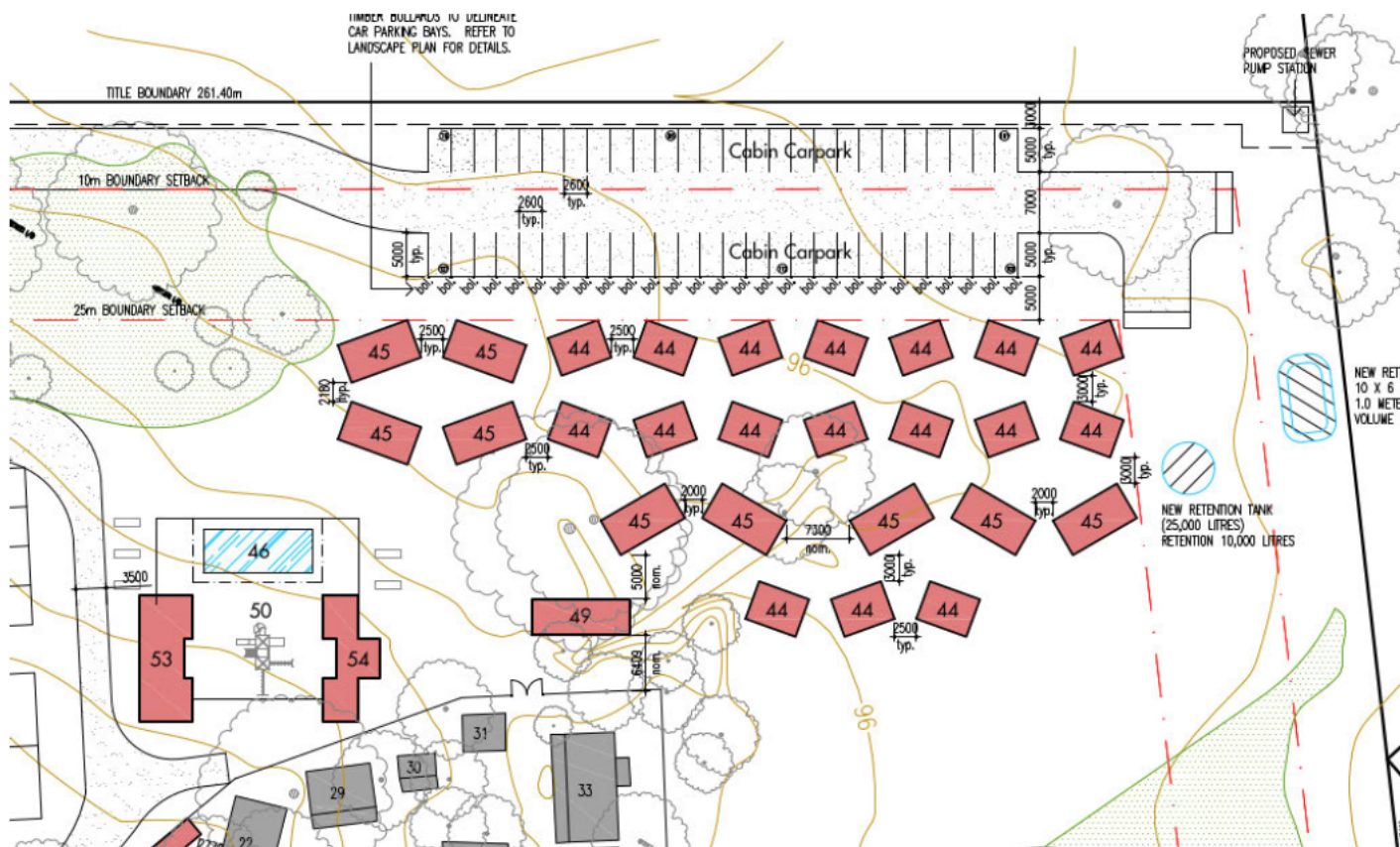


Figure 28 Motel buildings - site plan



Figure 29 Existing motel buildings as viewed from the east

44. The motel land use is proposed to be expanded through the development of 26 new cabins at the northwest of the site. This area of the site is currently largely cleared, with some area of fill, construction waste and machinery.
45. The prefabricated cabins are to include 15 double and 10 family cabins, resulting in a maximum capacity of 70 guests. One additional cabin structure is proposed to be constructed on the land for storage associated with accommodation uses.
46. The cabins are to be setback a minimum of 22 metres from the northern site boundary and 25.8 metres from the eastern site boundary. Each cabin is to include small ensuite and are to be connected to reticulated sewerage. The units are designed with skillion corrugated metal roof, colorbond metal cladding and proposed with a maximum height of 3.3 metres.
47. Carparking for the cabin accommodation will be provided in a separate area at the northeast of the site, including 52 spaces.
48. An amenities building is proposed at the southwest of the cabins, including new kitchen/ games room building, amenities block and laundry building. These buildings are both proposed with timber wall cladding and zincalume roofing.
49. Between these buildings (53 and 54), an outdoor dining area, playground and swimming pool are proposed.



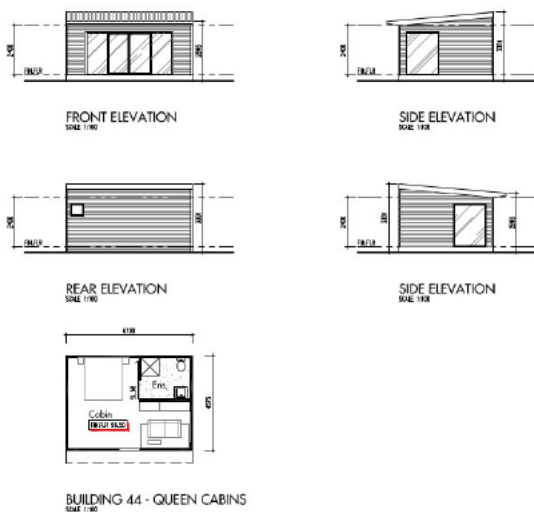


Figure 31 Double cabins - floor and elevation plans

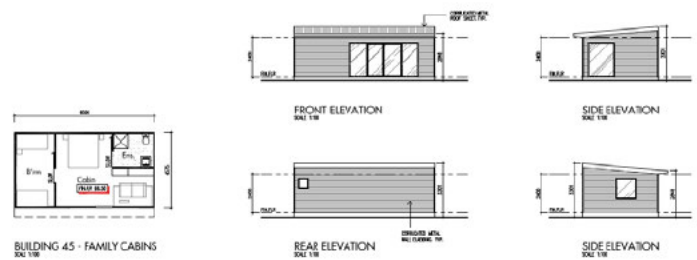


Figure 32 Family cabins - floor and elevation plans

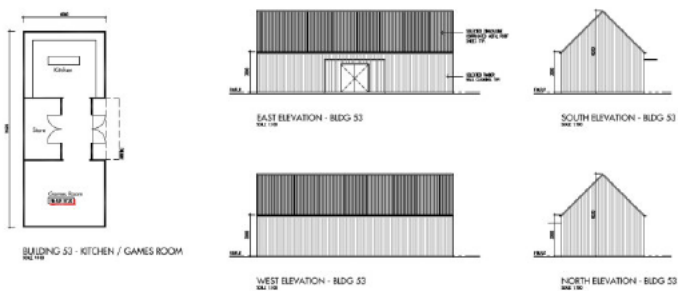


Figure 33 Guest kitchen and games room - floor and elevation plans



Figure 34 Guest amenities and laundry - floor and elevation plans

Caretaker's dwelling

50. There is an existing single storey dwelling adjacent to the Allans Road entrance to the site. This dwelling is occupied by the manager and caretaker of the village and is proposed to continue to be used as a caretaker's dwelling.
51. The application notes the dwelling has existed on the land since the site was established in 1993 and has been consistently occupied since that time. Evidence to support this continued occupancy has not been provided to demonstrate existing use rights and planning consent for the land use is sought as part of this application.
52. A new garage is proposed to be constructed at the southeast of the existing house, to function as carparking and storage associated with the dwelling.
53. The proposed garage has a width of 9 metres, length of 14 metres and total area of 126 sqm. The garage is design with gabled end roof, constructed with corrugated metal cladding and roof sheeting. The garage has a maximum height of 3.57 metres.

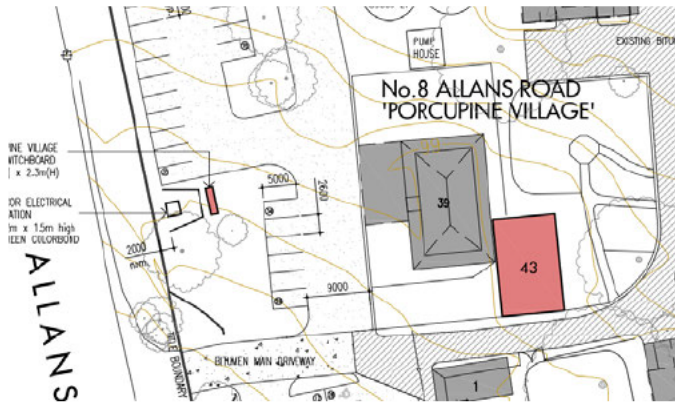


Figure 35 Existing dwelling and proposed garage – site plan



Figure 36 Proposed garage - floor and elevation plans

Associated buildings and works

Earthworks

54. There are various earthworks proposed across the site including the construction of retention dams, swale drains and a swimming pool.
55. There are four existing dams/ ponds on the site, for which planning consent was not previously sought:
 - Large dam adjoining the southeast site boundary along Bendigo-Maldon Road.
 - Shallow dam located central to the site, adjoining the historic village. This dam is constructed with a small boardwalk and is surrounded by replica miner's tents.
 - Shallow pond also located within the historic village, proposed to be used by village patrons for gold panning.
 - Retention pond measuring 15 metres by 6 metres, accommodating runoff from the function marquee.



Figure 37 Existing dam - Historic Village



Figure 38 Existing pond - Historic Village gold panning area

56. A new retention dam is proposed at the northeastern boundary of the site, adjoining the proposed cabins. A grassed swale drain along the northeastern boundary will direct flows into this dam, which will capture silt and suspended solids from the site. A new 25,000 litre retention tank is also proposed in this area of the site, to capture runoff from the cabins.

57. An in-ground swimming pool is proposed central to the site, adjoining the proposed cabins and cabins amenities buildings. The pool has a proposed length of 12.5 metres and width of 5 metres.
58. Various works are also proposed to accommodate additional carparking and movement of vehicles within the site.



Figure 39 Proposed drainage plan, including existing and proposed dams

Vehicle access, alteration to TRZ2 and carparking areas

59. The existing vehicle accessway from Allans Road is proposed to be reconstructed and sealed as bitumen driveway for a length of approximately 25 metres. Allans Road is classified as a Transport Zone 2 and the application seeks consent to alter the access to this road.
60. The existing carparking area at the southwest corner of the land is proposed to be formalised to provide 28 spaces and 3 bus parking spaces, with crushed rock laid throughout.
61. The carparking area is to be extended to the northwest along the Allans Road frontage. This area will provide an additional 47 spaces and provide accessway to the adjoining machinery shed and waste storage/ collection area, all also laid with crushed rock.
62. Vehicle access is provided through the site to the northeastern carparking area adjoining the proposed cabins. Guests will be directed to park in this area of the site, with an additional 52 spaces and turning area proposed at the northeast of corner of the site.
63. There are 10 carparking spaces associated with the existing motel buildings, located between the motel buildings and caretaker's dwelling. These spaces will be utilised by motel guests.
64. Two additional parking spaces will be provided within the proposed caretaker's dwelling garage building.
65. Overall, 139 car parking spaces and 3 bus spaces are proposed on the site, to service the site manager, all guests and patrons. Based on the statutory requirements at Clause 52.06-5, a reduction of 29 spaces is sought.

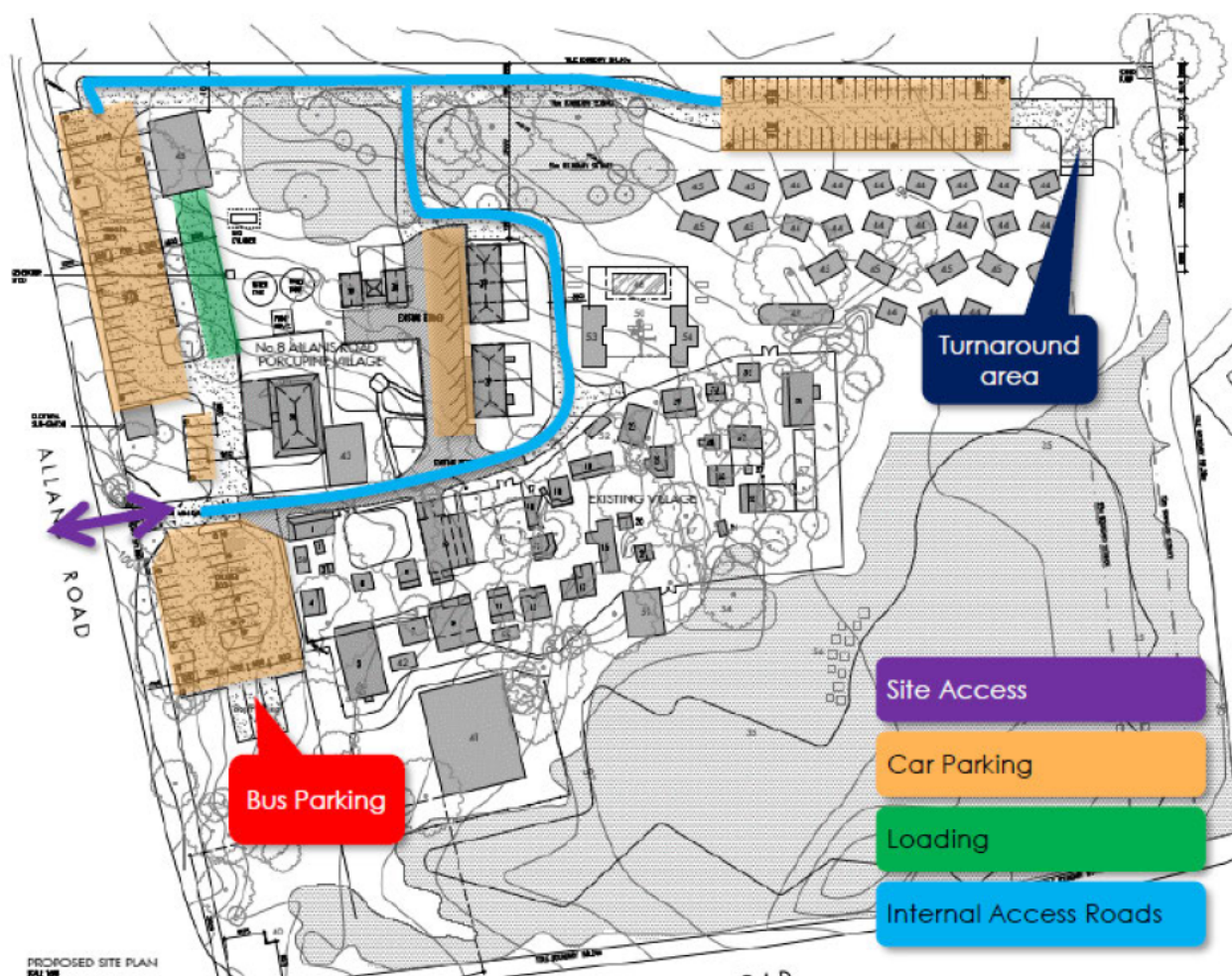


Figure 40 Proposed access, circulation and carparking

Ancillary maintenance buildings

66. A workshop is proposed at the northwest corner of the site. The shed is proposed to store machinery associated with the maintenance of the site.
67. The shed is proposed to be 12 metres wide, 18 metres long and have a maximum height of 5.36 metres. The shed is proposed with metal deck roof sheeting and wall cladding. A large roller shutter door is proposed on the southern elevation for loading and access.
68. A plant nursery/ greenhouse is proposed at the northeast of the site, adjoining the cabin area. This building is proposed to be used by staff for replanting and ongoing landscaping of the village site and will not include the sale of plants to visitors.
69. The proposed nursery has a width of 4.1 metres, length of 11.2 metres and maximum height of 2.7 metres. The greenhouse will be constructed with metal framed structure and translucent wall and roof cladding.

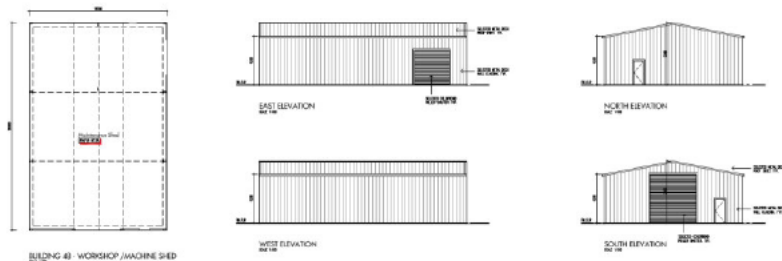


Figure 41 Proposed workshop - floor and elevation plans

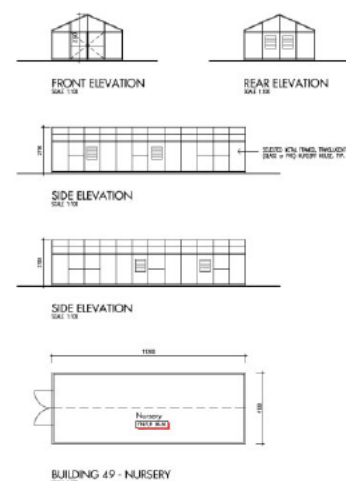


Figure 42 Nursery - floor and elevation plans

Staff amenities & Ticket box

70. A small staff amenities building is proposed to the northeast of the function marquee. The building is proposed as a converted shipping container, with maximum dimensions of 6 metres long and 3 metres wide.
71. Similarly, a converted shipping container is proposed to be located at the entrance to the historic village, adjoining the existing carparking area. This structure is to be used as a ticket box for patrons entering the village.

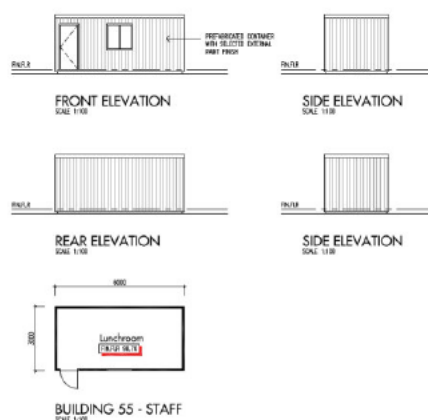


Figure 43 Proposed staff amenities building - floor and elevation plans

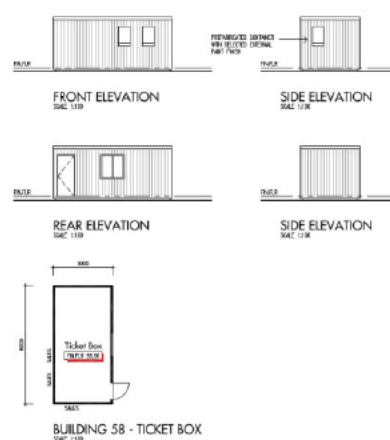


Figure 44 Proposed ticket box - floor and elevation plans

Servicing and utilities

72. An electrical substation has been constructed within the Allans Road frontage, adjoining the vehicle entrance to the site. The substation is constructed with mist-green colorbond and is separated by timber fencing from the main site. A new electrical switchboard is proposed to be constructed immediately behind the substation.
73. A new sewer pump station is proposed at the northeastern corner of the main lot. The pump station will direct wastewater through new pressure sewer main to run along the northern site boundary and connect to the existing Coliban Water Sewer Main at Reef Street. A 2.5 metre wide indicative easement is shown on the site plan to contain the new sewer main asset. Additional approvals will be required to be sought to formalise this easement on the property title and satisfy Coliban Water requirements.
74. Various servicing is proposed at the northwest of the site, adjacent to the machinery shed. The area is to include:

- Waste storage area approximately 30sqm, to be screened by colorbond fencing.
- Gas cylinder storage area.
- Two 89,000-litre water tanks for fire-fighting purposes and associated diesel pump.

Vegetation removal

75. The application seeks consent for removal of vegetation to facilitate the development expansion, internal site accessways and meet relevant bushfire separation requirements. The vegetation removal is largely proposed in the northern and eastern areas of the site. No development is proposed in the southeastern areas of the land and vegetation is to be protected and enhanced in this area.
76. Based on the submitted arboricultural assessment, a total of 165 trees are proposed for removal. The extent of vegetation to be removed is summarised below:
 - 77 trees are identified for removal to facilitate the extent of development proposed.
 - 88 trees are identified for removal to maintain canopy separation within defined bushfire defensible space and vegetation management zones.
77. Five trees are also identified to be pruned to ensure the 5-metre canopy separation required for bushfire management is achieved.
78. The total extent of native vegetation removal, including past and proposed removal, equates to 1.704 hectares, triggering an assessment of the proposed through the detailed assessment pathway.
79. Based on the submitted flora and fauna assessment, native vegetation proposed to be removed includes:
 - 1.622 hectares of native vegetation in patches, including 9 large trees within patches.
 - 3 scattered trees, equating to 0.082 hectares.
80. The extent of native vegetation proposed for removal includes approximately 0.653 hectares of vegetation mapped as Creekline Grassy Woodland, which is an endangered vegetation class (EVC68).
81. Approximately 0.712 hectares of native vegetation has been removed in the past, with retrospective consent now sought.



Figure 45 Extent of native vegetation removal

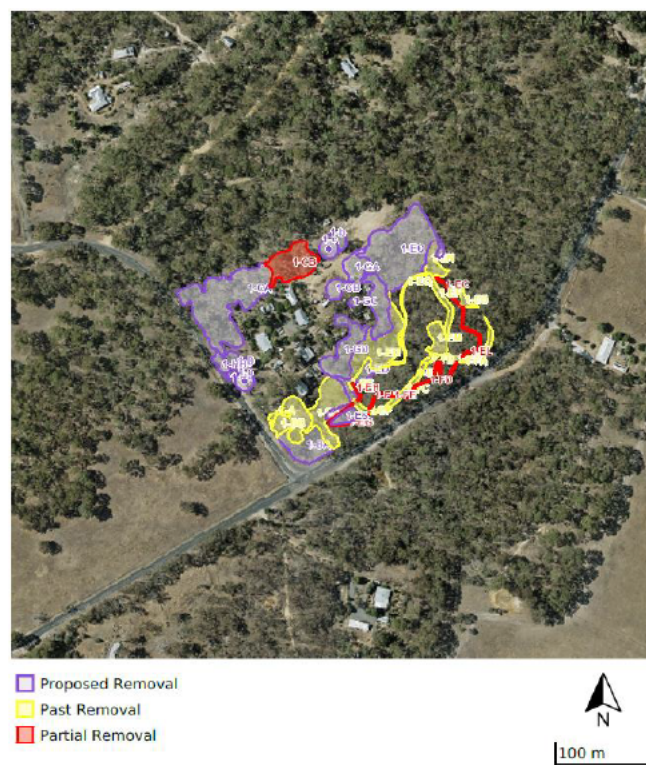


Figure 46 Mapped native vegetation, past and proposed removal

Business identification signage

82. A business identification sign is proposed to be constructed and displayed at the Allans Road frontage, approximately 8 metres southeast of the site entrance. The proposed sign is to be fixed sign board with a maximum height of 3.15 metres and display area of 2.89sqm. The sign is to be printed vinyl and is not illuminated.

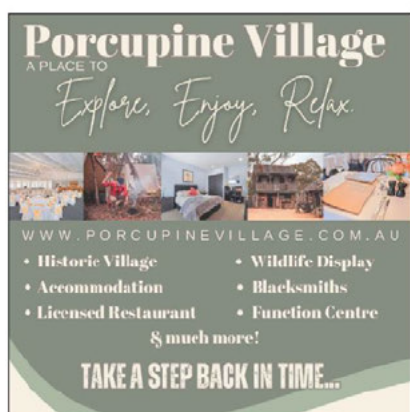


Figure 47 Proposed signage design

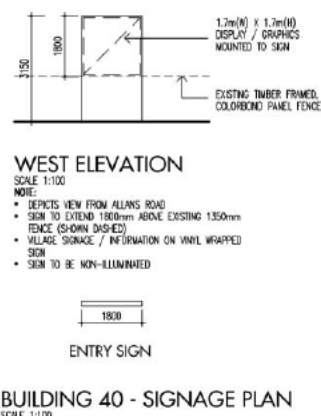
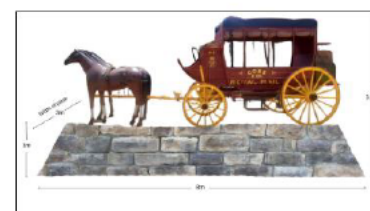


Figure 48 Signage board specifications

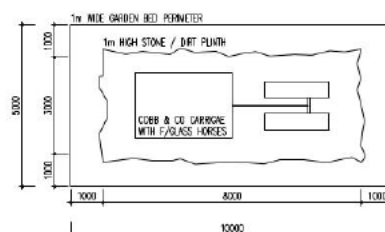
83. An additional horse & coach display is proposed to be constructed at the southeastern corner of the site, setback 14 metres from the intersection of Allans and Bendigo-Maldon Road.
84. This display includes replica coach and model horses, to be mounted on a stone platform. The display has an approximate width of 8 metres and height of 3.8 metres. This display does not explicitly identify the business to be operated on the land, however, does include traditional sign writing on the coach structure.



Figure 49 Display location – site plan



ELEVATION
N.T.S.
NOTES:
• COACH & CO' GATE GUARD WITH FIBROGLASS DRAUGHT HORSES; on
• 1200mm(H), 8000mm(L), 3000mm(W) MIDE DIRT PLINTH WITH
WITH STONE CLADDING
• BOUNDARY BY 1000mm(H) NATIVE GARDEN BED WITH 1200mm(H)
BLACK POOL TYPE FENCING



BUILDING 59 - COACH & HORSE DISPLAY
SCALE 1:100

Figure 50 Horse and coach display plan



Site Description

85. The site consistent of two parcels:

- Lot 1 on Title Plan 131208F (Main lot – Porcupine Village)
- Crown Allotment 18F, Section F, Parish of Maldon (Secondary lot – Wildlife Park)

These parcels are both addressed as 8 Allans Road, Maldon and form the subject of this assessment. The two parcels adjoin at a point approximately 103 metres northwest of Bendigo-Allans Road but are otherwise bounded by vacant Crown land.

86. The entire site is included in the Farming Zone and is affected by the Significant Landscape Overlay (Schedules 1 and 3) and the Bushfire Management Overlay.



Figure 51 Aerial image of subject site and immediate surrounds – 8 Allans Road, Maldon



Figure 52 Zoning plan - subject site and surrounds

Main lot – Porcupine Village

87. The main lot is located on the eastern side of Allans Road at the intersection of Allans Road and Bendigo-Maldon Roads. The site is an irregular shaped parcel with street frontages of 221.9 metres to Allans Road and 240.4 metres to Bendigo-Maldon Road. The parcel has a total area of 5.099 hectares.
88. This lot is currently occupied by the various buildings associated with the Porcupine Village development, including historic village, restaurant, motel, function marquee, caretaker's dwelling and ancillary services and carparking areas. The development is generally concentrated in the western and northern areas of the site. The remaining areas are generally undeveloped and characterised by Ironbark Forest as well as mounds and diggings from historic mining activities.
89. Access to the site is provided Allans Road, via gravel crossover central to the western frontage.
90. The site is not affected by any title restrictions, reserves or covenants.



Figure 53 Main lot as viewed from Allans Road frontage



Figure 54 Main lot as viewed from intersection of Allans and Bendigo-Maldon Roads

Secondary lot – Wildlife Park

91. The secondary lot is located to the east of the main parcel, with a frontage of 75 metres to Bendigo-Maldon Road. This lot has a total area of approximately 0.77 hectares.
92. The parcel is currently used as a wildlife park, ancillary to Porcupine Village. A small L-shaped building with open air enclosures for smaller animals is located at the western area of the parcel. The remainder of the lot is reserved as an open wildlife enclosure for larger animals including kangaroos and emus. This area is heavily vegetated and largely undeveloped aside from boundary and some internal fencing.
93. Informal pedestrian access to this parcel is provided via the main Porcupine Village site, across the Crown land lot. There is no formal vehicle access is provided to the secondary lot.
94. The secondary parcel is not affected by any title restrictions, reserves or covenants.
95. A Crown Grant Reservation is applied to the site, providing rights to sink wells for water, access the land for pipeline works and access the land to search for and mine the land for gold and other minerals. The proposed use and development of this parcel do not contradict the crown reservation which is considered inconsequential for the purpose of this assessment.



Figure 55 Secondary lot as viewed from Bendigo-Maldon Road frontage

Site Surrounds

96. The site surrounds consist of various rural land uses including small farming parcels, vegetated public conservation reserves and public recreation land associated with the Maldon Racecourse.
97. The main township of Maldon is approximately 2.7 kilometres southwest of the subject site. Residential land at the eastern periphery of the township is approximately 350 metres northeast of the site.
98. Development surrounding the site can be described as follows:
 - To the **north** of the site: Various small farming-zoned parcels, some developed with dwellings and conservation land. A narrow gravel road referred to as Porcupine Lane runs northeast from Allans Road, providing access these parcels.
 - To the **south** of the site: Bendigo-Maldon Road (Transport Zone 2) and farming land beyond, including farming dwellings, dams and grazed paddocks. The Maldon-Castlemaine railway line runs east-west, approximately 400 metres south of the site.
 - To the **east** of the site: Large public conservation parcels and Maldon Racecourse Reserve beyond.
 - To the **west** of the site: Allans Road (Transport Zone 2) and large farming and conservation land parcels beyond. Low density residential development is located south of the railways line, approximately 580 metres west of the subject site.

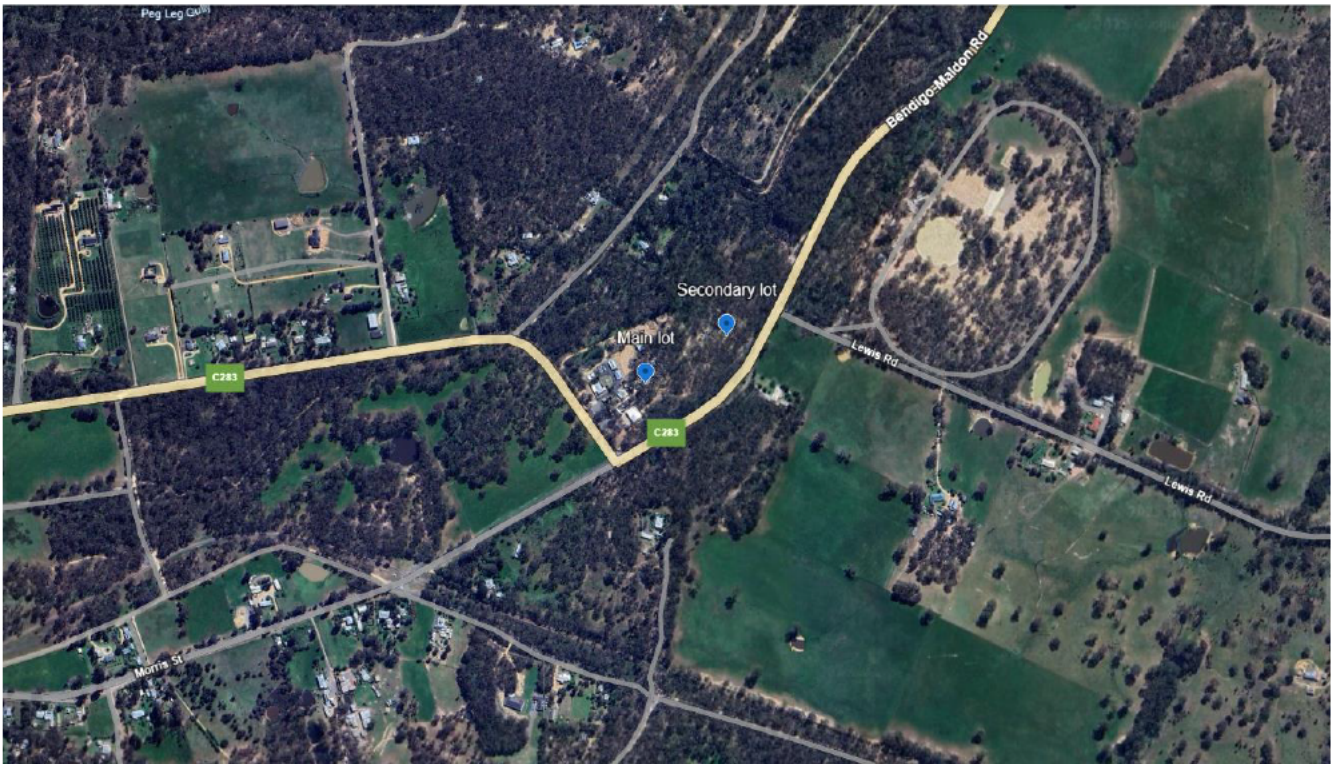


Figure 56 Aerial image of subject site and surrounds



Figure 57 Zoning plan, subject site and broader surrounds

99. A site inspection of the subject site and surrounds was undertaken on 26 February 2025. Various images of the site are provided throughout the 'proposal' section of this assessment.



Municipal Planning Strategy

100. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03-1	Settlement
02.03-2	Environmental and landscape values
02.03-3	Environmental risks and amenity
02.03-7	Economic development

Planning Policy Framework

101. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

Clause 11	Settlement
11.01-1R	Settlement – Loddon Mallee South
Clause 132	Environmental and Landscape Values
12.01-1S	Protection of biodiversity
12.01-1L	Protection of biodiversity
12.01-2S	Native vegetation management
12.05-2S	Landscapes
Clause 13	Environmental Risks and Amenity
13.01-1S	Natural hazards and climate change
13.02-1S	Bushfire planning
13.05-1S	Noise management
13.07-1S	Land use compatibility
13.07-1L-02	Spray drift
13.07-3S	Live music
Clause 14	Natural Resource Management
14.01-1S	Protection of agricultural land
14.01-1L	Protection of agricultural land
14.02-1S	Catchment planning and management
14.02-2S	Water quality
14.02-2L	Dams
14.02-3S	Protection of declared irrigation districts
Clause 15	Built Environment and Heritage
15.01-2S	Building design
15.01-5S	Neighbourhood character



15.01-6S	Design for rural areas
15.01-6L	Design for rural areas
15.03-2S	Aboriginal cultural heritage
Clause 17	Economic Development
17.01-1S	Diversified economy
17.01-1R	Diversified economy – Loddon Mallee South
17.04-1S	Facilitating tourism
17.04-1R	Tourism – Loddon Mallee South
17.04-1L	Facilitation of tourism
Clause 18	Transport
18.01-2S	Transport system
18.01-3S	Sustainable and safe transport

102. The assessment section of this report provides a detailed assessment of the relevant MPS and PPF policies.

Zoning and Overlays

Farming Zone

103. A planning permit is required to use land in the Farming Zone for the purpose of a place of assembly, restaurant, motel and dwelling, pursuant to Clause 35.07-1.
104. A planning permit is required to construct a building or construct or carry out works associated with Section 2 land use, pursuant to Clause 35.07-4.
105. A planning permit is required to construct a building within 100 metres of a Transport Zone 2, pursuant to Clause 35.07-4.
106. A planning permit is required to construct or carry out earthworks which change the rate of flow or the discharge point of water across a property boundary, pursuant to Clause 35.07-4.
107. The objectives of the Farming Zone are:
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - *To provide for the use of land for agriculture.*
 - *To encourage the retention of productive agricultural land.*
 - *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
 - *To encourage the retention of employment and population to support rural communities.*
 - *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
 - *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*
108. The following sections include a discussion of how the proposal responds to the objectives of the zone.



Applicable Overlays

Significant Landscape Overlay (Schedules 1 and 3)

109. A planning permit is required to construct a building or construct or carry out works, pursuant to Clause 42.03-2.
110. A planning permit is required to remove, destroy or lop vegetation (trees with diameter of 40cm or more at a height of 1.3 metres above ground level), pursuant to Clause 42.03-2.
111. Based on the submitted arboricultural assessment, 35 of the trees proposed for removal exceed the size requirements and trigger assessment against the Significant Landscape Overlay (Schedules 1 and 3). An additional 4 trees identified for lopping also require consent under the overlay.
112. The objectives of the Significant Landscape Overlay – Schedule 1 are:
- *To prevent the destruction of significant tracts of bushland or trees which would detract from the value of the landscape, or area of significant vegetation.*
 - *To preserve and enhance the character of the roadside along major approach roads to towns, the areas of landscape significance as identified by the National Trust and the Department of Environment, Land, Water and Planning, prominent vegetation within the township area, the environs of the Cairn Curran Reservoir and other areas of visual landscape interest.*
 - *To minimise the impact that mining activities are able to have on land of landscape significance.*
 - *To encourage development of a type which does not detract from the value of the landscape due to its siting, height or general appearance.*
113. The objectives of the Significant Landscape Overlay – Schedule 3 are:
- *To recognise, conserve and enhance the character of the approach roads to Maldon, their immediate environments and other prominent scenic areas.*
 - *To preserve, maintain and enhance historic items which contribute to the heritage and character of Maldon.*
 - *To restrict the impact that mining activities or tailings removal or treatment may have on these important approaches to Maldon, and other scenic areas.*
 - *To ensure that any development, excavation or works associated with mining does not adversely affect the appearance and significance of the area.*
 - *To encourage development which complements the density, scale and setback of existing development.*
 - *To discourage development which is not in harmony with the existing character and appearance of the area.*

Bushfire Management Overlay

114. A planning permit is required to construct a building or construct or carry out works associated with accommodation, restaurant and place of assembly land uses, pursuant to Clause 44.06-1.
115. The objectives of the Bushfire Management Overlay are:
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - *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.*

Particular and General Provisions

Provisions that Require, Enable or Exempt a Permit

Signs – Clause 52.05

- 116. Pursuant to Clause 52.05-14 a permit is required to construct and display a business identification sign.
- 117. The application seeks consent for a 2.89sqm, non-illuminated business identification sign to be displayed on the land.

Car Parking – Clause 52.06

- 118. Pursuant to Clause 52.06-3 a permit is required to reduce the number of car parking spaces required under Table 1 at Clause 52.06-5.
- 119. Based on the various proposed land uses and activities on the land, the overall car parking demand is calculated as 169 spaces. A total of 139 spaces are proposed to be provided, resulting in a reduction of 30 spaces being sought.

Native Vegetation – Clause 52.17

- 120. Pursuant to Clause 52.17-1, a permit is required to remove, destroy or lop native vegetation.
- 121. The application seeks consent for the removal of 1.704 ha of native vegetation, including 9 large trees within patches and 3 scattered trees.
- 122. Based on the extent of native vegetation proposed for removal, number of large trees and the location category the proposal triggers assessment under the Detailed Assessment Pathway.

Licensed Premises – Clause 52.27

- 123. Pursuant to Clause 52.27 a permit is required to use land to sell or consume liquor where a licence is required under the Liquor Control Reform Act 1998.
- 124. The application seeks consent for the sale and consumption of liquor associated with the function marquee, restaurant and ancillary hotel uses on the site.

Land Adjacent to the Principal Road Networks – Clause 52.29


- 125. Pursuant to Clause 52.29-2 a permit is required to alter access to a road in a Transport Zone 2.
- 126. The application seeks to reconstruct and seal the vehicle access to the site from Allans Road, a Transport Zone 2.

Bicycle Facilities – Clause 52.34

- 127. Pursuant to Clause 52.34 sets out the requirements for provision of bicycle facilities. Based on the proposed expanded or new land uses on the site, the provision of 9 bicycle parking spaces is required on the land.
- 128. No reduction to the bicycle parking requirement is sought as part of the application. The provision of the required spaces is to be required via permit condition.

Bushfire Planning – Clause 53.02

- 129. Clause 53.02 seeks to ensure the development of land prioritises the protection of human life and strengthens community resilience to bushfire, through various protection objectives including siting and design, defensible space, water supply and access, subdivision and vegetation management.

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130. The application is supported by Bushfire Planning Report, Bushfire Management Plan and Emergency Plan which detail requirements for BAL-rating construction of new buildings, surrounding defensible space, vegetation management, water supply and vehicle access requirements.

Significant Economic Development – Clause 53.22

131. Clause 53.22 seeks to prioritise and facilitate the planning, assessment and delivery of projects that make a significant contribution to the State's economy and provide substantial public benefit.
132. This application is eligible under Category 2 of this provision, as the proposal incorporates place of assembly and food and drink premises land uses listed in Table 2 and is partly funded by the State of Victoria, through a regional tourism grant agreement with Department of Jobs, Services, Industry and Resources.
133. Pursuant to Clause 53.22-4 an application under any provision of this planning scheme is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Act.

Relevant Strategic Plan / Background Documents

Incorporated Document / Planning Scheme Amendment/s

134. Amendment C96malx was gazetted on 30 March 2023 and implemented changes to the Significant Landscape Overlay Schedules 1 and 3, Schedule to the Heritage Overlay and operational provisions to reference the updated Maldon Design Guidelines Incorporated Document (previously version dated 1998).
135. The amendment applied to land within the Maldon Township Boundary, as identified in the Maldon Framework Plan at Clause 02.04.
136. The subject site at 8 Allans Road is located just outside the identified township boundary and is not subject to the amended design guidelines.



Referrals

137. The application was referred to the following groups:

Provision / Clause	Organisation	Response(s) and date received
Section 55 Referral – Determining	Country Fire Authority	17 January 2025
Section 55 Referral – Determining	Head, Transport for Victoria	5 February 2025 20 February 2025 7 May 2025
Section 55 Referral – Determining	Coliban Water	6 May 2025 12 June 2025
Section 55 Referral – Determining	Goulburn-Murray Water	25 May 2025 25 June 2025
Section 55 Referral – Recommending	Department of Energy, Environment and Climate Action (DEECA)	28 January 2025
Section 52 Referral – Notice	Mount Alexander Shire	21 February 2025

Municipal Council Comments

138. Mount Alexander Shire Council (the council) provided an initial referral response on 21 February 2025, requested further information to address outstanding concerns. The council's comments and relevant DTP responses are summarised in the table below:

Key issue	Council comments	DTP response
Visual impact	<p>It is concluded that the proposal has significantly improved since its initial inception.</p> <p>Council maintains their concerns as to the visual bulk and impact on the natural setting via the approach into Maldon and impact on the surrounding environment.</p>	<p>The visual impact of the development has been considered in detail and determined to be acceptable when balanced with the broader merits of the proposal.</p> <p>The majority of the development is consolidated in the western and northern areas of the land including the proposed cabins, amenities buildings and residential garage.</p> <p>The most visually impactful aspects of the development include the function marquee which has been constructed unlawfully at the southwest corner of the land, proposed museum adjoining and machinery shed/ workshop is proposed at the northwest of the site.</p> <p>The visual impact of new buildings is to be managed through the selection of appropriate materials, including natural colours which are visually recessive within the landscape. An amended materials schedule updated to meet these requirements is to be required by permit conditions.</p> <p>Conditions also require the maximum height of the museum to be reduced, to ensure this building is recessive within the landscape.</p> <p>The visual impact of function marquee is recognised, given the location and white colour of the structure. It is resolved the impact of the marquee is acceptable, given views of the marquee are generally short range only given the high-speed limit along the adjoining road and relatively flat topography of the land. While not effectively designed to be responsive to the natural character of the area, the marquee is not considered to unreasonably detract from the scenic landscape of the area.</p>



Function marquee	<p>The marquee does not adequately consider the siting, design, height, bulk, colours or materials on the natural environment, major road or vistas. The structure impacts on the character and appearance of the natural scenic beauty and important.</p> <p>Request the following change:</p> <ul style="list-style-type: none"> Building 41 (Function Marquee) colour to be amended to natural and muted tones and colours. Drawing No. PP03 stipulates White 	<p>As above, the existing function marquee is considered generally acceptable on the basis the structure is:</p> <ul style="list-style-type: none"> Setback approximately 39.7 metres from Bendigo-Maldon Road and 57.7 metres from Allans Road. Surrounded by a corrugated iron fence, with some vegetated buffer areas beyond. Limited in terms of views by the flat topography, vegetated road reserves and relatively high-speed approach of vehicles along Bendigo-Maldon Road.
Museum land use	<p>There are concerns regarding the museums land use. A question is raised as to whether a museum should be a part of the proposal preamble, or whether the museum is intended to be an ancillary land use under the Place of Assembly.</p>	<p>The council's concerns regarding the museum land uses are recognised.</p> <p>The proposed museum is to be used to display archival material relevant to the heritage of the region. It is anticipated museum patrons will be visitors to the historic village only and will not function as a separate land use or attract patrons to the site for this land use alone. The application has been assessed on the basis the museum land use is ancillary to the broader place of assembly land use on this basis.</p> <p>It is also noted 'museum' land use is nested within the place of assembly group as set out in Clause 73.04.</p>
Document inconsistencies	<p>All site plans contained in documents for endorsement should be consistent. Building 51 (Museum) varies between documents.</p> <p>In addition, the application appears to be missing details required for assessment against the relevant Scheme.</p>	<p>Following the receipt of the council's comments, further information was received to correct application documents and ensure details were consistent.</p> <p>The discrepancy between the museum footprint between current architectural plans and bushfire management plan/ emergency management plan is noted and will be required to be corrected through permit conditions.</p>
Materials and finishes	<p>The proposed colour of the Staff amenities building 55 and 58 may impact on the amenity of the site. There does not appear to be any colours proposed on the plans for endorsement.</p> <p>Zincalume is discouraged in rural environments due to reflectivity. Zincalume roofs proposed on Buildings 51, 53 and 54 are highly reflective and disruptive in a natural landscape setting. With both proposal and previous native vegetation clearing sight lines to the roofs are greater than prior to works having commenced.</p>	<p>Conditions on permit are recommended to require all zincalume roofing to be replaced by colorbond or other suitable non-reflective material.</p> <p>An amended materials schedule is also required to be provided to show all building external finishes to be in muted and non-reflective tones, which integrate with the surrounding natural landscape.</p>
Wildlife Park and animal petting zoo land uses	<p>The graphics / display sign references 'Wildlife Display'. The proposal for the 'Wildlife Park' has no existing permission and is not listed in the proposal.</p>	<p>The secondary lot to the east has been developed as a wildlife park, including a wildlife enclosure for small wildlife. The open area of the site is available for large wildlife to roam, with visitors able to move into this space. The animals are already on the land.</p> <p>Domestic animals such as chickens, sheep and goats are kept in</p>

	Building 57 (Animal Petting Zoo) appears to be for domestic animals.	the animal petting zoo on the main lot, adjacent to the historic village. Both these land uses are considered animal husbandry, which is nested within agriculture and does not require specific land use consent under the Farming Zone.
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Advice sought from other agencies

139. Referral comments were sought from several agencies and referral authorities, as per the requirements of Clause 66.02 and 66.03 of the Mount Alexander Shire Planning Scheme. The comments and conditions received from each authority is summarised below.

CFA

140. The CFA provided a referral response on 17 January 2025, raising no objection to the grant of a permit for the proposal subject to the following conditions:

Endorsement of Bushfire Management Plan

Before the development starts, the Bushfire Management Plan prepared by Living Rural, (Version 5.0 dated 26/04/2024) must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

Bushfire Emergency Plan

The Bushfire Emergency Plan prepared by Living Rural (Report 202165.4.4 dated 26/04/2024) be endorsed to form part of the permit and must not be altered (except annual/routine updates) unless agreed in writing by the CFA and the Responsible Authority.

Use of Group Accommodation (Glamtainers) & Temporary Marquee

The use of the Group Accommodation Buildings or Temporary Marquee approved under this permit must not operate after 10.00am on any day with a declared Fire Danger Rating of Catastrophic or Extreme for the North Central District.

141. The response also notes the CFA accepts the variation to the standard water supply requirements specified by Table 4 to clause 53.02-5 as referenced in the BMP.

142. All permit conditions are recommended to be adopted in full.

Head, Transport for Victoria

143. The Head, Transport for Victoria provided an initial referral response on 5 February 2025, requesting further information.

144. Following discussions with the proponent, Head, TfV provided a revised referral response on 21 February 2025, raising no objection to the grant of a permit for the proposal, subject to the following conditions:

- *Only one access will be permitted from the subject land to Allans Road.*
- *No vehicular access will be permitted from the subject land to the Bendigo-Maldon Road.*
- *Prior to the commencement of the buildings and/or works approved by this planning permit, a Functional Layout Plan (FLP) must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must include the following:*
 - a) *At the intersection of the Allans Road and Bendigo Maldon Road:*
 - i. *Rural Basic Left Turn (BAL) treatment*
 - ii. *All existing and proposed line marking*
 - b) *At the main access to the subject land in Allans Road:*

- i. Rural Basic Left Turn (BAL) treatment.
 - ii. Rural Basic Right Turn (BAR) treatment
 - iii. All existing and proposed line marking.
- c) A Road Safety Audit (RSA) must be submitted to and approved by the Head, Transport for Victoria and the Responsible Authority. The RSA must be undertaken by a suitably qualified road safety auditor.
- Prior to the commencement of the buildings and/or works, a functional design stage road safety audit must be submitted to and approved by the Head, Transport for Victoria and the Responsible Authority. The road safety audit must be undertaken by a suitably qualified road safety auditor.
- Prior to the commencement of use, the following roadworks must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria:
 - a) At the intersection of the Allans Road and Bendigo Maldon Road:
 - i. Rural Basic Left Turn (BAL) treatment
 - ii. Any other works required.
 - b) At the main access to the subject land in Allans Road:
 - i. Rural Basic Left Turn (BAL) treatment
 - ii. Rural Basic Right Turn (BAR) treatment
 - iii. Any other works required.
 - c) The main access to the subject land must be constructed and sealed in accordance with DTP GD4010A (Typical Access to Rural Properties) to cater for a 12.5m Single Unit vehicle.
- Prior to the commencement of use, a detailed design stage road safety audit must be submitted to and approved by the Head, Transport for Victoria and the Responsible Authority. The road safety audit must be undertaken by a suitably qualified road safety auditor. Any mitigating works arising out of the audit must be carried out by the applicant at no cost and to the satisfaction of Head, Transport for Victoria.
- The driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).

NOTES:

- Separate 'detailed design' approval (fees and charges apply) and the specifications of these are required under the Road Management Act. For the purposes of this application, the works will include the provision of:
 - i. Rural Basic Left Turn (BAL) treatment.
 - ii. Rural Basic Right Turn (BAR) treatment
 - iii. Any additional works required within arterial road reserve.

145. Following further discussions with the applicant, TfV provided a third response on 7 May 2025, reiterating the requirement for basic left and right turn treatments to Allans and Bendigo-Allans Road, as required by provided permit conditions, is necessary given the high-speed environment and anticipated turning volumes.

146. All permit conditions and permit notes are recommended to be adopted in full.

Coliban Water

147. Coliban Water provided a previous referral response on 1 August 2023, when the application was being considered by Mount Alexander Shire Council, requesting the following permit condition be included:

- The owner is required to reach agreement with Coliban Water for the provision of reticulated water supply and sewerage services to the development site and comply with any requirements arising from any effect of the proposed development on Coliban Water assets.

The reticulated sewer main extension and sewerage pump station required to service this development site is to be connected to Coliban Water's sewer network at Coliban Water's Reef St sewerage pump station (SPS00165) which must be designed, constructed and finalised in accordance with Coliban Water's Developer Installed Works process.

The reticulated water main extension is required from the Maldon township to service this development site, the connection point requires a two-direction feed or \geq DN150 single feed main water main, is necessary to ensure that capacity will exist within Coliban Water's potable water supply network, which must be designed, constructed and finalised in accordance with Coliban Water's Developer Installed Works process.

- Services are to be provided and where necessary, amendments will be required to the existing water supply service pipes and the property service drains located within this development site, connected Coliban Water assets in accordance with our specifications.
- All private works for water supply and sanitary drainage must be constructed in accordance with the National Plumbing and Drainage Code of Australia being AS3500, the MRWA Water Metering & Servicing Guidelines 2022 and or any relevant requirements of Coliban Water.

An application for connection to, and/or upgrading an existing service connected to Coliban's potable water supply main, will need to be made through our consent to connect process. The water meter assembly and digital data device, which is to be located in an accessible location within 2.0 metres but no closer than 600mm, inside the title boundary line, fronting the Road Reserve.

An application for a connection to Coliban's sewer main at the new Sewer Pump Station will need to be made through our consent to connect process, prior to the property service drains being connected in accordance with our conditions.

- The owner of the land must make payment to Coliban Water of New Customer Contributions (NCCs) for water and sewer. These contributions are based upon the size of the metered water supply and the fixture unit rating of the plumbing fixtures (per AS 3500) proposed to be installed within this development site, or from the number of additional occupancies to be connected to Coliban Water's water or sewer networks.

NCCs are a one-off, upfront charge applied under sections 145(3), 268 and/or 269 of the Water Act 1989 requiring the owner to contribute to the costs of Coliban Water providing existing and incremental infrastructure and services for the supply of water, sewer or recycled water networks (as applicable) to account for the increase in use of these services resulting from additional lots or further development of existing lots. NCCs include standard and, where applicable, non-standard (also known as 'negotiated') NCC charges.

A Tax Invoice will be supplied to the owner as part of our Consent to Connect Process. NCCs must be paid in full before Coliban Water will provide Consent to Connect.

- All Coliban Water assets located within development site, both existing and required, are to be protected by a registered easement created in favour of Coliban Region Water Corporation. The minimum width of an easement required to protect a Coliban Water sewer main located within this development site is 2.50 metres.
- 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.

148. It is noted compliance with these conditions, including the connection to reticulated sewerage services was negotiated and agreed through the pre-application DFP process. When the application was lodged, consent for on-site wastewater management was sought, contradicting the previous agreement. Through discussions with the proponent, the application has since been amended to show connection to reticulated sewerage. On this basis, Coliban Water confirmed on 12 June 2025 the original permit conditions should be applied.

149. All permit conditions and permit notes are recommended to be adopted in full.

150. This application does not seek consent for the creation of an easement on the land under Clause 52.02. The proponent will be required to seek and obtain separate planning approval from Mount Alexander Shire Council prior to proceeding under Section 23 of the Subdivision Act 1988 to create an easement for the purpose of protecting Coliban Water assets within the development site, as required by the water authority's permit conditions.

Goulburn-Murray Water

151. Goulburn-Murray Water provided the following referral response on 25 May 2025:

Goulburn-Murray Water's (GMW's) areas of interest are surface water and groundwater quality, use and disposal. GMW requires that development proposals do not impact detrimentally on GMW's infrastructure and the flow and quality of surface water and groundwater. Applicants must ensure that any required water supplies are available from an approved source.

GMW understands that the applicant is seeking planning permission for the use and development of the land for a Place of Assembly (including a function centre), restaurant and motel, removal of vegetation and signage. The property is zoned FZ and comprises of ~5.8 Ha. The property is located in the Cairn Curran Special Water Supply Catchment area and subject to BMO, SLO1 and SLO3 overlays. Waterways are located outside the northern boundary of the property. Porcupine Village is a tourism facility located to the east of the Maldon Township in central Victoria. The village is an historic gold mining settlement that is now used solely for tourism purposes. Numerous original buildings from the old mining town are still intact at the site. Previously an application was made to construct an on-site Waste Water Treatment System to meet the sites existing and future wastewater treatment requirements.

This current amended proposal is to construct a series of new buildings and features to provide more current facilities for future patrons of the site. The works will include a series of new accommodation cabins (queen and family), a museum, staff lunch room, workshop/machinery storage, nursery, a garage to the existing dwelling/site managers residence, a communal kitchen, games room and outdoor dining area, amenities block and laundry, pool and playground, a function marquee and associated amenities block, children's play centre and animal petting zoo.

152. No objection to the granting of a permit was raised, subject to the inclusion of the following conditions:

- All wastewater from all buildings and amenities must be treated and disposed of using EPA approved systems, designed, operated and maintained in accordance with relevant EPA licensing requirements.
- All wastewater disposal areas must meet minimum setback distances of 100m from the nearest waterway, 60m from any dams, 20m from any bores and 40m from any drainage lines.
- Wastewater disposal areas must be protected from public access, kept free of grazing animals, buildings, driveways, carparking and service trenching and must be planted with appropriate vegetation to maximise their performance.
- All new buildings must not encroach on the existing wastewater treatment system or disposal area.
- Stormwater must be discharged to a legal point as nominated by the Responsible Authority. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.
- All construction and ongoing activities must be in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).

153. Since this referral response was received, the application has been amended to connect the land to reticulated sewerage and the requirement for new on-site wastewater treatment systems are no longer required. DTP sought an amended response from GMW, who provided the follow revised on conditions on 25 June 2025, which are to be adopted in full.

- All wastewater from wastewater producing buildings (existing and new) must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of Coliban Water.
- The existing onsite wastewater management system must be decommissioned once the reticulated sewer is installed and operational to the satisfaction of Council's Environmental Health Department.
- Stormwater must be discharged to a legal point as nominated by the Responsible Authority. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

- All construction and ongoing activities must be in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).

DEECA

154. The Department of Energy, Environment and Climate Action (DEECA) provided a referral response on 28 January 2025 and did not object to a planning permit but recommended the following conditions be included:

Native Vegetation Protection Plan

- Before works start, a plan identifying all native vegetation to be retained and describing measures to be used to protect the identified vegetation during construction and use must be approved and endorsed by the responsible authority.

Notification of permit conditions

- Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.

Protection of native vegetation to be retained

- Before works start, native vegetation protections must be erected around all native vegetation to be retained within 15 metres of the works area in accordance with the approved Native Vegetation Protection Plan.

Except with the written consent of the department, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:

- vehicular or pedestrian access;
- trenching or soil excavation;
- storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
- construction of entry and exit pits for underground services; or
- any other actions or activities that may result in adverse impacts to retained native vegetation.

Native vegetation offsets

- The total area of native vegetation permitted to be removed is 1.704 hectares, including nine large patch trees and three scattered trees as identified in Native Vegetation Removal Report 353_20241108_YSI.
- To offset the removal of 1.704 hectares of native vegetation and nine large patch trees, as well as three scattered trees the permit holder must secure a native vegetation offset(s) that meets all the following:
 - A general offset of 1.220 general habitat units located within the North Central Catchment Management Authority boundary or Mount Alexander Shire LGA
 - have a Strategic Biodiversity Value score of at least 0.5450
 - provide protection for at least 9 large trees.

Offset evidence

- Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be:
 - credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register and/or
 - an established first party offset site. This must include:
 - a security agreement signed by both parties, and

- ii. a management plan detailing the 10-year management actions and ongoing management of the site; to the satisfaction of DEECA and approved by the Responsible Authority.

A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to DEECA at pe.assessment@deeca.vic.gov.au.

Monitoring and reporting for onsite offset implementation

- In the event that a security agreement is entered into as per condition 7b, the applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

155. All permit conditions are recommended to be adopted in full.

Notice

156. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d) of the *Planning and Environment Act 1987* pursuant to the following provisions:

- Clause 35.07 – Farming Zone for the use of the land for a place of assembly, restaurant, motel and dwelling.
- Clause 35.07 – Farming Zone for buildings and works associated with a Section 2 land use.
- Clause 35.07 – Farming Zone for the earthworks or the construction of building within 100 metres of a Transport Zone 2.
- Clause 42.03 – Significant Landscape Overlay (Schedules 1 and 3) for the construction of a buildings, carrying out of works
- Clause 42.03 – Significant Landscape Overlay (Schedules 1 and 3) for the removing, destroying or lopping vegetation.
- Clause 44.06 – Bushfire Management Overlay for buildings and works associated with accommodation and place of assembly land uses.
- Clause 52.05 – Signs for the construction and display of a business identification sign.
- Clause 52.06 – Carparking for the reduction to the statutory requirement, where all other provisions of the planning scheme for which permission is sought are not also exempt from notice requirements.
- Clause 52.17 – Native Vegetation for the removal, destruction or lopping of vegetation.
- Clause 52.27 – Licenced Premises, for the use of the land to sell or consume liquor.

157. The application is exempt from the notice requirements of section 52(1)(a), (b) and (d) of the *Planning and Environment Act 1987* pursuant to the following provisions:

- Clause 52.29 – Land Adjacent to the Principal Road Network, to alter access to a Transport Zone 2.

158. The application is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1), pursuant to Clause 53.22-4.

159. The applicant was directed to give notice by way of erecting signs on the site and notifying adjoining owners and occupiers.

160. A total of 9 objections were received, raising the following issues:

Land use compatibility the Farming Zone, as an overdevelopment of the land with no agricultural production

161. The proposed land uses have been considered against the objectives of the Farming Zone and are deemed to be generally consistent, subject to conditions regulating the proposed land uses. While the proposal does not seek to



use the land for productive agriculture, the proposed uses are not considered to detrimentally impact the land or the capacity for future productive agriculture to be undertaken on the site or on surrounding properties. The application is supported by specific land management practices to ensure water and soil quality are not degraded by the development, the implementation of which will be required through permit conditions.

162. While the combined site area (5.9 hectares) is relatively small in the Farming Zone, the majority of the development is consolidated in the western and northern areas of the land. The southeastern portion of the land is largely to remain undeveloped, allowing for retention of native vegetation and revegetation in this area. The proposed cabins, amenities buildings and residential garage are located generally central to the site or within areas which are screened from view from the public realm. Overall, the proposal is not considered an overdevelopment of the site.

Impact on the heritage values of the area, noting the current bid for world heritage listing of historic goldfields

163. The subject site is not affected by any heritage overlay or policy relevant to this application. While there is no formally recognised heritage fabric on the land, there is remnant mining pits representative of the gold rush history of the region. The application is generally sympathetic to these historic values, with the village element providing a replication of development typical of this time. The current world heritage bid is still underway and does not currently restrict any development or uses of the land.

Visual impact of development, particularly the function marquee and museum buildings

164. The visual impact has been considered in detail, in particularly against the objectives of the Significant Landscape Overlay, and is considered to be acceptable overall. The area is identified as contributing to the scenic landscaped approach to the Maldon township, characterised by low scale development, setback and prominent vegetation.
165. Retrospective approval is sought for the construction of buildings on the land, including the white function marquee at the southwest of the site. It is noted submissions raised this structure was constructed to be a temporary structure, without planning consent. The scale and colour of marquee are recognised as visually impacting the landscaped views. The structure is setback 57.7 metres from Allans Road and 39.7 metres from Bendigo-Maldon Road, which provides some separation and opportunity for screening vegetation along boundaries. Additionally, given the high-speed environment of these roads, views to the marquee are relatively limited when passing the site. The views are also impactful only when vehicles are travelling immediately nearby the land, given the flat topography of the area which does not provide for long-range views of the site.
166. The museum building proposed adjoining the function marquee is proposed to be setback 59.7 metres from the Bendigo-Maldon Road frontage, however, is proposed with a maximum height of 9.84 metres, incorporating zincalume corrugated metal roof sheeting and timber wall cladding. Permit conditions are recommended to reduce the height of this building to no more than 7.2 metres (consistent with the height of the function marquee) and revise the roof cladding to a non-reflective alternative. Based on these changes, the visual impact of the museum is considered to be minor and acceptable. Permit conditions are recommended to require natural-coloured materials and restrict external materials to avoid reflective materials such as zincalume roofing throughout the development.
167. The majority of the new development proposed including the new cabins to be constructed at the northeast of the site are well separated from site frontages and will be largely obscured from public view. Overall, the visual impacts of the proposal on the natural environment are deemed acceptable.

Noise impacts and amenity of adjoining neighbours

168. The noise impacts associated with the proposed land uses, specifically the music and patron noise associated with the restaurant and function centre land uses, have been considered in the context of the sensitive rural interface. The application is supported by an acoustic assessment, which includes an analysis of the anticipated noise to emanate from the site, the anticipated impact on adjoining noise sensitive receptors and provides recommendations to mitigate impacts.
169. Noise modelling undertaken identified impacts can be suitably managed to ensure the effective noise level audible in nearby dwellings, is compliant with the Noise Limit and Assessment Protocol for the Control of Noise From Commercial, Industrial and Trade Premises and Entertainment Venues (EPA Publication 1826.4), or 'Noise Protocol'.



170. However, given the particularly sensitive context of the site, permit conditions are recommended to undertake further acoustic analysis to identify the specific measures and noise attenuation works which are required to ensure no noise is audible from outside property boundaries. These measures are to be required to be implemented from 9pm to ensure there are no noise impacts to adjoining properties from this time.
171. To ensure the noise attenuation measures are appropriately implemented and enforced, an acoustic review must be undertaken within 3 months of the restaurant and function centre land uses commencing on site. This review will test the levels of noise emitted from the site, including through the operation of noise limiters, do not exceed the levels specified in the amended acoustic modelling. Adjustments to noise limiters will be made as required, pending the findings of these reviews.
172. The preparation of a patron management plan is also to be required through permit conditions. This plan will detail the required operational measures, relating to noise management, staff training and management of patron behaviour, compliant handling and limitations of venue waste removal, to avoid disruptions overnight.
173. Through the detailed conditions and noise attenuation measures, the impacts of noise on adjoining properties are considered to be appropriately managed to ensure sensitive receptors (residents) are not unreasonably disturbed by the operation of the site.

Carparking, traffic congestion and safety

174. The provision of 139 carparking spaces is proposed to be provided on the land, seeking a reduction of 30 spaces to the statutory requirement. The statutory requirement is calculated based on an estimated demand associated with each of the proposed land uses. It is unlikely all land uses would be operating at full capacity simultaneously and generating the full carparking demand, given the varied nature of the land uses, operating at different times throughout the day.
175. The proposed reduction is further justified by the likelihood of visitors attending the site in groups on buses, rather than private cars. It is probable school groups, tourists and wedding guests are transported to and from the site via organised buses which will also works to reduce the carparking demand on the site. There are three bus parking spaces provided on the land, which could accommodate the transport of approximately 150 visitors.
176. The access to the site is to be provided via the existing vehicle accessway from Allans Road which is to be reconstructed and sealed as bitumen driveway for a length of approximately 25 metres. Allans Road is classified as a Transport Zone 2 and the application seeks consent to alter the access to this road.
177. The application has been referred to the Head, Transport for Victoria who did not raise any objection to the proposal subject to the inclusion of permit conditions. These conditions require the preparation of a functional layout plan to design a rural basis left turn at the intersection of Allans and Bendigo-Maldon Road, and a basic rural left and right turn at the main access to the subject site. This must be supported by a road safety audit approved prior to the roadworks being undertaken.
178. The required roadworks and upgraded road treatments will improve safety at the adjoining intersection, particularly important given the high-speed limits in the area and the tourism-related activities, prompting drivers unfamiliar with the area to visit the site.
179. Following the completion of the required upgrades, the proposal is not anticipated to create any unreasonable congestion within the wider road network.

Lighting

180. The potential impact of lighting on the site impacting the surrounding properties has been considered, with permit conditions to require the control of light spill through the design, baffle and location of lighting to avoid any adverse effect on any adjoining land.
181. The lighting around the site is likely to have some impact on the native wildlife in the area. However, large tracts of the land at the southeast will be retained and revegetated and will not be artificially lit. This area is considered to provide some refuge for native animals.
182. The proposed business identification signage at the Allans Road frontage is not proposed to be illuminated.

Bushfire and emergency management



183. The application is supported by a bushfire planning report and bushfire management plan. These assessments include detailed analysis of bushfire hazards and the recommended management initiatives including vegetation management and maintenance of defendable space, required BAL-rated construction standards, provision of water supply for firefighting purposes and achieving access requirements for emergency vehicles.
184. Informed by these reports, an emergency management plan has also been provided, which details the primary response required based on forecast fire danger ratings, including:
- Closure of the facility and cancellation of function on any days of extreme and catastrophic fire-rated days.
 - Evacuation of occupants to designated safer off-site locations where the site is occupied, and the potential bushfire threat triggers an evacuation response.
 - Shelter in-place procedures where opportunity for evacuation is not available, and the bushfire threat is imminent.

185. The application has been referred to the CFA, which has raised no objection to the application subject to the inclusion of permit conditions, which are to be adopted in full. On this basis, the required planning obligations relating to bushfire have been met and the risk to life and property can be suitably reduced.

Loss of native vegetation and habitat, noting the avoid and minimise approach has not been adopted in illegal removal

186. A total of 1.704 hectares of native vegetation is proposed for removal as part of this application, including 1.622 hectares of patches and three scattered trees.
187. Of the total removal proposed, 0.712 hectares of native vegetation has already cleared without consent. The extent of illegal removal includes the area accommodating the function marquee, goldrush displays, internal fencing and vehicle tracks.
188. While the previous illegal clearing of native vegetation is highly unfortunate and not supported in principle, this application provides an opportunity to formalise the works already undertaken, implement the required offsets and ensure the ongoing management of the land is lawful and orderly. Given some removal has already occurred, any opportunity to avoid or minimise impacts on biodiversity impacts in these areas are limited, however there are opportunities for protecting and enhancing intact vegetation through specific protection measures such as fencing, signage and revegetation.
189. In terms of the proposed additional native vegetation removal, the assessment identifies some were changes made to the proposal to minimise and avoid impacts on native vegetation and the proposal has been designed to retain the most high-quality portion of native vegetation in the southeast area of the site. The flora and fauna assessment provides detailed recommendations to ensure fauna habitat can be enhanced post development, including avoiding removal of trees with hollows and placing lopped trees as fallen timber, ceasing wood harvesting, installing nest boxes, controlling feral pests, revegetating future landscaped areas with native trees and shrubs, improving understorey and mid-storey vegetation and providing water sources on the land.
190. Adverse impacts associated with weeds on the land is required to be addressed through the preparation of a construction environmental management plan, which is to detail weed control and management, including appropriate vehicle hygiene measures during construction phase and post construction ongoing weed management.

Connection to reticulated sewerage and impact on wider infrastructure network

191. Coliban Water as the water authority has required the land be connected to reticulated sewerage, rather than manage wastewater through an on-site system. This connection requires an extension to the existing sewer main to the Reef Street pump station, as well the construction of a new sewer pump station on the subject site. All works to extent the sewer main will be required to be undertaken in accordance with Coliban Water requirements at the permit holder's expense.
192. It is noted the surrounding properties all rely on their own on-site waste management system as reticulated sewer does not service this area currently. The proposed works to connect the subject site are not anticipated to have any impact to adjoining properties and the existing management of wastewater on surrounding lots.



Stormwater management and drainage

193. The application is supported by a drainage management plan which details the proposed network which incorporates grassed swale drain, retention tanks and dams. Most of the site will continue to drain over land across the adjoining Crown Land and into the natural watercourse on private land to the northeast. This system will appropriately capture suspended solids and ensure quality of the water discharged does not adversely impact water quality in the broader catchment.
194. The proposal has been reviewed by Goulburn-Murray Water, which has confirmed the proposal will not detrimentally impact the flow or quality of surface or groundwater.
195. Prior to endorsement, the prepared drainage management plan is required to be updated to include specific modelling and calculations to clearly identify the anticipated volume of stormwater to be treated and discharge from the site.

Impacts of additional liquor licences

196. The application seeks consent for the sale and consumption of liquor in association with the function centre, restaurant and ancillary hotel (bar) land uses. It is noted the restaurant and hotel land uses have previously received planning consent from Mount Alexander Shire Council for the sale and consumption of liquor, however are now sought to be consolidated as part of this application. The proposed red line extent with both uses is consistent with the previous council approval.
197. The application documentation confirms that the proposed restaurant hours of operation have been reduced compared with the previous approval, to be limited to 12pm – 10pm Friday – Sunday, which is considered to be reasonable. Based on the relatively small scale of the restaurant, combined with the service of food, the proposed licencing of this venue is considered appropriate.
198. Like the existing restaurant, the hotel hours of operation are also proposed to be reduced compared with the current council permit, which allows operation from 7am – 7pm. This application did not provide specific hours of operation sought for the historic bar. It is considered hours of operation which align with the restaurant land use (12pm – 10pm) are reasonable and appropriate for this land use and are recommended as permit conditions. Given the very small scale of this use (maximum of 5 patrons) and nature of the consumption of liquor as part of the historic village experience, the potential amenity impact associated with this use is considered very minor.
199. The sale and consumption of alcohol is also proposed within the function marquee, with the submitted red line plan extent including the marquee and adjoining outdoor area. The extent of the proposed red line plan is deemed appropriate in the context alcohol may be consumed outdoors during the initial ceremony, however limitations required by the patron management plan will ensure alcohol is mostly served and consumed within the function marquee throughout the events. The venue will be required to ensure that responsible service of alcohol is always observed in accordance with the relevant legislative and liquor licencing requirements as required by the recommended conditions of the permit.
200. The cumulative impact of the proposed liquor licences on the broader community is anticipated to be small and able to be appropriately managed through responsible service of alcohol and site operations. Given the site location within the rural farming-zone context and outside the main township, the number of existing liquor licences in the surrounding areas is limited and the likelihood of patrons visiting other licenced premises nearby and causing detrimental amenity impacts on surrounding properties is low.

Previous management practices and disregard for relevant legislation

201. The history of unlawful works, removal of vegetation and use of land is acknowledged, and the concerns of surrounding landowners regarding the future management of site are all considered to be reasonable.
202. DTP considers this application provides an opportunity to formally assess and regulate the retrospective works which have been undertaken and enforce detailed conditions to ensure the future operation of the site is managed in a lawful way which does not degrade environmental values or amenity of surrounding properties.
203. This assessment considered all components of the application against the relevant planning requirements and deemed specific conditions to amend or manage the proposal can deliver an orderly outcome. These requirements



have been developed to ensure compliance with all relevant policy, while balancing the economic development benefits of the development.

204. Where a planning permit is issued, robust permit conditions provide will clear parameters for the management of the site going forward and a strong framework for enforcement where any non-compliance is observed. Based on the existing situation where no planning permit in place, practical enforcement is difficult and hence the uses on the land are paused until the proponent can secure a permit.

Works on Crown land between two subject parcels

205. The application relates to both the main parcel (Lot 1 on Title Plan 131208F) and secondary parcel, referred to as a 'wildlife reserve' (Crown Allotment 18F, Section F, Parish of Maldon). The triangular shaped lots separating the two parcels is vacant Crown Land. Access to the secondary lot is only provided by crossing Crown land. The application refers to consent being provided by DEECA for this access, however conditions on permit will require evidence of this consent to be provided to DTP.
206. While access between the parcels across Crown land is acceptable subject to DEECA consent, fencing must be contained within the private land boundaries and must not restrict movement within the Crown parcel.



Key Considerations

207. The following are deemed the key considerations in assessing the acceptability of the proposal:

- Regional tourism and economic development
- Landscape character and visual impact
- Loss of vegetation and habitat
- Amenity impacts
- Bushfire risk

Municipal Planning Strategy


208. The Mount Alexander Municipal Planning Strategy notes the region's recognisable heritage townships and significant landscapes. The MPS details tourism as a growing industry, built around the goldrush heritage and significant bushlands. This proposal is closely aligned with this strategy, providing a unique tourist destination representative of the regional context.
209. Strategic directions set out at Clause 02.03 of the Mount Alexander planning scheme details the important tourism role Maldon serves in the municipality.
210. Clause 02.03-2 relating to environmental and landscape values encourages the protection of wildlife corridors and minimising the impact of the development which may pose a threat to native flora and fauna. Similarly, Clause 02.03-3 seeks to manage environmental risks, particularly erosion, bushfire and amenity impacts. The extent of environmental impacts associated with the proposal have been thoroughly assessed and are considered able to be effectively managed through various technical land management and operational measures.
211. Clause 02.03-7 relating to economic development encourages the tourism industry to be expanded, based around the heritage significance of the Shire's goldfield and through nature-based tourism. The direction encourages tourist facilities which are compatible with the existing built and natural attractions of the municipality and are sited to minimise impact on the natural environment and productive agricultural land. This proposal specifically provides a tourism opportunity relevant to the shire's goldmining history. The development is generally sited to avoid unreasonable impacts of the surrounding landscape. The development of the land is not considered to be a significant loss in productive agricultural land, given the relatively small size of the parcel and long-term use as a dwelling and restaurant.

Planning Policy Framework

212. The proposal is generally considered to align with the relevant PPF policies.
213. Clause 12.01-1S and 12.01-1L seeks to strategically plan for the protection of important biodiversity areas and discourage land uses and development which impact habitat conservation. The Maldon area is identified as having high value terrestrial habitat within the Loddon Mallee South Regional Growth Plan. The proposal seeks consent for a substantial extent of vegetation removal, some of which is retrospective and has already been undertaken. The removal areas are generally located in the western and northern portions of the site and large proportions of the Health Dry Forst (EVC20) at the southeast of the site is to be retained. This area, combined with the proposed indigenous planting throughout the site is considered an appropriate response to these strategies.
214. Clause 12.01-2S seeks to ensure there is no net loss of biodiversity as a result of removal of native vegetation. The application seeks consent for the removal of 1.704 hectares of native vegetation overall. The submitted Flora and Fauna Assessment identifies the required vegetation offsets required based on the extent of removal, which has been reviewed by DEECA which is supportive of the proposal, subject to permit conditions.
215. The application is considered to effectively manage environmental hazards including bushfire risks, as set out at Clause 13.01-1S and 13.02-1S. The application is supported by a Bushfire Planning Assessment, Bushfire Management Plan and Emergency Plan which assess bushfire hazards, proposed protection measures including vegetation management, construction standard, water supply and access and emergency procedures. These plans



- have been reviewed by the CFA which is supportive of the proposal, subject to permit conditions. The proposal is not considered to result in an increase to bushfire risk to existing surrounding residents or infrastructure.
216. The anticipated amenity impacts related to noise have been considered and are generally consistent with the objectives of Clause 13.05-1S Noise management and 13.07-3S Live music, which seek to ensure amenity and human health is not adversely impacted by noise emissions. The anticipated noise impacts from patron noises, live and recorded music have been modelled in the submitted acoustic assessment, which concluded identified noise sensitive areas (dwellings nearby), the maximum calculated noise levels comply with the relevant noise protocol criterion.
217. Noise mitigation strategies identified in the assessment including closure of marquee doors, installation of airlocks, construction of noise barrier and operational requirements for patrons are recommended to be demonstrated in development plans and implemented through patron management plan conditions where relevant. Further noise modelling is recommended to be sought through permit conditions to understand the measures required to avoid any noise being heard outside property boundaries. Implementation of these additional measures will be required after 9pm to ensure the venues can respectfully co-exist with nearby land uses which include dwellings associated with rural and farming allotments.
218. The proposed land uses are generally considered compatible with the surrounding context, noting land uses are generally well setback within the site and separated from adjoining sensitive land uses by some distance. Various operational management requirements recommended to be implemented through permit conditions are considered to ensure community amenity and potential off-site impacts are effectively managed, consistent with the objectives of 13.07-1S Land use compatibility.
219. Sensitive land uses including accommodation proposed on the site are not located within 300 metres of productive agricultural land where chemical spray drift is anticipated to occur, consistent with the objective of Clause 13.07-1L-02 Spray Drift.
220. The subject site is identified as Class 4 (Low) agricultural quality class land on mapping provided at Clause 14.01-1L – Protection of Agricultural Land. Additionally noting the relatively small lot size and continuously non-agricultural use of the site over many decades, the proposal will not diminish the availability of productive farmland in the region.
221. The proposal is supported by a drainage management plan detailing the movement of runoff across the site. Retention ponds, dams and grassed swale drainage is proposed to filter runoff and capture silt. Post-development, the majority of runoff from the site will continue to drain overland and is anticipated to have no impact on the natural water course or quality of water draining into adjoining Crown Land, consistent with the objectives of Clause 14.02-1S, 14.02-2S and 14.02-2L.
222. The subject site is located within Cairn Curran Special Water Supply Catchment Area (SWSCA) and the proposal does not undermine the protection or viability of surrounding irrigation networks within the area, as sought by Clause 14.02-3S. Goulburn-Murray Water have reviewed the proposal in relation to surface and ground water quality, use and disposal and raised no objection to the application.
223. The proposed building designs are generally single storey and appropriately setback from property boundaries to ensure the scale and appearance of the development does not degrade the significant views and rural character, responsive to the objectives of Clauses 15.01-2S, 15.01-6S and 15.01-6L. The function marquee partially disrupts the views from the public realm along Bendigo-Maldon Road and Allans Road, however the visual impacts are considered acceptable given the high-speed nature of these roadway and limited long-range views of the structure.
224. The proposed tourist destination and provides an opportunity for diversification and growth of the regional economy, including supporting the expansion of tourism in the Maldon area, consistent with objectives of Clause 17.01-1R Diversified economy – Loddon Mallee South, and tourism policies at Clauses 17.04-1S, 17.04-1R and 17.04-1L.
225. The subject site is located at the intersection two major roadways: Bendigo-Maldon Road and Allans Road. Given the rural context, there are limited opportunities for land use and transport opportunities other than private vehicles, despite the objectives of Clause 18.01-3S, Sustainable and safe transport. The Transport Impact Assessment demonstrates the movement of vehicles anticipated can be accommodated by the existing road network, noting safety measures are to be required by permit conditions applied by the Head, Transport for Victoria.



Farming Zone

Land uses

226. The various land uses have been assessed against the objectives of the Farming Zone and are considered to deliver non-agricultural uses which deliver employment opportunities in rural communities and will not adversely impact the use of the land and surrounds for agriculture, aligning with the key objectives of the zone.
227. The regional investment and tourism associated with the proposal is anticipated to deliver benefits to the broader regional community. The sustainable management of the land will ensure all proposed land uses exist harmoniously with the surrounding area.
228. The compatibility and management of key land uses with the objectives of zone are summarised below.

Place of assembly

229. The primary proposed use of the land is place of assembly, including the function centre, historic village, museum and ancillary tourism activities. These activities are anticipated to increase visitors and investment in the Maldon area, reflected in the support gained for the proposal from the Department of Jobs, Skills, Industry and Regions (DJSIR). Establishment of these land uses and the associated tourism investment is expected to provide additional employment opportunities in the region as encouraged by the zone.
230. While the place of assembly land uses are not agriculturally based, the use of the land for the function centre, historical village and museum is not expected to detrimentally impact future productivity where the land is suitably managed through sustainable land practices.
231. The application provides details of how the land will be managed, specifically regarding drainage and runoff, wastewater, revegetation and waste. Potential adverse land impacts associated with the place of assembly land uses such as waste, litter, runoff contaminants are all to be appropriately managed through infrastructure and village operational requirements, implemented through recommended permit conditions.

Food and drink premises

232. The proposed food and drink premises on the land include restaurant as well an ancillary food van and hotel (bar) which is provided within the historic village for visitors.
233. The restaurant and hotel land use currently operate on the land, as previously approved by Mount Alexander Shire Council. The scale of these land uses is relatively small and is not considered to have any adverse impact on the use of the land or surrounding areas for productive agriculture. Any land impacts through the generation of waste, effluent and stormwater runoff are currently managed on site and the proposed redevelopment of the land is anticipated to improve this management, such as the decommissioning of on-site wastewater management and connection to reticulated sewerage.
234. The ancillary take-away food van proposed within the historic village is a temporary, moveable structure and is not anticipated to have any adverse impact on water or soil quality of the land. The waste generated through the food van can be accommodated through the broader waste management of the site.

Guest accommodation

235. The accommodation land use components of the proposal consist of existing motel rooms and additional rooms (cabins) which are to be constructed on the land. Capacity for a maximum of 92 guests is proposed on the land, likely to accommodate patrons visiting the land for an on-site event.
236. Overnight accommodation is anticipated to generate economic benefits for the broader region, as well as employment opportunities for rural communities as encouraged in the zone.
237. The guest accommodation is to be connected to reticulated sewerage as per Coliban Water's requirements and will not result in any result to adverse land impacts through the on-site treatment of wastewater.



Dwelling

238. The existing caretaker's dwelling on the land will continue to be occupied by the site manager. This dwelling has existed on the site since 1993 and is not considered to cause any adverse environmental impacts which contravene the objectives of the zone.

Buildings and works

239. The application seeks consent for various building and works associated with the proposed land uses, including some works which are located within 100 metres for the adjoining Transport Zones at Allans Road and Bendigo-Maldon Roads.
240. The majority of the development is consolidated in the western and northern areas of the land, many within 100 metres of the adjoining Transport Zones. The southeastern portion of the land is largely to remain undeveloped. The proposed cabins, amenities buildings and residential garage are located central to the site or within areas which are screened from view from the public realm. These buildings are proposed with timber or colorbond cladding and corrugated sheet metal roof cladding. A condition on permit is recommended to require the material schedule to be updated to demonstrate selected colours and finishes for all new buildings, to be appropriately natural colours which are visually recessive within the landscape.
241. A machinery shed/ workshop is proposed at the northwestern area of the land, approximately 21.6 metres from the Allans Road frontage. The shed is proposed to incorporate metal sheet cladding and roofing and colorbond rollershutters. This shed will be partially visible from the public realm, however based on the proposed height and setbacks will not create an unreasonable visual impact on the landscape. As above, prior to endorsement specific colours and finishes selected to be neutral within the landscape are required to be provided.
242. Retrospective approval is sought for the function marquee which has been constructed at the southwest corner of the land. The function marquee is setback approximately 39.7 metres from Bendigo-Maldon Road and 57.7 metres from Allans Road. The marquee is surrounded by a corrugated iron fence, with some vegetated buffer areas beyond. The marquee is approximately 7.2 metres high and is constructed from white PVC plastic. The structure is visible from the adjoining roadways given the siting, height and colour. Views of the marquee are generally short range only however, given the high-speed limit along the adjoining road and relatively flat topography of the land. On this basis, while not designed to be responsive to the natural character of the area, the marquee is not considered to unreasonably detract from the scenic landscape of the area and is acceptable.
243. The proposed museum building is proposed to be constructed in the southern area of the site, approximately 59.7 metres from the Bendigo-Maldon Road frontage. This building is proposed to have a maximum height of 9.84 metres and incorporate zincalume metal roof sheeting. Based on the proposed height and reflectivity of the roof cladding selected, this building is likely to be visually impactful from the street, despite the large setback. Permit conditions are recommended to reduce the maximum height of the building to no higher than the existing function marquee (7.2 metres) and amend the roof cladding to colorbond or suitable non-reflective material to reduce the visual impact of the museum building.
244. Further assessment of the proposed buildings and works is also provided as responses to the *Design and sitting issues* decision guidelines in the table below.
245. Various servicing and carparking works are proposed across the site to support the proposed land uses and development. Utility servicing works including the construction of sewer pump, firefighting water tanks and pump, electricity substation and switchboard are all considered minor and will not undermine the objectives of the zone. The construction of the carparking areas along the western and northern site boundaries consistent of crushed rock and are not anticipated to degrade the soil or water quality of the area or result in any significant visual impacts.

Earthworks

246. Various earthworks are proposed which require consent under the zone, including the construction of a new retention dam at the northeast of the site and grassed swale drain along the northeastern boundary which directs flows into this dam. There are also four existing dams and ponds on the site, for which planning consent was not previously obtained. These retrospective earthworks include a large dam adjoining the southeast site boundary, retention pond storing runoff from the constructed function marquee and two smaller dams at the centre of the site which form part of the historic village.



247. A drainage management plan is provided to support the application. This plan identifies the proposed earthworks will provide a drainage network across the site to ensure stormwater runoff is suitably stored and filtered before draining across the adjoining Crown land and into the natural watercourse on private property to the northeast. The proposed swale drains and retention dams will capture silt and suspended solids from the runoff and improve water quality entering the catchment.
248. The submitted plan details some stormwater drained from the cabins area will be directed to new retention tanks and stored for reuse for the purpose of landscaping irrigation on the site. Otherwise, the majority of stormwater from the site will continue to drain overland. On this basis, the overall change to the rate of flow across the land associated with the proposed earthworks is minor and no adverse impact the capacity of adjoining properties to undertake productive agriculture. Specific drainage modelling is requested to be provided via permit conditions.
249. An in-ground swimming pool is proposed central to the site, adjoining the proposed cabins and cabins amenities buildings. The development of the swimming pool is not anticipated to have an impact of the rate of flow across the land, given its scale in the scope of the development and location on the site.
250. A more detailed assessment of the proposal against the relevant decision guidelines of the Farming Zone is included in the table below.

Farming Zone	
Decision Guidelines – Clause 35.07-6	
Response	
General	
The Municipal Planning Strategy and the Planning Policy Framework.	As discussed in the above section of this report, the proposal is appropriately consistent with the objectives and strategies under the MPS and PPF.
Any Regional Catchment Strategy and associated plan applying to the land.	<p>The subject site is located within the Loddon River basin, identified within the North Central Regional Catchment Strategy. Sustainable land management, particularly within the Cairn Curran Special Water Supply Catchment Area is a key objective of the plan, including the protection groundwater, soil and biodiversity values.</p> <p>The proposed land uses are supported by technical analysis confirming site drainage, arboricultural and native vegetation protection and landscaping can be appropriately managed on site to ensure the surrounding catchment is not adversely impacted by the non-agricultural land uses proposed. The proposal has been reviewed by Goulburn-Murray Water, who have confirmed the proposal will not detrimentally impact the flow or quality of surface or groundwater. Based on the above, the application is considered generally consistent with the objectives of the Catchment Strategy.</p>
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	<p>The proposed use and development seek to provide a multi-purpose tourism facility on the land. The subject site consists of two relatively parcels within the Farming Zone, with a combined area of approximately 5.9 hectares. The proposed land uses and development are considered reasonably scaled on the land and allow for appropriate landscaping buffers and building separation. The development is generally concentrated to the western and northern areas of the main lot, allowing the retention of large areas of vegetation in the southeastern area of the site.</p> <p>The site is considered to have sufficient capacity to accommodate the proposed land uses. The proposal seeks consent to accommodate a maximum of 497 patrons; however it is considered very unlikely to reach the maximum capacity at any one time based on the multi-purpose nature of visits anticipated. For example, patrons may attend a function and stay overnight on the land within motel or cabin accommodation. Or, patrons</p>



	<p>may attend the historic village and eat a meal in the restaurant. The application does not propose to manage wastewater and the disposal of effluent on the site. Conditions on permit are requested by Coliban Water to require the land to be connected to the reticulated sewerage network, including an extension to the sewer main and construction of a pump station on the land.</p>
How the use or development relates to sustainable land management.	<p>The application seeks consent for non-agricultural uses of the land. The existing site is partially developed and otherwise characterised by vegetated areas with various shallow pits associated with remnant mining activities. Given these conditions, there are limited opportunities for agricultural activities on the land. It is noted the subject site has not been utilised for agriculture for decades and the proposal does not constitute a loss of productive farming land.</p> <p>The proposed land use will not comprise the capacity of the site to managed sustainably, specifically through the protection of soil quality, surface and groundwater assets.</p>
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	<p>As discussed, the size of the two parcels and extent of existing development significantly limits the capacity of the land for productive agriculture. The location of the site approximately 3km from the township is considered suitable for the proposed tourism facility.</p> <p>The proposed land uses are a significant expansion of the previous uses on the site, including motel accommodation, historic village and caretaker's dwelling. While these land uses did not obtain appropriate planning consent, the application notes they have existing on the land in some form since 1993.</p> <p>The surrounding area consists of various land uses, including vegetated conservation reserves and Crown Land, farming-zoned lots, some of which have been developed for dwellings and the Maldon Racecourse. The proposed land uses are generally compatible with these land uses, noting nearby dwellings to the north along Porcupine Land and to the south along Bendigo-Maldon Road are most sensitive. The dwelling nearest the subject site is approximately 100 metres north, at 54 Porcupine Lane.</p> <p>Specific permit conditions relating to the management of construction phases, waste, drainage and runoff, light spill, traffic, patrons and noise are recommended to minimise the potential adverse amenity impacts from the proposal on surrounding properties. Compliance with these requirements, combined with the extent of separation between the development and sensitive adjoining interfaces, the proposal is considered generally compatible with the surrounding land uses.</p>
How the use and development makes use of existing infrastructure and services.	<p>The development seeks to utilise existing infrastructure where appropriate and upgrade infrastructure to ensure the land is suitably serviced for the land uses proposed.</p> <p>The development is required to connect to Coliban Water reticulated potable water and sewerage services. The construction of new infrastructure on the land including an extension to existing sewer main and sewer pump station is proposed to facilitate connection. The drainage of the land will continue to utilise existing dams and retention pond on the land, to retain and capture silt and suspended solids to ensure overland water quality is maintained. A new grassed swale drain, retention dam and</p>



tanks are also proposed at the northeast of the site to supplement existing drainage infrastructure on site.

The site is connected to existing electricity networks. A new Powercor electrical substation has recently been constructed along the Allans Road frontage and to service the development.

Access to the land will continue to be provided via Allans Road, with the existing vehicle crossover and accessway to be updated and sealed.

The surrounding road network is generally considered to have capacity to accommodate additional traffic movements associated with the proposed land uses. Based on the high-speed environment of the adjoining roads, Head, TfV require various upgrades to the road network including the creation of rural basic left turn treatment at the intersection of Allans and Bendigo-Maldon Road and rural basic left and right turns treatments at the main access to the site, to improve vehicle circulation and safety outcomes.

Agricultural issues and the impacts from non-agricultural uses

Whether the use or development will support and enhance agricultural production.

As discussed, the proposal does not include use of the land for agricultural production. On the basis no agriculture is currently undertaken on the land, the application does not reduce or change the productivity of the site.

While the proposal seeks to expand development, the management of site values including soil and water quality are sought to be managed through permit conditions and the proposal is not anticipated to exacerbate existing limitations for agricultural production on the site, noting the existing current development and remnant mining pits.

Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.

The proposed use and development would not adversely affect soil quality or permanently remove land from agricultural production.

The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

Most of the surrounding lots immediately adjoining the site are not used for productive agriculture. The sites to the northeast and west are Crown Land vegetated parcels, zoned for public conservation. The properties to the north along Porcupine Lane are farming-zoned parcels, which have been subdivided into small irregular parcels. The fragmentation of ownership limits the degree of productivity in this area, with several lots occupied by dwellings. The land to the south consists of larger farming-zoned parcels, also occupied by some dwellings. Portions of these lots are productive, utilised for grazed paddocks.

Noting the limited agricultural productivity nearby, the proposal is not anticipated to have any impact on the existing or future expansion of nearby agricultural land.

Based on the submitted drainage management plan, some runoff will be retained on site through retention dams and tanks post-development, however the majority of stormwater will continue as over land flow draining to the neighbouring Crown land and private property to northeast, following the natural fall of the land. The drainage management report concludes the adjacent watercourses will not be adversely impacts by the development, and consequentially the expansion of agriculture is not considered to be impacted by changes to overland flows.

The capacity of the site to sustain the agricultural use.

As discussed, there are no agricultural land uses proposed on the land and



	the subject site is considered to have capacity to accommodate the proposed land uses sustainably.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	The proposal has regard for the agricultural qualities of the land. The site will be connected to reticulated potable water as required by Coliban Water.
Any integrated land management plan prepared for the site.	An integrated land management plan has not been prepared for the site.
Whether Rural worker accommodation is necessary having regard to: <ul style="list-style-type: none">• The nature and scale of the agricultural use.• The accessibility to residential areas and existing accommodation, and the remoteness of the location.	There is an existing dwelling on the land which provides accommodation for the site manager/ caretaker of the property. There is no additional rural worker accommodation provided on the site. The extent of work accommodation proposed is considered appropriate given staff associated with the various land uses will generally be required for specific hours/ events and will not be required to be on site consistent after hours or overnight. The site is reasonably accessible, located approximately 3km from the township of Maldon and 13.5km from Castlemaine, both of which provide residential areas and accommodation opportunities.
The duration of the use of the land for Rural worker accommodation.	As discussed, rural workers employed on the site are likely to be required on the land in shifts aligned with operating hours and events, with the exclusion of the site manager.
Accommodation issues	
Whether the dwelling will result in the loss or fragmentation of productive agricultural land.	<p>The dwelling on the land is existing. The application refers to the presence of this this residence on the land since the establishment of the village in 1993. It is understood the residence has been consistently occupied, however formal planning consent for this land use has not been obtained previously. In the context of this proposal, the dwelling will be used for accommodation for the site manager and will be the only permanent residence on the land. No works are proposed to the existing dwelling; however, an associated garage is proposed to be constructed adjoining. Use of the land for a dwelling does not constitute any change compared with existing operations and will not create any loss or fragmentation of agricultural land.</p> <p>The productivity of subject parcels is already limited by lot sizes, extent of development, vegetation and remnant mining activities. Further subdivision of the parcels would not be sought on the basis the dwelling land use is formalised on the site.</p> <p>The proposed guest accommodation land uses (motel and cabins) will also not result in the loss or fragmentation of productive agricultural land nor the operation and expansion of adjoining and nearby agricultural uses. The motel buildings have existed on the site since its establishment and are well separated from adjoining properties, setback a minimum of 41 metres from the northern boundary. Similarly, the additional rooms (cabins) proposed at the northeast of the site are setback 25 metres from the northern and eastern site boundaries.</p>
Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.	As discussed, agricultural activities on nearby land are very limited. The existing dwelling is located central to the site is considered unlikely to be detrimentally impacted by farming activities undertaken on surrounding land.



	<p>The proposed guest accommodation uses are located in the northern areas of the subject site, well separated from existing agricultural uses south of Bendigo-Allans Road. The land adjoining to the north includes 10-metre-wide pipe reserve, and private lots beyond, some of which have been developed with dwellings. Any significant agricultural production on these lots is considered unlikely given the fragmentation of this land and any future agricultural activities are not anticipated to detrimentally impact the accommodation land uses, given their siting within the site.</p>
<p>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</p>	<p>As above, the siting of the dwelling and guest accommodation uses on the land, combined with the existing fragmentation and uses of surrounding lots, no concerns are held regarding potential adverse impacts resulting from agricultural uses. This proposal is not anticipated to restrict any future operation and expansion of agricultural productivity nearby.</p>
<p>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</p>	<p>It is considered that the proposal will not lead to a concentration of dwellings in the area, noting one dwelling (which already exists on the land) is proposed through the application. The dwelling is considered as a 'caretakers house' and is a supportive component to the broader site operation. The other motel accommodation land use is intrinsically linked to the primary uses of the land for a place of assembly and restaurant, creating a tourism experience on the land.</p>
<p>The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject to:</p> <ul style="list-style-type: none">• A permit for a wind energy facility; or• An application for a permit for a wind energy facility; or• An incorporated document approving a wind energy facility; or• A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.	<p>Not applicable. There are no wind energy facilities within 1km of the subject site.</p>
<p>The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.</p>	<p>Not applicable. There are no extractive industry operations or extractive industry interest areas (EIIA) located in within 500m of the subject site. There are two EIIA identified within 10km of the subject site. The nearest current extractive industry work authority is located approximately 6.7km southeast of the land.</p>
Environmental issues	
<p>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</p>	<p>Most of the development has been sited along the western and northern site boundaries and provides significant areas at the southeast of the main parcel and south of the secondary parcel to remain vegetated. While the proposal includes substantial vegetation removal, the impacts on the natural physical features of the land are moderate and can be appropriately managed.</p> <p>The application is supported by a drainage management plan which incorporates grassed swale drain, retention tanks and dams. Most of the site will continue to drain over land and is proposed to be directed to a new</p>



	<p>retention dam at the northeast of the main lot before being discharged into the natural water course. This system will appropriately capture suspended solids and ensure quality of the water discharged does not adversely impact water quality in the broader catchment.</p> <p>The proposed works are not anticipated to detrimentally impact soil quality, given the development will be connected to reticulated sewerage, stormwater will be appropriately retained and filters and extent of proposed landscaping.</p>
The impact of the use or development on the flora and fauna on the site and its surrounds.	The proposal will have impacts on the flora and fauna on the site and surrounds through the removal of vegetation, including native vegetation. A detailed flora and fauna assessment has been provided with the application and deemed satisfactory. The impacts on flora and fauna are discussed under the below 'Environmental Risk' assessment section of this report.
The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.	<p>The proposal seeks consent to remove 1.704 hectares of native vegetation. Based on the submitted arboricultural impact assessment, 165 trees are proposed for removal to accommodate for the development and associated bushfire management (canopy separation and defendable space).</p> <p>The native vegetation sought to be removed has been analysed through the submitted flora and fauna assessment and appropriate biodiversity offsets identified. Large areas of the site are proposed to remain undeveloped and vegetated, which will continue to provide fauna habitat.</p> <p>Specific fauna enhancement opportunities including control of feral predators, revegetation of understorey and mid-storey of retained vegetated areas, specific species planting retaining lopped timber as habitat on the site as recommended through in the assessment are included as permit conditions. Plant species selection is also to be required to be selected from list of recommended species for Healthy Dry Forest EVC20 and Creekline Grassy Woodland EVC at Section 8.3 of the assessment. Swale drains are also proposed to be vegetated to assist with runoff filtration.</p> <p>While the impacts of the proposal on the biodiversity of the areas are recognised, specific fauna enhancement and revegetation opportunities will provide from effective mitigation of these impacts and ensure biodiversity values are retained or enhanced.</p>
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	The site is required to be connected to and serviced by reticulated sewerage networks. There is an existing wastewater system on the land, servicing the existing dwelling and restaurant. This system and associated absorption lines are located at the northwest of the site, adjoining the motel buildings and northern site boundary. This system currently services the existing dwelling and restaurant, however, this system is required to be decommissioned following the connection to the reticulated sewerage.
Design and siting issues	
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.	As above, the majority of buildings are concentrated at the north and west of the site, with the southeastern area of the land to be largely undeveloped. It is noted this area of the site is vegetated and dotted with shallow remnant mining pits so is not considered to provide agricultural land. The siting of the development to avoid this area is supported however to preserve some



	biodiversity value on the land.
The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.	<p>The site is identified as contributing to the scenic landscaped approach to the Maldon township, characterised by low scale development, setback and prominent vegetation.</p> <p>Retrospective approval is sought for the construction of some buildings on the land, including the white function marquee at the southwest of the site. This marquee is setback 57.7 metres from Allans Road and 39.7 metres from Bendigo-Maldon Road and is visible from the public realm when traveling on these roads. The siting, scale and colour of marquee are recognised as visually impacting the landscaped vista along these roads. The impact is deemed accepted given the high-speed environment of these roads, views to the marquee are relatively limited when passing by the site. The views are also only impactful when vehicles are travelling immediately nearby the land, given the flat topography of the area which does not provide any long-range views of the site.</p> <p>The new cabins are to be constructed at the northeast of the site and are well separated from site frontages. A condition on permit is recommended to amend the proposed material schedule for new buildings to ensure new materials are visual recessive and avoid reflective materials such as zincalume roofing. The existing carparking area and dwellings and historic village as it presents to the Allans Road frontage is setback and constructed with timber and other natural-coloured materials which suitably minimise visual impact.</p> <p>Overall, the impacts of the proposal on the natural environment vistas and views are deemed acceptable.</p>
The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.	As discussed, the proposal will have impacts on the appearance of the immediate area, specifically noting the visual dominance of the existing function marquee. These impacts are considered acceptable and are not considered to unreasonably detract for the natural and agricultural features of the landscape.
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	The submitted plans and supporting technical reports provide adequate detail of existing and proposed infrastructure including roads and accessways, connection to reticulated sewerage and electricity substation. The recommended conditions of the permit will ensure these facilities are designed and constructed to relevant standards.
Whether the use and development will require traffic management measures.	The anticipated traffic impacts of the proposal have been analysed through the submitted traffic impact assessment. The application has reviewed by the Head, Transport for Victoria who are supportive of the proposal subject to conditions including requirements for road upgrade works being undertaken adjoining the site to provide basis left and right turning areas. These upgrades will improve safety for vehicles entering/ exiting the site and improve traffic circulation in the surrounding road network.
<p>The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to:</p> <ul style="list-style-type: none"> • A permit for a wind energy facility; or • An application for a permit for a wind energy facility; 	As above, not applicable.



- An incorporated document approving a wind energy facility; or
- A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.

The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

As above, not applicable.

Significant Landscape Overlay – Schedules 1 and 3

Buildings and works

251. All proposed buildings and works trigger consent under Schedule 1 and 3 of the Significant Landscape Overlay. The subject site is identified as with the 'Maldon Landscape Area' (SLO1) and 'Scenic Landscape Area Approaches to Maldon' (SLO3) significant landscape areas. The location of the main site at the intersection of the intersection of Allans and Bendigo-Maldon Road forms a prominent location when approaching the Maldon township from the east.
252. As mentioned, the site was established for with the historic village and dwelling constructed on the land in 1993. On this basis, some development of the land and interruption of the natural landscape has existing on the site for several decades. Consent is sought for significant extent of additional works and development which have been undertaken on the land more recently, including the construction of the function marquee and ancillary amenities, and various buildings ancillary to the historic village and carparking works.
253. The location, siting and height of the function marquee creates a visual intrusion into the environmental character and scenery of the area, particularly along the approach to the township. Considering the objectives of the overlays, the overall impact of the appearance of the marquee is considered to be moderate and acceptable. While the colour and height of the structure is not typical of a building developed to complement vegetated landscapes, the structure is separated from site boundaries and is partially buffered by established vegetation along the Bendigo-Maldon frontage as shown in Figure 68. The submitted landscape plan includes some additional planting immediately south of the marquee, which will offer further screening over time.



Figure 58 Existing function marquee as viewed from Bendigo-Maldon Road

254. Additionally noting the flat topography of the landscape, the views to the significant landscape are interrupted by the marquee for a relatively short period for those passing by in vehicles. There remains a significant extent of vegetation screen views along the majority of the southern boundaries with the marquee the only major interruption to landscape character along the Bendigo-Maldon Road.
255. A new museum building is also proposed to be constructed adjoining the marquee, which will be setback a minimum of 59.7 metres from the southern boundary and prominently screened by existing vegetation. To mitigate any potential visual impacts associated with this new building, conditions on permit are recommended revised the roof material from reflective zinclaume to a more neutral coloured colorbond or similar and also reduce the maximum of height of the building to not more than existing function marquee (7.2 metres). These recommendations are considered sufficient to avoid any further disruption to the landscape character of the site when viewed from the south.
256. A large extent of the existing development fronts the Allans Road frontage, as a result the visual landscape interest along this frontage is compromised. This area includes the exiting carpark (with some large canopy trees remaining), entrance to historic village, caretakers dwelling and servicing utilities including the fire-fighting water supply and electricity substation. Further works proposed along this frontage include an extension of the carparking area to the north, construction of a machinery shed and adjoining waste storage/ collection area. Most new buildings proposed as part of the development are located more centrally within the site or in the northeastern area which is well separated from public view.
257. The extent of additional building and works along the western boundary of the site is considered acceptable, noting the landscape values and views of the site from this aspect are already compromised by the existing carparking and development. Considering servicing practicalities of the development and within the context of the existing site conditions, continuing to provide vehicle access, connecting carparking areas and providing servicing infrastructure and workshop at the northwest of the site is reasonable and appropriate.
258. Some existing native canopy trees are to be retained along this frontage. The submitted landscape plan shows hedge planting is across the length of the Allans Road frontage, which will assist in softening the appearance of development along this road. A condition on permit is recommended to ensure species selected for all new planting is consistent with the recommended species identified in the flora and fauna assessment and will contribute the significant landscape and biodiversity values of the area.
259. Given the exiting interruptions to the scenic vegetation along the Allans Road frontage, the proposed additional works in this area are acceptable, when balanced with fundamental considerations including servicing, carparking, bushfire water supply and waste storage.

Removal, destruction and lopping of vegetation

260. The application seeks consent for the removal of 165 trees and lopping of 5 trees overall.
261. Pursuant to Schedules 1 and 3 to Clause 42.03, a permit is required for the removal, destruction or lopping of all trees with a diameter of 40cm or more at 1.3 metres above ground level. The submitted arboricultural impact assessment identifies 35 of the trees proposed for removal as exceeding this size and triggering consent under the overlay. An additional 4 trees are identified to be pruned for bushfire management and also trigger consent under the overlay.
262. The specific trees identified for removal/ lopping assessed against the overlay are summarised below. The extent of vegetation to be removed is largely contained in the western and northern areas of the site, to accommodate the development of new buildings and carparking areas on the land and provide associated canopy separation and defensible space.

Tree number	Species	Removal/ Lopping
6	<i>Eucalyptus camaldulensis</i>	Removal
9	<i>Eucalyptus camaldulensis</i>	Removal
10	<i>Eucalyptus camaldulensis</i>	Removal
25	<i>Eucalyptus melliodora</i>	Removal
34	<i>Eucalyptus camaldulensis</i>	Removal
43	<i>Eucalyptus melliodora</i>	Removal
44	<i>Eucalyptus camaldulensis</i>	Removal
45	<i>Eucalyptus microcarpa</i>	Removal
46	<i>Eucalyptus melliodora</i>	Removal
47	<i>Eucalyptus camaldulensis</i>	Removal
50	<i>Eucalyptus microcarpa</i>	Removal
52	<i>Eucalyptus macrorhyncha</i>	Removal
56	<i>Eucalyptus microcarpa</i>	Removal
59	<i>Eucalyptus microcarpa</i>	Removal
61	<i>Eucalyptus microcarpa</i>	Removal
63	<i>Eucalyptus microcarpa</i>	Removal
64	<i>Eucalyptus microcarpa</i>	Removal
66	<i>Eucalyptus microcarpa</i>	Removal
67	<i>Eucalyptus microcarpa</i>	Removal
70	<i>Eucalyptus microcarpa</i>	Removal
71	<i>Eucalyptus microcarpa</i>	Removal
86	<i>Eucalyptus microcarpa</i>	Removal
87	<i>Eucalyptus macrorhyncha</i>	Removal
88	<i>Eucalyptus microcarpa</i>	Removal
103	<i>Eucalyptus microcarpa</i>	Removal
110	<i>Eucalyptus microcarpa</i>	Removal
113	<i>Eucalyptus microcarpa</i>	Removal
152	<i>Eucalyptus microcarpa</i>	Removal
153	<i>Eucalyptus melliodora</i>	Removal
155	<i>Eucalyptus melliodora</i>	Removal
156	<i>Eucalyptus microcarpa</i>	Lopping only
160	<i>Eucalyptus melliodora</i>	Lopping only
186	<i>Eucalyptus melliodora</i>	Removal
189	<i>Eucalyptus melliodora</i>	Removal
193	<i>Eucalyptus microcarpa</i>	Lopping only
204	<i>Eucalyptus microcarpa</i>	Lopping only
465	<i>Eucalyptus microcarpa</i>	Removal
490	<i>Eucalyptus macrorhyncha</i>	Removal
496	<i>Eucalyptus microcarpa</i>	Removal

263. The extent of tree removal proposed is not considered to unreasonably detract from the value of the landscape or undermine the landscape significance of the area. The loss of 35 large trees on a site of this size is considered



reasonable, when considered on balance against the variety of land uses and economic development opportunities to be provided by the proposal.

264. The vegetated character of the site is already impacted by existing development in this area and concentrating development in the northern and western areas of the site is sensible and results in less vegetation loss compared with alternative development locations on the land.
265. Additionally, large tracts of the site to the southeast are proposed to be retained as undeveloped, vegetated areas. These areas of the site will continue to present as forested landscape along Bendigo-Maldon Road, which is considered the more prominent view line in the approach to the Maldon township. On this basis, the siting of development and associated vegetation losses along the Allans Road interface is the preferred response.
266. The trees proposed to be trimmed and lopped are central to the site, adjoining the museum and function marquee (trees 156 and 160) and within the historic village area (trees 193 and 204). The trimming of these trees is sought to ensure appropriate tree canopy separation and separation from buildings is achieved to managed bushfire risk. Based on location of these trees, the visual impact of the lopping on the character value of the site will be negligible.
267. The overall landscape values of the area are not considered to be unreasonably undermined by the proposed tree removal and lopping, especially considering the opportunities for revegetation and landscaping across the western site boundary.
268. The proposal is considered in more detail against the landscape objectives of the Significant Landscape Overlay, Schedules 1 and 3 in Tables below.

Significant Landscape Overlay, Schedule 1	Response
Landscape character objectives to be achieved	
General	
To prevent the destruction of significant tracts of bushland or trees which would detract from the value of the landscape, or area of significant vegetation.	The extent of vegetation removal sought is generally contained to the northern and western areas of the site. Tracts of vegetation proposed for removal are generally limited to the central area of the site which will not result in significant impact of the general appearance of the land. The areas of vegetation removal (35 large trees overall), proposed along the Maldon Road frontage are required to service the development and provide vehicle access to the northern areas of the land. The landscape value of this portion of the site is compromised by previous development and the extent of further removal is not anticipated to result in an unacceptable outcome.
To preserve and enhance the character of the roadside along major approach roads to towns, the areas of landscape significance as identified by the National Trust and the Department of Environment, Land, Water and Planning, prominent vegetation within the township area, the environs of the Cairn Curran Reservoir and other areas of visual landscape interest.	<p>The roadside character on the approach to the township of Maldon is not unreasonably undermined by the proposal. The site as viewed along Bendigo-Maldon Road is largely preserved, aside from portions at the intersection with Allans Road, where the proposed function marquee and museum building are located. Given the extent of setback of these structures and partial screening provided by existing established vegetation along this frontage and within the road reserve, the extent of visual landscape interest is considered acceptable.</p> <p>Allans Road is considered the less prominent approach to the township from the west, with this road providing a link to Bridgewater-Maldon Road across the north of the township, compared with Bendigo-Maldon Road which connects with the central Maldon area and High Street. The vegetation removal and extent of works have a more substantial visual impact on this frontage, which is considered reasonable on balance, considering</p>



	the economic benefits of the proposal and extent of landscaping and revegetation to be implemented through permit conditions.
To minimise the impact that mining activities are able to have on land of landscape significance.	Mining works are not proposed. There is a small, shallow pond central to the site which is proposed to be used by historical village visitors to simulate 'gold panning', however this is a recreational activity and does not constitute actual mining. There are several areas of the land which remnant gold mining activities are evident, however this proposal will not exacerbate this impact of these historic activities in any way.
To encourage development of a type which does not detract from the value of the landscape due to its siting, height or general appearance.	<p>The development has been sited to avoid development of the southeastern portion of the site, which are to be retained as landscaped areas. This facilitates landscaped views of the site from the south to remain largely uninterrupted. Some immediate views of the function marquee and museum building will be visible, however permit conditions are recommended to be reduce the scale of the proposed museum building to reduce visual impacts in this area.</p> <p>The height and general appearance of the remaining development on the land is generally low scale and will be required to incorporate natural, visually recessive materials through permit conditions. The siting of development along the western areas of the site will impact the appearance of the site from this frontage, however, has been deemed reasonable given the extent of development already existing on this area of the site and the subsequent retention of large tracts of vegetation in the southeastern areas.</p>

Significant Landscape Overlay, Schedule 3	Response
Landscape character objectives to be achieved	
General	
To recognise, conserve and enhance the character of the approach roads to Maldon, their immediate environments and other prominent scenic areas.	<p>The proposal provides for a multi-purpose tourism development, which generally recognises and celebrates the heritage and natural values of the area.</p> <p>The extent of works and vegetation removal proposed are considered to strike an acceptable balance between development and conserving the visual significance of the region. The land will provide a unique visitor experience, while largely continuing to blend with the surrounding vegetated landscape particularly from the Bendigo-Maldon frontage which includes large tracts of established vegetation to be retained on the site.</p>
To preserve, maintain and enhance historic items which contribute to the heritage and character of Maldon.	The land does not include any significant heritage features or buildings. However, the proposal, particularly the historic village portion, is considered reflective of the historic character of Maldon and will provide visitors in insight into the gold mining heritage of the region.
To restrict the impact that mining activities or tailings removal or treatment may have on these important approaches to Maldon, and other scenic areas.	As above, the proposed works do not include mining works which will impact the landscape.



To ensure that any development, excavation or works associated with mining does not adversely affect the appearance and significance of the area.	The proposed works do not include mining works which will impact the landscape.
To encourage development which complements the density, scale and setback of existing development.	The proposed development is generally considered to provide appropriate setbacks and separation to be visually recessive and avoid dominating the landscape. Much of the development is central to the site, single storey and provides suitable building separation consistent with the objective of the overlay. As discussed, the impacts of the retrospective construction of a function marquee at the southwest of the site has been considered and deemed acceptable, on the basis the existing setbacks, extent of screening provided by existing vegetation and relatively limited capacity for long-range views of the structure.
To discourage development which is not in harmony with the existing character and appearance of the area.	<p>The proposed development is reasonably harmonious with the existing character and appearance of the area. New buildings on the land will be constructed to suitably blend with the landscape through the selection of natural materials and neutral finishes.</p> <p>While some retrospective development has been undertaken which creates variation within the landscape, particularly the function marquee, the impact of this development on the overall appearance of the area is considered acceptable.</p>

Bushfire Management Overlay

269. Buildings and works associated with all key land uses proposed through this application are identified at Clause 44.06-2 as requiring consent under the Bushfire Management Overlay. These uses are summarised as:
- Accommodation – including proposed motel, cabins and caretaker's dwelling.
 - Retail premises – including proposed food and drink premises, restaurant and ancillary hotel (bar).
 - Place of assembly – including proposed function centre, historic village and museum.
270. The application is supported by Bushfire Planning Report, which includes a bushfire hazard assessment of the area surrounding the subject site and details of bushfire protection measures to be adopted as per each approved measures set out in Clause 53.02. This report informs the submitted Bushfire Management Plan, which summarises all adopted measures and demonstrates required BAL construction standards and defensible space.
271. A Bushfire Emergency Management Plan has also been submitted, detailing the primary response required based on forecast fire danger ratings, including:
- Closure of the facility and cancellation of function on any days of extreme and catastrophic fire-rated days.
 - Evacuation of occupants to designated safer off-site locations where the site is occupied, and the potential bushfire threat triggers an evacuation response.
 - Shelter in-place procedures where opportunity for evacuation is not available, and the bushfire threat is imminent.
272. The application has been referred to the CFA pursuant to Clause 44.06-6, which has raised no objection to the application subject to the inclusion of permit conditions, which are to be adopted in full.
273. On the basis the submitted bushfire planning report, bushfire management plan and emergency plan are supported by the CFA, effectively respond to the objectives of Clause 13.02 and provide details of the adopted measures proposed for each of the approved measures required at Clause 53.02, the application is considered to effectively respond to the objectives of the Bushfire Management Overlay. The proposal has been considered against the requirements of the overlay in the table below.



Bushfire Management Overlay	Response
Objectives to be achieved	
General	
To implement the Municipal Planning Strategy and the Planning Policy Framework.	As discussed in the above section of this report, the proposal is appropriately consistent with the objectives and strategies under the MPS and PPF.
To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.	The proposal suitably prioritises the protection of human life through the detailed analysis of bushfire hazards, various bushfire management measures to be implemented on the land and the emergency procedure proposed, including the closure of the site where the bushfire danger rates are extreme or catastrophic.
To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.	The Bushfire Planning Report includes detailed analysis of surrounding bushfire hazards, considering classified vegetation type, slope, predominant winds, previous bushfires and potential fire run across the landscape. This hazard analysis informs the adopted bushfire management measures, including construction standard BAL ratings proposed for new buildings.
To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.	Based on the submitted report, management plan and emergency plan the bushfire risks associated with the development can be suitably mitigated and risk to life and property managed to an acceptable level.

Amenity Impacts

Noise

274. The proposed land uses include various noise emitting activities with capacity to result in adverse impacts, in particular:
- Operation of the function centre marquee, including outdoor ceremonies, live and pre-recorded background and elevated music, and patron noise.
 - Operation of the restaurant, including live and pre-recorded background music to be played at 'background level', and patron noise.
275. The application is supported by an acoustic assessment, which includes an analysis of the anticipated noise to emanate from the site, the impact on adjoining noise sensitive receptors and provides recommendations to mitigate impacts.
276. The estimated sound level power (or effective noise level) from each key activity is summarised below:

Noise type	Specific location/ noise activity	Effective noise level (dB(A))
Noise from music	Function marquee – average level inside marquee	100
	Restaurant stage	100
	Restaurant outdoor speakers	74
	Restaurant - Average level inside restaurant	80

Noise from patrons	Function marquee – 250 people inside marquee, reverberant room level (vertical drinking)	83
	Function marquee – 30 people outside marquee (vertical drinking)	97
	Restaurant – 100 people in outdoor dining area	98

277. The report identifies seven nearby dwellings as noise sensitive receptors, the locations of which are shown in Figure 59 below. The maximum noise limit at the noise sensitive receptors is determined as 38dB(A) for music and patron noises, to comply with EPA Publication 1826.4, which is referred to as the noise protocol. The protocol is an incorporated document for Part 5.3 of the Environmental Protection Regulations, which provide regulation framework for limiting emission of noise.

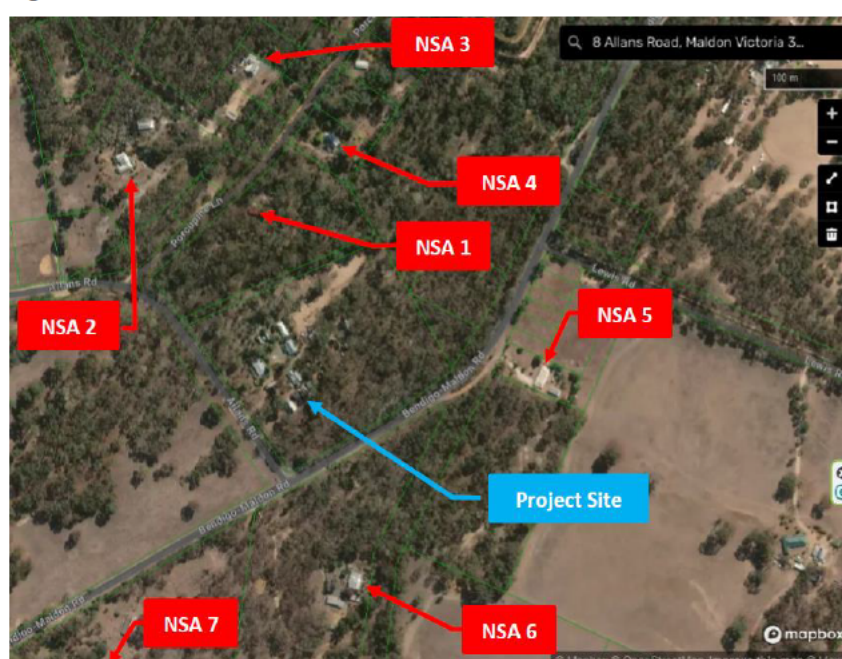


Figure 59 Locations of noise sensitive receptors (nearby dwellings) assessed in the submitted acoustic report

278. Noise modelling undertaken concludes the effective noise level audible at the location of each of the identified sensitive dwellings, for both music noise and patron noise, is less than the 38dB(A) limit and complies with the Noise Protocol. The maximum noise levels modelled were also determined to be less than the 48dB level specified as the maximum night criterion adopted to avoid sleep disturbance.
279. Several recommendations for noise mitigation measures to be implemented on the site are provided to achieve the modelled noise levels and compliance with the protocol. These recommendations include keeping marquee doors, closed, installing an airlock on the southern marquee door, constructing a noise barrier around the southern area of the marquee, restricting no more than 30 patrons from gathering outside the marquee, managing patrons to avoid gathering in carpark or other spaces on the site, installing a sound limiting device to the restaurant PA system and restricting the use of unamplified instruments in live music performances.
280. It is noted the Noise Protocol provides different methods to calculate noise limits in urban and suburban or rural areas. The appropriate rural/ suburban methodology has been adopted in the submitted acoustic assessment.
281. However, DTP considers the context of the subject site particularly sensitive, given the largely undeveloped setting within the Farming Zone, separation from the Maldon township, and the wildlife and biodiversity values of the area. Given the potential impacts of regular (potentially three or more) functions per week, and the proposed hours of operation of the functions until 11pm on Fridays and Saturdays, the balance of planning considerations warrants a



more conservative approach to management of noise emissions from the land uses. The reasonable amenity expectations of properties in a Farming Zone must be more heavily weighted in an assessment of the proposed land uses and development. As a result, compliance with the relevant noise protocol alone is considered insufficient to appropriately mitigate amenity impacts from noise and more rigorous measures are required to appropriately limit impacts in this exceptionally sensitive context.

282. On this basis, permit conditions are recommended to provide additional comfort that noise impacts will be suitably limited. These include requirement for further noise modelling by the acoustic engineer to determine the specific noise attenuation treatments and operational measures which would be required to ensure no noise associated with the function centre or restaurant uses are audible beyond the property boundaries. Based on the recommendations of this further modelling, the specific measures are to be required to be implemented on site from 9pm onwards. This will ensure any noise generated on site will have no impact on nearby residents after this time. At all other times prior to 9pm, the measures currently recommended to ensure the noise emitted complies with the Noise Protocol, which is considered to be an appropriate balance having regard to the site context.
283. It is noted the current planning permit PA290-2021 issued by Mount Alexander Shire Council, which allows for the restaurant and hotel uses, specifies no amplified music, announcements or broadcasts are to be audible beyond the property boundary at any time. DTP's recommended condition seeks to ensure this outcome is appropriately achieved from 9pm onwards, for the restaurant and function centre noise sources.
284. Additional to these requirements, preparation of a patron management plan is also recommended to be required through conditions on permit. This plan is to detail implementation of noise management measures recommended by the amended acoustic assessment, as well as staffing, training, signage, complaints procedures proposed to ensure the operation of the venue and behaviour of patrons does not result in amenity impacts for adjoining residents.
285. Based on the submitted acoustic assessment and recommended permit requirement for further modelling and more stringent noise mitigation after 9pm, DTP considers that the impacts of noise in this sensitive location are able to be appropriately managed.

Hours of operation

286. The proposed hours of operation of the various land uses have been considered in the context of anticipated amenity impacts to surrounding residents and landowners. In some circumstances, the hours of operation are recommended to be restricted through permit conditions, to avoid any potential adverse impacts. The proposed and recommended hours of operation for each key land use is summarised below, with changes recommended underlined.

Land use	Hours of operation previously approved (Council permit PA290/2021)	Hours of operation sought by applicant	Recommended hours of operation (enforced by permit conditions)
Restaurant	<ul style="list-style-type: none"> 7am to 12am Monday – Sunday 	<ul style="list-style-type: none"> 12pm to 10pm Friday 12pm to 10pm Saturday 12pm to 10pm Sunday or public holiday. 	<ul style="list-style-type: none"> <u>12pm to 10pm Friday</u> <u>12pm to 10pm Saturday</u> <u>12pm to 10pm Sunday or public holiday.</u>
Hotel	<ul style="list-style-type: none"> 7am to 7pm Monday – Sunday 	None provided	<ul style="list-style-type: none"> <u>12pm to 10pm Monday to Sunday</u> <u>12am to 10pm public holiday.</u>
Function Centre	N/A	<ul style="list-style-type: none"> 12pm to 11pm Friday and Saturday 12pm to 10pm Sunday 12pm to 11pm public holiday 	<ul style="list-style-type: none"> 12pm to 11pm Friday and Saturday 12pm to 10pm Sunday 12pm to <u>10pm</u> public holiday

Historic Village	N/A	None provided	<ul style="list-style-type: none"> 8am to 10pm Monday to Sunday. 8am to 10pm public holiday.
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287. The proposed restaurant hours sought through this application are significantly reduced compared with the previous council approval, which allowed operation of the restaurant from 7am – 12am midnight every day. The revised hours now propose 12pm – 10pm Friday – Sundays, which are deemed reasonable and are supported.
288. This application did not specify hours sought for the ancillary hotel within the historic village. The previous council approval allows the hotel to operate from 7am- 7pm every day. These hours of operation are considered excessive, noting the sale and consumption of liquor associated with this use. As a result, the hours of operation are recommended to be revised from 12pm – 10pm, to be consistent with the restaurant land use.
289. The function centre land use is sought to operate from 12pm – 11pm on Friday and Saturday and public holidays and 12pm – 10pm on Sunday. These hours are generally considered reasonable, noting events cannot be held on weekdays and specific conditions will restrict noise emitted from the marquee after 9pm (refer to noise section above). The recommended conditions seek to reduce the closing time on a public holiday from 11pm to 10pm (aligned with Sunday hours), given the occasional occurrence of mid-week public holidays and possibility for associated adverse impacts.
290. The application did not provide specific hours of operation for the historic village (place of assembly) component of the proposal. To avoid ambiguity, it is recommended hours of operation are restricted to 8am – 10pm. The early opening hours seek to accommodate school groups or other morning visitors, while the closing time aligns with the recommended hotel within the village.
291. Based on the recommended changes to hours, the operation of the proposed land uses is not likely to result in adverse impacts to adjoining properties.
292. It is noted the hours for accommodation land uses are not restricted and are required to function 24/7, to allow overnight visitors.

Light spill

293. Given the nature of the proposed use and generally central location of operational buildings on the site, it is anticipated that any off-site amenity impacts caused by light spill will not be significant.
294. Conditions on permit are recommended to require all installed lighting operates to comply with the *Australian Standard AS4282 Control of the obtrusive effects of outdoor lighting* and require lighting to designed, baffled and located to prevent any adverse effect on adjoining land.

Dust & odour

295. The preparation of a construction environmental management plan (CEMP) is recommended to be required through a condition on the planning permit. This plan will be required to address how sediment and dust control, mud and debris will be managed on site during construction to ensure amenity impacts are avoided and minimised.
296. The proposal is not considered to generate significant dust impacts to nearby properties during its operation. The proposed carparking areas along the western and northern areas of the site are to be crushed rock, which may result in some dust impacts from vehicles circulating within the site. However, given the extent of separation between proposed parking areas and existing dwellings, the impacts are likely minor.
297. The land uses on the site are not anticipated to generate activities which would result in odour detrimentally impacting surrounding properties.

Visual Impacts

Built form

298. The built form impacts of the proposed development have been considered in detail in the previous assessment against the Significant Landscape Overlay. As discussed, most development is generally concentrated centrally and provides appropriate separation from site boundaries. The proposed buildings are generally low-profile and have limited visual impacts.
299. The visual impact along the Bendigo-Maldon Road frontage is large preserved, aside from areas at the intersection with Allans Road, where the proposed function marquee and museum building are located. Given the extent of setback of these structures and partial screening provided by existing established vegetation along this frontage and within the road reserve, the extent of visual landscape interest is considered acceptable. Particularly noting permit conditions are recommended to reduce the height and roof cladding reflectivity of the museum building, which will ensure this building is suitably recessive.
300. The visual impact from the Allans Road frontage is more significant, however the height and general appearance of the remaining development on the land is generally low scale from this aspect. As discussed, permit conditions are recommended to require the material schedule be updated to incorporate natural, visually recessive materials. The siting of development along the western areas of the site is deemed reasonable given the extent of development already existing on this area of the site and the subsequent retention of large tracts of vegetation in the southeastern areas.

Public Realm

Infrastructure

301. The proposal incorporates various infrastructure upgrades to support the proposed land uses. The proposed infrastructure works detailed below are not anticipated to result in any adverse impacts to the surrounding residential properties or broader public realm.

Sewer

302. As discussed, all wastewater generated on the site is required to be disposed through the Coliban Water reticulated sewerage system. The existing site is currently serviced by an on-site wastewater treatment system, which is required to be decommissioned following the connection to the reticulated service. Connection to the sewer requires the construction of a sewer pump station at the northeast of the site and an extension to the sewer main to the Reef Street sewerage pump station.

Potable Water

303. The land is also required to be connected to the reticulated water, which requires an extension to the water main from the Maldon township, as per Coliban Water's developer installed works requirements.

Electrical substation

304. An electrical substation has been constructed within the Allans Road frontage, adjoining the vehicle entrance to the site. The substation is constructed in a suitably natural coloured, mist green colorbond and is separated by timber fencing from the main site. The substation is required to be immediately adjoining the site boundary and is acceptable.

Firefighting water supply

305. Two large 89,000-litre water tanks for fire-fighting purposes and associated diesel pump have been installed at the northwest of the site, to comply with bushfire planning and CFA requirements. These tanks are visible from the Allans Road frontage, however, are not anticipated to have an unreasonable impact on the public realm.

Signs

306. A vinyl business identification sign is proposed to be constructed on the Allans Road frontage. The proposed sign has a total display area of 2.89sqm and is suitably responsive to the sensitive farming zone context of the area.



The sign is not proposed to be illuminated and is designed to be predominantly a natural green colour, which does not unreasonably dazzle or distract from the surrounding natural landscape.

307. The sign is not anticipated to create visual clutter or cause any loss of amenity or safety of the adjoining roadway.

Landscaping

308. The application is supported by a landscape concept plan, which identifies extents of screening planting along Allans Road frontage and some large tree planting adjoining the western carpark, northern boundary, cabin accommodation and motel areas. Some smaller planting is also proposed in the southwest adjoining surrounding the function marquee.

309. The preparation of a detailed landscape plan is to be required by a condition of permit, to include detailed planting schedule informed by the recommended species in the flora and fauna assessment, revegetation of areas cleared around retained trees and internal fencing. Subject to the above conditions, the proposal will result in appropriate landscaped outcomes, which is consistent with the objectives of the significant landscape overlays.


Car and Bicycle Parking, Loading, and Other Services

Car Parking

310. The following car parking rates are relevant to the application:

Use – Car parking	Rate	Amount Required	Amount Provided	Achieved
Place of Assembly - Function Centre	0.3 spaces to each patron permitted	75	75	Achieved
Place of Assembly – Historic Village	0.3 spaces to each patron permitted	15	15	Achieved
Motel (rooms)	1 space to each unit plus 1 to each manager dwelling and 50% of the relevant ancillary use.	9	9	Achieved
Motel (cabins)	1 space to each unit plus 1 to each manager dwelling and 50% of the relevant ancillary use.	26 (additional manager space not necessary)	26	Achieved
Restaurant	0.4 spaces to each patron permitted	40	10	Not Achieved
Hotel (bar)	0.4 spaces to each patron permitted	2	2	Achieved
Caretakers dwelling	2 spaces to each three of more bedroom dwelling	2	2	Achieved
TOTAL		169	139 (reduction of 30 spaces)	Not Achieved
Car Share	N/A	N/A	N/A	
Motorcycle Parking	Minimum rate of one motorcycle parking space for every 100 car parking spaces	1	Not Achieved	Not Achieved

311. Pursuant to Clause 52.06-5, the statutory requirement for the various uses proposed on the land is 169 car parking spaces. On the basis 139 spaces are proposed to be provided on the site, consent for a reduction of 30 spaces is sought. Three bus parking spaces are also provided.

- 
312. The proposed carparking is distributed throughout the site, with spaces adjoining the relevant land use for convenient access for patrons and guests. The distribution of spaces includes:
- 28 carparking spaces and three bus spaces at the southwest of the site within the existing carparking area.
 - 10 existing spaces associated with the existing motel, located between the motel buildings and managers dwelling.
 - An additional 47 spaces to be provided in the northern extension to the western carparking areas.
 - An additional 52 spaces provided within the new carparking area at the northwest of the site, adjoining the cabin accommodation.
 - 2 new spaces to be provided within the garage proposed to be constructed associated with the existing caretakers dwelling.
313. As per the requirements of the Clause 52.06, the statutory carparking requirement has been calculated as a cumulation of the anticipated demand associated with all the land uses proposed. The proposed reduction 30 carparking spaces is considered reasonable and acceptable on the basis the likelihood of all the land uses on the site operating at capacity simultaneously is very low.
314. Additionally, the nature of the proposal means visits to the site are likely to be multi-purpose. For example, a guest who may be attending an event within the function marquee may also be staying overnight in one of the motel rooms or cabins. The carparking demand for operating the function centre and accommodation land uses are met by the same space, therefore less than the statutory requirement for both land uses in this instance. Similarly, guests staying in the accommodation on site may also attend the restaurant, historic village or museum on the land, but do not generate any additional carparking demand beyond the spaces provided in association with the accommodation land uses.
315. The reduction is further justified by the likelihood of visitors attending the site in groups on buses, rather than private cars. It is probable school groups, tourists and wedding guests are transported to and from the site via organised buses which also works to reduce the carparking demand on the site. There are three bus parking spaces provided on the land, which could accommodate the transport of approximately 150 visitors.
316. While it is recognised the location of the site will require most visitors to drive/be driven to the site, visitors associated with the various land uses are anticipated to typically travel in groups and the possibility of demand exceeding 139 spaces which are proposed to be provided is considered very unlikely.
317. A dedicated motorcycle parking space is not provided on the land, however there is considered to be ample capacity for motorcycle carparking demand to be met on the site based on the proposed carparking configuration.

Design Standards for Car Parking

318. The proposed carparking areas are compliant with the design standards set out at Clause 52.06-9. The accessways throughout the carparking areas have a minimum width of 7 metres and a turning area is provided at the end of the of the dead-end area in the northwestern carpark. Aside from the main driveway access from Allans Road, the carparking areas are to be unsealed crushed rock, which is considered acceptable in this context.
319. New carparking spaces have dimensions of 2.6 metres wide and 5 metres long, exceeding minimum dimensions required by Design Standard 2.
320. One DDA complaint car parking space is proposed within the existing western carpark, immediately adjoining the main driveway.
321. The site is relatively flat and there are no ramps required within carparking areas. The carparking areas are proposed to incorporate garden beds and some canopy tree plantings throughout.

Access, Traffic Movement and Circulation

Alteration of Access to Transport Zone 2

322. The existing vehicle accessway from Allans Road is proposed to be reconstructed and sealed as bitumen driveway for a length of approximately 25 metres. Allans Road is classified as a Transport Zone 2 and the application seeks consent to alter the access to this road.
323. The application has been referred to the Head, Transport for Victoria which did not raise any objection to the proposal subject to the inclusion of permit conditions. These conditions require the preparation of a functional layout plan to design a rural basis left turn at the intersection of Allans and Bendigo-Maldon Road, and a basic rural left and right turn at the main access to the subject site. This must be supported by a road safety audit approved prior to the roadworks being undertaken.
324. The required roadworks and upgraded road treatments will improve safety for the adjoining intersection, particularly important given the high-speed limits in the area and the tourism-related activities prompting drivers unfamiliar with the area to visit the site.
325. Following the completion of the required upgrades, the proposal is not anticipated to create any unreasonable congestion within the wider road network.

Internal circulation

326. The proposed layout of internal vehicle access is considered appropriate and allows for function circulation of cars within the site.

Bicycle Facilities

327. Clause 52.34-1 of the Scheme requires bicycle parking facilities as follows:

Proposed Use	Purpose	Bicycle Parking Rate	No. of Spaces Required	No. of Spaces Provided
Dwelling	Resident	1 space / 5 dwellings	0	0
	Visitor	1 space / 10 dwellings	0	0
Function centre (513sqm)	Employee	1 space / 1500 sq m of net floor area	0	0
	Customer	2 plus 1 space / 1500 sq m of net floor area	2	0
Museum (223 sqm)	Employee	1 space / 1500 sq m of net floor area	0	0
	Customer	2 plus 1 space / 1500 sq m of net floor area	2	0
Place of Assembly – Historic Village (Approx. 1250sqm combined floor area of village buildings)	Employee	1 space / 1500 sq m of net floor area	1	0
	Customer	2 plus 1 space / 1500 sq m of net floor area	3	0
Motel and cabin accommodation (34 rooms total)	Employee	1 space / 40 rooms	1	0
	Customer	None	0	0
Restaurant – Existing use (166sqm public floor area)	Employee	1 to each 100 sq m of floor area available to the public	2	0
	Customer	2 plus 1 to each 200 sqm of floor area available to the public if the floor area available to the public exceeds 400 sq m.	3	0
Hotel – Existing use (Historic bar- 19sqm)	Employee	1 to each 25sqm of bar floor area available to the public, plus 1 to each 100sqm of lounge floor area available to the public.	1	0



	Visitor	1 to each 25 sqm of bar floor area available to the public, plus 1 to each 100 sq m of lounge floor area available to the public	1	0
Total	<i>2 employee spaces required</i>		9	0
(new uses or floor areas increased only)	<i>7 customer spaces required</i>			

328. Bicycle facilities are not provided as part of the application. The submitted transport impact assessment notes Table 1 to Clause 52.34 does not identify tourism facilities as a land use requiring bicycle facilities.
329. The specific land uses proposed including motel, dwelling, place of assembly, hotel and restaurant land uses are listed in Table 1, and as such consideration against bicycle requirements are triggered. However, it is noted the restaurant and hotel land uses are existing on the site and are no increase to the existing floor area is proposed. As a result, additional bicycle facilities are not required to be provided associated with these land uses.
330. Based on the new and expanded land uses only, a total of 9 bicycle parking spaces are required, including 2 employee spaces.
331. There are no bicycle parking spaces currently shown as part of the proposal; however, this is ample space to accommodate the 9 spaces required. A condition on permit is recommended to show the location and dimensions of sufficient bicycle parking facilities on the land.
332. On the basis two employee spaces are required, the provision of on-site showers and staff end of trip facilities is not required to be provided.
333. Pursuant to decision guidelines set out in Clause 52.34-4, the location of the proposed land use and the distance a cyclist would need to travel to reach the land, and the anticipated users of the land and their opportunities for bicycle travel should be considered.
334. The subject site is located within the Farming Zone and is accessible only via rural roads with limited shoulder space to accommodate cyclists. There is very limited cycling infrastructure connecting the Maldon township with the subject site and surrounding area the likelihood of visitors to the site travelling via bicycle is considered low. In particular, the practicality for patrons of the function centre or guests staying in on-site accommodation to cycle to the site is considered very limited, noting constraints with travel distances and luggage. On this basis the actual demand generated for bike parking on the site is anticipated to be very low. However given no application has been made to reduce the provision of bicycle facilities on the land, the provision of 9 spaces is recommended to be required via permit condition.

Loading / Unloading

335. A specific separate loading bay is not provided on the site, with the loading requirements proposed to be accommodated in internal vehicle accessway at the northwest of the site, adjoining the machinery shed and waste collection area. Swept path analysis is provided within the submitted traffic impact assessment demonstrating delivery trucks can enter and appropriately circulate the site to this delivery area. The proposed loading arrangements are considered appropriate.

Waste

336. A waste management plan has been provided to support the proposal, detailing waste generated on the land can be appropriately stored and managed.
337. Waste is to be stored and collected from a new waste storage area at the northwest of the site, adjoining the proposed machinery shed. The waste storage space will have a total area of approximately 40sqm, screened by 2.1-metre-high colorbond fencing and provide storage for 16 bins in total. Waste collection will be undertaken by a private contractor, using 10-metre-long waste trucks. Swept path diagrams are provided as an appendix to the WMP, demonstrating trucks can enter and circulate within the internal driveway to the collection area. Trucks can enter and exit the site in a forward direction.

338. Garbage waste streams to be collected twice per week, while recycling and glass collection to be undertaken weekly. Organic waste is to be collected and composted through bins and worm farms, for reuse on garden areas around the site.

Environmental Risks

Land Management

339. The management of site to facilitate sustainable agriculture has been impacted by the legacy mining activities, and the previous development works on the land. This application provides an opportunity to formalise the regulation of the existing development and ensure the ongoing management of the land does not degrade the soil and water quality.
340. The management of stormwater runoff across the site, including the construction of grassed swale drains and retention and filtration ponds will ensure water draining from the land will be effectively filtered and not deliver any pollutants or sediment into the surrounding catchment. The proposal has been reviewed by Goulburn-Murray Water, who have confirmed the proposal will not detrimentally impact the flow or quality of surface or groundwater. Based on the above, the application is considered generally consistent with the objectives of the Catchment Strategy. Permit conditions are also recommended to ensure sediment runoff is appropriately managed through the construction phase.
341. While the application proposes tracts of vegetation removal the extent of native revegetation and landscaping to be provided across the site is considered to ensure erosion is appropriately mitigated and soil quality is improved where possible.
342. The preparation of a construction environmental management plan is required by a condition on permit, which must include weed control management, including during construction and post-development.

Flood Mitigation

343. There is no risk of flooding identified within the subject site.

Bushfire Risk

344. As described above, the proposal is considered to effectively manage bushfire risk. Vegetation management, construction standards, on-site water supply for firefighting purposes, access and emergency management protocols are all detailed in the submitted bushfire planning report, management plan and emergency management plan which are considered to effectively mitigate potential bushfire risk associated with the proposal.

Native Vegetation – Flora

345. Clause 52.17 (Native Vegetation) of the Mount Alexander Shire Planning Scheme seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. A three-step pathway for assessment of native vegetation removal is referred to in Clause 52.17 aligns with Clause 12.01-2S (Native vegetation management) and the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017). The three-step approach is generally to:
- *Avoid the removal, destruction or lopping of native vegetation.*
 - *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
 - *Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.*
346. The application is supported by a Flora and Fauna Assessment prepared by Nature Advisory (dated November 2024). The assessment investigated the extent and condition of native vegetation in the study area, through a site survey and assessment against relevant legislation.

347. The site survey identified areas of Healthy Dry Forest (Ecological Vegetation Class - EVC20) present throughout the site and Creekline Grassy woodland (EVC68) present along the northwest boundary and in the southeast in associated with a small pond on the land. Nine patches of these EVCs were identified within the study area, with a combined area of 3.592ha of native vegetation, including 29 large trees. The survey also identified Buloke on the land, which is a FFG Act Critically Endangered flora species. There were no EPBC Act listed communities identified on the land during the survey. The extent of native vegetation and location of large trees observed is shown in figure 60.



Figure 60 Extent of native vegetation observed in Flora and Fauna Assessment

348. The assessment determines a total extent of 1.704 hectares of native vegetation will be lost as a result of this proposal. Included in this loss, 0.653 hectares of native vegetation is Creekline Grassy Woodland (EVC68), which is an endangered Ecological Vegetation Class. The total native vegetation removal extent incorporates:
- 1.622 hectares of native vegetation in patches (including nine large trees in patches)
 - Three scattered trees, equating to a loss of 0.082 hectares. details of the extent of native vegetation removal (including past removal).
349. The impacts on native vegetation were determined through a combination of mapping disturbance to native vegetation observed on the ground, interpretation of aerial imagery and comparison to the extent of vegetation mapped in the previous Native Vegetation Impact Assessment prepared in 2022.
350. A substantial portion of the native vegetation sought to be removed has already been destroyed without approval. The assessment estimates 0.712ha has been removed in the past, to accommodate the construction of the function marquee, goldrush displays, internal fencing and vehicle tracks. Given this removal has already occurred, any opportunity to avoid or minimise impacts on biodiversity are limited, however there are opportunities for protecting and enhancing intact vegetation through specific protection measures such as fencing, signage and revegetation.



351. In terms of the proposed additional native vegetation removal, the assessment identifies some changes made to the proposal to minimise and avoid impacts on native vegetation, particularly through avoiding EPBC listed communities. These changes include reducing the accommodation and carparking areas, removing the caravan park areas and preparation of detailed arboriculture impact assessment to identify extent of development encroachment which can be tolerated and trees safely retained.
352. The assessment identifies the impacts to native vegetation meet the requirements for a detailed assessment pathway, requiring the following offsets to compensate for the losses:
- 1.2210 general habitat units with minimum strategic biodiversity value of 0.5450, located within the north central CMA boundary or Mount Alexander municipality and include protection of at least 9 large trees.
353. The required offset is to be achieved via a third-party offset. The application has been referred to DEECA a determining referral authority. DEECA have reviewed the proposal and provided support for the proposed vegetation removal and calculated biodiversity offsets.
354. The extent of native vegetation removal proposed is significant, however is deemed acceptable on balance, noting the proposal has been designed to retain the most high-quality portion of native vegetation in the southeast area of the site and there are opportunities for large areas of the land to be revegetated with native planting as recommended by the submitted assessment. Additionally on the basis the appropriate biodiversity offsets can be secured and the application is supported by DEECA, the proposed removal of native vegetation is recommended to be supported.

Fauna

355. Various fauna habitat types were also observed on the land, including native wooded vegetation, native understorey, dwellings with hollow/ cavities and aquatic habitats. A total of 30 native birds and one reptile were recorded on the land.
356. The flora and fauna assessment determines the proposed extent of vegetation removal proposed is unlikely to create significant habitat fragmentation. Several recommendations are provided to ensure fauna habitat can be enhanced post development, including avoiding removal of trees with hollows and placing lopped trees as fallen timber, ceasing wood harvesting, installing nest boxes, controlling feral pests, revegetating future landscaped areas with native trees and shrubs, improving understorey and mid-storey vegetation and providing water sources on the land. The relevant measures are required to be demonstrated in the detailed landscape plan through conditions on the permit. Conditions also require specific fauna survey and relocation prior to works commencing on the land.
357. Through the implementation of these recommendations, the impact of the proposal on native wildlife is able to be appropriately managed.

Sustainability

Environmentally Sustainable Design (ESD)

358. The application generally responds to the objectives of Clause 15.02-S. The Mount Alexander Shire Planning Scheme does not include specific local policy relating to environmentally sustainable development, and as such there is no requirement for the submission of a sustainability management plan or similar.
359. It is noted proposal does include some environmentally sustainable initiatives including:
- Retention tanks for the storage and reuse of stormwater
 - On-site composting and food waste reduction procedures

Stormwater Management

360. A drainage management plan is provided to support the application. This plan identifies a suitable overland movement of runoff across the site, providing a network of drainage infrastructure including retention ponds, dams and tanks to ensure stormwater is appropriately stored and discharged from the land, draining across the adjoining Crown Land and into the natural watercourse on private land to the northeast. The proposed swale drains, and



retention dams will capture silt and suspended solids from the runoff and improve water quality entering the catchment.

361. A condition on permit will require the drainage management plan is updated to include modelling and calculations of the quantity of water draining from the land. Subject to the above conditions, the proposal will result in appropriate stormwater outcomes.

Other Matters

Licences Premises

362. Clause 52.27 (Licensed Premises) seeks to ensure that licensed premises are situated in appropriate locations and ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.
363. *Planning Practice Note 61 (Licenses premises: Assessing cumulative impact)* sets out guidelines that assist with assessing the cumulative impact of licensed premises as part of a planning permit application. That is, the following matters should be considered:
- Planning policy context.
 - Surrounding land use mix and amenity.
 - The mix of licensed premises.
 - Transport and dispersal.
 - Impact mitigation.
364. These matters have been assessed in conjunction with the relevant decision guidelines under Clause 52.27.
365. The proposal seeks consent for the use of three distinct areas of the land for the sale and consumption of alcohol, including the function marquee, restaurant and bar (ancillary hotel), sought to operate under a general liquor licence. Each of these areas and associated land uses are assessed below.

Function marquee

366. The proposed function centre use, associated with the constructed function marquee at the southeast of the site is proposed to operate as a licenced venue. As discussed, the function marquee is proposed to accommodate events such as weddings with a maximum capacity of 250 patrons. The function marquee is proposed to operate no later than 11pm.
367. The proposed red line as shown in Figure 61 identifies seeks for the sale and consumption of alcohol with the entirety of the function marquee, as well as the adjoining outdoor area, including the adjoining courtyard to the east. This courtyard area is proposed to accommodate outdoor ceremonies as required.
368. The function marquee use is considered the most likely to create the potential amenity impacts for adjoining properties. As a result, conditions on permit are recommended to require specific patron management plan relating to this function centre use. The requirements of this plan include requirements to avoid patrons congregating outside the marquee, allowing no more than 30 patrons to gather outside the marquee and training of staff to manage patron behaviour. These measures will contribute to the management of amenity impacts associated with the sale and consumption of liquor within the marquee.
369. The extent of the proposed red line plan is considered reasonable in the context alcohol may be consumed outdoors during the initial ceremony, however limitations required by the patron management plan will ensure most of the alcohol is served and consumed within the function marquee throughout events.
370. It is anticipated a portion of guests who attend events within the marquee will be staying on site within the motel or cabin units. Those who are not staying on site will be required to leave the site within 30 minutes of the permitted closing time (as to be specified by permit condition). Departing the site, patrons will be required to exit via the carparking area adjoining Allans Road. This carparking area is excluded from the licensed area, ensuring patrons cannot congregate and consume liquor in this area of the site.

371. The introduction of another licensed premises associated with the function centre is generally appropriate, noting that the extent of alcohol consumption associated the use is not considered to be excessive in nature, comparative to other types of similar licensed premises. Furthermore, the venue will ensure that responsible service of alcohol is observed at all times in accordance with the relevant legislative and liquor licencing requirements as required by the recommended conditions of the permit.

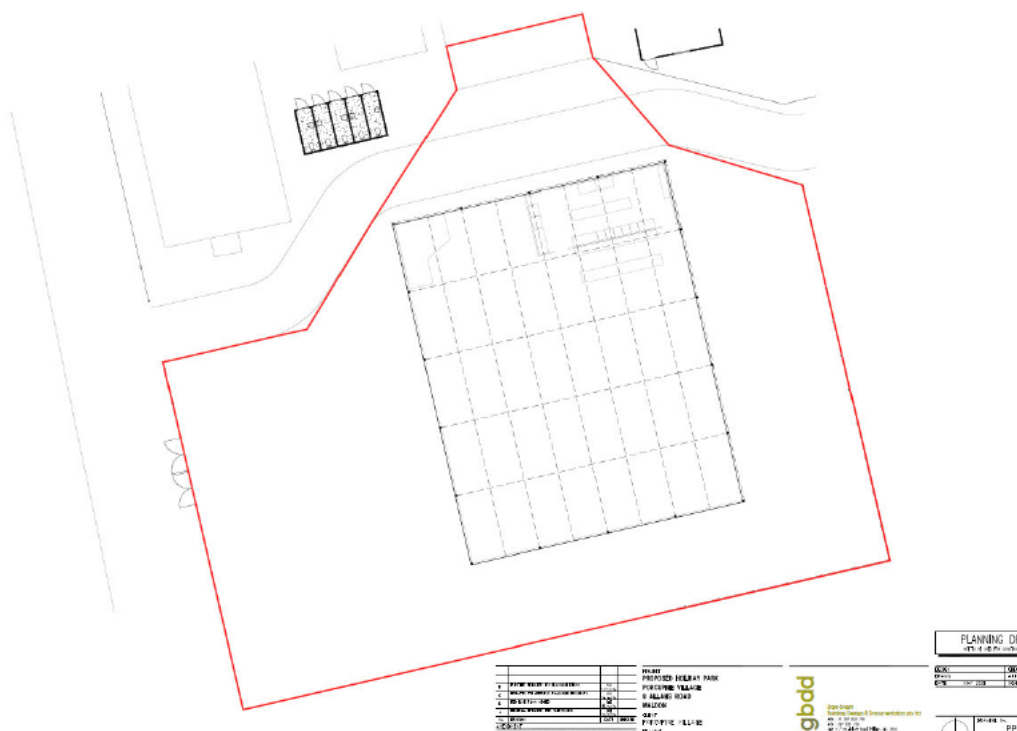


Figure 61 Proposed red line plan - Function marquee

Restaurant

372. The existing restaurant is located central to the site and includes inside and outside dining within the covered courtyard. A maximum of 100 patrons are proposed within the restaurant, to operate as late as 10pm.
373. The sale of liquor for consumption within the restaurant is also proposed, consistent with red line plan shown at Figure 62. The areas where the service of alcohol associated with the restaurant is proposed includes internal areas and rear courtyard.
374. It is noted the restaurant is currently operating under an existing council approval. An on-premises liquor licence has been granted for the use, consistent with the council approval and the below red line plan.
375. This application seeks to consolidate all approvals for the site within one permit, including the existing restaurant approval. The hours of operation sought through this application are reduced compared with the current use and liquor licence, which allows service of alcohol between 7am and 1am, seven days per week. These hours are considered excessive in the context of the site and beyond what would typically be granted for a restaurant in a sensitive setting. This application sought reduced hours of 12 noon – 10pm which are more appropriate.
376. The proposed red line plan extent and hours of operation and considered reasonable and unlikely to result in any adverse amenity impacts to surrounding properties. The generally small scale of the restaurant, combined with the likelihood patrons will be consuming alcohol in combination with the consumption of a restaurant meal is considered to limit the amenity impacts, when compared to vertical drinking land use types, similar to the proposed function centre.
377. On the basis the proposed scope of the proposed services and consumption of liquor associated with the restaurant is reduced compared with existing conditions, the location with the site and relatively limited extent of the red line plan, the proposed licencing of the restaurant is considered appropriate.

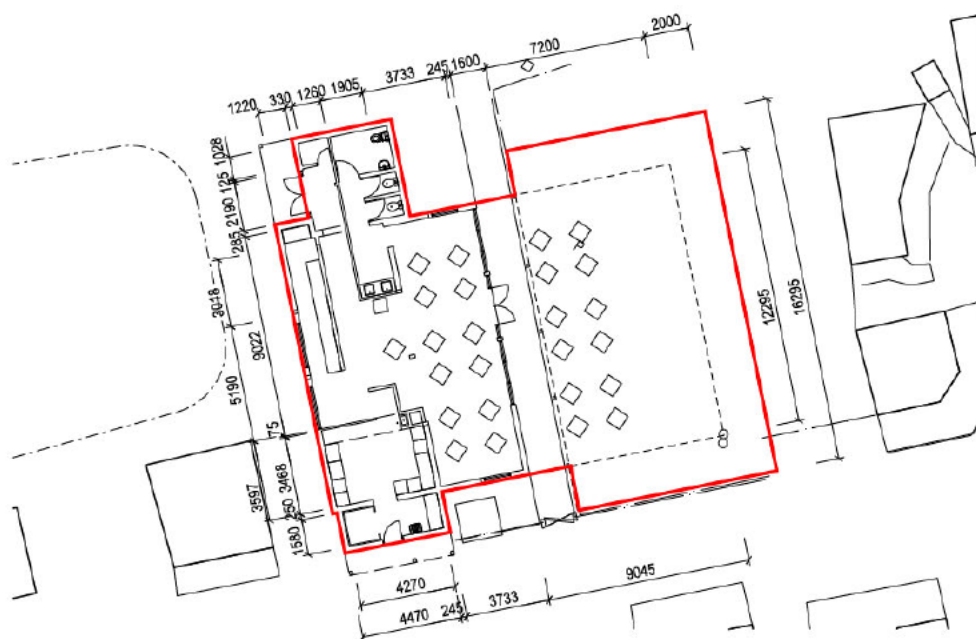


Figure 62 Proposed red line plan - Restaurant

Historic bar (hotel)

378. A small hotel building which forms part of the historic village is proposed to be used as a bar. The hotel building is a narrow building, with the ground floor proposed to be used as a small bar, with maximum capacity for 5 patrons.
379. This land use is considered ancillary to the historic village and will be used by visitors to the village or guests of the motel only. As discussed, patrons of the bar are very unlikely to visit the site specifically for this land use.
380. The sale and consumption of liquor the hotel building is proposed as shown on the red line plan at Figure 63.
381. Similar to the existing restaurant, the hotel currently holds an existing Council permit for the land use and consistent liquor licence, which is also sought to be consolidated as part of this application. The current planning permit and liquor licence allow the operation of the bar between 7am – 7pm. This application did not provide specific hours of operation sought for the historic bar. It is considered hours of operation which align with the restaurant land use (12pm – 10pm) are reasonable and appropriate for this land use and are recommended as permit conditions.
382. Given the very small scale of this use and nature of the consumption of liquor as part of the historic village experience, the potential amenity impact associated with this use is considered very minor and acceptable.

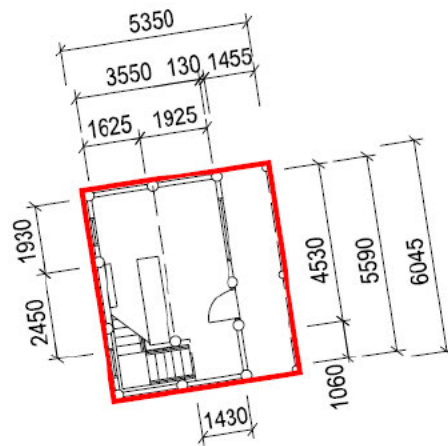


Figure 63 Proposed red line plan - Historic bar

383. The anticipated cumulative impact of the proposed liquor licences on the broader community is anticipated to be minor and able to be appropriately managed through responsible service of alcohol and site operations. Given the site location within the rural farming-zone context and outside the main township, the number of existing liquor licences in the surrounding areas are very limited as demonstrated in figure 64. The nearest licenced premises approximately 1.5 km southeast of the site, associated with the Victorian Goldfields Railway. As a result, the likelihood of patrons from the subject site visiting other licenced premises nearby and causing detrimental amenity impacts on surrounding properties is very low.



Figure 64 Current licenced premises in the surrounding area shown as orange dots (existing Porcupine Village Licence highlighted yellow)



384. The dispersal of patrons from the licenced premises on the land will likely be in groups through carpooling or by coach services or guests moving to accommodation motel rooms or cabins on the site. Consequently, the dispersal of patrons is likely to be varied and unlikely to have any significant amenity impacts, such as traffic or loitering. It is also noted patron numbers associated with the licenced area of the site are expected to fluctuate significantly and is unlikely all three licenced areas would operate with maximum patrons simultaneously.
385. In order to provide an appropriate balance between the economic viability of the business and the amenity of residents it is considered reasonable that the hours of operation for each of the licenced premises be limited as discussed above. Through the provision of adequate noise attenuation and appropriate patron management (as required by permit conditions) the sale and consumption of alcohol as proposed on the site is not anticipated to result in any unreasonable offsite impacts and is recommended to be supported.



386. The proposal is generally consistent with the relevant planning policies of the Mount Alexander Shire Planning Scheme and will contribute to the provision of tourism and accommodation facilities within the Maldon area.
387. The proposal is generally supported by the various referral agencies, subject to the inclusion of permit conditions which are to be adopted in full.
388. It is recommended that Planning Permit No. PA2403444 for the *use and development of the land for the purposes of a place of assembly (including function centre, museum), restaurant, motel and caretaker's dwelling, construct buildings and carry out works, removal of vegetation (including native vegetation), reduce the car parking requirement, construction and display of a business identification signage, sale and consumption of liquor and alteration of access to a Transport Zone 2* at 8 Allans Road, Maldon be issued subject to conditions.
389. It is recommended that the applicant, the council, referral authorities and objectors be notified of the above in writing.

Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- ☒ **No Conflict**
- ☐ Conflict and have therefore undertaken the following actions:
- ☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
- ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
- ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

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