

MINUTES



OF THE ORDINARY MEETING OF COUNCIL

Held on Tuesday 18 May 2021

**At 6.30 PM in the
Mount Alexander Shire Council Chamber,
Civic Centre**

**Corner Lyttleton Street and Lloyd Street, Castlemaine VIC
3450.**

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ACKNOWLEDGEMENT OF COUNTRY

**To start the official proceedings
I would like to acknowledge that we are meeting on Jaara country
of which the members and elders of the Jaara Jaara community and their
forebears have been custodians for many centuries
and have performed age old ceremonies of celebration, initiation and renewal.
We acknowledge their living culture and their unique role in the life of this region.**

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

1. PRESENT

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

Officers: Chief Executive Officer (Darren Fuzzard), Director Corporate and Community Services (Lisa Knight), Acting Director Infrastructure and Development (Jude Holt), and Principal Governance Officer (Augustine Sheppard).

2. APOLOGIES/LEAVE OF ABSENCE

Mayor Tony Cordy advised that he would be absent at the Council Meeting 15 June 2021 and that Deputy Mayor Bill Maltby will be the Chair for that meeting.

3. DECLARATIONS OF INTEREST AND CONFLICTS OF INTEREST

Councillor Driscoll declared a general conflict of interest with Item 10.3.3.

4. CONFIRMATION OF MINUTES

4.1. Meeting of Council - 20 April 2021

The unconfirmed minutes of the Meeting of the Mount Alexander Shire Council held at 6.30 pm on 20 April 2021 at the Mount Alexander Shire Town Hall have been circulated to Councillors.

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

RECOMMENDATION

That the Minutes of the Meeting of the Mount Alexander Shire Council held on 20 April 2021 be confirmed.

MOVED COUNCILLOR DRISCOLL

That the recommendation be adopted.

SECONDED COUNCILLOR ANNEAR

CARRIED.

5. ACKNOWLEDGEMENTS

Nil.

6. PUBLIC QUESTION TIME

Mayor Cordy explained that a submitted question would be disallowed under the Governance Rules 12.5.5.

MOVED COUNCILLOR Maltby

That standing orders be suspended at 6.37 pm.

SECONDED COUNCILLOR McClure

CARRIED.

a. Mr Ron Cawthan, Vice President, Camp Reserve Community Asset Committee

Mr Cawthan asked about Council's endorsement of the Camp Reserve Master Plan and if it was to come to the July Council Meeting. He raised concerns as the Master Plan was adopted by Council at its meeting on 15 September 2021. Mr Cawthan queried the Budget allocation to progress the plan and noting that there are numerous funding opportunities available.

- Acting Director Infrastructure and Development advised that the endorsement was to go ahead in July and was for the benefit of the new Councillors.
- The Chief Executive Officer advised that the description in the draft budget was deliberately left open so when Council clarify their position, there is an allocation to enable progress.

b. Ms Karen Mander, Regional Victorians Opposed to Duck Shooting Inc.

Ms Mander submitted the following statement and raised two questions. The questions were read by the Mayor regarding duck hunting:

"About two years ago, Mount Alexander Shire Council voted to ban recreational native waterbird shooting in the shire. This was seen by many as a progressive move, supporting safer, more popular activities. It was appreciated by residents, rate-payers and visitors alike.

However, at the time, the Minister for the Environment referred this decision to Goulburn Murray water who have still not respected Council's decision despite it being within their powers to cease the shooting at their storage facility.

Documents obtained through Freedom of Information show Goulburn Murray Water has been aware of residents concerns for many years and that the water manager's own staff have had concerns for safety during shooting seasons. (Pls note these documents can be shared with Council if you wish).

Last year the media reported a "coked up shooter" who had his gun seized while out shooting in a public area on the first weekend of duck shooting. Before that a "campers terrifying night" - thanks to duck shooters - was reported in the Ballarat Courier and reports

of killing and maiming of protected species is common. The presence of authorities - even if they did have the resource to attend - does not help.

Cairn Curran is home to a range of birdlife including threatened species. It is also important to migratory birds who are in significant decline and especially sensitive to disturbance.

More people live in the area now than they did in the 1950's. More people want to enjoy the natural assets we are blessed with, for passive recreation like birdwatching, kayaking or sailing. Residents have a right to enjoy their properties in peace and everyone has the right to feel safe.

The recreational shooting of our native birds in the area is no longer appropriate.

Other wetlands in Victoria have been closed to shooting for safety and amenity reasons such as two in Mildura in 2018. Similarly Lake Mokoan (now Winton Wetlands) in Benalla was closed to shooting many years ago. According to their annual reports, this area sees over 65,000 visitors in a single year for passive activities such as birdwatching.

On Thursday morning, Council were sent a letter marked "Urgent" with a copy of hundreds of local signatories asking Council to ensure its decision to ban bird shooting is respected by Goulburn Murray Water immediately or to go above the water manager's heads to Ministers to get it done.

One signatory is quoted as follows: "We need peaceful areas with wildlife, not dangerous unpleasant gunfire or cruelty. My son and I like to kayak there." Another says "Duck shooting is incompatible with the conservation and recreational values of Cairn Curran". Another "I am a local resident and feel unsafe with shooting occurring in my area" and yet another "We have a diamond in our backyards which requires preservation".

Given shooting is set to commence 8am May 26, and assuming Council agree that residents, rate-payers and visitors to our shire are just as important as those in Mildura and Benalla (or Wendouree or Weeroona for that matter where they also don't allow shooting):

*1. Have Council approached Goulburn Murray Water and/or Ministers since Thursday? And
2. How can Council - and how will Council (two separate questions) - urgently represent the interests of rate-payers and ensure that bird shooting does not take place this May 26 nor ever after?"*

- The CEO responded by confirming that there was a resolution of Council at 2019, to advocate for the Minister for Agriculture, the Minister for Energy, Environment and Climate Change and the Victorian Game Management Authority to ban duck hunting at Cairn Curran. He noted that communications had also occurred with Goulburn Murray Water and the Game Management Authority. Responses have been received back from both authorities.
- Councillor Henderson if asked Goulburn Murray Water had banned duck shooting on any other water way.
- Councillor Gardner outlined that the Shire doesn't own the land and therefore cannot ban duck hunting. He moved the Notice of Motion in 2019 motion and stands by it and did so for reasons of safety concerns. He noted that Goulburn Murray Water advised that they would undertake a community survey, which hasn't occurred. He noted that he had also contacted the local member.
- It was confirmed that the Notice of Motion that was resolved in 2019 was to advocate for the banning of duck hunting at Cairn Curran only.

7. HEARING OF SUBMISSIONS IN RELATION TO ITEM 10.3.3 OF THE AGENDA

Councillor Driscoll left the chamber at 6.47 pm due to a declared conflict of interest.

a. Ms Fay White

Ms White raised a question regarding the Urban Design and Landscape document, stating the area was a desirable and attractive place. She also stated that ideally, development should not exceed 50 per cent of the lots to maintain the green corridors and linear buffer reserve and would like to see the creek reinstated. She queried whether Council can guarantee that the original design overlay will be adhered to, stating that it is innovative, creative and connected. She stated that Council should take time to rekindle the vision for the business park. She also asked whether the commitment to the landscape treatment will still stand and will Council still have some control over the development.

c. Ms Jane Forrest

Ms Forrest lives next to Lot 7 and is happy for businesses to proceed. She is seeking an outcome that is enhancing to all stakeholders and not about the business park versus residents. She argued that Lots 5, 6 and 7 should not be sold. People are currently using these lots for walking with an abundance of wildlife also using it. Landcare have agreed to revegetate the creek, which would be a great opportunity for the business park and all parties.

d. Jim Norris, Director of Workspace

Mr Norris advised that Workspace had submitted an Expression of Interest for the Lots and would like to have further discussions with Council. He noted that Workspace is involved with the ETTY Street school site and also manages industrial sites for start-up businesses and factories. Participants are provided with business support for three years. There are currently 12 factories in Gisborne. Workspace would seek funding from State and Federal Government to construct the factories. Eaglehawk industrial site has 20 factories, which Workspace lease from the City of Greater Bendigo for a minimal amount, noting that Council still owns the sites.

- Councillor McClure asked about what kind of businesses are in these factories. Mr Norris responded by advising that there is a wide range of industries but none are heavy industry. They include ornamental plaster works, traffic controllers, joiners and cabinet makers.
- Councillor Maltby asked if on occasions the Workspace Board allow people to stay. It was noted that it is not the Board's position to send people out until they are on their feet and viable.
- In response to a question from Councillor Gardner, it was advised that the proposal would be around properties, which Workspace would lease from Council and then maintain. Workspace are not interested in Lots 5, 6 and 7, due to geotechnical issues.
- Councillor Henderson outlined that there was a tight design and development overlay and questioned whether Workspace would be able to comply.

Councillor Driscoll returned to the Chamber at 7.06 pm.

MOVED COUNCILLOR Maltby

That standing order be resumed at 7.08 pm.

SECONDED COUNCILLOR Henderson

CARRIED.

8. PETITIONS AND LETTERS

The Mayor noted that a petition had been received relating to the banning of duck hunting on Cairn Curran. He further noted that it was non-compliant petition, as such it will be treated as a joint letter and as an operational matter.

9. COMMITTEE REPORTS

Nil.

10. OFFICER REPORTS

10.1. Our People

10.1.1. COMMUNITY GRANTS 2021 ROUND 1 RECOMMENDATIONS FOR FUNDING

This Report is For Decision

Responsible Director: Director Corporate and Community Services, Lisa Knight

Responsible Officer: Social Equity and Inclusion Officer, Sarah Gradie

Attachments: 1. CONFIDENTIAL - Community Grants Program - 2021 Round 1 - PDF Council Briefing April 2021 [10.1.1.1 - 1 page]

Executive Summary

The purpose of this paper is to provide Council with the outcomes of the 2021 Community Grants Program - Round 1 and to provide the Officer recommendations for the allocation of funds.

RECOMMENDATION

That Council adopts the recommendations for funding for the 2021 Community Grants Program - Round 1.

MOVED COUNCILLOR DRISCOLL

That the recommendation be adopted.

SECONDED COUNCILLOR GARDNER

CARRIED.

Context

Council's Community Grants Program seeks to develop partnerships with, and within, the community by providing financial support to new and emerging projects and initiatives that are consistent with the Council Plan 2017–2021.

The Program is funded by an annual allocation in Council's Operating Budget. The adopted budget for the 2020/2021 Program was \$100,000, which is split into two rounds of \$50,000 each.

Issues

The 2021 Community Grants Program - Round 1 received 19 applications requesting \$46,307.

Of the 19 eligible applications that were assessed, two were from one organisation applying twice within the small grant funding stream. As per the Community Grant Guidelines, successful organisations may only receive one grant, per funding stream, per 12 months; therefore the organisation chose to remove one of their applications.

This resulted in an assessment of 18 eligible applications all within the small grant funding stream. No applications were received under the partnership grant funding stream.

The assessment process was undertaken by a panel of Council Officers, with additional assistance provided from internal subject matter experts.

The 18 applications assessed, totalled a request for \$44,807. All 18 applications are recommended for funding.

The below table summarises the eligible applications received that are recommended for funding:

Ref	Organisation	Auspice Organisation	Project Title
1	Red Box Wildlife Shelter		Project Mr T
2	Mt Alexander Cycling	Maldon Neighbourhood Centre Inc.	Incorporation and launch of Mt Alexander Cycling
3	Cairn Curran Sailing Club Inc.		Upskilling for 20 people – First Aid Training
4	Castlemaine Golf Club		Swing Fit - Get into Golf for Women
5	Castlemaine District Radio t/a MAINfm		Radio Training Pilot for Disability Support Workers
6	Castlemaine Bowling Club Inc.		Disabled toilet upgrade

Ref	Organisation	Auspice Organisation	Project Title
7	Sophie deLightful Presents	Diverse Communities & Social Services	Curbside Carnies
8	SteamPacket & SteamRoller Maldon Incorporated		Community Promotion Action Website
9	Campbells Creek Landcare	Landcare Victoria Inc.	Group Development & Volunteer Engagement
10	Open Mic Castlemaine	The Fringe Thing Inc.	Open Mic Castlemaine Online Equipment Upgrade
11	Castlemaine - Maryborough Rail Trail Incorporated		Volunteer Organisation of Choice: A First Step
12	Castlemaine Clay Target Club Inc.		Disabled Walkway
13	Maldon Museum & Archives Association Inc.		Researching into the Future
14	Harcourt Pony Club		Dressage Arena Repair
15	Southern Cross Lodge		Landscaping Project
16	Self-Managed (Alexandra Whitlock)	Newstead Rural Transaction Centre	Newstead Expo
17	Maldon Bowling Club Inc.		Bowls purchase
18	Elphinstone Progress Association		Elphinstone Community Website

The below tables summarise the eligible applications received, the amount sought, the number of applications recommended for funding and the total recommended funding amount. They also provide a comparison of the 2020 Community Grants Program - Round 2:

Community Grants Program 2021 Round 1.

Funding Stream	Eligible Applications Received	Amount Sought	Applications Recommended for Funding	Recommended Allocation of Funds
Small Grants	19	\$46,307	18	\$44,807
Partnership Grants	0	\$0.00	0	\$0.00
Total	19	\$46,307	18	\$44,807

Community Grants Program 2020 Round 2.

Funding Stream	Eligible Applications Received	Amount Sought	Applications Recommended for Funding	Recommended Allocation of Funds
Small Grants	16	\$44,588	16	\$44,588
Partnership Grants	1	\$10,000	0	\$0.00
Total	17	\$54,588	16	\$44,588

Each application was assessed against the following criteria:

- 25% - Project alignment with Council plans and strategies (scored 0-5).
- 50% - Benefits of the project to the Mount Alexander Shire community (scored 0-10).
- 25% - Ability to plan and deliver the project within the proposed timeframe (scored 0 -5).

This results in a total assessment score out of 20.

A detailed summary of the recommendations is attached which includes:

- Information about the applicants and projects.
- Names of auspicing bodies or organisations.
- The assessment score and comments from the assessment panel.

Most projects requesting funding in Round 1 of the 2021 Community Grants Program related to health and wellbeing (4), disability (3), and arts and culture (3). Notably, two of the disability applications were to increase compliance with the Disability Discrimination Act, improving access to toilet facilities, and building entrances.

The table below provides a comparison of the two most common themes that projects related to in this Round versus the two previous Rounds:

Community Grants Round	First key theme	Second key theme
2021 Round 1	Health and wellbeing	Disability
2020 Round 2	Environment	Health and wellbeing
2020 Round 1	Health and wellbeing	Arts and culture

The application form for this funding round once again included questions relating to COVID-19, climate change and gender equity.

Applicants were asked how COVID-19 may impact the outcomes of their project and what measures they will have in place to address these concerns.

To reflect Council's recent Climate Change Declaration and the new Victorian Gender Equality Act 2020, applicants were asked to consider these topics in relation to their project, and outline what measures they will put in place to address them.

Based on previous responses of the last round, an additional question was also included to encourage applicants to consider the diverse needs of the people who are the focus of the projects, and to articulate how this consideration may affect the delivery and outcomes.

These additional questions were not scored. The questions have been included to ignite thought and conversation within the community and to collect valuable data and insight into how our community groups are faring in the current environment and how Council may be able to best support them.

Finance and Resource Implications

The 2020/2021 Annual Budget allocates \$100,000 to the Community Grants Program which is split into two Rounds of \$50,000.

With the funding recommendations for the 2021 Community Grants Program – Round 1 totalling \$44,807, the allocated budget will be underspent by \$5,193.

This underspend could be used to offset the \$4,588 overspend of the 2020 Community Grants - Round 2 last year.

Risk Analysis

Reputation risk: Low

There is a potential for reputational risk regarding community members being dissatisfied with the decision to fund these activities.

Climate Impact Statement

The adoption of these recommendations will have a positive climate impact as several of the proposed projects intend to deliver favourable environmental and sustainability outcomes.

Alternate Options

Council may propose that a project be funded, or not be funded, contrary to the Officer recommendations, however amendments to the proposed funding recommendations may undermine the integrity and fairness of the assessment process.

Communication and Consultation

Consultation and promotion undertaken.

The 2021 Community Grants Program - Round 1 was widely promoted through Council's website and Facebook page, local media, and directly to previous grant applicants, not-for-profit service providers, event organisers, and other community groups.

Face to face information sessions were held with a COVID Safe Plan implemented, and social distancing requirements upheld.

Two sessions were held in Maldon and Castlemaine with 11 individuals or organisations attending.

Council Officers were also available Monday to Friday, 9am – 5pm, to be contacted via phone and email for all enquiries and discuss potential projects and initiatives and provide tailored advice.

Council Officers also spoke to a total of 24 community groups or individuals throughout January and February 2021 to discuss potential applications and the application process.

The addition of COVID-19, climate change, gender equity, and diversity questions were well received by the applicants with detailed, thoughtful and considered responses received. Below is a summary of these response:

- The effects of COVID-19 and its continuing presence are attributing to the way community groups are considering future projects and everyday business.
- Most groups have plans in place and are continuing to remain positive and have become creative on how to adapt and deliver their intended projects.
- Utilising digital platforms to minimise printing, the use of recyclable materials, renewable energy, education and sustainable practices are some of the ways applicants are considering their environmental impact.
- Some applicants demonstrate a deeper understanding of working against gender norms than others.
- A sharp increase in the number of applications that articulated a desire to be inclusive and respectful of First Nations people was noted.

Inform:

We will keep our community informed.

Council will inform the community of the funded projects.

Legislation

Local Government Act 2020

Strategies and Policy Impacts

Council Plan 2017-2021

Our Economy - A creative and innovative community.

- Support and promote the cultural and artistic communities.

Our Economy - Great opportunities for education and technology.

- Our community has access to high quality technology.

Our People - A welcoming place for all.

- Build community resilience by working together with the community and key stake holders to prevent, prepare, respond and recover from emergencies and manage risk.
- Implement initiatives to create acceptance of diversity.

Our People - Improved health and well-being.

- Build the capacity of our community to manage the impact of climate change and changing weather patterns.
- Improve health through the use of our public spaces and trails.
- Provide and promote a safe, healthy and engaging environment for volunteers.

Our People - Socially connected, safe and inclusive communities.

- Implement initiatives to change the behaviours and attitudes that contribute to family violence in our community.
- Recognise, support and celebrate our local indigenous culture past and present.
- Support the building of social connections in each of towns.

Our Place - A clean and green community.

- Protect and enhance the natural environment.
- Reduce carbon emissions and manage impact of climate change.

Our Place - Well managed assets for now and into the future.

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

Our Place - Well planned for growth.

- Manage and protect our heritage.
- Manage and protect our indigenous heritage.

Declarations of Conflict of Interest

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

No conflicts of interest

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

10.2. Our Place

10.2.1. DETERMINE TO ENTER INTO LEASE WITH BENDIGO KANGAN INSTITUTE FOR 65 - 67 TEMPLETON STREET CASTLEMAINE

This Report is For Decision

Responsible Director: Acting Director Infrastructure and Development, Jude Holt

Responsible Officer: Property Portfolio Coordinator, Lynne Williamson

Attachments: Nil

Executive Summary

The Pienwa building at 65 – 67 Templeton Street Castlemaine has been leased to Bendigo Regional Institute of TAFE (now Bendigo TAFE) since 2009. The lease expired on 31 December 2016 and is currently in over holding, which means the Bendigo TAFE (BT) as tenants are currently subject to a month-to-month tenancy arrangement with Council.

To provide security of occupancy, officers have been working with Bendigo Kangan Institute (BKI), as the governing body of BT, since early 2016. Having a lease in over holding poses a financial risk to Council because the tenants can vacate the building with only one month's notice.

A representative from BKI approached council officers in March 2019 advising that a greater number of classes were being offered at the premises and requested to enter into a new lease to allow ongoing provision of BT services. They also proposed that part of the premises would be sub-tenanted.

Council officers have been approached by a representative from BKI as the governing body for BT, with a request to formalise their occupation of the premises through a new lease. BKI are interested in a term of two or three years and will consider further terms.

Section 190 of the Local Government Act 1989, which remains relevant until 1 July 2021, requires that Council must publish a public notice of the proposed lease at least 4 weeks before the lease is made. A public notice process has been undertaken and no submissions were received.

RECOMMENDATION

That Council:

- 1. Notes that no submissions were received to the advertised intention to enter into a lease with Bendigo Kangan Institute for 65 – 67 Templeton Street, Castlemaine;**
- 2. Determines to enter into a new lease of up to five (5) years with the incumbent tenant; and**
- 3. Authorises the Chief Executive Officer to negotiate terms and sign all documentation required to execute the lease in accordance with the above.**

MOVED COUNCILLOR MALTBY

That the recommendation be adopted.

SECONDED COUNCILLOR MCCLURE

CARRIED.

Context

The Pienwa building is a Council owned asset which has been leased to Bendigo TAFE (BT) since 2009. BT offers foundation level to certified courses and industry training to early school leavers through to mature age students with the aim of enhancing employment opportunities. Until December 2018, part of the premises was sub-let to Castlemaine Community House under a subsidy agreement with Council that allowed a rent reduction of \$14,000 per annum. The lease expired 31 December 2016 and is currently in over holding, which means the tenants are in month-to-month tenancy.

Council officers have been approached by a representative from BKI as the governing body for BT, with a request to formalise their occupation of the premises through a new lease. BKI are interested in a term of two or three years and will consider further terms.

The offer of courses at the premises increased in 2019, and prior to COVID-19 it was anticipated that more courses were expected to be offered throughout 2020. Courses currently offered by BT include Victorian Certificate of Applied Learning, Building and Construction, and Horticulture.

Under the *Retail Leases Act 2003*, tenants have a right to a five year term; however, this right can be waived by making an application to the Victorian Small Business Commission for a five year waiver certificate, which is a straightforward process.

Council could offer a term of two years with three further options of one year each. This would allow a secure occupancy for up to five years; however, it does not allow Council the opportunity to end the lease before this time.

If there is a strategic intention for this site within the near future, officers can negotiate with the proposed tenant to lease the premises for just two years.

Section 190 of the *Local Government Act 1989* requires that if the rent for any period of the lease is \$50,000 or more a year Council must publish a public notice of the proposed lease at least 4 weeks before the lease is made. The current rent is more than \$50,000 per annum and a recent market rental valuation supports an ongoing rental amount greater than \$50,000 per annum therefore a public notice process was undertaken. This occurred in July - August 2020.

Issues

Over holding

BKI are looking for secure premises to rent so they can forward plan training modules through BT. If a lease is not offered and the current lease remains in over holding, the tenants can vacate the building with only one month's notice. If BT choose to find alternative premises there could be a period of vacancy with no rental return, which may be exacerbated by the current implications of COVID-19.

Commercial Space

If Council chooses to end the over holding lease arrangement it could be difficult for BKI to find appropriate commercial space in Mount Alexander. Considering the current economic environment, it may also prove difficult for Council to attract a suitable commercial tenant.

Best Practice

Council's Leasing and Licensing Policy aims to ensure the best use of Council's properties. Rather than using this premises for an additional community space, best practice would be to seek a more intensive use of the building for a commercial purpose.

Community Purposes

If an alternative commercial tenant is not found the building could be used for community purposes, which would have a very low economic return. Council officers are periodically approached by community groups who are looking for low-cost space to occupy, but at this time there have not been any approaches by other potential commercial tenants for this building.

Council Purposes

The site could be used to accommodate Council staff if demand is identified. However, at this time strategic planning of future staff accommodation needs has not been undertaken.

Finance and Resource Implications

Officer time can be accommodated within existing budget, expenditure on legal preparation of lease contracts will require additional funding or be offset against income.

If BT vacate the premises, it is likely that there will be a period of no financial return to Council until the property can be re-leased to another commercial tenant, or alternatively to a community group at a community rate.

Funding would be required to undertake a feasibility study and subsequently to make the building ready for use if Council was to explore utilising the building for other uses.

Risk Analysis

Financial risk

The lack of a secure and ongoing lease between Council and the current tenants could pose a financial risk.

Social risk

Since Castlemaine Continuing Education closed, only BT and Castlemaine Community House are significant providers of tertiary education in Castlemaine. Many of the people made redundant by the impacts of COVID-19 may not have a job to resume and could require upskilling or reskilling to increase their opportunities for employment. If training and support is not readily available in Mount Alexander these people could be particularly disadvantaged.

Climate Impact Statement

There will be no change to the current use of the building if BKI are to continue, therefore, there are not expected to be any additional climate impacts to what the current use and management practices generate.

Providing a venue for community education in Castlemaine may decrease reliance on cars for travel and/or distances travelled for community members seeking to attend courses.

Alternate Options

There are several alternative options Council could consider:

1. Rather than proposing to enter into a lease with BKI, Council could choose to advertise for expressions of interest to lease the property to another commercial tenant.

This is not recommended as there have been no approaches to Council by other commercial entities looking for spaces of this nature.

2. Council officers are periodically approached by community groups who are looking for low-cost space to occupy. The Pienwa building could be utilised by such a group, however, rental income could be as little as \$150 per annum.

This is not recommended as the building is a currently a commercial building with a high return, and there are several community use buildings that could be more intensely utilised.

3. The site could be used to accommodate Council staff, if a demand is identified and the request by BKI to lease the premises denied or deferred.

At this time strategic planning of future staff accommodation needs has not been undertaken to assess if the Pienwa Building is an appropriate space for staff.

Communication and Consultation

The Communication and Consultation plan is not attached. The requirements of the *Local Government Act 1989* are still relevant to leasing of Council facilities. Community consultation has been undertaken through public notice in a newspaper in accordance with Sections 190 and 223 of the LGA 1989 and published on Council's website.

Involve

We will work with our community to ensure concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.

No submissions have been received in response to the public notice.

Internal consultation

Internal consultation has been undertaken with Council officers to determine any current need or possible strategic direction for the property.

Officers highlighted ongoing demand for space for community groups. There have not been any other potential commercial tenants identified.

Business continuity through COVID-19

Council officers have undertaken business continuity planning including demand analysis of office space requirements, in readiness for return to work through to COVID normal. Currently there is adequate capacity for returning staff to work.

Legislation

Local Government Act 2020 (LGA 2020)

The reformed LGA 2020 received Royal Assent 24 March 2020 and will be implemented in four stages. Section 190 (Restriction on power to lease land) and Section 223 (Right to make submission) of the LGA 1989 will not be repealed until Stage 4 proclamation 1 July 2021, when Section 115 (Lease of land) of the LGA 2020 will be implemented. Process is therefore controlled by the LGA 1989.

Local Government Act 1989 (LGA 1989)

Section 190 of the Local Government Act restricts Council's power to lease land. In part Section 190 states:

(3) If the lease is to be—

(a) for one year or more and—

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

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

(b) for ten years or more; or

(c) a building or improving lease—

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

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

As the market rent is expected to be more than \$50,000 a year Council must give public notice of them and consider public submissions.

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

Section 223 – Right to make submission

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

(a) the Council must publish a public notice—

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

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

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

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

Strategies and Policy Impacts

Council Plan 2017-2021

Our Economy - A creative and innovative community.

- Support business growth and local employment.

Our Economy - Great opportunities for education and technology.

- Support and advocate for high quality education for people of all ages.

The Council Plan 2017-2021 identifies that economic development and local employment is critical to enable our townships to grow and flourish and recognises that supporting our community to build skills through education is vital to the future of our shire. Education is additionally recognised as a contributor to overall health and wellbeing.

To realise objectives for provision of 'great opportunities for education and technology', Council will 'support and advocate for high quality education for people of all ages' and aim to provide 'local services that support the needs of our community' and to 'support business growth and local employment'.

Prior to COVID-19, the Pienwa site was well utilised as BT had been progressively increasing class offerings and regular room hire. Classes in Castlemaine are attracting students of all ages.

Economic Development Strategy 2013 -2017

This strategy includes the specific objective to provide targeted learning, skill development and business support, and a supporting strategy to encourage local course and program development between education providers, local businesses and business groups (especially in trade and services training) including training and job opportunities for disadvantaged, Indigenous and disabled residents.

Prior to COVID-19, BT was providing targeted learning through provision of priority courses in areas that have been identified by the Victorian government as jobs in demand.

Property Leasing and Licencing Policy

This policy provides the foundation for leasing and licensing decision-making for Council owned or controlled properties. The policy objectives include ensuring that Council properties are occupied in accordance with the best interests of the community and Council and to maximise the sustainable use of Council's assets.

Relevant details include the occupation of Council's premises may be subject to an expression of interest or a tender process, and the term of commercial leases will be assessed on an individual basis.

Declarations of Conflict of Interest

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

No conflicts of interest

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

10.2.2. LAND EXCHANGE AGREEMENT - WELSHMANS REEF

This Report is For Decision

Responsible Director: Acting Director Infrastructure and Development, Jude Holt

Responsible Officer: Executive Manager Infrastructure, Tanya Goddard

Attachments:

1. Survey Plan - Gordons Road and Seers Road [**10.2.2.1** - 1 page]
2. Land exchange Seers and Gordon Rds BB A-310815-356-330-1 Ministerial Consent dated 29 Jan 2021 - rec [**10.2.2.2** - 1 page]
3. Road Deviation - Newspaper notice [**10.2.2.3** - 1 page]

Executive Summary

Council was approached by Mr Brassier, the owner of CA2 Section K Parish of Maldon, to consider exchanging two unused government roads intersecting his property (highlighted in orange and blue on the attached plan of survey) as well as the enclosed parcel of land (highlighted in yellow), for the current alignment of Gordons Road and Seers Road in Welshmans Reef (highlighted in pink and green).

Following significant delays, a Land Exchange Agreement was prepared to regularise the deviation of the extension of Gordons Road to Seers Road (as is currently in use) and the continuation of Seers Road (as is currently in use) in Welshmans Reef.

At the Ordinary Meeting of Council held on 20 August 2019, Council moved that the Chief Executive Officer be authorised to sign and affix the Common Seal to the Land Exchange Agreement between Mr. J.O. Brassier of Welshmans Reef and Council.

Approval is now sought to finalise this road deviation.

RECOMMENDATION

That Council:

- 1. Having given public notice and invited and considered submissions received in accordance with Section 223 of the Local Government Act 1989 ("the Act"), pursuant to Section 207E and Clause 2 of Schedule 10 of the Act, resolves to:**
 - a. Deviate part of the existing road hatched on the plan to the north of Crown Allotment 4 Section K Parish of Maldon, being the land more particularly described in Certificate of Title Volume 11888 Folio 873, and exchange the part of the existing road hatched with part of the land contained in CA 4B Section K Parish of Maldon, being the land more particularly described in Certificate of Title Volume 11888 Folio 873 and create the road cross hatched on the plan; and**
 - b. Deviate part of the existing road hatched on the plan to north of Crown Allotment 7 Section K Parish of Maldon, being the land more particularly described in Certificate of Title Volume 5758 Folio 489, and exchange the part of the existing road hatched with part of the land contained in CA 2 Section K Parish of Maldon, being the land more particularly described in Certificate of Title Volume 12036 Folio 226 and create the road cross hatched on the plan; and**
- 2. Pursuant to clause 2(3) of Schedule 10 of the Act resolves to publish a notice in the Victorian Government Gazette describing the deviation.**

MOVED COUNCILLOR DRISCOLL

That the recommendation be adopted.

SECONDED COUNCILLOR MALTBY

CARRIED.

Context

A Land Exchange Agreement was prepared to regularise the deviation of the extension of Gordons Road to Seers Road (as is currently in use) and the continuation of Seers Road (as is currently in use) in Welshmans Reef.

At the Ordinary Meeting of Council held on 20 August 2019, Council resolved that the Chief Executive Officer be authorised to sign and affix the Common seal to the Land Exchange Agreement between Mr. J.O. Brassier of Welshmans Reef and Council.

Approval is now sought to finalise this road deviation.

Background

Council was approached by Mr Brassier, the owner of CA2 Section K Parish of Maldon, to consider exchanging two unused government roads intersecting his property (highlighted in orange and blue on the attached plan of survey) as well as the enclosed parcel of land (highlighted in yellow), for the current alignment of Gordons Road and Seers Road in Welshmans Reef (highlighted in pink and green).

In March 2000, Adrian Cummins Surveyors engaged Feigl and Newell, professional Title Searchers, to undertake a Title Search of Crown Allotment 2 section K Parish of Maldon. The following information was provided –

- The parish lithograph shows the local council opened a road (Seers Road) through crown allotment 2 section K Parish of Maldon. However; this land was never transferred out of Certificate of Title Volume 9638 Folio 470. The land is highlighted in pink on the attached plan of survey.
- The same applies to Gordons Road where Council opened a road through Crown allotment 4B Section K Parish of Maldon. The land has never been transferred out of Certificate of Title Volume 9638 Folio 465 and is highlighted in green on the attached plan of survey.

Examination of the Newstead topographical map prepared by the Department of Crown Lands and Survey shows that Gordons Road and Seers Road have been in this configuration for many years. The roads in question are on the preferred alignment.

Gordons Road and Seers Road are listed on Council's public road register and form a vital link for local farmers and heavy vehicle access.

The land exchange has been significantly delayed as follows:

- A report was first prepared for Council on 13 March 2007, the exchange was advertised, and no submissions were received. On 14 August 2007, Council consented to the road exchange and closure of two government roads.
- A notification from the Department of Environment Land Water and Planning was received by Council on 4 March 2013, advising the application had been rejected.
- The applicant submitted a proposed plan of subdivision PS727984Y, which abut the two government roads in 2010 (PA075/2010). The permit conditions placed engineering standards on the construction of Seers Road and Gordons Road. The applicant contested the conditions at VCAT in July 2012 and was successful.

-
- A further report was prepared for Council on 26 May 2015, recommending the Chief Executive Officer sign and affix the Common Seal to a Transfer of Land to effect the deviation. This was an application to amend the register under S207E of the Local Government Act 1989. All documents were signed and sealed in preparation for lodgement.
 - The original titles were not provided by the applicant to enable the transfer to take place.
 - On 20 August 2019, Council approved the sign and seal of a land exchange agreement with the Applicant.
 - Ministerial consent was subsequently received on 29 January 2021.

Officers have undertaken an inspection of the site and the existing unused government roads are over open grazing land, with no significant native vegetation.

Process

- The land exchange agreement was executed in 2019.
- A notice was published in the Castlemaine Mail newspaper on 16 April 2021 giving notice of the exchange in accordance with section 223 of the Local Government Act 1989.
- A surveyor has been engaged to obtain survey plans for the exchange and parcel consolidation.
- Following Council approval:
 - A notice will be published in the government gazette.
 - An application will be prepared under section 35 of the Subdivision Act 1988 and associated documents for lodgement.
 - Lodgement will be made with the Titles Office to complete the exchange.

Issues

Whilst Council can prove Gordons Road and Seers Road are roads within the meaning of a Road, Mr Brassier still has legal title to the land. Council was recently informed that the land subject to the road exchange is being sold on vendor terms with settlement due on 30 June 2021. Council must now proceed with the statutory process to ensure the Agreement is executed and the road deviation finalised at the Land Titles office prior to settlement.

Finance and Resource Implications

Council relies on Beck Legal (business) to manage the Execution of the land exchange agreement. Council agreed to meet the costs of the preparation of the Agreement and all associated matters in a letter to Mr Brassier in 2006 and includes the following:

- Plan of survey (amended plans required)
- Title Plan

-
- Advertising
 - CEO certificates
 - Applications made under S206 of the Local Government Act 1989 and S35 of the Subdivision Act 1988.

Asset Management has a general legal operating budget for legal matters associated with roads. It is anticipated that costs (within 2019/2020) to finalise the land exchange will be (approximately):

- Legal and surveying: \$20,000
- Advertising, lodgement fees and disbursements: \$10,000
- Amended survey plans (Section 35 plan): \$6,700 (as the current survey plans have expired).

These costs can be met within the approved 2020/2021 Asset budget.

Risk Analysis

There are no risks identified in relation to this land exchange.

Climate Impact Statement

There are no climate impacts associated with this land exchange.

Alternate Options

There are no alternate options available. Council has contractually committed to this land exchange agreement.

Communication and Consultation

Inform:

We will keep our community informed.

At its meeting held on 13 March 2007, Council determined to proceed with the road exchange. The period to receive submissions closed on 22 June 2007 and a report was presented to Council at its meeting on 14 August 2007 'Exchange and Closure of Unnamed Government Roads Welshmans Reef'. Council adopted the report and consented to the road exchange and closure of unused government roads in Welshmans Reef. A notice was also placed in the Government Gazette. The land exchange did not get finalised as it was rejected by the Land Titles office.

Further to this, at its meeting held on 20 August 2019, Council authorised the Chief Executive Officer to sign and seal the Land Exchange Agreement between Mr J.O. Brasser of Welshmans Reef and Council. A notice was published in the Castlemaine Mail newspaper on 16 April 2021 and no submissions were received.

Consent has also been obtained from the Minister to complete the land exchange in accordance with the Crown Land (Reserves) Act 1978.

Liaison with the Land Titles Office will also occur to ensure the land exchange is finalised correctly.

Legislation

The proposal under the Land Exchange Agreement will be undertaken in accordance with the following legislative powers of Council and within:

Local Government Act 1989

Local Government Act 1989 Section 206 (1) Power of Councils over roads and Schedule 10(2) Power to deviate roads.

Road Management Act 2004

The Road Management Act 2004 Schedule 9 Part 1 Declaration of existing roads

Subdivision Act 1988

Section 35 of the Subdivision Act 1988 (to make application to amend the configuration of all existing allotments by receiving them into one).

Strategies and Policy Impacts

Council Plan 2017-2021

Our Place - Well managed assets for now and into the future.

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

Declarations of Conflict of Interest

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

No conflicts of interest

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

10.3. Our Economy

10.3.1. PLANNING APPLICATION PA034/2021 - 24 DOVETON STREET CASTLEMAINE

This Report is For Decision

Responsible Director: Acting Director Infrastructure and Development, Jude Holt

Responsible Officer: Senior Statutory Planner, Holly Sawyer

Attachments:

1. Planning report [10.3.1.1 - 7 pages]
2. Response to concerns and surrounding area comparison [10.3.1.2 - 3 pages]
3. Proposed site, floor, elevation and signage plans [10.3.1.3 - 4 pages]

Executive Summary

Council has received an application for the use and development of the land for a medical centre and associated car park, display of signage and partial demolition within the Heritage Overlay at 24 Doveton Street Castlemaine. The subject site is located within the General Residential Zone – Schedule 1 and is affected by the Heritage Overlay – HO667. Planning approval is required under both planning controls.

The proposal is seeking to use the existing dwelling as a medical centre, with minor internal and external works required to retrofit the dwelling to make it fit for purpose. The proposal also seeks to demolish the outbuilding to the rear of the site to facilitate a car park to the rear of the proposed medical centre. A business identification sign is also proposed to the front of the site facing Doveton Street.

The application received six objections.

It is recommended that Council issue a Notice of Refusal as the proposal is not considered to represent an orderly planning outcome and would detrimentally impact the amenity of the surrounding residential area. Further, the proposed signage is not considered to be sympathetic to the heritage character of the residential streetscape. Therefore, it is recommended that the proposed is not supported.

RECOMMENDATION

That Council issue a Notice of Decision to Refuse a Planning Permit for the use and development of the land for a medical centre and associated car park, display of signage and partial demolition at 24 Doveton Street Castlemaine on the following grounds:

- 1. Pursuant to Clause 65.01 of the Mount Alexander Planning Scheme, the proposal is not considered to represent an orderly planning outcome and will detrimentally affect the amenity of the area.**
- 2. The proposed signage is considered to detrimentally impact the heritage significance of the site and surrounds due to its scale and dominating location, pursuant to Clause 22.01 and Clause 43.01 of the Mount Alexander Planning Scheme.**
- 3. The proposed operating hours are considered to be inappropriate within the residential setting of the surrounding area and will detrimentally impact on the amenity of the surrounding area.**

-
4. **The traffic generation resulting from the proposal will be excessive and detrimentally impact on the amenity of the surrounding area.**
 5. **The proposed medical centre is inappropriately located within an established residential streetscape and would undermine the objectives of Clause 21.09-1 of the Mount Alexander Planning Scheme for encouraging locating commercial and community land uses within the central commercial district of Castlemaine to improve the diversity, vibrancy and viability of the precinct.**

MOVED COUNCILLOR GARDNER

That the recommendation be adopted.

SECONDED COUNCILLOR HENDERSON

CARRIED.

Summary

Application details:	Use and development of the land for a medical centre and associated car park, display of signage and partial demolition within the Heritage Overlay
Application No:	PA034/2021
Applicant:	E+Architecture
Land:	24 Doveton Street Castlemaine VIC 3450 Crown Allotment 9 Section 10 Township of Castlemaine Parish of Castlemaine Col 03990 Fol 887
Zoning:	General Residential Zone – Schedule 1
Overlays:	Heritage Overlay - HO667
Triggers:	Clause 32.08-2 Clause 32.08-9 Clause 43.01-1
Notice:	Yes, via letters to adjoining and surrounding properties and a sign displayed on the site.
Referrals:	Council's Heritage Advisor Council's Infrastructure Unit
No. of Objections:	Six (6) at the time of this report
Consultation Meeting:	No
Key Considerations:	Amenity Neighbourhood character Overdevelopment of the site Intensity of proposed use
Conclusion:	Issue a Notice of Refusal

Context

The purpose of this report is to enable Council to make a determination on an application for the use and development of the land for a medical centre and associated car park, display of signage and partial demolition within the Heritage Overlay at 24 Doveton Street Castlemaine. The application has been referred to Council for a decision because six objections have been received and the officer recommendation is to refuse the application.

The application was lodged on 11 February 2021 and proposes to use and develop the existing dwelling on the land for a medical centre. The details of the proposal are as follows:

Use for a medical centre

The proposed medical centre is sought to be operated as a podiatry, with two full time practitioners and one administrative staff. Operating hours are proposed as follows:

- Monday to Saturday: 9.00 am to 6.00 pm excluding public holidays (by appointment / open to clients).

The proposal is seeking to allow staff onsite from 7.00 am to 7.00 pm, Monday to Saturday. The proposal submitted that maximum patronage would be 28 clients per day, although they would realistically expect approximately 14 clients per day if they are not fully booked.

Buildings and works for a medical centre and car park (including partial demolition)

This will require minor external alterations (changes to some doors) and a partial internal retrofit. The proposal also seeks to demolish the domestic outbuilding, clothesline and water tank to the rear of the dwelling to construct a car park. The car park is proposed to include 7 car parking spaces, with an additional accessible parking space to be provided beneath the existing carport. Therefore, a total of 8 car parking spaces are sought to be provided. Access to the car park is to be via the existing crossover and driveway, through the carport to the rear of the site. 600 mm of site cut will be required to level the backyard for the car park. No trees are proposed to be removed to facilitate the car park, only some lawn and shrubs.

Display of signage

Signage is proposed to consist of a business identification sign to the front of the existing dwelling, along the fence line. The business identification sign is split into two parts, with the top portion proposed to measure 1500mm in length and 730mm in height, for a display area of 1.095sqm. The lower portion is proposed to measure 1200mm by 350mm (display area of 0.42sqm) to provide directional information for the car park to the rear of the dwelling and a contact phone number. The upper portion of the business identification sign is proposed to include the wording "Castlemaine Podiatry" in light blue lettering on a white background. The lower portion of the sign will sit 1200mm above ground level, to be visible above the existing fence.

Site and surrounds description

The subject site is located within an established residential area to the north of the main commercial precinct of Castlemaine. The surrounding area is a historic residential area, with the neighbouring lots also affected by the Heritage Overlay – HO667 (Castlemaine Central Conservation Area). The settlement pattern of the surrounding area is fairly consistent, with dwellings maintaining similar front and side setbacks on regular shaped allotments. The surrounding area is predominantly residential, although there are some non-residential land uses within proximity to the site including the Dove Café (75 metres to the east), Union

Studio (80 metres to the west) and commercial accommodation along Campbell Street to the south.

The operating hours for the Dove Café (highlighted in red on the below image) are as follows:

- Monday to Friday: 7.00 am to 5:30 pm.
- Saturday: 8.00 am to 2.00 pm.

The Union Studio (highlighted in green on the below image) is also open by appointment during the following hours:

- Monday, Tuesday, Thursday and Friday: 10.00 am to 4.00 pm.



The subject site itself is a rectangular allotment, with a land area just over a quarter acre. The site currently contains a single dwelling with attached carport and a detached shed to the rear. The site contains extensive landscaping, with exotic trees to the western side and front of the dwelling. There are also exotic trees within the road reserve to the front of the subject site. Access is provided via a single crossover to Doveton Street.

Outstanding objections to the application

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

The following issues were raised:

Amenity impacts resulting from increased traffic

Objections raised concern with the amenity impacts likely to be experienced due to increased traffic the proposal is likely to generate (in excess of that generally associated with the use of a residence). Given the residential nature of the properties adjoining the subject site, the traffic generated by the proposal would most likely result in noise and light impacts on neighbours. This is discussed later in this report.

Incompatibility with residential character of the area

Objections raised concern that the subject site is an appropriate location for a medical centre. It is acknowledged that land further south within the Commercial 1 Zone is more suited to this land use. This is discussed later in this report.

Traffic management concerns

Objections raised concern about traffic management relating to the proposal. Whilst the proposal meets the statutory requirements for the provision of on-site car parking, there may still be off-site impacts relating to parking within the road reserve and pedestrian safety due to the expected number of vehicle movements in and out of the site. This is discussed later in this report.

The proposal will negatively impact the heritage significance of the site and surrounds

Objections raised concern that the proposal will negatively impact the heritage significance of the site and surrounds. While there will not be any external alterations to the dwelling itself that will be visible to the public realm, Council's Heritage Advisor has indicated that the proposed use of the site will have a high detrimental impact on the identified heritage features, elements, landscape and vegetation, and urban design components that make up the significance of the heritage precinct. This matter is discussed later in this report.

Surrounding commercial comparison provided by application is inaccurate and does not support the proposal

Concerns have been raised regarding the submission's comparison of the proposed use and development against the existing Dove Café and Union Studio. A number of the objections highlighted that Union Studio was a poor comparison particularly as the site is the main residence of the artist and only operates part time and by appointment only, which generates practically no traffic. Further, the objections raised that the Dove Café is an extant commercial premise, of which these corner stores are common commercial features of residential heritage precincts. The Dove Café is also located on a Road Zone – Category 2, which provides direct access into the commercial centre of Castlemaine along Hargraves Street. These concerns are considered to be valid, with the comparison not considered to be accurate given the intensity of the proposed use and the extended operating hours proposed herein.

Security monitoring amenity concerns

Concerns have been raised about the proposed security monitoring two to three times per night causing amenity issues, such as encouraging dogs to bark, light spill and noise at a time when there is generally no traffic along Doveton Street. It is possible that standard conditions could be included on conditional consent to require any security system to be of a silent type that contacts either the police or a security company directly rather than utilising drive by inspections to reduce noise and light impacts during night hours.

Implications on housing market

Concerns have been raised regarding the current shortage of residential properties available to home buyers or renters, which the proposal will exacerbate by removing an existing residence from that market. As mentioned above and discussed later in this report, the proposed subject site is not considered to be an appropriate location for a medical centre given the site's proximity to commercially zoned land and policy objectives to consolidate residential growth within established and well-serviced residential areas.

Setting a precedent for commercial businesses

Concerns have been raised that the proposal will set a detrimental precedent that will encourage more commercial businesses to relocate into the residential areas surrounding the Castlemaine town centre. It is agreed that the approval of the proposal herein could set a precedent for the expansion commercial businesses into residential areas adjoining the Castlemaine town centre. This would be a poor planning outcome and undermine policy objectives to encourage commercial diversity and viability within the established commercial precinct.

Loss of privacy for adjoining residential properties resulting from proposed car park to the rear of the proposed medical centre

This issue is discussed later in this report.

There is additional signage at the present podiatry location that has not been included in this application, with concerns that those signs will be moved with the proposed sign without approval

This report is unable to consider signage not included as part of this application. It is assumed that the permit holder would only display the signage included herein, if a permit is granted.

Issues

Medical centres within the General Residential Zone – Schedule 1, neighbourhood character and residential amenity

Clause 21.09-1 seeks to prevent out-of-centre development that would undermine the viability of existing retail areas and entrench car-based travel. Whilst the subject site is located within 150 metres of existing commercially zoned land along Barker Street and Templeton Street, the purpose of the commercial precinct is to encourage the co-locating of commercial and other community land uses to increase the vibrancy and viability of the town centre. Further, allowing the dispersal of commercial and other community uses outside of the town centre will limit opportunities for the consolidation of residential growth within established and well-serviced residential neighbourhoods, such as Doveton Street. Therefore, the introduction of a medical centre within the context of the site and surrounds is not considered to be appropriate particularly given the quiet nature of the streetscape and the proximity of the site to appropriately zoned commercial land.

Further to the above considerations, the proposal is not considered to be sympathetic to the neighbourhood character and residential amenity of Doveton Street. The proposal is seeking to effectively operate between 7am and 7pm Monday to Saturday, which is more than those of the Dove Café or Union Studio. Further, the proposal's comparisons to those business is not considered to be a fair comparison given the negligible impact of Union Studio as a home-based business and the historic commercial nature of Dove Café as a corner premises on a connector road into the main commercial precinct of Castlemaine. The proposed use is considered to be intensive and out of character within the residential setting of the subject site, with traffic generation, operating hours and patronage all posing amenity impacts.

Heritage significance and display of signage

While the proposal does not include any works to the external façade of the existing dwelling that would be visible from Doveton Street and the proposed demolition of the non-contributory outbuilding would not pose a risk to the heritage significance of the site, the proposal is considered to have a high detrimental impact on the heritage precinct.

Further, the proposed signage will be directly behind the existing front fence and visible from the public realm. Clause 22.01 includes a number of policy guidelines for proposed signs within the Heritage Overlay, including that new signs respect the period and style of the building and are of a size that does not dominate the historic place or precinct. Whilst the colouring of the proposed sign is considered to be muted and respectful to the subject site and surrounds, the scale of the signage is considered to be imposing within the historic residential streetscape. There is no precedent for this scale of signage along the streetscape and the location of the sign directly behind the front fence will detract from the heritage character of the existing dwelling on the subject site. Therefore, the proposed signage is not considered to be appropriate within the heritage context of the site and surrounds.

Car parking considerations

The application has demonstrated that the required number car parking spaces and relevant dimensions of said spaces and access way can be provided on the land. Although, it is likely that clients will either park within the road reserve (given its wide gravel verge) or utilise taxi/ride-share drop off at the front of the subject site. Therefore, whilst it is difficult to quantify, there may be pedestrian safety concerns, particularly for children using the street to walk to school.

Further to the above, the number of expected car journeys to and from the site is expected to exceed that generally associated with the residential character of the site and surrounds. The application indicates a maximum of 28 clients per day, which would result in a minimum of 48 car movements in and out of the site. With two practitioners and one administrative staff, this would be increased to a minimum of 54 car movements per day. Whilst this may be reduced by lower patronage depending on booking numbers and the use of taxi/ride-share services, this would still far exceed residential traffic generation and would impact on the amenity of the adjoining and surrounding properties.

Aside from amenity impacts regarding traffic generation as discussed above, there have also been concerns raised regarding loss of privacy resulting from the development of the entire rear portion of the subject site for a car park. Submissions from the eastern and western adjoining neighbours included concerns regarding a loss of privacy given the number of visitors to the site, with particular concern for the privacy of children using their respective private open space. Whilst there is existing vegetation along the western boundary, the development of the car park and access way has limited opportunity to provide screening vegetation from the access way and car park to the neighbouring lot to the east. Therefore, it is considered that the proposal will impact the privacy of the eastern neighbour, at a minimum.

Finance and Resource Implications

Cost of appeal at the Victorian Civil and Administrative Tribunal.

Alternate Options

Council could issue a Notice of Decision to Grant a Planning Permit, although the proposal is not considered to represent an orderly planning decision given the residential character of the site and surrounds.

Communication and Consultation

Advertising

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

External Referrals

No external referrals were required.

Internal Referrals

- Council's Heritage Advisor provided the following response:

The proposal is to change an existing residential dwelling into a health/medical practice.

This will result in converting the entire rear garden into a formal car parking area for 8 vehicles, whilst retaining the narrow informal vehicle crossover at the entrance to the site.

This section of Doveton Street between Barker Street (Midland Highway) and Hargraves Street is predominately residential. The residential houses, urban design and road infrastructure dates to the late 19th century and is protected under the Central Castlemaine Heritage Precinct. Some of the houses located nearer Barker Street and Midland Highway date to the 1860s.

The street is a quality streetscape with heritage significance. The topography is fairly level with narrow central sealed bitumen roadway with deep wide gravel verges which slope down to a wide drainage swale and grassy verge, where a row of mature Ash trees line the street. The Ash trees have been planted with alternate species to emphasise the contrasting autumn colours of golden yellow, deep claret and dark green. This pattern of street tree planting is typical of Castlemaine from the early to mid-20th century. Between the swale drain and sealed footpath is a narrow blue stone gutter which requires a small concrete culvert for vehicular access to the individual properties. The urban design and road infrastructure dates to the late 19th century and is protected under the Central Castlemaine Heritage Precinct.

The streetscape of Doveton Street is within the core heritage residential area of Castlemaine, one street beyond the highly significance Campbell Street heritage precinct. It is an intact historic residential streetscape with no commercial interventions of signage and businesses.

The proposal to convert an historic house and heritage garden into exclusive use health centre will have a high detrimental impact on the identified heritage features, elements, landscape and vegetation and urban design components that make up the significance of the heritage precinct.

The intensity of proposed development is not consistent with the heritage values of the precinct and accordingly does not meet the requirements of the Heritage overlay Clause 43.01 Mount Alexander Planning Scheme.

- Council's Infrastructure Unit provided no objection to the issue of a permit, subject to the following conditions:

Engineering plans

1. Before works start, detailed access and drainage construction plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The engineering plans must accord with the Infrastructure Design Manual.

Completion of works

2. Before the use commences, all works as shown on the endorsed detailed construction plans must be carried out and completed to the satisfaction of the Responsible Authority.

Drainage

3. The development must be drained to the satisfaction of the Responsible Authority. The drainage design must incorporate integrated water management principles and comply with amendment VC154 – Stormwater management of the Victorian Planning Provisions.
4. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjacent property or streets other than by means of an approved drainage system discharged to an approved outlet in a street or to an underground pipe drain to the satisfaction of the Responsible Authority.
5. Prior to the design of any internal drainage system, the landowner/permit holder must submit a Property Information Request and must obtain a Legal Point of Discharge Permit to discharge surface stormwater run-off.

Access

6. Before the use commences, the existing crossover must be upgraded to meet Council's current standards, unless otherwise agreed in writing by the Responsible Authority. No impending or redirection of existing surface flow is allowed to occur as a result of these works. The crossover must be upgraded to a concrete finish and dimensioned to suit the proposed access way internal to the subject site, to the satisfaction of the Responsible Authority.
7. Before the use commences, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Fully constructed;
 - b) Properly formed to such levels that may be used in accordance with the plans;
 - c) Surfaced with an all-weather surface seal or seal coat (as appropriate);
 - d) Drained and maintained in a continuously usable condition;
 - e) Line marked to indicate each car space and/or access lane.All to the satisfaction of the Responsible Authority.
8. Car spaces, access lanes and driveways must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
9. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.
10. No fewer than eight car parking spaces must be provided on the land to the satisfaction of the Responsible Authority.

Sediment pollution control

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

Consent for construction

12. Prior to the commencement of any works within the road reserve, the landowner/permit holder must submit a Minor Works in a Road Reserve application and be issued a permit to occupy the road for works.

Reinstatement of Council assets

13. All existing road reservation assets are to be protected and maintained throughout the works including all utilities and services. Any damaged assets are to be restored prior to the commencement of the use, to the satisfaction of and at no cost to the Responsible Authority.

Legislation

Planning and Environment Act 1987

Strategy and Policy Impacts

Planning Policy Framework (PPF)

Clause 11.03-1S (Activity centres)

This policy encourages the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

Clause 13.05-1S (Noise abatement)

This policy seeks to assist the control of noise effects on sensitive land uses.

Clause 13.07-1S (Land use compatibility)

This policy seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Clause 15.01-1S (Urban design)

This policy seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Clause 15.01-5S (Neighbourhood character)

This policy seeks to recognise, support and protect neighbourhood character, cultural identity and sense of place.

Clause 15.03-1S (Heritage conservation)

This policy seeks to ensure the conservation of places of heritage significance.

Clause 18.02-4S (Car parking)

This policy seeks to ensure an adequate supply of car parking that is appropriately designed and located.

Clause 19.02-1S (Health facilities)

This policy seeks to assist the integration of health facilities with local and regional communities.

Municipal Strategic Statement (MSS)

Clause 21.07-3 (Heritage)

This policy seeks to protect and conserve the significance of all Aboriginal and non-Aboriginal heritage places.

Clause 21.09-1 (Commercial)

This policy seeks to reinforce the role of the Castlemaine Commercial Centre as the primary commercial centre in the Shire.

Local Planning Policy Framework (LPPF)

Clause 22.01 (Heritage)

This policy seeks to ensure that adaptation of heritage places is consistent with the principles of good preservation practice and preserve the scale and pattern of streetscapes in heritage places.

Zoning

Clause 32.08 - General Residential Zone – Schedule 1 (GRZ1)

The subject site is located within the GRZ1 pursuant to Clause 32.08 of the Mount Alexander Planning Scheme. The purpose of the GRZ1 is as follows:

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

Pursuant to Clause 32.08-2, a planning permit is required for the use of the land for a medical centre. Planning approval is also required for the proposed buildings and works associated with the medical centre, pursuant to Clause 32.08-9.

Overlays

Clause 43.01 - Heritage Overlay (HO667)

The subject site is affected by the HO667 pursuant to Clause 43.01 of the Scheme. The purpose of the Heritage Overlay is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.

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- To conserve and enhance those elements which contribute to the significance of heritage places.
 - To ensure the development does not adversely affect the significance of heritage places.

Pursuant to Clause 43.01-1, a planning permit is required for construct or carry out works and to demolish or remove a building. Planning approval is also required to display a sign.

Particular provisions

Clause 52.05 - Signs

Pursuant to Clause 32.08-14, sign requirements fall within Category 3 of Clause 52.05. Pursuant to Clause 52.05-13 (Category 3 – High amenity areas), planning permit is required for a business identification sign. There are no size restrictions for a business identification sign within this category.

Clause 52.06 - Car parking

Pursuant to Clause 52.06-5, 5 car parking spaces are required to the first person providing health services plus three car parking spaces to every other person providing health services. As the proposal seeks to have two full time practitioners, a total of eight car parking spaces are required for this application, which are shown on the proposed site plan.

Pursuant to design standard 1 (access ways), the internal access way must be at least 3 metres wide and have an internal radius of at least 4 metres at changes of direction. These dimensions are satisfied by the proposal. As the access way does not serve more than 10 parking spaces, the requirement for a passing bay is not mandatory in this instance even though the access way is more than 50 metres in length (when measured including the change of direction).

Design standard 2 requires 90-degree angle car parking spaces to measure at least 2.6 metres (m) in width and 4.9m in length as the access way width at the front of the spaces measures more than 6.4m. These dimensions have been complied with for the car parking spaces to the rear of the proposed medical centre. For the parallel parking space beneath the car port, the car space must be at least 2.3m in width and 6.7m in length with an access way width of 3.6m available. The proposed site plan does not show these dimensions, although measuring the scaled plan indicates that there is sufficient space to comply with these requirements.

Declarations of Conflict of Interest

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

No conflicts of interest

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

10.3.2. PA239-2019/51 PITMAN STREET, CHEWTON/DEMOLITION OF EXISTING DWELLING & OUTBUILDINGS. CONSTRUCTION OF DWELLING & GARAGE

This Report is For Decision

Responsible Director: Acting Director Infrastructure and Development, Jude Holt

Responsible Officer: Statutory Planner, Jennifer Stanwix

Attachments: 1. P A 317 2020 - 51 Pitman St Chewton - Plans [**10.3.2.1** - 11 pages]

Executive Summary

Council has received an application for the partial demolition of an existing dwelling and associated outbuilding, and the construction of a dwelling and garage, at 51 Pitman Street, Chewton. The site is located within the Township Zone (TZ) and is covered by the Heritage Overlay (HO903 – Kidd House, 51 Pitman Street) and the Bushfire Management Overlay (BMO).

The application for the partial demolition of an existing dwelling and associated outbuilding, and the construction of a dwelling and garage, is contrary to the Mount Alexander Planning Scheme which relates to the protection and conservation of heritage buildings. In particular, the proposal is contrary to the Heritage Overlay, the Heritage Citation Report, and the recommendations of Council's Heritage Urban Design Officer.

It is recommended that Council refuse this permit application.

RECOMMENDATION

That Council issues a Notice of Decision to Refuse a Planning Permit for the partial demolition of an existing dwelling and associated outbuilding and the construction of a dwelling and garage at 51 Pitman Street, Chewton, on the following grounds:

1. The proposal is contrary to the objectives of State Planning Policy contained in Clause 15.03 with respect to the preservation of built form heritage; and
2. The proposal is contrary to the objections of Local Planning Policy contained in Clause 22.01 with respect to the preservation of built form heritage; and
3. The demolition of the existing dwelling (HO903) is contrary to the objectives of the Heritage Overlay contained in Clause 43.01; and
4. The proposed demolition of the existing heritage dwelling, and its replacement with a new dwelling, will adversely affect the aesthetic significance, character and appearance of the heritage place; and
5. The proposal is not in keeping with the character of this recognised heritage setting.

MOVED COUNCILLOR MALTBY

That Council issue a Notice of Decision to Grant a Planning Permit for the demolition of an existing dwelling & associated outbuildings and construction of a dwelling and garage at 51 Pitman Street, Chewton, subject to the following conditions:

1. AMENDED PLANS REQUIRED

Before the development start(s), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and one copy must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) The shipping container relocated to the west or other side boundary fence and set back behind the front building line. Screening is permitted.**
- b) The CFA Water tank to be located as per the Bushfire Management Plan (BMP).**
- c) A full schedule of materials, finishes and colours, including colour samples (colour samples in a form that is able to be endorsed and held on file), must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.**
- d) Details such as lacework, finials and gable end decoration should be simple and avoid mimicking historic detailing to be provided (at min 1:10 scale).**
- e) If new fencing is proposed, it must be included in the documentation and submitted for approval by the heritage advisor.**
- f) Details of verandah balustrading if required (at min 1:20 scale) must be included in the documentation and submitted for approval of the heritage advisor.**
- g) A landscape plan as required by Condition 15.**

All of the above to the satisfaction of the Responsible Authority

2. DEMOLITION METHOD STATEMENT/CONSERVATION MANAGEMENT PLAN

Before the development (including any demolition) starts, a fully detailed Demolition Method Statement/Conservation Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Statement/Plan will be endorsed and will then form part of the permit. The demolition method statement/conservation management plan must be prepared by a suitably qualified heritage professional.

Any archaeological artefacts and relics recovered during the construction works must be recorded and protected, and the Mount Alexander Council notified prior to disturbance.

3. LAYOUT NOT ALTERED

The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. All buildings and works must be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use. All buildings and works must be located clear of any easements or water and sewer mains unless written approval is provided by the relevant authority.

4. MATERIALS TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY

All external materials, finishes and paint colours are to be to the satisfaction of the Responsible Authority.

5. CFA CONDITIONS

a) Bushfire Management Plan

- The Bushfire Management Plan prepared by Regional Planning and Design Pty Ltd (Figure 7 (Version C), dated 22/2/2021) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

b) Mandatory Condition - Maintenance of bushfire protection measures

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

6. GMW CONDITIONS

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

b) All wastewater from the dwelling must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.

7. DELWP CONDITIONS

Access and Encroachment

a) Adjoining Crown land must not be used for truck turning areas, entry points, parking areas or temporary stack sites during the construction of buildings or works.

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- b) No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses on Crown land. Overland flows must be maintained at the same rate post-development as on the undeveloped land.

Defendable Space

- a) No more than one-third of the foliage of each individual plant located on the adjoining road reserves may be lopped or pruned without the written approval of the Department of Environment, Land, Water and Planning.

8. SERVICES

Prior to occupation the building hereby approved shall be connected to reticulated water and sewerage services.

9. DRAINAGE

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

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

10. EXISTING VEHICLE CROSSING & DRIVEWAY

- a) Developer to ensure existing vehicle crossing meets Councils current standards. No impending or redirection of existing surface flow is allowed to occur as a result of these works. Council's minimum standards are: -
- Stone gutters along Lawrence Street must be protected and maintained during the construction of vehicle crossovers to the satisfaction of the Responsible Authority.
 - 3.5m wide with appropriately sized reinforced concrete pipes (min 375mm) 4.8m long centred on the crossover matching the capacity of the open drain.
 - Batters to be re-established either side of culverts to ensure free flowing.
 - Crossings must be positioned keeping a minimum of 3m clearance from the Council trees located at the property frontages.
 - 100mm minimum compacted thickness of road base gravel from edge of road to property line.
- b) Provision is to be made for a turning circle or "T".

11. CONSENT FOR CONSTRUCTIONS

- a) Prior to the commencement of any works on the road reserve the owner/applicant must submit a Minor Works in a Road Reserve application and be issued a permit to occupy the road for works.
- b) All existing road reserve assets are to be protected and maintained throughout the works including all utilities and services. Any damage must be reinstated to the satisfaction of the Responsible Authority at the cost of the permit holder, and is to be restored prior to issuing the certificate of occupancy.

12. INFRASTRUCTURE STATUS

All existing road reservation assets are to be protected and maintained throughout the works including all utilities and services. Any damage is to be restored to the satisfaction of the Responsible Authority and at the cost of the permit holder, prior to issuing of Certificate of occupancy.

13. SEDIMENT POLLUTION CONTROL

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

The developer must ensure that all site works conducted during any stages of the proposed development is minimises any erosion damages to the surrounding public and private property and assets.

The developer is required to re-instate any erosion damage or sediment build-ups caused by the proposed works to any residential or public assets.

14. LANDSCAPE PLAN REQUIRED

Before the development starts, a landscape plan prepared by a professional to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one copy must be provided. The landscaping plan must show:

- a) Dimensions and a scale, north point and provide a key of the structures such as paths, and retaining walls;
- b) The locations of all landscaping works to be provided on the whole of the site, including the irrigation system; and,
- c) A detailed schedule of all proposed advanced and small trees, shrubs and groundcovers.

All species selected must be to the satisfaction of the responsible authority.

Note: The landscape plan will have to achieve the vegetarian management as approved in the Bushfire Management Plan.

15. COMPLETION OF LANDSCAPING

Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority. When the landscaping works have been completed, written confirmation must be provided to the satisfaction of the Responsible Authority that landscaping of the land has been undertaken in accordance with the endorsed landscaping plans.

16. LANDSCAPING MAINTENANCE

The landscaping is to be maintained for a period of 24 months including at least two full summer periods from practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be replaced to the satisfaction of the Responsible Authority.

17. REMOVAL OR TRIMMING OF ROAD RESERVE TREES

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

18. PERMIT EXPIRY

This Permit will expire if one of the following circumstances applies:

- a) The demolition is not started within two years of the date of this permit.
- b) The demolition is not completed within four years of the date of this permit.
- c) The development is not started within two years of the date of this permit.
- d) The development is not completed within four years of the date of this permit

The responsible authority may extend the periods referred to if a request is made in writing within six months of the expiry date for commencement or within 12 months of the expiry date for completion.

ResCode not assessed

ResCode has not been assessed as part of this application. ResCode will need to be assessed in relation to the building application which may require alterations to the building design and /or application for report and consent for dispensation of ResCode provisions under Part 5 of the Building Regulations. Any changes to building design from that approved on the Planning permit will require amendment to the planning permit.

NOTES:

DEWLP Permit Note

The adjoining Crown land is not to be used for access, storage of materials or rubbish. Any private use of Crown land requires consent and/or licensing from the Department of Environment, Land, Water and Planning.

BUILDING APPROVAL REQUIRED

This permit does not authorise the commencement of any building demolition or construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval. Disposal of any building materials, including asbestos, must comply with the Environment Protection (Prescribed Waste) Regulations 1998. The Environment Protection Authority (EPA) should be contacted regarding safe removal of building materials, including asbestos.

SECONDED COUNCILLOR MCCLURE

CARRIED.

COUNCILLOR GARDNER CALLED FOR A DIVISION.

Councillors For: Annear, Cordy, Henderson, Maltby and McClure

Councillors Against: Driscoll and Gardner.

Summary

Application details:	The partial demolition of an existing dwelling and associated outbuilding and the construction of a dwelling and garage
Application No:	PA317/2020
Applicant:	Darren Williams Advantage design/draft
Land:	51 Pitman Street, Chewton Crown Allotment 102 Section E Parish of Chewton TP 379907S Vol. 04930 Fol. 820
Zoning:	Township Zone (TZ)
Overlays:	Heritage Overlay (HO903 – Kidd House, 51 Pitman Street, Chewton Bushfire Management Overlay (BMO)
Triggers:	Clause 43.01-1 (HO), Demolish or remove a building, construct or carry out works. Clause 44.06-2 (BMO), Construct a building or construct or carry out works associated with Accommodation.
Notice:	Adjoining and adjacent landowners
Referrals:	CFA Council's Heritage Urban Design Officer GMW DELWP
No. of Objections:	One (1) and one (1) submission in support
Consultation Meeting:	
Key Considerations:	Previous refusal by Council for demolition. Retention of a building with a site- specific protection under the HO
Conclusion:	Refusal

Context

The purpose of this report is to enable Council to determine Planning Application 317/2020 for the partial demolition of an existing dwelling and associated outbuilding and the construction of a dwelling and separate garage at 51 Pitman Street, Chewton. The application was lodged on 27 November 2020.

The application is for the partial demolition of the entire weatherboard section of the dwelling (front), including the two brick fireplaces with the retention of the existing small stone building at the rear. The stone building is proposed to be used for a pizza oven, with access through the stone wall for the pizza oven door into the new kitchen and storage.

The new single storey dwelling will be setback 19 metres from Pitman Street, and includes three bedrooms, open plan kitchen/dining/family room and separate living room. The proposed dwelling includes an outdoor stone-paved area and will be constructed of external stone veneer and corrugated roof sheeting. The garage is located at the rear (South east corner) of the site, facing the street and is setback 33 metres from the street (setback 13.94 metres from the front of the dwelling) and has dimensions of 15 metres x 9 metres and includes two roller doors. The garage will be constructed of face brick work and corrugated roof sheeting.

The site is located within the Township Zone. The dwelling on the land, which is the subject of the permit application for partial demolition, is specifically and individually-listed in the Heritage Overlay (HO903 – Kidd House, 51 Pitman Street). The land is also included within the Bushfire Management Overlay.

The site has a total area of 2,373.61m² (0.237hectares), rising up from Carthews Street to the southern rear boundary. As Pitman Street curves around into Carthews Street, the subject property addresses Carthews Street. The land is a square shaped block with a 47.5 metre frontage (north) to Carthews Street and 50 metres to the western frontage to an unnamed and unused road reserve. The land includes the heritage-listed weatherboard miners' cottage with an attached rubble stone building, the driveway (near the eastern boundary), associated outbuildings and a shipping container which is situated within the front of the lot. The site is mostly cleared of vegetation.

Dwellings along Pitman and Carthews Streets typically have large front and side setbacks. The small to medium sized dwellings on relatively large lots (1500-3000m²) give the impression of dwellings scattered in the landscape, including Carthew House (HO705) at 57 Pitman Street. The bushland backdrop to the west and south of Pitman and Carthews Streets includes the Castlemaine Diggings National Heritage Park (H2407) located south of the rail line and approximately 500 metres from Chewton's Main Road. This section of Chewton has its own distinctive history and has several important examples of original miner's cottages, as well as many State-significant and heritage-listed mining sites.

The following summarises important background information relating to the site:

- Council issued a Notice of Decision to Refuse to grant the previous application for the demolition of the whole heritage listed dwelling (PA239/2019) and the construction of the new dwelling on the 18 September 2020. The application included discussions with Council officers which have been ongoing since March 2018 with respect to the cottage's inclusion within the Heritage Overlay; the proposed demolition of the cottage, including demolition through condemning the building; and the appropriateness of constructing a new dwelling on the land.
- It is noted that the existing timber section of the cottage is in a poor state of repair. However, the structure is small and conservation, restoration and recycling is possible without compromising the significance of the place.

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- A compromised plan was provided by the applicant during the previous permit (PA239/2019) process which still demolished the timber cottage, but retained the rear stone rubble element of the building, realigned the garage to sit along the eastern boundary and moved the dwelling to sit directly in front of the retained stone rubble building. This now forms the basis of the new application.
 - Council officers were satisfied that the stone structure was being preserved, however were disappointed that the front of the miner's cottage was to be removed and that the new dwelling would sit directly in front of the stone building, and therefore block the view from Carthews Street. Officers advised that they would not support the demolition of the weatherboard section of the dwelling.
 - The amended plan referred to above now forms the basis of the application before Council to decide.
 - The size of the lot provides scope to retain the heritage-listed cottage and build the proposed new dwelling and separate garage.
 - Councillors previously noted that the proposed demolition of this miner's cottage (dwelling) is in contradiction to the application for the UNESCO World Heritage listing of the wider central Victorian Goldfields (including Castlemaine and Chewton).

Outstanding objections to the application

Following advertisement of the application in accordance with Sections 52(1)(a) and 52(1)(d) of the Planning and Environment Act 1987, two (2) submissions were received, including one (1) objection, and one (1) letter of support. The issues raised in these letters are discussed below.

Issue 1: Concern about the proposed section of the dwelling to be demolished

The objection highlighted that the part of the dwelling proposed to be demolished could be older than the stone rear section as it retains an intact wooden shingle roof under the corrugated iron roof. Council's Heritage and Urban Design Officer assessed the submitted external and internal photographs, inspected the site and studied the historical data as presented in the 1994 Heritage Study. The building is included with a group of four miner's cottages, and their conservation is recommended. A substantial part of the exterior and interior of the cottage remains, and Council officers recommend refusal of the demolition of the dwelling.

Issue 2: Concern that the shipping container on the property is an eyesore

The proposed location of the shipping container should be relocated to the west or other side boundary fence and set back to reduce visual impacts. The owner has agreed to remove the shipping container once the dwelling is built.

Issue 3: Support for the application

One (1) submission supported the proposed dwelling as well as the partial demolition of the existing old dwelling and outbuildings, stating:

“The current old dwelling and buildings on the property are very dilapidated (reflecting their condition when Mr Klimeck purchased the property) and should be partially demolished to enable the building of his proposed new dwelling.” and that

the plans for the property “will greatly improve the streetscape; his proposed new home is aesthetically pleasing and modest.”

Both submissions support the design and style of the proposed new dwelling.

Issues

Heritage conservation and building condition

Council officers advised the applicant that they were not supportive of both the demolition and partial demolition of the heritage dwelling from the beginning of the process, but acknowledged that given the size of the lot, there was the ability to move the proposed new dwelling to accommodate all aspects of the design and retain the cottage on the land.

Council provided a detailed heritage investigation of the site, including addressing the original citation of 57 Pitman Street, and the retention of the house at 51 Pitman Street. The applicant provided a Heritage Report which concluded that:

“This property has lost value and is at risk because its components have been compromised through radical changes. These changes have jeopardized its value through degradation. In its details and in its completeness the property has been devalued; historically, aesthetically and structurally because of major changes externally and internally.

The fabric and integrity of the interior of the property has been compromised by physical changes (through deterioration and conversions) but also through structural disintegration owing to geological effects and movements. This risk is further accentuated by successive interventions with foreign elements which has deleted significant parts of the fabric. These interventions have been mostly unskilled and not related to a restoration methodology.

The context of the property has also been compromised with a concentration of substitution buildings and extensions causing a varying degree of impacts through lack of conservation. This has impacted the integrity, uniqueness and ultimately group value.”

Council officers dispute these findings; the changes made to the building have not been significant, and the overall integrity and heritage significance of the miner’s cottage is not entirely compromised. Further, it is Council’s view is that these cottages typically experience incremental changes over time, reflecting the changing fortunes of the owners, and this is reflected in the current condition of the buildings on the property.

The applicant also provided a Building Inspection Report, which can be summarised as follows:

“This property is in very poor condition with numerous safety concerns and will need significant repairs to improve the property to a reasonable standard. Rebuilding the dwelling would be the best and safest option in my opinion.”

Council officers acknowledge that the cottage does require repair, however the fact that it needs repair due to very poor condition does not invalidate or remove its heritage value. Further, repairs and routine maintenance which do not change the appearance of the heritage place and which are undertaken to the same details, specifications and materials do not require a planning permit. For instance, Council has emphasized that the stone building and chimney at the rear, the weatherboard materials (which can be replaced), wooden shingles on the roof (can be covered with sheeting to protect them) and the verandah (could be reconstructed) are all important to the integrity of the cottage. It is also noted that the rebuilding of the dwelling is not intended as part of the application.

Finance and Resource Implications

Cost of potential appeal to the Victorian Civil and Administrative Tribunal.

Alternate Options

Council could support the application for the partial demolition and the construction of a new dwelling; however, the application fails to meet the objectives of State and Local Planning Policy and the Heritage Overlay, and the loss of this important, heritage-listed building will directly impact heritage conservation in the Shire. Approval is strongly discouraged.

Communication and Consultation

Advertising

Notice of the application was given in accordance with Sections 52(1)(a) and 52(1)(d) of the Planning and Environment Act 1987 to owners and occupiers of adjoining and nearby land.

Applicant-Objector Consultation

No mediation meetings have been held between the objector and applicant.

An applicant/objector meeting will be held on 6 May 2021 as per Council processes.

Consultation between Council officers and the applicant and owner of 51 Pitman Street have been ongoing since the original application. All of these meetings/conversations are detailed below.

- An initial meeting between Council officers (Planning Coordinator, Statutory Planner and Urban Design and Heritage Officer) and the applicant (on behalf of the owner) was held on 8 October 2019 as part of the original application. Council officers advised that they were not supportive of the demolition element of the application, but given the size of the lot, there was the ability to move the proposed dwelling slightly to accommodate all aspects of the design and retain the cottage.
- A further meeting was held on 24 June 2020 between Council officers (Statutory Planner and Heritage and Urban Design Officer) and the property owner to discuss the application status and the proposed option to retain the stone structure as part of the original application. Council officers were happy that the stone structure was being preserved, however, were disappointed that the timber element was to be removed and that the new dwelling would sit directly in front of the stone element, and therefore unable to be viewed from the street.
- Council officers suggested a design compromise: Retaining the whole cottage, moving the new dwelling slightly to the west, and moving the new garage further north on the same alignment, forming a U-shaped courtyard with the cottage forming the bottom part of the U. This would allow the both the retention of the cottage, retain visibility from the street, and allow the building of a new dwelling and the cottage on the site. Council officers acknowledged that this would slightly compromise the full viewing of the cottage, but felt that the cottage could still be viewed, and that the retention of the cottage was the key element.
- Council officers have had two meetings with the applicant (as part of the previous application), provided written advice (twice) and had numerous phone conversations that they were willing to compromise and allow for the development of the new dwelling and

garage, but that the existing weatherboard cottage which is specifically listed within the Heritage Overlay must be preserved and retained.

- The applicant requested a reduction in the application fee, and Council officers advised that a waiver of the fee can be provided if the proposal is supported, however given the application is for the partial demolition of the heritage building and the new dwelling is directly in front of the heritage elements then the Council officers cannot support the application. The applicant acknowledged that he *“has had a few discussions with the client and have said does he understand that Council basically do not want any demolition of the existing build but this is how he wishes to proceed”*.

External Referrals

- Country Fire Authority (CFA) has provided conditional consent.
- Department of Environment, Land Water and Planning (DELWP) does not object to the permit being granted, subject to conditions.
- Goulburn Murray Water (GMW) 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. GMW has provided conditional consent.

Internal Referrals

- Council's Heritage and Urban Design Officer objects to the granting of a permit on the following grounds:
- The building was identified in 1994, it is listed as a contributory building in the Metcalfe Heritage Study
- The miners' cottages of Chewton are finite in number and are well recognised and protected by the community. They are associated with the nearby national heritage listing of the Castlemaine Diggings Park, being the domestic houses of the gold rush miners.
- The miner's cottages are an incredible example of the first homes that were built by a few successful alluvial gold miners who arrived from England, Cornwall, to participate in the Forest Creek rush in 1851, one of the great alluvial gold rushes of the world.
- Kidd House is an example of a residential building associated with the gold rush era. It contributes to the significance of nearby properties of a similar date and style and to Chewton's significance within the Goldfields region.
- It is policy to encourage restoration of a heritage place where evidence exists to support its accuracy.
- The detailed historic and building reports provided show that the building has undergone changes over time and the building is in need of repair or partial reconstruction. However, the significance of the cottage is not entirely compromised. Conservation,

restoration and preservation are possible and could enhance the heritage significance of the place.

- The new house and garage should be located to allow for the retention of the original cottage. The cottage is to remain visible from Carthews Street.
- Demolition of the weatherboard cottage currently attached to the stone outbuilding is not supported. Notwithstanding, the connection between the original structure and the new structure is unsympathetic, the proposal to excavate the ground is likely to undermine the existing building.

Legislation

Planning and Environment Act 1987

Strategy and Policy Impacts

The proposed demolition of the existing mining cottage within Chewton is contrary to the Mount Alexander Planning Scheme, in particular Clauses 15.03 (Heritage), Clause 22.01 (Heritage) and the Schedule to Clause 43.01 of Heritage Overlay (HO903), in which the building is specifically and individually listed.

State Planning Policy Framework (SPPF)

Clause 15.01 Built Environment

Policy in this clause offers broad guidelines for the design of urban areas, subdivisions and buildings. Relevant policy aims to ensure development responds to the local context and cultural identity which contributes to existing neighbourhood character. Urban environments should emphasise the heritage values and built form that reflect community identity.

Clause 15.03 Heritage

The objective of this policy is “*to ensure the conservation of places of heritage significance*”.

Strategies within this policy aim to protect, conserve and enhance places of heritage significance. Development should respond to the specific heritage qualities and values of a place.

The proposed demolition of the cottage does not accord with the above objective as the development does not retain the elements that contribute to the importance of the heritage place.

Local Planning Policy Framework (LPPF)

Clause 21.02 Vision and framework plan

This clause contains some of the guiding policy linking the municipal vision, derived from the previous Mount Alexander Shire Council Plan, to the land use and development planning vision for the Shire.

This policy identifies the unique and identifiable role and identity of the Shire’s townships through a settlement hierarchy. The Mount Alexander Shire Strategic Framework Plan identifies broad strategic issues and directions for the municipality.

Chewton is identified as local convenience shopping and community facilities. Chewton’s identity is derived from its historic buildings, the close proximity to historic mine sites and the Castlemaine Diggings National Heritage Park.

Clause 21.07 Built Environment and Heritage

Clause 21.07-3 refers to Heritage and seeks in its objectives to protect the cultural heritage of places and landscapes within the towns and areas of Mount Alexander Shire, whilst promoting appropriate development opportunities which integrate with the areas and sites of cultural heritage significance.

The policy notes that the Shire's "*built environment is inextricably linked to the discovery of alluvial gold in 1851. The Mount Alexander goldfield was one of the world's richest, attracting international attention*". It further notes that "*Today the remnant gold diggings are of major cultural heritage significance locally, and at state, national and world levels. This significance was recognised with the creation in 2002 of the Castlemaine Diggings National Heritage Park, now on the state and national heritage lists, and being considered for nomination to the World Heritage List*". The site at 51 Pitman Street is opposite Crown Land which is part of the Heritage Park, and to which it is intricately linked.

A relevant key issue is "*Arresting the loss of heritage places and the deterioration of their condition or integrity*." The strategy 2.2 is to "*Ensure that development on land adjacent to the Castlemaine Diggings National Heritage Park does not detrimentally affect its significance and cultural heritage values*." The partial demolition of a heritage listed miner's cottage close to the Diggings National Heritage Park undermines this policy.

Clause 22.01- Heritage

This policy applies to all land within the Heritage Overlay. The policy basis states that heritage is highly valued by the community and the conservation, protection and maintenance of this heritage is an important objective of Council. Relevant objectives include the protection and conservation of the shires natural and cultural heritage and to maintain the integrity of places of cultural heritage significance.

Zoning

The land falls within Clause 32.05 Township Zone (TZ). The purpose of the Zone includes:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage development that respects the neighbourhood character of the area.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Use

A permit is generally not required to use the land for a dwelling, subject to the dwelling meeting the requirements of Clause 32.05-3. The proposed dwelling can meet these requirements. A permit is therefore not required for use under this clause.

Buildings and works

A permit is required to construct or extend one dwelling on a lot of less than 300m². The lot is 2373.71m², therefore a permit is not required for buildings and works.

Overlays

Clause 43.01 Heritage Overlay (HO903)

The site has individual listing in the Heritage Overlay HO903 – referring to Kidd House, 51 Pitman Street. The site is not included on the Vic Heritage Register. The objectives of the Heritage Overlay include:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

A permit is required to:

- Demolish or remove a building.
- Construct a building or construct or carry out works.

Decision guidelines of the Heritage Overlay require consideration of whether the proposed demolition, construction and works will adversely affect the significance, character or appearance of the heritage place.

The subject property is covered by HO903 – Kidd House, 51 Pitman Street. It is listed as a contributory building in the Metcalfe Heritage Study and is part of a group of four miners' cottages in this area (65 is Moncrieff/Morison House and 65B is Carthew House). Kidd House (C65A) does not have a statement of significance in the Study. Kidd House (51 Pitman Street) is noted on the relevant map as 'conservation desirable'.

The Shire of Metcalfe Heritage Study 1994 (Karen Twigg and Wendy Jacobs) describes the evolution of Chewton during the 1860s:

“The transformation of this chaotic canvas settlement into a settled township with all the trappings of respectability and permanence was largely achieved in the 1860s, when the tremendous wealth of the alluvial rushes was still in circulation and before the quartz mining slump had taken effect. Canvas structures were replaced with wood or brick and jostled for space along the Main Street - the most favoured position being the stretch of road between Post Office Hill and Argus Hill.”

Council's Heritage and Urban Design Officer noted that *“the original section of the early miner's cottage, the subject house at 51 Pitman Street, was built possibly between 1860s and 1870s the time of the alluvial gold boom. It seems that a substantial part of the exterior and interior of the cottage remains. The original timber structure with curved ceiling lining are intact inside.”*

The partial demolition of a significant heritage-listed building is contrary to the decision guidelines of the Heritage Overlay.

The siting, size, design and forms, and the materials and colours of the proposed new dwelling are sympathetic to the area. Details such as lacework, finials and gable end decoration should be simple and avoid mimicking historic detailing.

Clause 43.06 Bushfire Management Overlay (BMO)

The site is also included within the BMO. A permit is required to construct a building or construct or carry out works associated with Accommodation (including a Dependent person's unit).

The proposed dwelling was referred to the CFA, which did not object to the granting of a permit subject to conditions.

Particular provisions

The proposal does not meet the requirements of Clause 15.03 and Clause 22.01 of the State and Local Planning Policy Framework, nor does it meet the requirements of the Heritage Overlay. An assessment against general decision guidelines at Clause 65 demonstrates that this application fails to pass numerous policy tests and should be refused.

Declarations of Conflict of Interest

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

No conflicts of interest

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

Councillor Driscoll left the Chamber at 7.38 pm

10.3.3. CONSIDER SALE OF LOTS 5, 6, 7, 11, 12, 13 & 14 PS629772 FITZGERALDS CLOSE WESLEY HILL BUSINESS PARK

This Report is For Public Record

Responsible Director: Acting Director, Infrastructure and Development, Jude Holt

Responsible Officer: Property Portfolio Coordinator, Lynne Williamson

Attachments: Nil

Context

Council purchased the land at Wesley Hill Business Park to subdivide and provide small scale industrial lots within a Business Park environment. Stage two created 14 new lots in 2010, and seven lots have been sold.

In 2018, Councillors resolved to withhold sale of the remaining lots pending the outcome of a Depot Feasibility Study, which has now been completed. The outcome determines there is no reason to continue withholding the remaining lots from sale.

Council officers have been informed of interest to purchase Lots 5, 6 and 7 with the potential purchaser keen to progress to negotiation of a sale.

Public notice of the proposed sale of all remaining lots has been undertaken in accordance with Section 189 and 223 of the Local Government Act 1989.

Submissions have been received from 10 parties, six from neighbouring residents opposing sale, three from business owners within the Business Park supporting sale and one from a local business manager expressing interest in a business venture if the lots are released for sale. One submitter has requested to speak to their submission at a meeting of Council.

All submissions have been provided to Councillors for consideration and are summarised below.

RECOMMENDATION

That Council:

- 1. Hears from submitters who have requested to speak to Council in support of their submission regarding the proposal to dispose of Lots 5, 6, 7, 11, 12, 13 & 14 Wesley Hill Business Park at the Council Meeting 18 May 2021;**
- 2. Consider all submissions prior to determining at the Council Meeting 15 June 2021 whether to sell the land.**

MOVED COUNCILLOR MALTBY

That the recommendation be adopted.

SECONDED COUNCILLOR ANNEAR

CARRIED.

Councillor Driscoll returned to the Chamber at 7.43 pm.

Summary of submissions

#	Issue	Wish to address Council
1 Neighbouring resident	<ul style="list-style-type: none"> • Supportive of sale and future development of Lots 11, 12, 13 & 14 as they are on higher ground. • Opposed to development of Lots 5, 6, & 7 as they are low lying and could pose a potential flood threat to new developments, making the lots undesirable to businesses. Additionally, the land is currently used as a wildlife corridor. • Suggests Lots 5, 6 & 7 along with Lots 3 & 4 which have been sold into private ownership, be rezoned as a green belt / wildlife corridor. Landcare groups and / or the neighbouring community could collaborate on the restoration of indigenous flora to provide a natural habitat for native fauna. Part of Lot 7 could be used for SES parking. • Concerned for protection of large Eucalypt on boundary of Lots 6 & 7. 	No
2 Neighbouring resident	<ul style="list-style-type: none"> • Requests Lots 6 & 7 not be sold as they are on a flood plain and deep foundations would be required. The land is currently used as a wildlife corridor, animals are able to exit the business park along the creek, under the railway line. The lots should be retained to provide a green belt between houses and the business park. • The proximity of future development on these lots to residential dwellings is far too close compared with other lots in the estate that are separated from residential development by a roadway. The area is currently quiet and peaceful Development will negatively impact quality of life for residents in an area that is currently quiet and peaceful. 	No
3 Neighbouring household	<ul style="list-style-type: none"> • Request Lots 6 & 7 not be sold but be retained as undeveloped area for water run-off and as an area for wildlife. • Concerned that development of Lots 6 & 7 will cause increased traffic and noise and have an adverse effect on the ambience of the adjacent quiet and peaceful residential neighbourhood. • Also that raising the level of the land for development will increase the severity of flooding in the area. 	No
4 Neighbouring household	<ul style="list-style-type: none"> • Request Council not sell Lots 6 & 7 as sale and development will have an adverse effect on the environment and the ambience of neighbouring residential property through increased noise, pollution and added traffic. • The lots are the only natural area left in the Park providing a refuge for wildlife and nesting trees for birds, Lots 6 & 7 should be left as a natural park. • The land is also subject to flooding. 	No
5 Business owner within WHBP	<ul style="list-style-type: none"> • Supportive of the proposal to sell Lots 5, 6, 7, 11, 12, 13 and 14. • As the owner of a building and business within the WHBP for 4 ½ years I fully support the release of these lots for sale. • Keen to both encourage and support further businesses within the precinct. To this end I have discussed with neighbouring businesses the possibility of using us as models to support the viability of operating a variety of enterprises in Castlemaine, specifically in this business park. 	No

#	Issue	Wish to address Council
	<ul style="list-style-type: none"> Keen to discuss this further with council officers and I suggest a meeting once the blocks are released. 	
6 Neighbouring household	<ul style="list-style-type: none"> Request council reconsider the sale of the Lots and keep them as they are. Worried about negative impact to neighbouring properties if the Lots are sold and developed. The Lots are surrounded by wonderful nature, native animals and scenic tracks therefore it would be a huge disappointment to interfere with the environment by building on top of it. Currently the area has potential for flooding and the added pollution is a great concern. 	No
7 Local business	<ul style="list-style-type: none"> <i>Business name</i> would like to submit an expression of interest for Lots of land currently being offered by Mount Alexander Shire at the Wesley Hill Business Park. The intention is to explore the possibilities with Council of establishing a business incubator site for use by start-up businesses. 	No
8 Business owner within WHBP	<ul style="list-style-type: none"> Supportive of the Council's intention to put the rest of the Wesley Hill Business Park lots on the market. Having bought one of the lots and built and re-located our business here are keen to have more like-minded business follow our lead. Talking to peers in Melbourne there are many in the arts/architecture and digital fabrication industry who are very excited about our transition and would love to follow. If the lots are released for sale would personally promote the fact through extensive social media networks in order to attract and encourage the growth of like-minded business in the area. 	No
9 Combined four neighbouring households	<ul style="list-style-type: none"> Request Council delay by six months any decision to sell to allow time for and to facilitate: <ul style="list-style-type: none"> Consider rezoning Lot 7 & perhaps Lots 5 & 6 to become public parkland for the following reasons: <ul style="list-style-type: none"> The Land subject to Inundation Overlay and the Significant Landscape Overlay partially covers these lots meaning they are unsuitable for large industrial development. Development would reduce the area of ground to absorb rainwater and if ground level is raised it could affect the flow of water through the area of the LSIO. Subdivision of neighbouring properties has increased residential density and allowed dwellings to be constructed closer to the industrial park than existed previously. Views from these dwellings could be obstructed. Neighbouring families use the undeveloped area for recreation and school children use the laneway to walk from Scotts court & Goodes Court to the bus stop in Duke Street. Families would like a playground within walking distance. Currently these lots provide a wildlife corridor. Consult with neighbouring residents who have expressed a willingness to consider creative possibilities for re- 	Yes

#	Issue	Wish to address Council
	development of this land for the benefit of current residents, wildlife and nature conservation and future generations.	
10 Business owner within WHBP	<ul style="list-style-type: none"> • Supportive of the proposal that the Shire release for sale further industrial land it still holds in the park. • Considers there are only positives for having more available industrial blocks as it enables business to build to their requirements and takes pressure off downtown and suburban streets. • All infrastructure is already in place, it proves the Shire rate income as well as relieving it of maintenance duties. 	No

Declarations of Conflict of Interest

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

No conflicts of interest

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

11. DELEGATES REPORTS

Meetings attended by CEO and Mayor from 21 April 2021 to 18 May 2021.

MEETING	CEO	MAYOR
Attended Loddon Campaspe Councils CEOs Meeting	✓	
Meeting with Rural Council Victoria's secretariat to discuss upcoming summit	✓	
Attended Rural North Central Regional Meeting and Strategic Planning Session		✓
Attended Anzac Day March and Wreath Laying – Castlemaine RSL		✓
Meeting with Board Chairman and CEO from Haven Home Safe to discuss Big Housing Build Funding / Social and Affordable Housing (Jude Holt, Acting Director Infrastructure and Development also in attendance)	✓	
Gold Central Vic Radio Interview	✓	
Attended meeting with Project Manager, Mount Alexander Health and Wellbeing Alliance to discuss Community Engagement Work (Lisa Knight, Director Corporate and Community Services also in attendance)	✓	
Attended meeting with CEO of Bendigo Kangan Institute to discuss matters of common interest	✓	
Meeting with Regional Director DELWP to discuss matters of common interest	✓	
Guest speaker at LGPro Executive Leadership Program graduation celebration	✓	
Attended MAVEC Meeting		✓
Attended Castlemaine Health Maternity Services Official Opening		✓
Gold Central Vic Radio Interview	✓	
Attended Health and Wellbeing Alliance CEO's meeting	✓	
Met with not for profit community group to discuss potential business initiative	✓	✓
Attended Loddon Campaspe Councils CEO's Meeting	✓	
Met with 'My Home Network representatives to discuss proposed 'housing officer' role	✓	
Attended Luncheon at Castlemaine Legacy Group		✓
Attended Regenerative Farming workshop		✓

MEETING	CEO	MAYOR
Gold Central Vic Radio Interview	✓	
Met with Vossloh Cogifer (David Leathem, Manager Economy and Culture also in attendance)	✓	
Attended announcement of successful grant application for Small Town Streetscapes Stages 3 and 4 with Maree Edwards in Newstead	✓	✓
Met with Regional Director and Executive of DELWP to discuss matters of common interest (Director Corporate and Community Services, Lisa Knight, also in attendance)	✓	
Attended the Mount Alexander Health and Wellbeing Strategic Partnership Working Group Meeting	✓	✓
Meeting with Maree Edwards MP	✓	✓
Attended opening of new buildings at Winters Flat Primary School with Maree Edwards (Councillors Annear and Henderson and Directors Knight and Holt also in attendance)	✓	
Attended Rural Councils Victoria Board meeting	✓	
Meeting with Regional Director of Department of Transport to discuss planning matter (Executive Manager Infrastructure, Tanya Goddard, in attendance)	✓	

The Chief Executive Officer noted that it is National Volunteer Week and acknowledged and thanked volunteers in the community.

It was also noted that there was an announcements from Maree Edwards in relation to Newstead and the small town streetscape project and that Campbells Creek is set for a trail extension out to the Campbells Recreation Reserve.

It was advised that the CEO and the Director Infrastructure and Development met with the Chairman and CEO of Haven; Home, Safe and discussed funds for more social and affordable housing and the possibility of funding from Homes Victoria.

Mayor Cordy acknowledged the hard work of the CEO.

12. NOTICES OF MOTION

Nil.

13. URGENT SPECIAL BUSINESS

Nil.

14. CONFIDENTIAL ITEMS

Nil.

15. MEETING CLOSE

Meeting closed at 7.52 pm.