

MINUTES



FOR THE MEETING OF COUNCIL

Held on Tuesday 16 April 2024

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 Djaara country
of which the members and elders of the Djaara community and their
forebears have been custodians for many centuries
and have performed age old ceremonies of celebration, initiation and renewal.
We acknowledge their living culture and their unique role in the life of this region.**

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

1. PRESENT

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

Officers: Chief Executive Officer (Darren Fuzzard), Director Infrastructure Development (Michael Annear), Director Corporate and Community Services (Lisa Knight), Manager Governance and Risk (Leanne Brown).

2. APOLOGIES/LEAVE OF ABSENCE

Nil.

3. DECLARATIONS OF INTEREST AND CONFLICTS OF INTEREST

Councillor Henderson declared a General Conflict of Interest with Items 9.4.1 and 9.4.2.

4. CONFIRMATION OF MINUTES

4.1. Meeting of Council - 19 March 2024

The unconfirmed minutes of the Meeting of the Mount Alexander Shire Council held at 6.30pm on 19 March 2024 at the Mount Alexander Shire Civic Centre have been circulated to Councillors.

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

RECOMMENDATION

That the Minutes of the Meeting of the Mount Alexander Shire Council held on 19 March 2024 be confirmed.

MOVED COUNCILLOR GARDNER

That the recommendation be adopted.

SECONDED COUNCILLOR ANNEAR

CARRIED.

5. ACKNOWLEDGEMENTS

Nil.

6. PUBLIC TIME

MOVED COUNCILLOR MALTBY

That standing orders be suspended at 6.33 pm.

SECONDED COUNCILLOR MCCLURE

CARRIED.

Read by Councillor Gardner

- a. Ms Jaimie Thompson, Sandy Creek Clydesdales.

Could the council explain why, under the Place of Public Assembly regulation, a single visitor to our property is considered equivalent to a crowd of 1000?

It's noteworthy that other shires have different thresholds for public assembly, prompting us to question why our council adopts such an extreme stance.

Living in an area with numerous overlays and a declining number of businesses, one would expect the council to be sympathetic and understanding, showing support for small enterprises like ours. Instead, we face daunting hurdles that are often overwhelming.

We understand regulations need to be in place, but if there were any humane thoughts in council, wouldn't you think that years of work and tens of thousands of dollars seem unfair and steep? If you can help, shouldn't you? Isn't that what Council is for?

Seeing that the limit that triggers this Place of Public Assembly in Mount Alexander Shire's eyes and seeing how it has now shut a very small business down, wouldn't the right thing to do be to revise that number in place to actually help?

Response: Director Infrastructure and Development

The Director responded by noting that the issues raised by Ms Thompson, have previously been discussed with her at length and that she has been given advice on how to move forward, to support her business initiatives.

Further, that the advice given has been based on the details of the planning permit application as submitted to Council with respect to the site proposed and the requirements under State Government legislation and the Mount Alexander Planning Scheme.

The Director added that the assessments are unique to each individual site and proposed use and it is therefore, not possible to make comparisons with other sites in other locations or other shires.

Ms Thompson was encouraged to review the advice provided and to support her planning application with additional documentation, or to consider an amendment to the proposed activity.

b. Mr Lawrence Abou Khater

Mr Abou Khater asked does racism exists in Mount Alexander Shire, and if so, in what forms does it manifest? He also asked if any of the Councillors have undertaken anti-racism training.

Response: Director Corporate and Community Services

The Director responded by saying that she could not categorically say that racism does not exist within the community, nor that any visitors to the Shire do not display that kind of behaviour. She then expanded by saying that it is known to occur at a State and Federal level.

The Director then referred to a letter from the Mayor that had been sent to Mr Abou Khater, which outlined the various policies and strategies undertaken by Council to address issues with racial diversity in the Shire.

Read by Councillor Henderson.

c. Ms Shona MacDonald

Regarding the Council request to the Department of Transport for recent 50-kilometre change to be reviewed.

In general, I support speed reduction as the statistics clearly reflect greater safety as a result of reduction.

The question I have relates to the section past the gym which seems contrary to my understanding of reference points for reduction of speed. E.g. houses on both sides of the road and a certain distance apart. If this was being used as a reference point then it would have continued past its current end point as there are a number of houses both sides of the road or it would have stopped at the gym. I would like to know the rationale for including the section where there is no density to warrant it? Thank you for answering and considering greater discussion on this matter.

Response: Director Infrastructure and Development

The Director responded by noting this matter will be discussed later in the Meeting under Item 11 - Notices of Motion of the Agenda. The Director noted further that the management of the Pyrenees Highway falls under the purview of the Department of Transport and Planning, and that questions relating to the management of this asset should be directed to that Department.

d. Mr Bradley Knox

Mr Knox asked if the Council could please reimplement the previous speed limits on the Pyrenees Highway from Rod Hatfield's to the township of Chewton?

He noted that this section of road has become increasingly dangerous since the 50-kilometre speed change.

It was advised that an increase of pedestrian traffic on the road itself should be of concern to everyone. Mr Knox stated that he had personally witnessed a woman walking two full size dogs on leads, in one hand and a mobile phone in the other while walking on the fog line. He had also seen people walking on the fog line pushing prams with again dogs on leads.

Response: Director Infrastructure Development

The Director responded by noting as previously stated that Council does not have the authority to implement speed limit changes on the Pyrenees Highway, and that this matter will be discussed at Item 11 of the Agenda.

e. Ms Gillian Maskell

Ms Maskell stated that she had started an online petition because she runs a business in Elphinstone, and has had numerous patrons of her business complaining of the newly implemented speed limit reduction on the Pyrenees Highway. She then presented this petition to the Manager Governance and Risk.

f. Ms Margot Feist

Ms Feist stated that she lives on Main Road, Chewton and has done so for about 15 years. She went on to say that she supported the reduced speed limit on the Pyrenees Highway, noting that also on the stretch of road that she lives on the speed limit was already 50 kilometres per hour, the majority of vehicles travelling along the road were driving in excess of that speed. She further noted that the implementation of the speed reduction vehicles were now travelling at 50 kilometres per hour and noted the positive impact on her wellbeing and those of her neighbours.

g. Ms Shelley Plunkett

Ms Plunkett stated that she lived on the Pyrenees Highway, Chewton and that she was against the 50 kilometres per hour speed limit reduction. She noted the noise impact from the exhaust brakes used by truck drivers started from 4.00 am onwards, and advised the effect this was having on sleep in her household. She further noted that she had witnessed poor driving behaviour, including tailgating, passing over double white lines, and an increase of road rage. She went on to say that community members are now choosing to shop in Malmsbury and Kyneton as a result of the change, noting the impact to local businesses. She stated that a reduction in speed does not address animal welfare concerns, as animals are still hit by vehicles, simply at a lower speed.

h. Tegan Lamby

Ms Lamby noted her concerns with the speed limit reduction on the Pyrenees Highway, particularly with respect to noise. She stated, as an example, a truck driver last night at 7.00 pm had held the horn from the start of the new 50 kilometre zone all the way past her house, and then again at 4:30 am this morning, a similar incident occurred. She noted motorist frustration on the stretch of road outside her premises as a daily occurrence, and the impact it was having on her family, including young children.

She noted that the main issue of concern was the extension of the reduced limit from Mitchell Street and beyond, and agreed to the reduced limit in the built areas of Chewton.

i. John Lewis

Mr Lewis stated that he was from Elphinstone and that he agreed with the comment made previously on the subject of the speed limit reduction on the Pyrenees Highway. He outlined his concern with the lack of due process in the implementation of this reduction, advising that for most people it came as a surprise. He stated the Department of Transport and Planning have not provided any data or reasoning as to how the reduction came about and that community members want to see this.

Mr Lewis went on to refer the petition submitted to Council in April 2023 and he summarised the Director Infrastructure and Development's response by saying that due to low numbers of vehicles and pedestrians, there would likely be no changes implemented to Pyrenees Highway, Chewton.

He went on to ask how things have gone from the response to that petition to the changes that have now occurred, and suggested that Council had been supportive of these changes, in collusion with the local State Member of Parliament.

Response: Councillor Annear

Councillor Annear responded to Mr Lewis by reiterating the managing authority of this road is the Department of Transport and Planning and that Council do not have the authority to make decisions about this road. She also asked Mr Lewis to refrain from making accusations for which he had no evidence.

MOVED COUNCILLOR MALTBY

That standing orders be resumed at 7.02 pm.

SECONDED COUNCILLOR CORDY

CARRIED.

7. PETITIONS AND LETTERS

Council has received a petition on 2 April 2024 from residents with 26 signatures requesting that the 60 kilometre per hour speed limit on Harmony Way, Harcourt heading north, be extended to the Gaaschs Road intersection and an 80 kilometre per hour speed limit be created between Gaaschs Road and the Harcourt Cemetery.

RECOMMENDATION

That Council receive a report on this petition for its consideration within two Scheduled Council Meetings, in accordance with the Governance Rules 2023.

MOVED COUNCILLOR CORDY

That the recommendation be adopted.

SECONDED COUNCILLOR MALTBY

CARRIED.

8. COMMITTEE REPORTS

Nil.

9. OFFICER REPORTS

9.1. ECONOMY

9.1.1. APPROVAL OF PROPOSED BUDGET 2024/2025 FOR PUBLIC EXHIBITION

This Report is For Decision

Responsible Director: Director Corporate and Community Services, Lisa Knight

Responsible Officer: Acting Executive Manager Corporate Services, Andrew Nankivell

Attachments: 1. Annual Budget - 2024-2025 – Proposed [9.1.1.1 - 60 pages]

Executive Summary

The purpose of this report is to present the Proposed Budget 2024/2025 to Council for approval to place it on public exhibition for three weeks from Wednesday 17 April 2024 to Wednesday 8 May 2024, and invite submissions in accordance with Section 96 (1) (b) of the Local Government Act 2020.

RECOMMENDATION

That Council:

- 1. Gives public notice of the Proposed Budget 2024/2025, and makes available for public inspection the information required by the Local Government Act 2020 and the Local Government (Planning and Reporting) Regulations 2020.**
- 2. Displays the Proposed Budget 2024/2025 at the Civic Centre and on Council's website.**
- 3. Receives submissions on the Proposed Budget from Wednesday 17 April 2024 until 5.00 pm on Wednesday 8 May 2024.**
- 4. Hears any person who wishes to be heard and who has made a written submission by 5pm on Wednesday 8 May 2024 in relation to the Proposed Budget 2024/2025, at an Unscheduled Meeting of Council to be held at the Civic Centre, Castlemaine on Tuesday 21 May 2024 at 4.00 pm.**
- 5. Considers any submissions made, and adopts the Council Budget 2024/2025, at the Meeting of Council to be held on Tuesday 18 June 2024.**
- 6. Authorises the Chief Executive Officer to undertake minor editorial changes to the Proposed Budget 2024/2025 if required.**
- 7. Notes a general rate and three differential rates will be struck, noting that the final differential rates may change when final revaluation figures are received from the Valuer General Victoria.**
- 8. Notes the service charges under Section 162 of the Local Government Act 1989.**
- 9. Notes the Fees and Charges Schedule detailed in the document, as well as the Authorised Community Organisations.**

MOVED COUNCILLOR GARDNER

That the recommendation be adopted.

SECONDED COUNCILLOR CORDY

CARRIED.

Context

The Proposed Budget 2024/2025 is for the year 1 July 2024 to 30 June 2025 and is prepared in accordance with the Model Budget supplied by Local Government Victoria, the Local Government Act 2020 (the Act), as well as Australian Accounting Standards. The Budget includes the following financial statements in accordance with the Model Budget, Act, and the Local Government (Planning and Reporting) Regulations 2020:

- Comprehensive Income Statement
- Balance Sheet
- Statement of Changes in Equity
- Statement of Cash Flows
- Statement of Capital Works
- Statement of Human Resources

Additionally, the Budget includes information about the rates and charges to be levied, as well as other financial information which the reader requires to make an informed decision about the budget. Also included is the Fees and Charges Schedule.

Issues

A principle of sound financial management is the development of a financial plan within which Council must operate. To this end, the annual budget sets out the financial resources required for Council to deliver a wide range of works and services for our community. When developed, the annual budget is a statement of intent, at a point in time, as to how Council plans to fund its operations.

The budget process takes place over several months, with input from both Councillors and Council Officers, based on their knowledge of community needs and requests. Our community is invited to review the budget document placed on exhibition, and provide feedback to Council through a written submission, with the ability to address Councillors in person concerning their written submission.

In this budget process, internal influences include:

- The organisational principles used in developing the budget.
- The need to renew and upgrade ageing infrastructure.
- A commitment to maintaining service standards in a growing Shire.
- The status of the Enterprise Bargaining Agreement.
- Finding ongoing efficiencies in service provision.

Key external and economic influences on the budget include:

- Managing a growing Shire with ageing infrastructure and increasing community needs.
- The Victorian State Government mandated rate cap environment in which Council must operate. The rate cap has been set at 2.75% for 2024/2025.

-
- Expanding legislative requirements which Council is required to operate under, including emergency management and environmental health. These legislative requirements encompass ongoing monitoring and reporting obligations.
 - Supplier cost escalations and challenges in sourcing suppliers.
 - Supply chain disruptions caused by domestic and global issues, such as staff shortages, extreme weather events, and territorial conflict.

Finance and Resource Implications

The Proposed Budget 2024/2025 details the finances and resources required to deliver important works and services for our community. The financial statements contained within the document detail the following proposed information:

- Operating deficit for the year of \$288,000. A full year's funding of the Commonwealth Government Financial Assistance Grant, totalling \$6.9 million has been included in operational grant income.
- The amount of \$28.54 million to be raised by general rates and service charges. Working within the parameters of the Fair Go Rates System, this includes an increase in budgeted rates income of \$911,337, while there is a \$157,000 increase in income for kerbside collection services.
- The result for the year includes payments for the most significant items of expenditure, namely employee costs of \$21.53 million, and materials and services of \$14.06 million.
- Repayment of debt of approximately \$130,000 resulting in total forecast borrowings of \$1.48 million on 30 June 2025.
- Capital works expenditure of \$9.94 million, including an anticipated \$3.84 million of government grants (some of which has not been confirmed).

During 2024/2025, Council will focus its capital expenditure on works that renew existing assets, thereby returning them to their "as new" condition. \$6.39 million will be spent on renewing existing assets while \$2.34 million will be spent on new assets. Further detail on capital projects can be found in Note 4.5 in the budget.

Risk Analysis

Financial Risk:

By adopting this budget, Council is attempting to manage financial risk by setting the parameters of its financial commitments and undertakings.

Climate Impact Statement

Within this budget, there are several new initiatives that allow Council to respond, both directly and indirectly, to the impacts of climate change. These include:

- Reviewing drainage "hotspots" within the Shire and improving drainage facilities to minimise the risk and impact of potential flooding.
- Upgrading drainage in Campbell Street Castlemaine.
- Installing a shade structure in James Park Harcourt.

-
- Further investing in tree maintenance across the Shire.
 - Purchasing carbon credits to offset the impact of our emissions.
 - Construction of the Castlemaine Caravan Park and Campbells Creek flood levee banks.

Gender Equity Statement

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

A Gender Impact Assessment was not required; however, gender equity principles have been considered in the development of the project / initiative to the advancement of gender equality.

Alternate Options

There are no alternate options; a budget must be adopted by 30 June each year as required by the Local Government Act 2020.

Communication and Consultation

Council has, and will, consult with our community in a similar manner to prior years. This process involves:

- Undertaking consultation from mid- December 2023 to early-February 2024 on the Shape Mount Alexander online platform. Feedback from respondents was provided to Councillors for their consideration during budget briefings.
- Placing the budget on public display for 21 days from Wednesday 17 April 2024 to Wednesday 8 May 2024 to seek feedback via public submissions, and hearing submitters speak at an Unscheduled Meeting of Council on Tuesday 21 May 2024 (if they wish).
- Considering all submissions and speakers before adopting the budget at the Ordinary Meeting of Council on 18 June 2024.

Consult:

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

Legislation

Local Government Act 1989

Part 8 of the Local Government Act 1989 is the governing legislation regarding rates and charges on rateable land.

Local Government Act 2020

Section 94 (1) of the Local Government Act 2020 states a Council must prepare and adopt a budget for each financial year and the subsequent 3 financial years by:

- a) 30 June each year; or
- b) Any other date fixed by the Minister by notice published in the Government Gazette.

At the time of drafting this paper, no other date has been fixed by the Minister.

Section 96 (1) of the 2020 Act states that Council must develop the budget and any revised budget in accordance with:

- a) The financial management principles; and
- b) Subject to subsection 2, its community engagement policy.

Strategies and Policy Impacts

Council Plan 2021-2025

Principle - We are always improving.

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

Principle - We are delivering together.

We are working across Council, government, local partners and across community to meet the varied needs of our region.

Principle - We are engaging genuinely with the community.

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

The Proposed Budget 2024/2025 facilitates the delivery of the Council Plan by funding the projects contained in the Council Plan.

Child Safe Standards

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

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

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

Declarations of Conflict of Interest

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

No conflicts of interest

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

9.2. COMMUNITY

9.2.1. COMMUNITY GRANTS AWARDED 2024 ROUND 1

This Report is For Information

Responsible Director: Director Corporate and Community Services, Lisa Knight

Responsible Officer: Acting Social Equity and Inclusion Officer, Rosie Collins

Attachments: 1. CONFIDENTIAL - Community Grants Program - 2024
Round 1- Funded Projects [9.2.1.1 - 3 pages]

Executive Summary

The purpose of this paper is to provide Council with the outcomes of the Community Grants Program 2024 - Round 1 and to outline the decision process undertaken by Council Officers for the allocation of funds.

RECOMMENDATION

That Council notes the allocation of funding for Community Grants Program 2024 - Round 1, being 16 applications for a total allocation of \$42,839.

MOVED COUNCILLOR CORDY

That the recommendation be adopted.

SECONDED COUNCILLOR MALTBY

CARRIED.

Context

Council's Community Grants Program (the Program) seeks to promote partnerships within the community by providing financial support to new and emerging projects and initiatives that are consistent with the Council Plan 2021-2025.

The Program is funded by an annual allocation in Council's Operating Budget. The adopted budget for the 2023/2024 Program is \$100,000, which is split into two Community Grant rounds of \$50,000 each.

Issues

The Community Grants Program for 2024 Round 1 received 17 eligible applications requesting a total of \$45,839 from the Community Grants budget of \$50,000. All applications were for the Small Grant stream. However, since recipients were notified, one of those recipients has withdrawn.

Each application was assessed against the following criteria:

- 25% Project alignment with Council plans and strategies (scored 0-5)
- 50% Needs/Benefits of the project to the community (scored 0-10)
- 25% Ability to plan and deliver the project (scored 0-5)

This resulted in a total assessment score out of 20.

Applications scoring 12 and above were approved for funding.

The \$50,000 funding pool allowed for all 16 applications to be funded, totalling \$42,839 and resulting in an underspend of \$7,161.

The below table summarises the eligible applications received, the amount of funds sought, the number of applications approved for funding and the approved funding allocation.

Community Grants Program 2024 - Round 1.

Funding Stream	Eligible Applications Received	Amount Sought	Applications Approved for Funding	Allocation of Funds
Small Grants	16	\$42,839	16	\$42,839
Partnership Grants	0	0	0	0
Total	16	\$42,839	16	\$42,839

The quality of applications was high this round and includes projects that represent a broad range of interest areas, from across all three of the Council Pillars, including sport and recreation, environmental initiatives, social inclusion and projects that support local tourism.

The importance of physical health and wellbeing within the Shire came through as a strong theme this round, with multiple sporting clubs planning to develop strategies for broader inclusion and club reach. There were also three self-guided walking tours within the region and a beginners motivational running club.

Other applications include requests for essential pieces of equipment to save lives, to run workshops, or to expand the services offered by sports clubs and enhance the experience of the volunteers that support the clubs.

Of the 16 funded projects, 5 of these were for equipment. This makes up 31% of the 16 successful applications overall.

The below table lists the Community Grants Program 2024 - Round 1 – For Funding

Please note: The "Project Title" is written by the applicant.

Organisation	Project Title	Amount
Muckleford Cricket Club	New Mower	\$3,000.00
Chewton Fire Brigade	Aboriginal Cultural Competency training for Mount Alexander CFA Brigades	\$3,000.00
Campbells Creek Football Netball Club	Netball Court Vacuum & Dryer	\$3,000.00
Castlemaine Rocky Riders Mountain Bike Club Inc.	Developing a more inclusive and diverse mountain bike community	\$2,750.00
Friends of Maldon Historic Reserve	Printing of Walk MaldON Booklet	\$3,000.00
Castlemaine Cemetery Trust	Self-Guided walking tour of interesting and remarkable people buried at Castlemaine cemetery	\$2,800.00
Motivational Running Training	Motivational Running Training - from couch to 5km!	\$3,000.00
Castlemaine Uniting Church	The purchase of a Defibrillator	\$2,000.00
Dhelkaya Health Community Health	Parky Pals - Parkinson's Disease Support Group	\$2,500.00
Castlemaine Goldfields Football Club Incorporated	Strategic Renewal Program	\$3,000.00

Organisation	Project Title	Amount
Friends of Kaweka Sanctuary	Bright, Beautiful Brochure!	\$1,300.00
Maldon Petanque Club	Come and join us	\$1,576.00
Mount Alexander Shire Disability Advocacy Group (MASDAG)	Reprint of Disability Access Guide for Mount Alexander and Guide to Organising Accessible Events	\$3,000.00
ARCANE inc: Autistic-led Regional Culture Arts Neurodiversity Education and Employment	Welcome Neurokin, I am Autistic	\$3,000.00
Connecting Country (Mount Alexander Region) Inc.	Mount Alexander fauna in focus	\$2,996.00
Harcourt Bowling Club	Everyone's a Bowler	\$2,917.00
TOTAL		\$42,839.00

Finance and Resource Implications

The 2023/2024 Annual Budget, Community Grants Program adopted a budget of \$100,000, to be split into two rounds of \$50,000 for the year.

Based on the funding recommendations, the Community Grants Program Round 1, 2024 will be underspent by \$7,161.

The remaining funds presents a great chance to explore Volunteer and Community Group Training Program opportunities for community groups and local not for profit organisations, or to support community led activities during Volunteer Week.

Risk Analysis

Reputation Risk:

There is no potential for reputational risk regarding unsuccessful applicants being dissatisfied with the decision, as all eligible applicants were successful.

Climate Impact Statement

The Officers' decisions will have a positive climate impact as several of the proposed projects intend to deliver favourable environmental and sustainability outcomes.

Gender Equity Statement

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

A Gender Impact Assessment was not required; however, gender equity principles have been considered in the development of the project / initiative to the advancement of gender equality.

Alternate Options

There are no alternate options as this Report is for information only.

Communication and Consultation

Consultation and promotion undertaken.

The Community Grants Program 2024 - 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.

Council Officers spoke to a total of 41 community groups or individuals throughout January and February 2024 to discuss potential applications and the application process.

Empower:

We will implement what our community decides.

Inform:

We will keep our community informed.

Legislation

Local Government Act 2020

Strategies and Policy Impacts

Council Plan 2021-2025

Community - A healthy, connected and inclusive community.

Our community is inclusive and connected.

Our community is physically and mentally healthy.

Economy - A resilient and growing local economy.

Our local economy is diverse and resilient.

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

We are supporting continuous learning and personal growth.

Environment - A flourishing environment for nature and people.

Our community is growing in harmony with nature.

We are facilitating managed growth of our towns while protecting natural assets.

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

Principle - We are always improving.

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

Principle - We are delivering together.

We are working across Council, government, local partners and across community to meet the varied needs of our region.

Principle - We are engaging genuinely with the community.

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

Child Safe Standards

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

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

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

Declarations of Conflict of Interest

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

No conflicts of interest

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

9.2.2. PLAQUES AND MEMORIALS POLICY

This Report is For Decision

Responsible Director: Chief Executive Officer, Darren Fuzzard

Responsible Officer: Chief Executive Officer, Darren Fuzzard

Attachments: 1. Plaques and Memorials Policy [9.2.2.1 - 6 pages]

Executive Summary

The purpose of this report is to:

Adopt a policy that establishes criteria for the assessment of applications for plaques and memorials on Council owned and/or managed land and buildings.

Ensure that the installation and ongoing management of approved plaques and memorials is appropriate.

RECOMMENDATION

That Council:

- 1. Adopts the Plaques and Memorials Policy.**
- 2. Notes that associated application fees for plaques and memorials would be set by Council during the annual budget process.**

MOVED COUNCILLOR MALTBY

That the recommendation be adopted.

SECONDED COUNCILLOR CORDY

CARRIED.

Context

In February 2022, Council approved the installation of a memorial to recognise the contribution of Mr Felix Cappy to the Castlemaine community. In doing so, Council also approved the development of a policy for considering such requests in future, based on the decision principles outlined in that report.

While it is noted that Council receives very few requests for memorials such as that approved for Mr Cappy, it is asked from time to time to approve the installation of plaques. Hence a policy that addresses requests for both forms of public recognition is recommended. It is noted that plaques and monuments are excluded from consideration under Council's Public Art Policy.

The assessment previously conducted for Mr Cappy was substantially premised on the work of the City of Greater Bendigo in its policy titled *Place Interpretation and Naming Policy*.

In accordance with Council's resolution in February 2022, the proposed Plaques and Memorials Policy has been developed utilising that City of Greater Bendigo document as a base. It has also been informed by similar documents from the City of Melbourne and City of Ballarat.

Issues

Consideration of such requests is complex.

Public recognition of individual contributions to the community, and sometimes to commemorate tragedies, can take many forms and can be undertaken for specific periods of time, or be ongoing. The nature of people in communities like Mount Alexander Shire also creates any number of possible worthy recipients for some form of public recognition.

Currently, Mount Alexander Shire has very few busts or statues (two forms of memorial) installed on public land and has limited installations of plaques to celebrate and recognise the contributions of individual past citizens. This likely reflects the significance of such gestures; particularly in relation to busts or statues which are most often considered to be installed 'in perpetuity' and are commonly viewed to be amongst the highest order of local recognition that can be given.

While less visually impactful in the public realm, the installation of a plaque still has the potential to impact on the sense of free enjoyment of a public place by those not directly associated with the plaque. This impact may be negative or positive depending on the nature and circumstances of the situation being immortalised.

The negative impact can occur in two ways. First, if a plaque is installed to commemorate a loss or tragedy, this can cause an otherwise positive environment (such as a public park) to take on more of a sense of sadness and hence negatively impact on the general enjoyment of that site.

Secondly, it is an unfortunate reality that tragedies or losses will occur in families. Therefore; if recognition of these events through the installation of plaques (or memorials) were permissible in public places, it is very likely that such gestures would proliferate over time and ultimately dominant those places.

For these reasons, it is proposed that memorials and plaques be limited to recognition of substantial positive contributions made to the Mount Alexander Shire community and accordingly, that plaques or memorials solely for personal or family related purposes not be permitted.

But, what is a substantial positive contribution? Given the number of possible ways in which a person, or group of people, can contribute to their community, it is impossible to be definitive about this in a policy. Instead, as is the case in the other policies reviewed, a set of considerations about different aspects of the contribution are proposed, with the onus to demonstrate the strength of each one placed on the applicant.

As previously noted, the proliferation of memorials or plaques in a public place has the potential to negatively impact on how that place is experienced by visitors. Equally, the poor location and/or design of such a feature could have a detrimental impact on the use of the place. Hence, in addition to reinforcing the requirement to comply with adopted policies, plans and strategies relevant to a particular site, this policy requires applicants to work closely with Council officers from the beginning of, and then throughout, the application and design processes.

The policy also recognises that while every effort would be made to avoid the need for removing or relocating a memorial or plaque once installed, this may be necessary from time to time. If this is due to a Council need or want, then the policy provides that Council would cover the costs associated with doing so and the original applicants would be contacted to advise of this action. The decision to remove or relocate an installed plaque or memorial would be made by Council and not Council officers.

Where a memorial or plaque is damaged through vandalism, misuse or poor workmanship, the policy provides a means for resolving how this will be managed.

As noted earlier, judging the merits and unique significance of a contribution made to Mount Alexander Shire's heritage, civic, cultural or political history, and the extent of its enduring interest to the community across generations, is a challenging task. As was the case in considering Mr Cappy's contribution, it is therefore proposed that the decision on all requests for memorials (which includes busts and statues) be made by Council.

It is further proposed that, while delegation to approve the installation of plaques be given to the Manager – Parks, Recreation and Community Facilities, should this officer propose to deny or reject a request for a plaque then the matter would be presented to Council for decision.

Finance and Resource Implications

While requests for memorials and plaques are relatively infrequent, the work required of Council officers in the development and assessment processes of an application may be considerable. The proposed policy requires that the applicant cover all costs associated with the design, creation and installation of plaques and memorials.

It is therefore proposed that, if this policy is approved, applications will be subject to a fee that is set in the annual process of Council adopting fees and charges. In doing so, it is anticipated that different fee structures would apply to plaques and memorials.

Risk Analysis

Council's Risk Appetite Statement:

Council's adopted Risk Appetite Statement includes having:

- A low appetite for not actively managing Council's financial position.
- A low appetite for actions that may harm Council's reputation.

Financial Risk:

While relatively rare in occurrence, the development and installation of memorials, and to a less extent plaques, in public places can be very expensive due to the high standard of construction that is required. In turn, the risk of damage to such assets is high due to their continuous availability to members of the public and exposure to the environment.

This policy proposes to manage the potential costs to Council associated with the development and establishment of such assets by requiring the applicants to fund this work.

Where such proposals are deemed by Council to warrant approval, and the build quality has been assured by Council officer involvement, it is considered reasonable that Council then accept the ongoing liability for minor maintenance of the asset. In doing so, the policy proposes to contain this risk by specifying that funding of work to address damage beyond minor maintenance will be subject to negotiation between Council and the applicant.

Reputation Risk:

As noted in the report, there is a reputational risk for Council in the extent to which it allows memorials and plaques to impact on the free enjoyment of public places by the general community and visitors. The visual amenity impacts are also particularly relevant to the consideration of proposed memorials.

Equally, there is a reputational risk associated with the decisions about who is, and is not, recognised in such ways.

The proposed policy seeks to manage these risks by:

- Clarifying how the merits of an application will be assessed.
- Enabling Council officers to have a strong role in the design and siting of the proposal from an early stage.
- Assigning decision-making authority for considering all memorial proposals and recommendations for refusal of plaque proposals to Council.

Climate Impact Statement

The impact of the climate upon the integrity and longevity on any proposed memorial and plaque is included in the policy's decision-making process. Equally, the requirement to consider the environmental sustainability of the material used in the proposed asset is included.

Alternate Options

There is no legislative obligation to adopt such a policy and Council could consider future requests on a case-by-case basis. However, as outlined in the report, the adoption of a policy would better manage Council's reputational and financial risks as well as provide clear directions to applicants about what is required.

Council may also choose to amend some or all of the proposed policy.

Communication and Consultation

Consultation is not proposed on this matter given the policy's consistency in decision-making principles with examples from other Councils.

Given also the limited likely use of the policy and the provision for most decisions to be made by Council in a Council meeting, it is considered that the policy builds in a fair and equitable mechanism for individual applications, and applicants, to put forward their case.

Inform:

We will keep our community informed.

If adopted, the approved policy will be made publicly available on Council's website.

Legislation

Due to the wide range of potential proposals and their siting, some or all of the following legislation may be applicable and would be considered during the application process for individual proposals:

Aboriginal Heritage Act 2006

Building Act 1993

Catchment and Land Protection Act 1994

Crown Land Reserves Act 1978

Cultural and Recreational Lands Act 1963

Heritage Act 2017

Local Government Act 2020

Planning and Environment Act 1987

Road Management Act 2004

Strategies and Policy Impacts

Council Plan 2021-2025

Community - A healthy, connected and inclusive community.

Our community is inclusive and connected.

Economy - A resilient and growing local economy.

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

Environment - A flourishing environment for nature and people.

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

Principle - We are always improving.

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

This policy offers an opportunity to support consistent, fair and appropriate recognition of significant contributions made to the Mount Alexander Shire community throughout its history while respecting the value and role of existing public places.

Declarations of Conflict of Interest

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

No conflicts of interest

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

9.3. ENVIRONMENT

Nil.

Councillor Henderson left the Chamber due to a declared conflict of interest with Items 9.4.1 and 9.4.2 at 7.24 pm.

9.4. ECONOMY

9.4.1. PLANNING APPLICATION PA077/2023 - PART OF 83 BLAKELEY ROAD CASTLEMAINE VIC 3450

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Senior Statutory Planner, Anita Smith

Attachments:

1. Application Plans [9.4.1.1 - 14 pages]
2. Town Planning Submission [9.4.1.2 - 9 pages]
3. Landscape Architecture [9.4.1.3 - 32 pages]
4. Visual Amenity Assessment [9.4.1.4 - 34 pages]
5. Flora and Fauna Assessment [9.4.1.5 - 60 pages]
6. Traffic Engineering Assessment [9.4.1.6 - 69 pages]
7. Traffic Noise Impact Assessment [9.4.1.7 - 8 pages]
8. Bushfire Statement [9.4.1.8 - 76 pages]
9. Lighting Statement [9.4.1.9 - 16 pages]
10. Water Management Statement [9.4.1.10 - 54 pages]
11. Stormwater Management Strategy [9.4.1.11 - 34 pages]

Executive Summary

The purpose of this report is to enable Council to make a determination on an application for the use and development of part of the land as a Place of Worship and native vegetation removal at 83 Blakeley Road Castlemaine VIC 3450.

The subject site is located within a Low-Density Residential Zone and is affected by a Bushfire Management Overlay.

The application has been referred to Council for a decision because 30 objections have been received from 26 properties (two letters of support were also received). It is also noted that the cost of works proposed exceed 1 million dollars.

The grounds of objection relate to the following themes:

- Traffic implications along Blakeley Road, particularly on Sawmill Road (one-way overpass) and Damascus Lane (blind corner) for road safety and traffic volume.
- Amenity impacts resulting from traffic (noise, light spill, etc).
- The intent of the Low-Density Residential Zone is for residential purposes and is unsuited to a place of worship.
- Proposed scale of place of worship is excessive and inappropriate for a rural residential area.
- The Castlemaine Rod Shop (located to the south) and Church of Christ (located to the southeast) are of a much smaller scale and are not comparable to the scale of this proposal.

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- There is existing planning compliance on the site due to vegetation clearing and earthworks that will result in adverse ecological impacts.
 - The application does not address the area of Aboriginal Cultural Heritage Sensitivity that affects part of the site.
 - Wildlife impacts and vegetation removal
 - Scale of the development
 - Bushfire risk associated with the site.

The application was assessed against and determined that the proposal is consistent with the relevant sections of the Planning Policy Framework. It also meets the provisions of the Low-Density Residential Zone and the Bushfire Management Overlay. In forming this position, consideration was given to the grounds of objection and the views of the relevant referral authorities.

The proposal is being considered as an appropriate outcome subject to conditions relating to landscaping and traffic management. The proposal is considered to represent an orderly planning outcome as it contributes to social and community infrastructure within the Castlemaine township and any potential amenity and traffic concerns can be addressed through condition requirements.

It is recommended that the application is supported and a Notice of Decision to Grant a Permit is issued in accordance with the following recommendation.

RECOMMENDATION

That Council issue Notice of Decision to Grant a Planning Permit PA077/2023 for the use and development of the land for a place of worship and the removal of native vegetation at 83 Blakeley Road Castlemaine subject to the following conditions:

Amended Plans

- 1. Prior to commencement of development 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 must be generally in accordance with the advertised plans but further modified to show:**
 - a) Provision of four on-site bicycle parking spaces.**
 - b) Native vegetation removal offset in accordance with Condition 26 of this permit.**
 - c) A Functional Layout Plan in accordance with Condition 43 of this permit.**
 - d) Traffic Management Plan in accordance with Condition 46 of this permit.**
 - e) A Patron Management Plan in accordance with Condition 47 of this permit.**

Compliance with Endorsed Plans

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

Landscaping

3. Before the building is occupied, all landscaping works as 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.
4. All landscaping works as shown on the endorsed plans must be maintained, including that any dead, diseased or damaged plants are to be replaced, to the satisfaction of the Responsible Authority.
5. Before the works starts, tree protection fence(s) must be erected around the tree(s) nominated for retention on the endorsed plans to define a Tree Protection Zone. The Tree Protection Zone must be erected at a radius of 12 times the diameter at breast height (DBH) to a maximum of 15 metres, but no less than two metres from the base of the trunk. The fence must be constructed of star pickets/chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence(s) must remain in place until the completion of the development unless otherwise agreed in writing by the Responsible Authority.
6. No vehicular nor pedestrian access, trenching, storage of materials or equipment or soil excavation is to occur within the Tree Protection Zone unless otherwise agreed in writing by the Responsible Authority.
7. Any weed infestations resulting from soil disturbance and/or the importation of sand, gravel and other material must be controlled during the construction period to ensure that there is no weed spread outside of the subject site to the satisfaction of the Responsible Authority.
8. Before the building is occupied all noxious weeds on the land must be eradicated to the satisfaction of the Responsible Authority.

General

9. No amplified music, announcements or broadcasts are to be audible beyond the property boundary of the land.
10. All security alarms must be of a silent type and be directly connected to a security service to the satisfaction of the Responsible Authority.
11. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.
12. Provision must be made on the land for the storage and collection of waste and recyclables. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
13. All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
14. External lighting must be designed, baffled and located so as to prevent any adverse effect from light spill on adjoining land to the satisfaction of the Responsible Authority.

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15. All external materials, finishes and paint colours are to be to the satisfaction of the Responsible Authority.
 16. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building unless otherwise agreed in writing by the Responsible Authority.
 17. All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed from public view to the satisfaction of the Responsible Authority.
 18. All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority.
 19. The use and development must be managed so that the amenity of the area is not detrimentally affected through the:
 - a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any buildings, works or materials.
 - c) Hours of construction activity.
 - d) Inappropriate storage of any works or construction materials.
 - e) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, reflection or glare, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
 - f) The presence of vermin; and
 - g) In any other wayto the satisfaction of the Responsible Authority.

Hours of Operation

20. The use must only operate between the following hours unless otherwise agreed in writing by the Responsible Authority:
 - a) Monday 5:00 pm to 8:30 pm
 - b) Saturday 8:30 am to 1:00 pm
 - c) Sunday 7:00 am to 1:00 pm

Patron Numbers

21. All patrons may only enter and exit the site between the above operating hours.
22. No more than 466 patrons may be permitted on the land for general operation of the place of worship unless otherwise agreed in writing by the Responsible Authority.

Vegetation Conditions

23. Before any works start on the site, the permit holder must advise all persons undertaking any works, including vegetation removal, of all relevant permit conditions and associated statutory requirements or approvals.
24. The native vegetation permitted to be cleared, deemed lost, destroyed or lopped under this permit is 0.128 hectares of native vegetation.

25. To offset the removal of 0.031 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017) as specified below:

- a) A general offset of 0.036 general habitat units:**
- Located within the North Central Catchment Management Authority boundary or Mount Alexander municipal area
 - With a minimum strategic biodiversity value of 0.416.

26. Before any native vegetation is removed, evidence that the offset required by this permit has been secured must be provided to the satisfaction of the Responsible Authority. This evidence must be one or both of the following:

- a) An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year active management actions and ongoing management of the site; and/or**
- b) Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.**

A copy of the offset evidence will be endorsed by the Responsible Authority and form part of the permit.

27. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Engineering Conditions

28. Prior to commencement of any construction works associated with the development detailed access and drainage construction plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The engineering plans must accord with the Infrastructure Design Manual. All works constructed or carried out must be in accordance with those approved plans and completed to a standard satisfactory to Council.

29. 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.

30. The site stormwater discharge is not to be increased by the proposed development. The drainage system shall include provision of storm water detention system to limit flows downstream from the development to pre-development levels in accordance with the current Australian rainfall and Runoff – Flood Analysis and Design for a 1% Annual Exceedance Probability event (IDM Design standards - Section 19.3 Requirements).

31. Drainage design must be in accordance with the Stormwater Management Strategy Report prepared by Water Technology and dated March 2022. The drainage design must incorporate integrated water management principles and comply with the requirements of amendment VC154 -Stormwater management of the Victorian Planning Provisions.

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- 32. 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.**
- 33. Vehicle crossings must be constructed to current Council standards including:**
- a) Vehicle crossings must be generally in accordance with SD260 of the Infrastructure Design Manual.**
 - b) Crossings must be positioned maintaining a minimum of 3m clearance from the council trees located at the property frontages.**
 - c) Batters to be re-established either side of culverts to ensure free flow.**
 - d) No impending or redirection of existing surface flow is allowed to occur as a result of these works.**
- 34. All car parking areas and associated access lanes must be designed in accordance with AS2890.1:2004 and AS2890.6:2022.**
- 35. Before construction works start associated with the provision of carparking, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice: Part 11 Parking' and to the satisfaction of the relevant authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions.**
- 36. Before the use or occupation of the development starts, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must be/ensure:**
- a) Surfaced with an all-weather seal coat / surfaced with crushed rock or gravel and treated to the satisfaction of the Responsible Authority to prevent dust.**
 - b) Constructed in accordance with the approved plans.**
 - c) Drained in accordance with an approved drainage plan.**
 - d) Line-marked to indicate each car space and all access lanes.**
 - e) Properly illuminated with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.**
 - f) Measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.**
 - g) Provision of traffic control signage and or structures as required.**
 - h) Provision of signage directing drivers to the area(s) set aside for car parking. Such signs are to be located and maintained to the satisfaction of the Responsible Authority. This sign must not exceed 0.3 square metres.**
- To the satisfaction of the Responsible Authority.**
- 37. Car park areas must be constructed and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.**
- 38. Car spaces, access lanes and driveways must be kept available for these purposes at all times.**

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39. 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).
 40. 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.

Public & Environmental Health

41. The use of the facility must not cause a Nuisance as defined by the *Public Health and Wellbeing Act 2008*.
42. The use of the place or premises must not emit unreasonable noise.

Department of Transport and Planning

43. Prior to the commencement of buildings and works, a Functional Layout Plan and functional stage Road Safety Audit must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the plans date stamped 10/02/2022 and annotated PLACE OF WORSHIP PA330/2021 by Arbit Architecture, but modified to show:
 - a) Midland Highway and Myring Street intersection:
 - i) Line marking modifications at the intersection to extend the storage capacity of the right turn lane to the maximum length practicable.
 - b) Installation of advance directional road signage to direct northbound traffic to the site to turn right at Myring Street.
 - c) Midland Highway and Sawmill Road intersection:
 - i) A sealed Rural Auxiliary left turn lane treatment (type "AUL") for the southbound left turn into Sawmill Road with full depth sealed shoulder must be provided in accordance with Figure 8.4 of the AUSTRROADS publication, "Guide to Road Design - Part 4A: Unsignalised and Signalised Intersections " – 2021.
 - ii) Relocation and reinstatement of the existing guard rail on Midland Highway to accommodate the left turn lane treatment.
 - d) Any other relevant matter.
44. Prior to the approval of the Functional Layout Plan and prior to the commencement of use, a detailed engineering layout (including lighting layout) in conjunction with a 'Detailed Design Stage' Road Safety Audit (RSA) must be submitted to and approved by the Head, Transport for Victoria. The RSA must be undertaken by an independent Head, Transport for Victoria's pre-qualified audit team and be conducted in accordance with Austroads – Road Safety Audit (Second Edition, 2002).
45. Prior to the commencement of use, the roadworks outlined in the Functional Layout Plan required under Condition 1 of the Head, Transport for Victoria's conditions must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria.

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- 46. Prior to the commencement of the use, a Traffic Management Plan with a Risk Management Plan must be submitted to and approved by the Head, Transport for Victoria and the Responsible Authority, using Head, Transport for Victoria's prequalified contractors/consultants, and implemented at no cost to Head, Transport for Victoria. The Traffic Management Plan must include:**
- a) Traffic management measures for any larger events (for more than 466 patrons). This may include temporary road treatments or staff directed to traffic controlling activities.**
 - b) Any other relevant matter.**
- 47. Prior to the commencement of the use, a Patron Management Plan must be submitted to and approved by the Head, Transport for Victoria and the Responsible Authority. The Patron Management Plan must:**
- a) Outline the different scales of events to occur on site and the hours of event operation.**
 - b) Identify mitigation measures and strategies to be applied to each different event type.**
 - c) The mitigation measures and strategies will need to;**
 - i) Reduce the number of northbound vehicles travelling to the site via the Sawmill Road and Midland Highway intersection particularly during peak arrival periods.**
 - d) Any relevant measures outlined in the Traffic Management Plan required by Condition 4 of the Head, Transport for Victoria's conditions.**
 - e) Any other relevant matter.**
- 48. The use must operate in accordance with the endorsed Patron Management Plan and must not be altered without the prior written consent of the Head, Transport for Victoria.**

North Central Catchment Management Authority (CMA)

- 49. The finished floor level of the proposed Place of Worship must be constructed to a minimum of 297.5 metres AHD.**
- 50. The Place of Worship and the overflow carpark must be setback a minimum of 20 metres from the top of bank of the watercourse that traverses the property.**
- 51. Any works on the site must be undertaken in accordance with the flood modelling undertaken by Water Technology for its Expert Report dated 5 October 2021. Unless otherwise agreed in writing with the Responsible Authority and CMA, no filling or stockpiling of material is permitted within the flood affected portion of the property shown in Figure 10-1 of Water Technology's statement. Any material that has been placed within this area must be entirely removed from the site or placed on land outside the 1% AEP flood extent as per Figure 10-1 of Water Technology's report.**

Coliban Water

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

The reticulated pressure sewer main extension required to service this development site is necessary to ensure that capacity will exist within Coliban Water's pressure sewer network, which must be designed, constructed and finalised in accordance with Coliban Water's Developer Installed Works process.

Services are to be provided to the proposed Place of Worship in accordance with our specifications.

- 53. Application to connect the Place of Worship to Coliban's water supply and sewerage services will need to be made through our consent to connect process.**

Agreement is required to be reached with Coliban Water for our approved contractor to install the water tapping, meter assembly and digital data device which will be located in an accessible location within 2.0 metres, but no closer than 600mm, inside a title boundary line fronting a road reserve.

However; agreement would be needed to be entered into with Coliban Water will be necessary should the Applicant require a larger than standard domestic water supply and fire service, where the Landowners registered and licensed plumbing contractor would be required to carry out the works.

An application to connect to Coliban's sewerage services will need to be made through our consent to connect process, prior to the property service drains (sewerage service), including any necessary trade waste requirements for the proposed Place of Worship, being connected to Coliban Water assets (pressure sewerage service) in accordance with our conditions.

Trade waste and backflow prevention requirements to be applied if applicable at time of consent to connect application process.

- 54. All private works for water supply and sanitary drainage must be constructed in accordance with the National Plumbing and Drainage Code of Australia being AS 3500, the Melbourne Retail Water Agencies' Water Metering & Servicing Guidelines 2022 and or any relevant requirements of Coliban Water.**

- 55. All Coliban Water assets within the development site, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation.**

- 56. When sewer servicing a development site is to be by pressure sewer rather than provision of traditional gravity sewer then; New Customer Contributions (NCC's) for pressure sewer will apply to a development site being connected to the reticulated infrastructure required. This NCC is to provide developer funding for the supply, installation and ongoing maintenance requirements by Coliban Water for the property assets on the lot including tank, pump and control box. The supply and installation will be completed by our approved contractors after an application to connect is received.**

The owner of the land must make payment to Coliban Water of New Customer Contributions for water and sewer (above-mentioned). These contributions are based upon, the size of the metered water supply and the fixture unit rating of the plumbing fixtures (per AS 3500) proposed to be installed within this development site, to be

connected to Coliban Water's water, sewer networks. A tax Invoice will be supplied to the owner as part of our Consent to Connect Process.

Please note Under section 165(5) of the Water Act 1989, Coliban Water is not required to ensure that the water pressure is adequate for firefighting. It is important to note that Coliban Water does not guarantee fire flows.

Goulburn Murray Water

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

58. No buildings are to be constructed within 20 metres of any waterways (including dams on waterways) or on any drainage lines.

59. A buffer strip of native vegetation must be established and maintained on both sides of the waterway in accordance with the Landscape Plan dated October 2021.

60. All wastewater from the Place of Worship must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.

VicTrack

61. No drainage, effluent, waste, soil or other materials must enter, be stored or be directed to the railway land.

Powercor

62. The Applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.

Any construction work must comply with the Energy Safe Victoria's "No Go Zone" rules.

Notes: To apply for a permit to work go to our website:

<https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator> and apply online through the No Go Zone Assessment.

Permit Expiry

63. This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit;**
- b) The development is not completed within four years of the date of this permit;**
- c) The use is not started within four years of the date of this permit;**
- d) The use is discontinued for a period of two years;**

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- e) The vegetation removal works are not started within two years of the date of this permit; or
 - f) The vegetation removal works are not completed within three months of the date the works started.

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

PERMIT NOTES (For information only):

Department of Transport and Planning

Note 1: Separate approval for 'detailed design' (fees and charges may apply) and the specifications of these are required under the *Road Management Act 2004*. For the purposes of this application, the works will include the provision of:

- Separated left turn treatment.
- Any additional works required within arterial road reserve.
- All pavement works in the arterial road reserve for which the Department of Transport is responsible for must be deep-lift asphalt.

Please forward 'detailed design' plans the Department of Transport for approval prior to commencing any works on nr.admin@roads.vic.gov.au Attention of External Works Team.

For more information regarding working within the road reserve please visit the VicRoads website:

<https://www.vicroads.vic.gov.au/traffic-and-road-use/road-access-permits-portal>

<https://www.vicroads.vic.gov.au/business-and-industry/design-and-management/working-within-the-road-reserve>

MOVED COUNCILLOR MALTBY

That the recommendation be adopted.

SECONDED COUNCILLOR CORDY

CARRIED.

Summary

Application details:	Use and development of part of the land as a Place of Worship and native vegetation removal
Application No:	PA0077/2023
Applicant:	Planning & Property Partners Pty Ltd
Land:	83 Blakeley Road Castlemaine VIC 3450 Lot 2 on Plan of Subdivision 804722D
Zoning:	Low Density Residential Zone (LDRZ)
Overlays:	Bushfire Management Overlay (BMO)
Triggers:	<p>A planning permit is required under Clause 32.03-1 of the Low-Density Residential Zone for the use and development of part of the land as a Place of Worship.</p> <p>A planning permit is required for the development of land under Clause 44.06-2 of the Bushfire Management Overlay for a Place of Worship.</p> <p>A planning permit is required for the removal of vegetation pursuant to Clause 52.17 Native Vegetation.</p>
Relevant provisions of the Planning Policy Framework:	<ul style="list-style-type: none"> • Clause 11.01-1L-02 Castlemaine and Diamond Gully • Clause 13.02-1S Bushfire planning • Clause 13.07-11S Land use compatibility • Clause 14.02-1S Catchment planning and management • Clause 15.01-1S Urban Design • Clause 15.01-5S Neighbourhood Character • Clause 15.03-2S Aboriginal Cultural Heritage
Notice:	Yes, via letters to adjoining and surrounding landowners and occupiers and a sign on site.
Referrals:	<ul style="list-style-type: none"> • Engineering Team – No objection subject to conditions • Public and Environmental Health – No objection subject to conditions • Coliban Water – No objection subject to conditions • Goulburn-Murray Water – No objection subject to conditions • North Central Catchment Management Authority – No objection subject to conditions • Powercor – No objection subject to conditions • CFA – No objection - No conditions required.

	<ul style="list-style-type: none"> • Department of Transport and Planning - No objection subject to conditions. • VicTrack – No objection subject to conditions.
No. of Objections:	30 objections (26 properties), two letters of support
Consultation Meeting:	No consultation meeting has been undertaken.
Key Considerations:	<ul style="list-style-type: none"> • Compliance with the Planning Policy Framework • Appropriateness of the use and development within the Low-Density Residential Zone • Compliance with Bushfire Management Overlay • Compliance with Clause 52.06 – Parking • Compliance with Clause 52.17 – Native vegetation • Areas of Culture Heritage Sensitivity • Response to issues raised by objectors

Context

The certificate of title describes the subject site as “Lot 2 on Plan of Subdivision 804722D”. The site is rectangular in shape, is located on the west side of Blakeley Road in Castlemaine and is 2.577 hectares in area with a width to Blakeley Road of 135 metres and a maximum depth of 186 square metres. The site is located approximately 2.5 kilometres north of the centre of Castlemaine.

The subject site is currently vacant. The surrounding area predominantly consists of single dwelling residential development on a mixture of lot sizes in both the LDRZ adjoining the site and Rural Living Zone opposite the site. The section of Blakeley Road adjacent the site is a sealed road.

The land is burdened by drainage easements that extend along the western (rear) boundary of the site and a large power line easement that traverses the southern portion of the site.

The site is located within a valley with a watercourse entering the site via a pipe under Blakeley Road with connection to an existing man-made dam within the central area of the site. The site has been modified and contains stockpiles of excavated material in the eastern area of the land. Whilst the land comprises generally of gentle slopes there are moderate gradients in the south-western area of the land with an eight-metre overall fall between the south-west site corner and the dam within the centre of the site.

The site contains scattered mature native vegetation and a large dam located centrally within the site fed by a watercourse that extends through the site. A single crossover exists to the north-east corner of the site.

The following mapping illustrates the zoning and aerial view of the site.

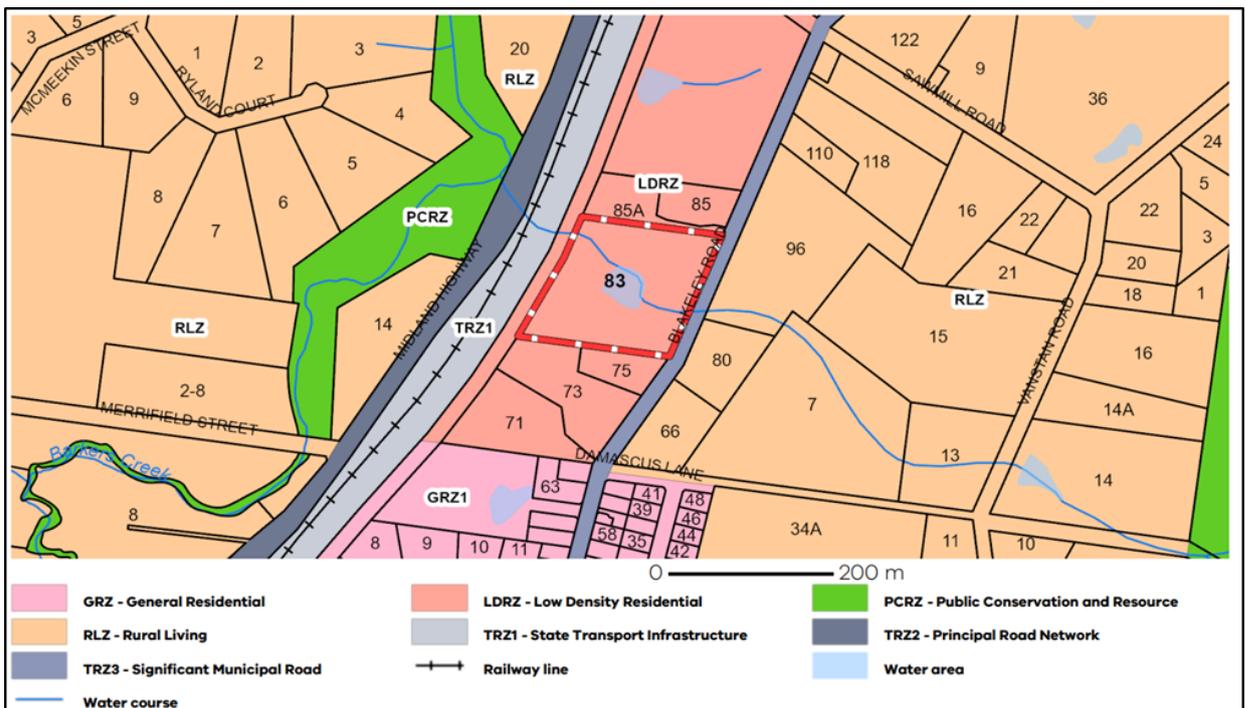


Figure 1: VicPlan Zoning Mapping – extract

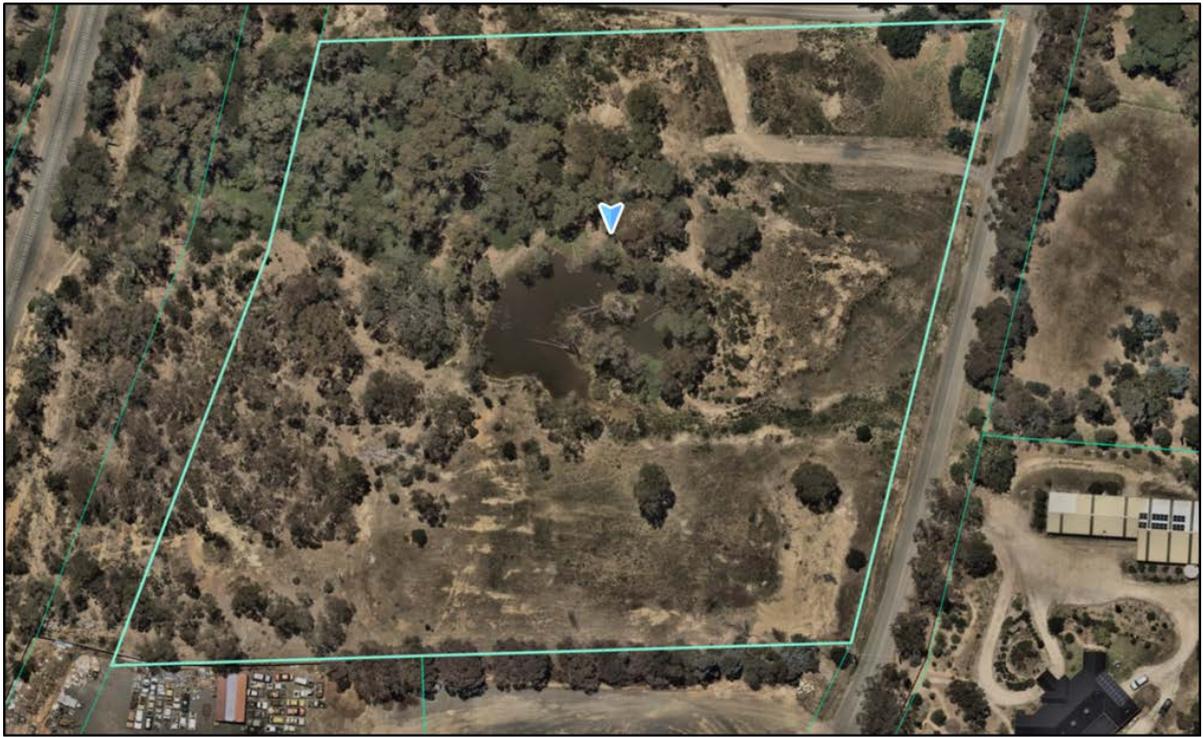


Figure 2: Site overview – NearMaps

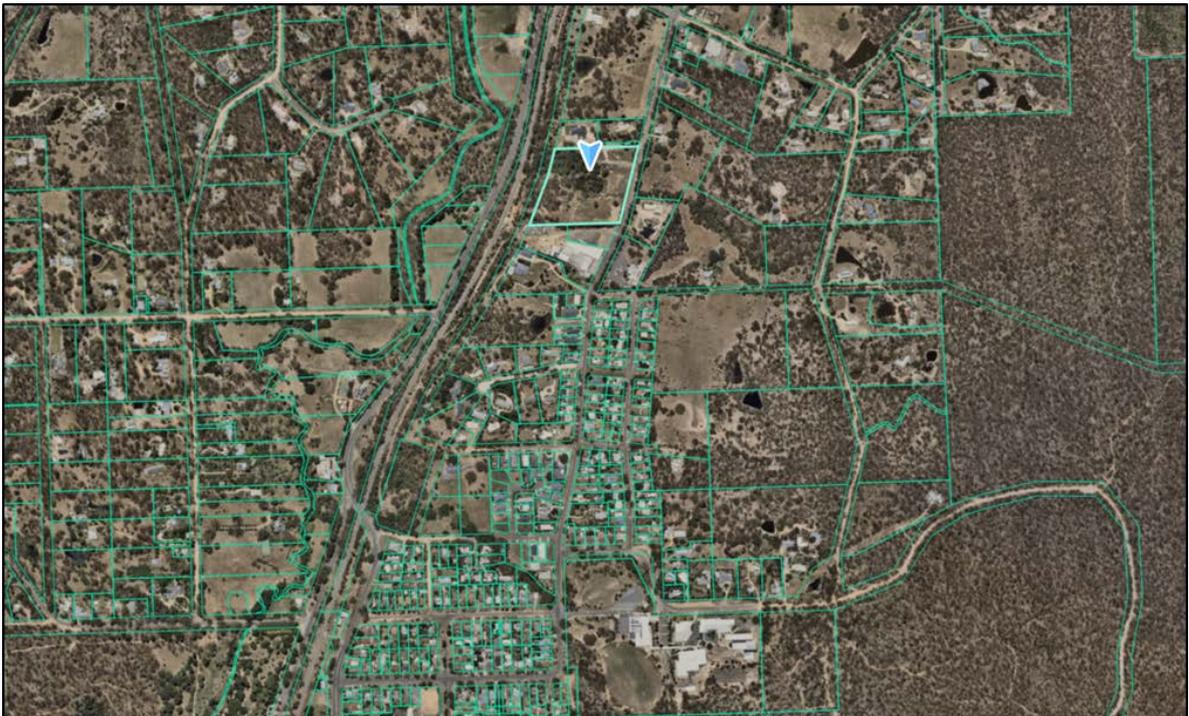


Figure 3: Surrounding context area



Figure 4: Roadside elevation

The site is surrounded by a number of different land zoning, including:

- The land adjoining the subject site on the west side of Blakeley Road is zoned Low Density Residential Zone.
- The land further south of the site is General Residential Zone.
- The land to the rear of the site is a Transport Zone occupied by a railway line.
- The land opposite the subject site is zoned Rural Living Zone.

The site has direct abuttal to the following properties:

- 85 Blakeley Road (north) has been subdivided into two allotments of approximately 1 and 1.3 acres each containing a detached single dwelling located centrally within the lots.
- 73-75 Blakeley Road (south) comprises a commercial / warehouse building (central area), residential dwelling (southern area), car park (eastern and northern area) and storage yard (western area). A windrow of mature, native evergreen trees exists along the northern site boundary, adjacent to the review land.
- West – an unmade government road exists adjacent to the western site boundary with the Melbourne-Bendigo railway line and Midland Highway further to the west.
- East (80 and 96 Blakeley Road) - residential dwellings exist along the east edge of Blakeley Road with associated out-buildings within a generally vegetated setting.

Surrounding properties are generally occupied with single dwellings and ancillary outbuildings with established landscaping. Scattered residential dwellings on large and varied size allotments exist to the north with many of these properties comprising both a vegetated character and grazing paddocks or extensive grass areas that produce a contrasting and spatially open character.

Proposal

The application seeks approval for the use and development of part of the land as a Place of Worship and native vegetation removal.

The proposal follows Planning Permit Application PA330/2021 which sought similar approvals and underwent public notice in early 2022. That application was subsequently withdrawn in March 2023.

The revised application seeks to address concerns raised by objectors to the previous application with a reduction in hours of operation and worshipper numbers as outlined below. The following documents were submitted in support of the application:

- Plans prepared by Orbit Architecture dated 1 September 2021.
- Report prepared by Nature Advisory in respect to flora & fauna considerations.
- Report prepared by Traffix Group in respect to traffic engineering considerations.
- Report prepared by Water Technology in respect to waterway and stormwater management considerations.
- Report prepared by Nexus Planning in respect to the bushfire management considerations.
- Report by CDA Design Group in respect to landscape design considerations.
- Report prepared by Enfield Acoustics in respect to noise impact considerations.
- Photo montages prepared by Orbit Solutions.
- Report prepared by Dr Richard Dluzniak relevant to lighting design.

Place of Worship

The proposed Place of Worship is seeking to utilise the southern half of the subject site and will consist of a main building (the 'hall') and car parking area. The proposed hall is sought to be located a minimum of 11 metres from the eastern boundary (Blakeley Road), with the building itself measuring 41.39 metres in length and 21.65 metres in width. The hall will have a maximum height of 8.2 metres. The hall will have a gable style roof, with the external building materials including timber battens, colorbond sheeting and corrugated iron roofing.

The revised submission details that the maximum patron number applicable for the purpose of this assessment is 466 persons. The proposed Place of Worship is not seeking to be available for public bookings, nor would there be amplified music played in association with the proposed use. No annual events are proposed which were associated with the previous application.

The use of the place of worship will contain the following operation hours and patron numbers:

Day	Service Type	Service Duration	Operating Hours (Typical)	Attendees (Typical)	Attendees (Maximum)	Service Frequency
Monday	Prayer Meeting	45mins	6:00pm-8:30pm	45 to 50	Up to 50	Weekly
Saturday	Bible teaching	1 hr	10:00am-1:00pm	450-466	Up to 466	Once per 3 weeks
Sunday	Communion	1 hrs	7:00am-9:00am	45 to 50	Up to 50	Weekly
	Bible teaching	1 hrs	9:00am-1:00pm	450-466	Up to 466	Once per 3 weeks

Figure 5: Extract from Traffix Report

Parking and Access

A total of 139 car spaces, including three disabled spaces and four mini-bus spaces, are proposed to be provided on-site. The main car park will comprise 111 car spaces (including three disabled spaces) and will be accessed via a two-way crossover to Blakeley Road at the site's southern boundary. The outer accessway of the car park will generally operate in a one-way arrangement in a clockwise direction. There will also be a secondary car park comprising 28 car spaces (including four mini-bus spaces) which will be accessed via a two-way crossover to Blakeley Road.

Under the provisions of the Planning Scheme a Place of Worship (Place of Assembly) requires 0.3 spaces per patron permitted. The proposed Place of Worship meets the statutory requirement for parking under Clause 52.06-5 and a car parking reduction is not required.

The proposed development plans do not include any bicycle parking spaces. It is recommended that the provision for four bicycle spaces be included as a condition of the permit.

The submitted report prepared by Traffix Group in respect to traffic engineering considerations submits that all turning movements comply with the relevant provisions of Council's Infrastructure Design manual, this has been confirmed through referral to Council's Engineering Team.

Removal of native vegetation

One native large tree and one small scattered tree along with 0.027 hectares of native vegetation in patches is proposed to be removed as specified by the report prepared by Nature Advisory detailing the impacts on vegetation on the site.

The proposed vegetation removal is not located within a mapped endangered ecological vegetation class. The construction footprint will result in the loss of a total extent of 0.128 hectares of native vegetation as represented and documented in the Native Vegetation Removal report.

A complete set of the advertised plans form Attachment 9.4.1.1 of this report. The following selected plans have been taken from the advertised plans to illustrate the proposal and conditions onsite.

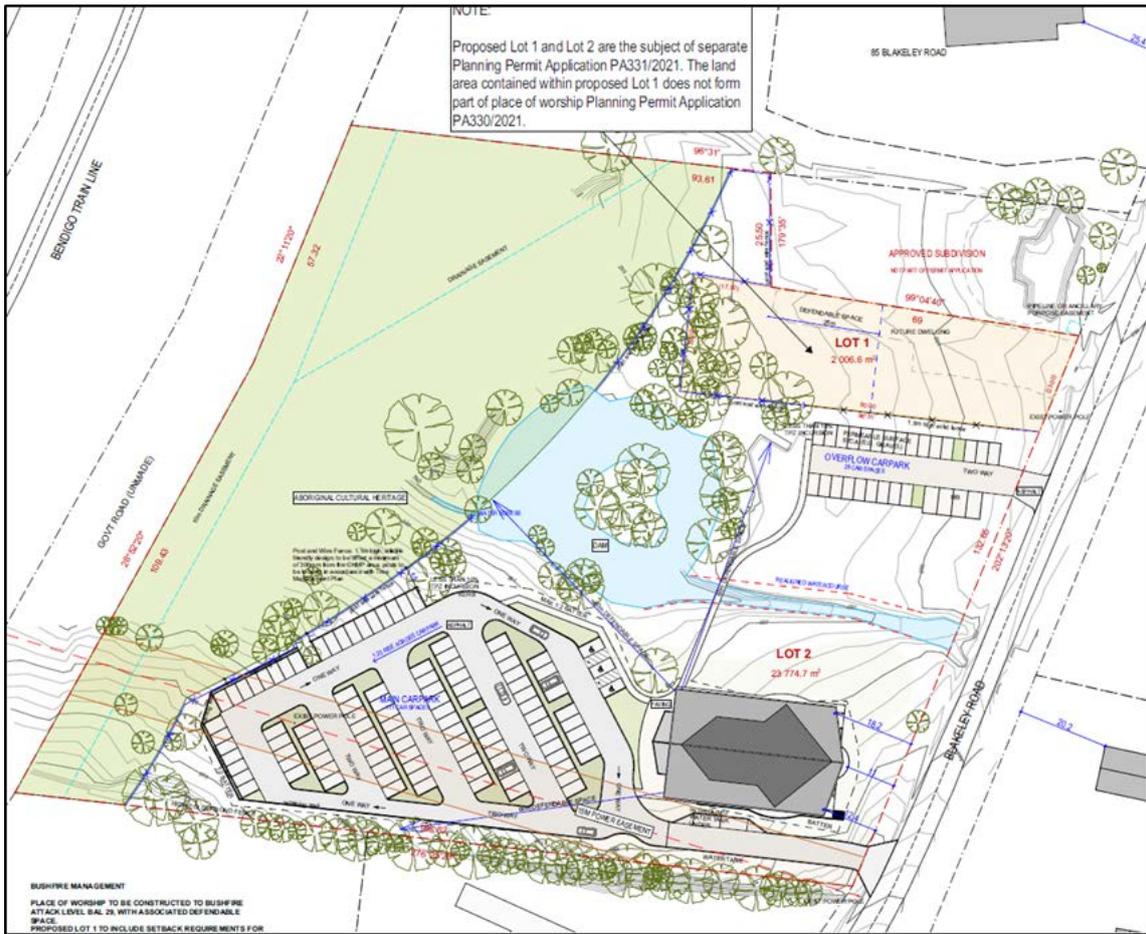


Figure 6: Site Plan

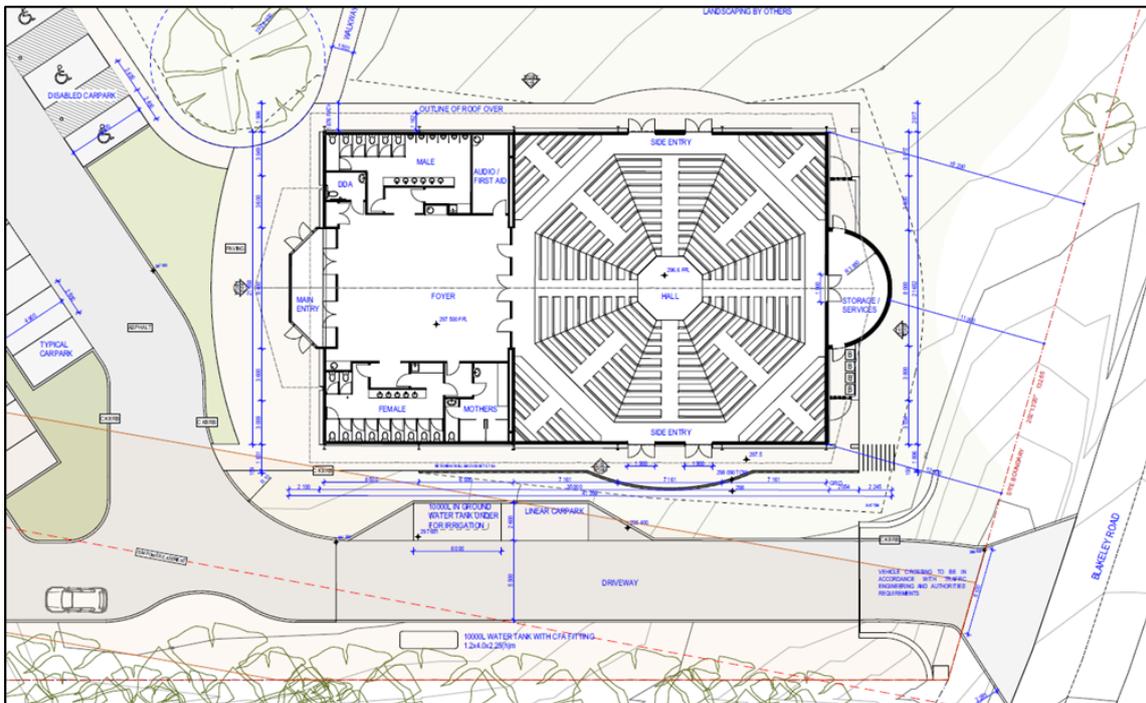


Figure 7: Place of Worship Layout

Issues

The key issues for consideration relate to the appropriateness of the subdivision in relation to:

- Compliance with the Planning Policy Framework
- Appropriateness of the use and development within the Low-Density Residential Zone
- Compliance with Bushfire Management Overlay
- Compliance with Clause 52.06 – Parking
- Compliance with Clause 52.17 – Native vegetation
- Areas of Culture Heritage Sensitivity
- Response to issues raised by objectors

The following provides a response to considerations:

Compliance with the Planning Policy Framework

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

The subject site is located on the northern outskirts of Castlemaine being the Shire's largest town and a designated area for growth. In considering the appropriateness of the subdivision, the Planning Policy Framework requires Council to consider the existing and preferred neighbourhood character, the protection of landscape features, environmental qualities and the appropriateness of the proposed land use.

The proposed use and development are appropriately located within the Castlemaine Urban Boundary pursuant to the Castlemaine Land Use Framework Plan at Clause 11.01-1L-02 of the Planning Scheme (refer Figure 10 below). The use is an appropriate response to this urban context and will provide a service to residents of the township and surrounding areas noting that Castlemaine is a township intended to accommodate sustainable regional growth.

The site is of an appropriate size to accommodate spatial requirements of the use particularly given the quantum of carparking and boundary setbacks necessary for the proposal. Locating the use within a residential area of this nature is preferable to an activity centre context where more intensive use and developments are encouraged that generate activity across wider hours.

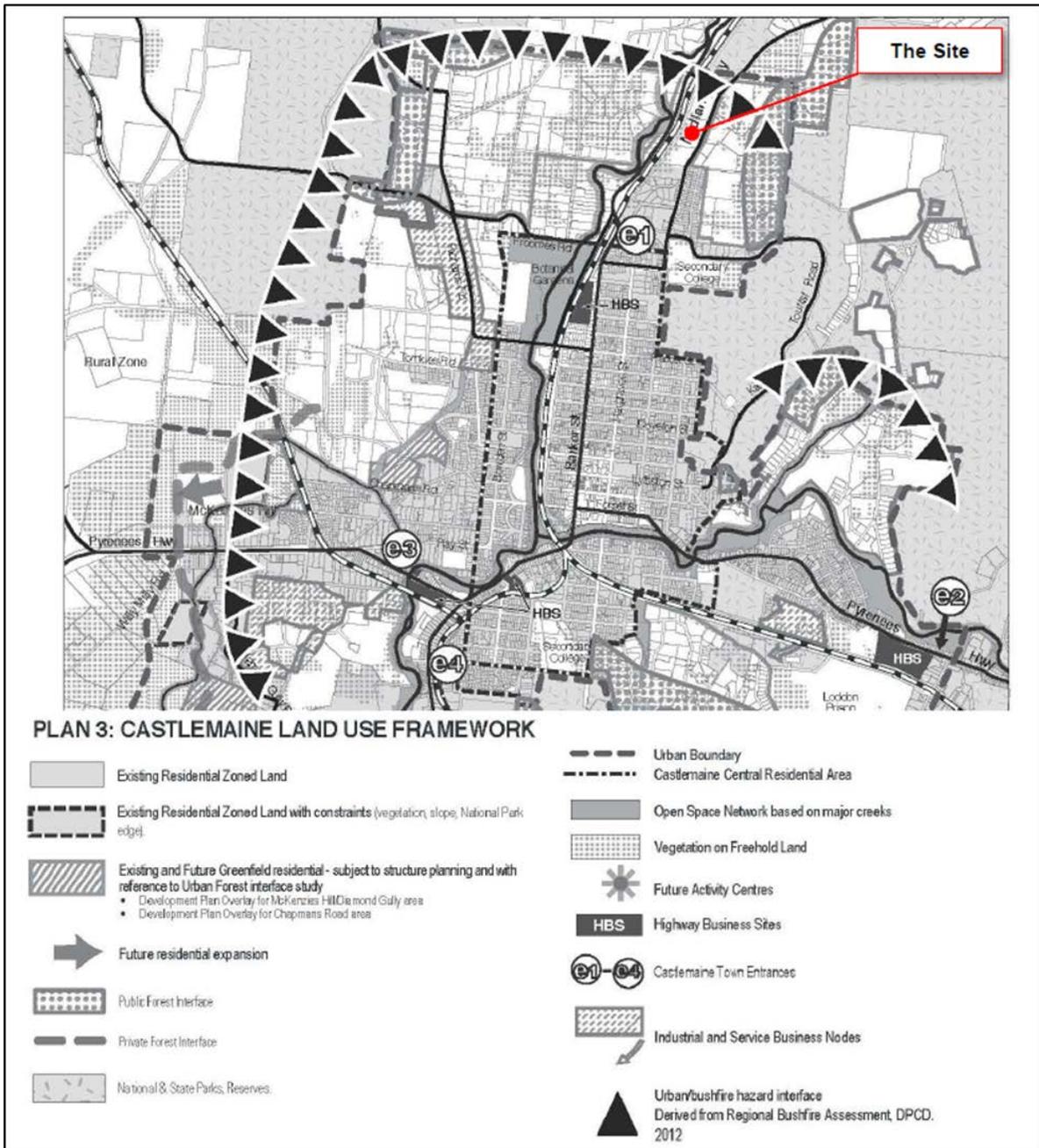


Figure 10: Castlemaine Land Use Framework Plan

Appropriateness of the use and development within the Low-Density Residential Zone

The subject site is located within the Low-Density Residential Zone, which covers western elevation of land along Blakeley Road in the north of Castlemaine. The relevant objectives of the Low-Density Residential Zone include:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

The proposed use and development of the land for a place of worship under the zoning is considered an appropriate outcome for many reasons. Firstly, the proposal provides an additional community service to the surrounding area, which is considered to provide social benefit to the community. Secondly, as discussed above, the proposed hall is sought to be

located within the southern half of the subject site, which is outside of the part of the site affected by the Bushfire Management Overlay and is closer to the existing non-residential use cluster adjacent to the site. Thirdly, the proposal's scale can be managed through appropriate conditions to ensure there are no adverse amenity impacts such as noise, light and traffic. Concerns regarding the visual impact of the built form and impacts on privacy can be addressed through condition requirements for landscaping. Further, the permit applicant has supplied concept renderings with an alternative colour and materials schedule which is considered to be a more appropriate response to the rural character of the surrounding area. Therefore, it is considered that the proposal is a positive planning outcome subject to conditions.

Further to the above, in relation to operating hours, the proposed operating hours are considered acceptable within a residential context.

Compliance with Bushfire Management Overlay

The subject site is only partially affected by the Bushfire Management Overlay but is entirely located within a Bushfire Prone Area. The proposal sought to locate the place of worship outside of the part of the site affected by the Bushfire Management Overlay, which is considered to be an appropriate response. The application was also referred to the Country Fire Authority who did not object to the proposal. Further, the subject site is considered to be appropriately located to allow for access away from the site to the north and south in emergency situations.

Areas of Culture Heritage Sensitivity

Pursuant to requirements of the Aboriginal Cultural Heritage Regulations, as the proposed land use and works are located outside of the sensitive area, a mandatory Cultural Heritage Management Plan was not required to be provided.

Compliance with Clause 52.06 – Parking

The accompanying Traffic Engineering Assessment prepared by Traffix Group details that the required car parking provisions are provided onsite and that the design requirements at Clause 52.06 (Car Parking) of the Planning Scheme are satisfied by the proposal. The reports and plans have been reviewed by Council's Engineering Team who consent to the proposal subject to conditions.

Compliance with Clause 52.17 – Native Vegetation

The application seeks planning approval to remove, destroy or lop native vegetation pursuant to Clause 52.17-1 of the Particular Provisions.

The relevant State and Local planning policies seek to protect native vegetation and ensure that the loss of native vegetation does not result in a net loss of biodiversity. It is acknowledged that there has been previous vegetation removal on the land; although the proposed removal of one large scattered tree, one small scattered tree and a patch of native vegetation for the construction of the hall and car park is not considered to result in a net loss of biodiversity. The loss of native vegetation will require an offset to ensure that the biodiversity value of the vegetation is regained, which can be dealt with through standard conditions. Further, the application has designed the proposed car park to ensure the retention of two native scattered trees. This is considered to be an appropriate response to the policy objectives for avoiding and minimising vegetation loss.

Finance and Resource Implications

Cost of appeal to the Victorian Civil and Administrative Tribunal.

Alternate Options

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

Communication and Consultation

Advertising

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

Council received 30 objections from 26 properties and two letters of support. A response to the themes of objections is provided as follows:

Traffic implications along Blakeley Road, particularly on Sawmill Road (one-way overpass) and Damascus Lane (blind corner) for road safety and traffic volume.

The application was referred to Department of Transport and Planning who requested that the permit holder provide a traffic management plan and complete upgrade works to the Sawmill Road intersection with on the Midland Highway to ensure that the level of expected traffic can safely manoeuvre through that intersection. In relation to the blind corner at Damascus Lane, it is not considered that the proposal will increase any existing risk.

Amenity impacts resulting from traffic (noise, light spill, etc).

The Department of Transport and Planning have requested the submission of a traffic management plan, and it is recommended that a Patron Management Plan be submitted as part of conditional consent to ensure that patron movements during regional events do not impact on the amenity and safety of the surrounding area. In relation to operating hours, the proposed operating hours are considered to be acceptable within a residential context.

The intent of the Low-Density Residential Zone is for residential purposes and is unsuited to a place of worship.

The purpose of the zoning does not explicitly state that it allows for a limited range of non-residential land uses (religious, educational and other community uses) like the General Residential Zone and Township Zone. Although the Low-Density Residential Zone is nested within the Residential Zones under Clause 32 of the Scheme with the General Residential Zone and Township Zone, therefore, it can be assumed that as the use of the land for a place of worship is not prohibited under the zoning that the land use can be appropriate in certain contexts. The subject site is located adjacent to the Melbourne-Bendigo rail line, a motor garage and another place of worship. Therefore, the site is effectively located within a pocket of the surrounding rural residential area that consists of non-residential land uses that may already have noise and visual impacts on the character of the surrounding area. Given the location context of the subject site, it is reasonable to conclude that the southern half of the subject site is an appropriate location for the proposed place of worship.

Proposed scale of place of worship is excessive and inappropriate for a rural residential area.

The general operation will only have a maximum patronage of 466 persons for bible teachings, which are only run for a maximum of two hours at a time. As there will not be a constant presence of 466 persons on the site, the scale of the place of worship is not considered to be detrimental to the rural residential character of the surrounding area. Further, as discussed above, the proposal is located within a small bubble of non-residential land uses, which will limit any impacts on residential properties as the proposal seeks to co-locate with other land uses that may pose amenity impacts (noise, light, etc).

The Castlemaine Rod Shop (located to the south) and Church of Christ (located to the southeast) are of a much smaller scale and are not comparable to the scale of this proposal.

The use of the land for a garage is considered to pose a much higher risk of amenity impacts given the nature of the activities undertaken at such a site. Whilst the scale may not be so high in terms of patronage at any one time, the activities undertaken there in terms of noise, odour and light would be more likely to impact on residential properties within the surrounding area than the proposed place of worship. The proposal is not seeking to include any broadcasted announcements or music and with the latest operating hour being 8.30 pm on Mondays, any external lighting can be controlled through standard conditions to ensure that it is baffled and directed so as to ensure no adverse amenity impacts to surrounding properties.

The application does not address the area of Aboriginal Cultural Heritage Sensitivity that affects part of the site.

Pursuant to requirements of the Aboriginal Cultural Heritage Regulations, as the proposed use and works are located outside of the sensitive area, a mandatory Cultural Heritage Management Plan was not required to be provided.

There is existing planning compliance on the site due to vegetation clearing and earthworks that will result in adverse ecological impacts.

The proposal cannot be judged on previous compliance issues relating to the site. It is acknowledged that there has been previous vegetation removal, although the proposed removal of one tree is not considered to be detrimental to biodiversity on the site and surrounds. The application has sought to retain two remnant trees within the proposed car parking area, which is considered to be an appropriate response.

Wildlife impacts and vegetation removal.

The relevant State and Local planning policies seek to protect native vegetation and ensure that the loss of native vegetation does not result in a net loss of biodiversity. It is acknowledged that there has been previous vegetation removal on the land, although the proposed removal of one native tree for the construction of the hall is not considered to result in a net loss of biodiversity. The loss of this tree will require an offset to ensure that the biodiversity value of the vegetation is regained, which can be dealt with through standard conditions. Further, the application has designed the proposed car park to ensure the retention of two native scattered trees and the proposed subdivision has also been designed to avoid consequential vegetation loss. This is considered to be an appropriate response to the policy objectives for avoiding and minimising vegetation loss. The subject site was not identified as an area of significant habitat as part of their native vegetation assessment.

Further, the zoning allows for this type of development, therefore, the presence of kangaroos is not considered to be sufficient to refuse the application outright. The surrounding area has already been largely developed; therefore, it would be inappropriate to restrict the ability to use and develop the site based on this ground.

Scale of the development.

Concerns have been raised over the scale of the built form proposed not being reduced to match the reduced capacity proposed within the revised application. Conditions on permit will ensure that the use of the Place of Worship is enforceable to its submitted proposed operating hours and capacity limits, should the use operate outside the limits of its conditions, enforcement action can be undertaken on the site.

Bushfire risk associated with the site.

The subject site is only partially affected by the Bushfire Management Overlay but is entirely located within a Bushfire Prone Area. The proposal sought to locate the Place of Worship outside of the part of the site affected by the Bushfire Management Overlay which is considered to be an appropriate response. The application was also referred to the Country

Fire Authority who did not object to the proposal. Further, the subject site is considered to be appropriately located to allow for access away from the site to the north and south in emergency situations.

Referrals

The following provides a brief summary of the referral responses received.

External Referrals	
Coliban Water	Provided their conditional consent to the application subject to conditions which related to reticulated water.
Goulburn Murray Water	Provided their conditional consent to the application subject to conditions relating to sewerage services.
North Central Catchment Management Authority	Provided their conditional consent to the application subject to the conditions regarding flood mitigation measures.
Country Fire Authority	Provided their consent to the application without condition.
Powercor	Provided no objection subject to conditions relating to power maintenance onsite.
Department of Transport and Planning	Provided no objection subject to conditions relating to the upgrade of access to the site.
VicTrack	Provided no objection subject to conditions.
Internal Referrals	
Council's Engineering Department	<p>Provided their conditional consent to the application subject to:</p> <ul style="list-style-type: none"> • The submission of engineering plans; • The management of on-site stormwater and drainage requirements including a requirement to ensure prevent the discharge of water from the subject land across any road or onto any adjoining land; • The upgrade of vehicle crossovers (if required); and Sediment pollution Control.
Public & Environmental Health	Provided no objection subject to conditions relating to wastewater treatment and amenity.

Legislation

Planning and Environment Act 1987

Strategy and Policy Impacts

Council Plan 2017-2021

Community - A healthy, connected and inclusive community.

Our community feels safe, regardless of identity or circumstance.

Our community is inclusive and connected.

Principle - We are engaging genuinely with the community.

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

- Relevant Planning Policy implications have been discussed above.

Declarations of Conflict of Interest

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

No conflicts of interest

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

9.4.2. PLANNING APPLICATION PA331/2021 - 83 BLAKELEY ROAD CASTLEMAINE VIC 3450

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Senior Statutory Planner, Anita Smith

Attachments: 1. Plans [9.4.2.1 - 6 pages]

Executive Summary

The purpose of this report is to enable Council to make a determination on an application for a two-lot subdivision at 83 Blakeley Road Castlemaine VIC 3450. The application has been referred to Council for a decision because 11 objections have been received from six properties.

The Council Officer recommendation is to approve the application.

The subject site is located within a Low-Density Residential Zone and is affected by a Bushfire Management Overlay.

The grounds of objection relate to the following:

- neighbourhood character
- amenity
- bushfire
- precedent for future subdivisions
- proposed place of worship
- traffic safety
- flooding
- public notification process
- loss of native vegetation
- the proposed 1.8 metre fence is not appropriate for the surrounding area.

The application was assessed against and determined that the proposal is consistent with the relevant sections of the Planning Policy Framework and meets the provisions of the Low-Density Residential Zone and the Bushfire Management Overlay. In forming this position, consideration was given to the grounds of objection and the views of the relevant referral authorities.

It is recommended that the application is supported and a Notice of Decision to Grant a Permit is issued in accordance with the following recommendation.

RECOMMENDATION

That Council issue a Notice of Decision to Grant a Planning Permit PA331/2021 for a two-lot subdivision at 83 Blakeley Road Castlemaine 3450, subject to the following conditions:

General

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

Mandatory Conditions

- 2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
- 3. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
- 4. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.**
- 5. The owner of the land must enter into an agreement with:**
 - a. A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
 - b. A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the Applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**
- 6. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:**
 - a. A telecommunications network or service provider that all lots are connected to, or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
 - b. A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

Engineering

7. Prior to commencement of any construction works associated with the subdivision, detailed access and drainage construction plans must be submitted to and approved by Council. When approved, the plans will be endorsed and form part of the permit. The engineering plans must accord with the Infrastructure Design Manual. All works constructed or carried out must be in accordance with those approved plans and completed to a standard satisfactory to Council prior to the issuing of Statement of Compliance.
8. 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 to prevent the discharge of water from the subject land across any road or onto any adjoining land.
9. The legal point of discharge for the development will be the existing easement in favour of Mount Alexander Shire Council to the rear of Lot 2, PS804722D.
10. The site stormwater discharge is not to be increased by the proposed development. The drainage system shall include provision of storm water detention system to limit flows downstream from the development to pre-development levels in accordance with the current Australian rainfall and Runoff – Flood Analysis and Design for a 20% annual exceedance probability event (IDM Design standards - Section 19.3 Requirements). Stormwater must be conveyed via underground pipe drains to the legal point of distance.
11. The applicant shall submit plans to the satisfaction of Council’s infrastructure unit to demonstrate that vehicle accessing the common property can enter and exit in a forward manner.
12. Prior to the issue of Statement of Compliance, if the existing vehicle crossing does not meet current Council standards, then it will need to be upgraded to the satisfaction and requirement of Council. No impending or redirection of existing surface flow is allowed to occur as a result of these works. Council’s minimum standards are: -
 - a. 3.5 metres wide.
 - b. Appropriately sized reinforced concrete pipes (min 375mm) 4.8m long centered on the crossover matching the capacity of the open drain.
 - c. Batters to be re-established either side of culverts to ensure drains are free flowing.
 - d. Crossings must be positioned keeping a minimum of 3m clearance from the Council trees located at the property frontages.
 - e. 100mm minimum compacted thickness of road base gravel from edge of pavement to property line.
13. The internal driveway access shall be constructed to appropriate engineering standards approved by Council along with appropriate cut off table drains and cross culverts.
14. Common property access - enter and exit in a forward manner. Provision is to be made for the turning circle or “T”.
15. The owner 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).

- 16. 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.**

Coliban Water

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

The reticulated pressure sewer main extension required to service this development site is necessary to ensure that capacity will exist within Coliban Water's pressure sewer network, which must be designed, constructed and finalised in accordance with Coliban Water's Developer Installed Works process.

Services are to be provided to the proposed lots in accordance with our specifications.

- 18. Applications through our Consent to Connect Process are required prior to water supply services and property service drains (sewerage) being amended and/or connected to Coliban Water assets and complying with our conditions.**

All private works for water supply and sanitary drainage must be constructed in accordance with the National Plumbing and Drainage Code of Australia being AS 3500, the Melbourne Retail Water Agency Water Metering & Servicing Guidelines 2022 and or any relevant requirements of Coliban Water.

Applications for separate connections to Coliban's potable water supply main, will need to be made through our consent to connect process, prior to Coliban Water's approved contractor installing the water supply tapings and service pipes, meter assemblies and digital data devices (water meters), which will be located in an accessible location within 2.0 metres but no closer than 600mm, inside the title boundary lines of lots fronting the Road Reserve containing a water main.

- 19. All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation.**
- 20. When sewer servicing a development site is to be by pressure sewer rather than provision of traditional gravity sewer then; New Customer Contributions (NCC's) for pressure sewer will apply to a development site being connected to the reticulated infrastructure required. This NCC is to provide developer funding for the supply, installation and ongoing maintenance requirements by Coliban Water for the property assets on each of the lots including tanks, pumps and control boxes.**

The supply and installation will be completed by our approved contractors after an application to connect is received.

The owner of the land must make payment to Coliban Water of New Customer Contributions (NCCs) for water and sewer (above-mentioned). These contributions are based upon the number of additional allotments connected (or to be connected) to Coliban Water's water, sewer or recycled water networks. A quote will be supplied to the owner on the referral of the Certified plan of subdivision.

Please note that additional contributions may be required by Coliban Water as part of our Consent to Connect process at the time each of the lots is proposed to be developed. These contributions are based upon, the size of the metered water supply and the fixture unit rating of the plumbing fixtures (per AS 3500) proposed to be installed within each of these lots, to be connected to Coliban Water's water supply and pressure sewer networks. When applicable a Tax Invoice will be supplied to the owner as part of our Consent to Connect Process.

21. Please note Under section 165(5) of the Water Act (1989), Coliban Water is not required to ensure that the water pressure is adequate for firefighting. It is important to note that Coliban Water does not guarantee fire flows.

North Central Catchment Management Authority

22. Prior to certification a suitable restriction is to be placed on the title which specifies the minimum floor level of any new building(s) on each new allotment. The minimum floor level must be no lower than 0.3 metres above the applicable 1% AEP flood level(s).
23. Unless otherwise agreed in writing, prior to certification a suitable restriction is to be placed on title stipulating that no buildings or works are permitted within 20 metres of the top of bank of the designated waterway without the written consent of North Central Catchment Management Authority.
24. Any works on the site must be undertaken in accordance with the flood modelling undertaken by Water Technology for its Expert Report dated 5 October 2021. Unless otherwise agreed in writing with the responsible authority and North Central Catchment Management Authority, no filling or stockpiling of material is permitted within the flood affected portion of the property shown in Figure 10-1 of Water Technology's statement.
25. Prior to the issuing of a statement of compliance, all material that has been stockpiled within the flood affected portion of the property must be entirely removed from the site or placed on land outside the 1% AEP flood extent as per Figure 10-1 of Water Technology's report. A certified survey plan of the finished surface levels demonstrating that the material has been completely removed must be prepared by a licensed surveyor and submitted to the responsible authority and North Central Catchment Management Authority for its approval.

Goulburn-Murray Water

26. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act 1988.
27. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
28. Stormwater from the site must be discharged to a legal point as nominated by the Responsible Authority. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

Mandatory Conditions required by Clause 44.06-5 of the Bushfire Management Overlay

- 29. Before the statement of compliance is issued under the *Subdivision Act 1988* the owner must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must:**
- a. State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Mount Alexander Planning Scheme.**
 - b. Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.**
 - c. State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.**
- 30. The landowner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.**

Country Fire Authority

Bushfire Management Plan endorsed

- 31. The Bushfire Management Plan prepared by Nexus Planning Map 6 (future dwelling on Lot 1), Version 1, Sheet 1 of 1, dated 4th October 2021 must be endorsed to form part of the permit, be included as an annexure to the section 173 agreement and must not be altered unless otherwise agreed in writing by the Country Fire Authority and the Responsible Authority.**
- 32. Matters to be set out in Section 173 Agreement**

In addition to the requirements of Clause 44.06-5 of the Mount Alexander Planning Scheme the Section 173 Agreement prepared in accordance with that clause must also specify:

Explicitly exclude Lot 2 from the following exemption under Clause 44.06-2 of the Mount Alexander Planning Scheme:

- a. A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of clause 44.06-5.**

Permit Expiry

- 33. This permit will expire if one of the following circumstances applies:**
- a. The plan of subdivision is not certified within two years of the date of this permit.**
 - b. The registration of the relevant stage of subdivision is not completed within five years from the date of certification of the plan of subdivision.**
- 34. The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of *Planning and Environment Act 1987*.**

PERMIT NOTES (for information only):

Note 1: A road-opening permit must be obtained from Council's Engineering Services Unit before any vehicle crossover is constructed.

Note 2: A legal point of discharge must be obtained from Council's Engineering Services Unit before any drainage infrastructure is constructed.

MOVED COUNCILLOR MCCLURE

That the recommendation be adopted.

SECONDED COUNCILLOR MALTBY

CARRIED.

Summary

Application details:	Two lot subdivision
Application No:	PA331/2021
Applicant:	Planning & Property Partners Pty Ltd
Land:	83 Blakeley Road Castlemaine VIC 3450 Lot 2 on Plan of Subdivision 804722D
Zoning:	Low Density Residential Zone (LDRZ)
Overlays:	Bushfire Management Overlay (BMO)
Permit required under Clauses:	A planning permit is required for subdivision of land under Clause 32.03-3 of the Low-Density Residential Zone. A planning permit is required for subdivision of land under Clause 44.06-2 of the Bushfire Management Overlay.
Relevant provisions of the Planning Policy Framework:	Clause 11.01-1L-02 Castlemaine and Diamond Gully Clause 13.02-1S Bushfire planning Clause 14.02-1S Catchment planning and management Clause 15.01-3S Subdivision design Clause 15.03-2S Aboriginal cultural heritage Clause 18.02-4S Roads
Notice:	Yes, via letters to adjoining and surrounding landowners and occupiers
Referrals:	Engineering Team – No objection subject to conditions

	<p>Coliban Water – No objection subject to conditions</p> <p>Goulburn-Murray Water – No objection subject to conditions</p> <p>North Central Catchment Management Authority – No objection subject to conditions</p> <p>CFA – No objection subject to conditions</p>
No. of Objections:	11 objections (six properties)
Consultation Meeting:	None
Key Considerations:	<p>Compliance with the Planning Policy Framework</p> <p>Appropriateness of the subdivision within the Low-Density Residential Zone</p> <p>Compliance with Clause 56 (ResCode)</p> <p>Compliance with Bushfire Management Overlay</p> <p>Areas of Culture Heritage Sensitivity</p>

Context

The certificate of title describes the subject site as “Lot 2 on Plan of Subdivision 804722D”. The site is rectangular in shape, is located on the west side of Blakeley Road in Castlemaine and is 2.577 hectares in area with a width to Blakeley Road of 135 metres and a maximum depth of 186 square metres. The site is located approximately 2.5 kilometres north of the centre of Castlemaine.

Planning permit PA027/2019 was issued on 1 October 2019 for a two-lot subdivision on the subject site. The permit created a 2016 square metre parcel of land to the northeast corner of the site. A certification application is currently being considered by Council to finalise the subdivision. Therefore, this parcel of land does not form part of this application.

The subject site is currently vacant. The surrounding area predominantly consists of single dwelling residential development on a mixture of lot sizes in both the Low-Density Residential Zone adjoining the site and Rural Living Zone opposite the site. The section of Blakeley Road adjacent the site is a sealed road.

The land is burdened by drainage easements that extend along the western (rear) boundary of the site and a large power line easement that traverses the southern portion of the site.

The site contains scattered mature native vegetation and a large dam located centrally within the site fed by a watercourse that extends through the site. A single crossover exists to the north-east corner of the site.

The following mapping illustrates the zoning and aerial view of the site.

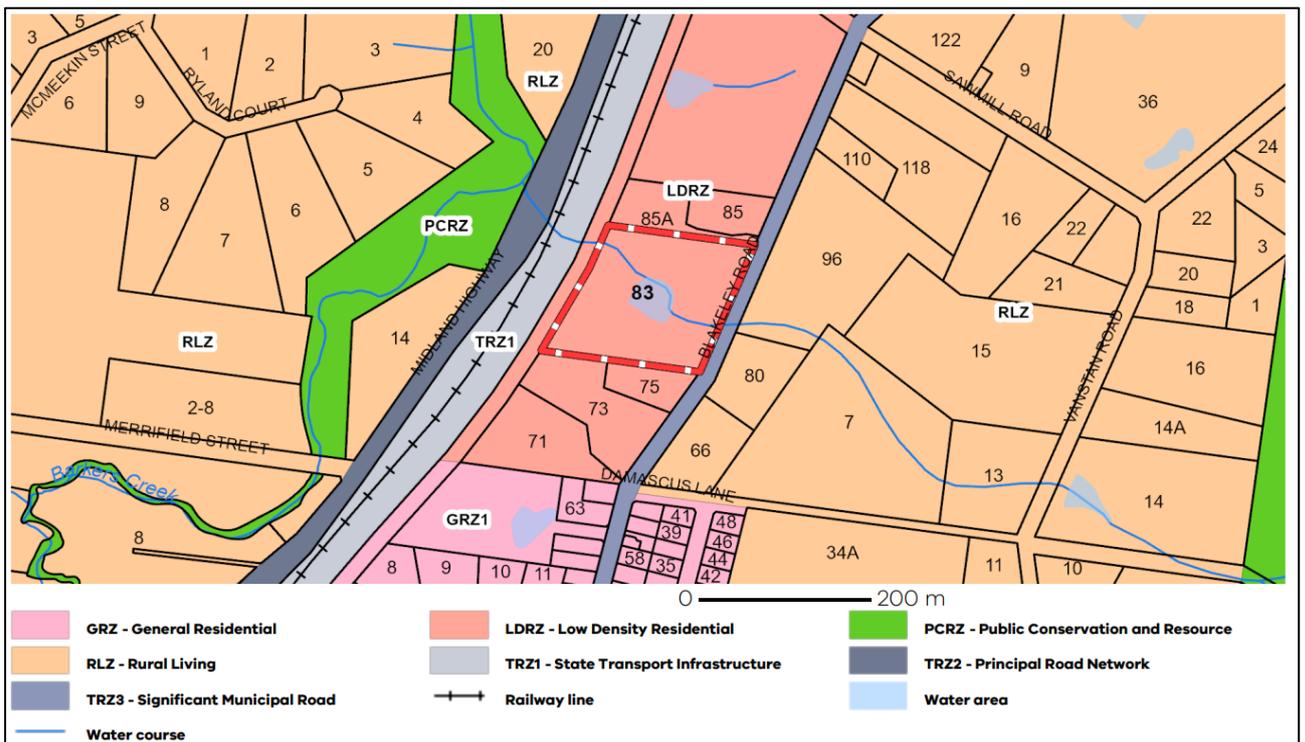


Figure 1: VicPlan Zoning Mapping – extract

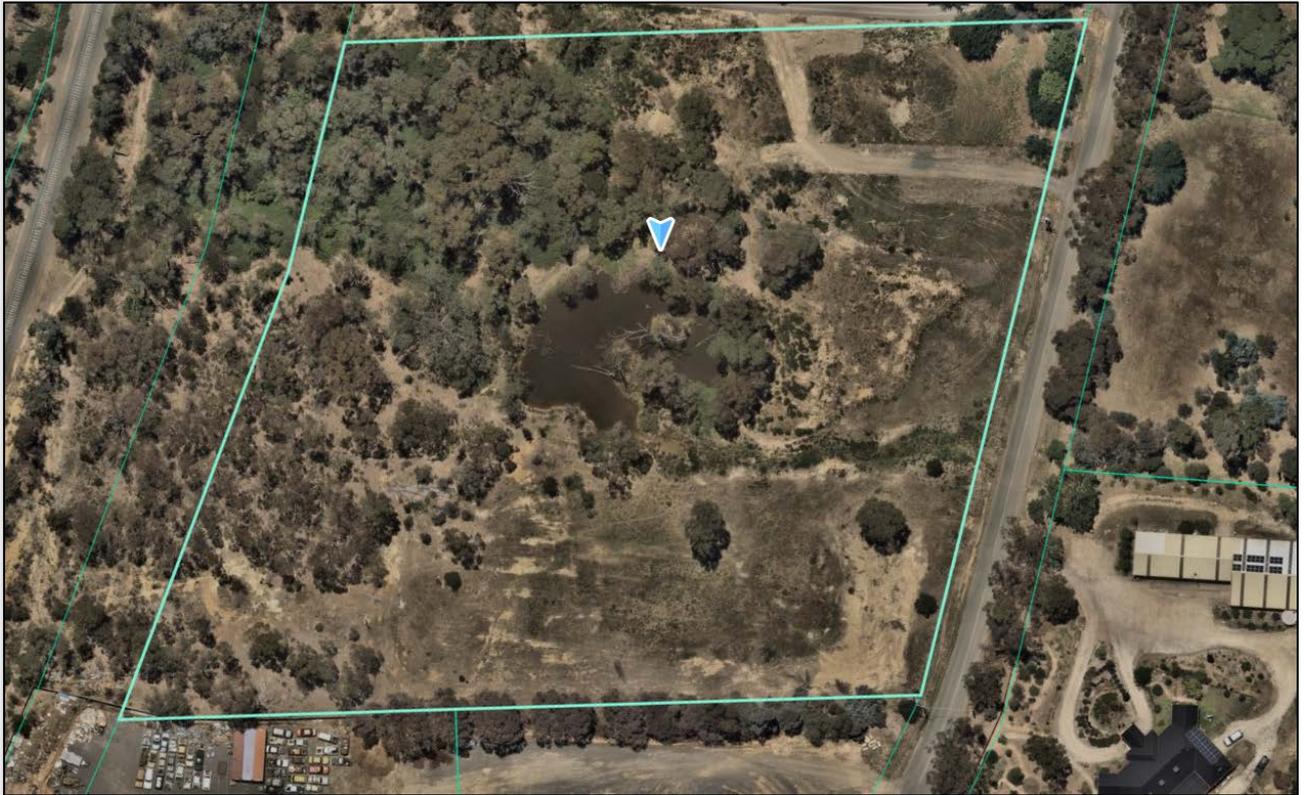


Figure 2: Site overview – NearMaps

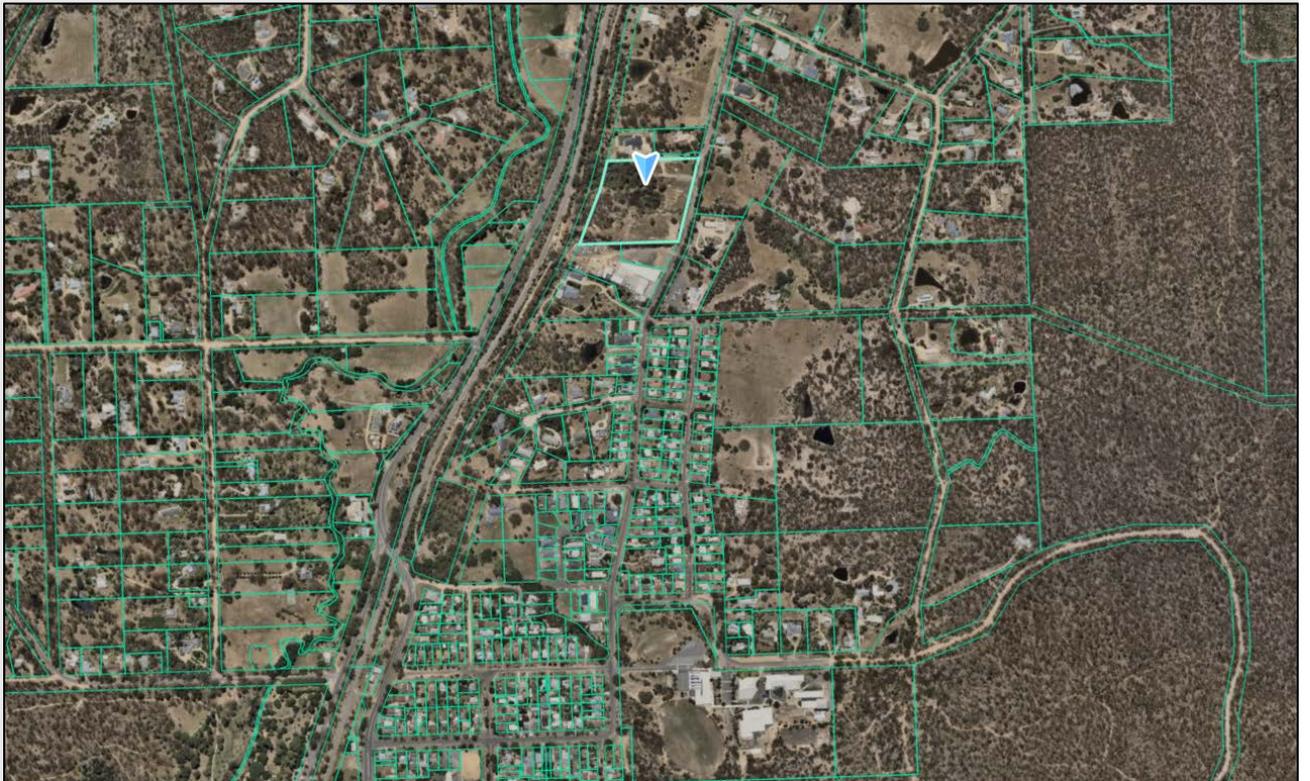


Figure 3: Surrounding context area



Figure 4: Roadside elevation

Surrounding context area

The site is surrounded by a number of different land zoning types, including:

- The land adjoining the subject site on the west side of Blakeley Road is zoned Low Density Residential Zone.
- The land further south of the site is General Residential Zone.
- The land to the rear of the site is a Transport Zone being occupied by a railway line.
- The land opposite the subject site is zoned Rural Living Zone.

The site has direct abuttal to the following properties:

- 58 Blakely Road (north) has been subdivided into two allotments of approximately 1 and 1.3 acres each containing a detached single dwelling located centrally within the lots.
- 73-75 Blakeley Road (south) contains an industrial building and car park used for the sale and distribution of automotive products.

Surrounding properties are generally occupied with single dwellings and ancillary outbuildings with established landscaping.

An existing place of worship exists on the property to the south-east of the site, approximately 30 metres from the subject site.

Proposal

The application seeks approval for a subdivision of the land into two allotments. It is noted that the application has been lodged concurrently with another planning application that seeks approval for the use of the land as a place of assembly on the larger allotment. Both applications are being determined at the same time. The proposed subdivision is described as follows:

- Lot 1: The proposed Lot 1 is to be generally rectangular shaped, with a total land area of 2006.6 square metres, measuring 23 metres in width to Blakeley Road and a maximum depth of 86.3 metres. The site is currently vacant, the future use of the site will be assessed separately.
- Lot 2: The proposed Lot 2 makes up the remainder of the lot, is irregular in shape, with a total land area of 23,774.7 square metres (5.8 acres), measuring 20.12 metres in width and a maximum depth of 25.14 metres.

A complete set of the advertised plans form Attachment 9.4.2.1 of this report. The following selected plans have been taken from the advertised plans to illustrate the proposal and conditions onsite.

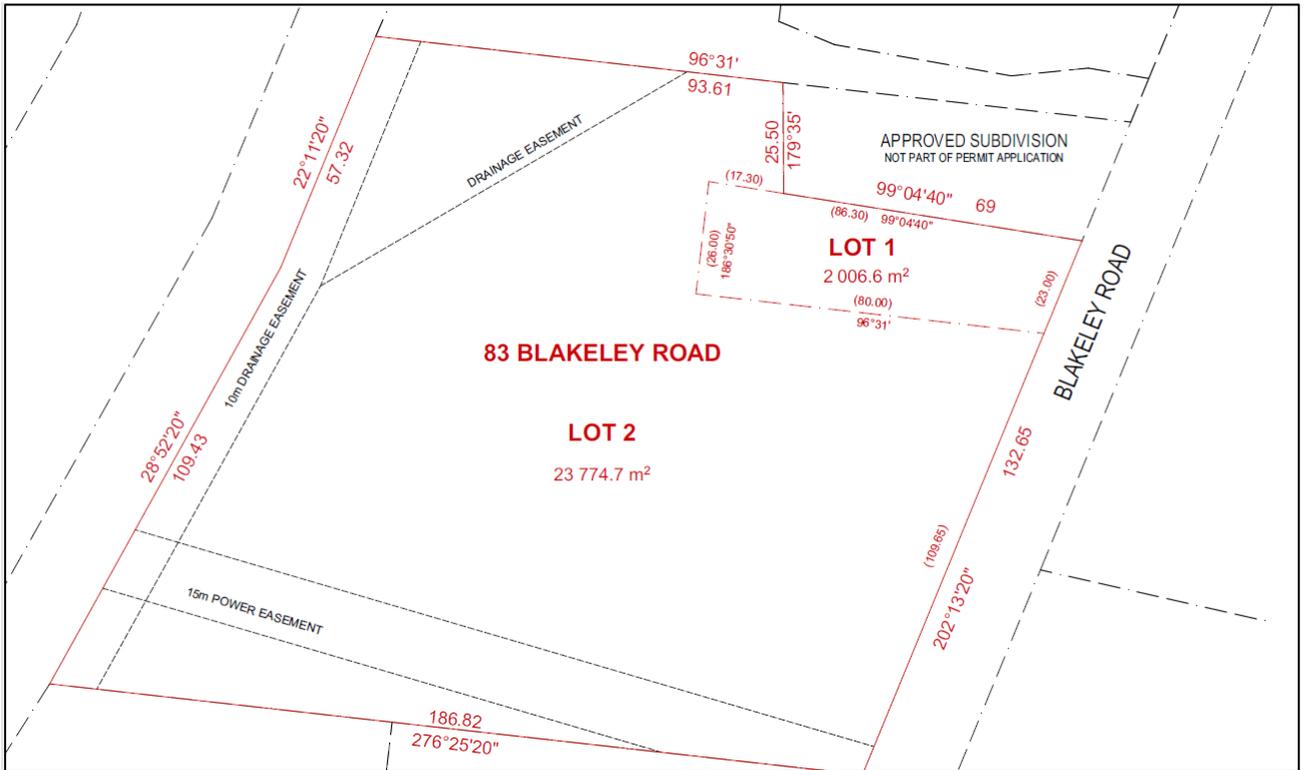


Figure 5: Proposed plan of subdivision



Figure 6: Site feature survey

Issues

The key issues for consideration relate to the appropriateness of the subdivision in relation to compliance with the Planning Policy Framework, appropriateness of the subdivision in the Low-Density Residential Zone, compliance with the relevant provisions and decision guidelines of the Bushfire Management Overlay, compliance with the relevant provisions of Clause 56 (ResCode) of the Mount Alexander Planning Scheme and the issues raised by objectors. The following provides a response to considerations:

Compliance with the Planning Policy Framework

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

The subject site is located on the northern outskirts of Castlemaine being the Shire's largest town and a designated area for growth. In considering the appropriateness of the subdivision, the Planning Policy Framework requires Council to consider the existing and preferred neighbourhood character, the protection of landscape features, environmental qualities and neighbourhood character.

Within the Mount Alexander Planning Scheme, a variety in lot sizes is recommended in Clause 02.03-6 Housing.

Clause 15.01-3S (Subdivision design) encourages subdivisions "providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people".

The proposed lot sizes are consistent with the low-density character of the area and is respectful with the environmental and cultural characteristics of the site.

Appropriateness of the subdivision within the Low-Density Residential Zone

The subject site is located within the Low-Density Residential Zone, which covers western elevation of land along Blakeley Road in the north of Castlemaine. The relevant objectives of the Low-Density Residential Zone include:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

A planning permit is required for a subdivision pursuant to the Low-Density Residential Zone which requires consideration of specific objectives and standards of Clause 56 of the Mount Alexander Planning Scheme which is also known as "ResCode". Further discussion in relation to compliance with ResCode is provided in the following section of this report.

Under the provisions of the Low-Density Residential Zone, each lot must be at least the area specified for the land in a schedule to this zone. Any area specified must be at least:

- 0.4 hectare for each lot where reticulated sewerage is not connected. If no area is specified each lot must be at least 0.4 hectare.
- 0.2 hectare for each lot with connected reticulated sewerage. If no area is specified each lot must be at least 0.2 hectare.

The application is permissible on the basis that the allotments are to be connected to reticulated sewerage as specified by conditions listed from Coliban Water and Goulburn-Murray Water.

In determining an application for subdivision of land, the decision guidelines of the Low-Density Residential Zone require Council to consider:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.
- The availability and provision of utility services, including sewerage, water, drainage, electricity and telecommunications.
- In the absence of reticulated sewerage:

The capability and suitability of the lot to treat and retain all wastewater as determined by a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed, or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.

The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.

- The relevant standards of Clauses 56.07-1 to 56.07-4.

The proposed lots at 2 hectares (2006.6 square metres) and 23.774 hectares (23,774 square metres) are considered to be consistent with the existing and preferred subdivision pattern of the surrounds. Blakeley Road and surrounds has no distinct subdivision pattern given the range of land zoning within the vicinity of the site with Rural Living Zone to the west, Low Density Zone to the north and South and General Residential Zone south of Damascus Lane. Three Low Density Zoned properties exist within a 500-metre radius of the subject site that are similar in size, ranging between 2000 and 4000 square metres.

As the proposal is for a vacant subdivision, Council's consideration relates to the siting and design of the proposed lot sizes within the Low-Density Zone. Within the Low-Density Zone, a planning permit is not required to construct a single dwelling on a lot, therefore it is outside of the scope of statutory planning to assess any future single dwellings on the proposed lots.

In this instance, the two proposed vacant lots are not seen to be detrimental to the low-density character of the area, as it is an area that has no distinct subdivision layout character and given the large allotment sizes is likely to experience further infill subdivision as Castlemaine continues to expand to accommodate a growing population. One smaller allotment and the larger holding allotment (subject to an application for a Place of Worship) offers a variance to the larger lot character of the area, but in no means do they detract from the character of the area as they currently propose to have a frontage of approximately 23 metres to Blakeley Road which is fitting with the character of Blakeley Road. It is also considered that the proposed Allotment 1 area will comfortably accommodate the construction of a dwelling with suitable site coverage, setbacks and landscaping opportunities to complement the surrounding neighbourhood character.

Compliance with Clause 56 (ResCode)

Clause 56 of the Mount Alexander Planning Scheme applies to an application to subdivide land in a Low-Density Residential Zone. The primary focus of Clause 56 also referred to as "ResCode" is a provision included in all Victorian Planning Schemes to prescribe requirements for the siting and design of residential subdivision. The purpose of Clause 56 (ResCode) is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To create liveable and sustainable neighbourhoods and urban places with character and identity.
- To achieve residential subdivision outcomes that appropriately respond to the site and its context for:
 - regional cities and towns.
- To ensure residential subdivision design appropriately provides for:
 - policy implementation
 - liveable and sustainable communities
 - residential lot design
 - urban landscape
 - access and mobility management
 - integrated water management
 - site management
 - utilities

The Low-Density Residential Zone specifies that a two-lot subdivision is not required to be assessed against all Clauses of ResCode. A two-lot subdivision must only be assessed against *Clauses 56.07-1 to 56.07-4*.

The application has been assessed against and is considered to meet the relevant standards and objectives of Clause 56 (ResCode), noting the proposed lots provide areas and

dimensions that enable appropriate siting of future development and servicing of proposed allotments.

Compliance with Bushfire Management Overlay

The proposal requires an assessment against the provisions of Clause 13.02 – Bushfire, Clause 44.06 Bushfire Management Overlay and Clause 53.02 Planning for Bushfire. The bushfire provisions encourage settlements and development in locations where the risk to life and property can be reduced to an acceptable level.

The applicant prepared a Bushfire Management Statement and Bushfire Management Plan which was referred to the County Fire Authority for review. The Bushfire Management Plan acts to ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level. The endorsement of the bushfire management plan ensures the prioritisation of human life is paramount in accordance with the objectives of Clause 13.02-1S of the Planning Policy Framework – Bushfire Planning and the objectives of Clause 53.02 Bushfire Planning. The proposed methods of management that address the dangers at this site include defensible space inside the property boundary, access consistent with the requirements of the Country Fire Authority provisions and that of Clause 53.02. The Country Fire Authority has consented to the endorsement of the Bushfire Management Plan subject to conditions.

Areas of Culture Heritage Sensitivity

Clause 15.03-2S Aboriginal Cultural Heritage relates to areas identified for cultural heritage sensitivity which the rear of the subject site is located within. Pursuant to the Aboriginal Cultural Heritage Regulations 2018 an application for a two-lot subdivision is exempt from submitting an endorsed cultural heritage management plan.

Finance and Resource Implications

Cost of appeal to the Victorian Civil and Administrative Tribunal.

Alternate Options

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

Communication and Consultation

Notice of the application was given in accordance with sections 52(1)(a) and 52(1)(d) of the *Planning and Environment Act 1987* to owners and occupiers of adjoining land and. A sign was also placed on-site. Council received eleven objections from six properties. A response to the objections is provided as follows:

Neighbourhood character

Concerns have been raised in relation to the appropriateness of the proposed subdivision in relation to the existing neighbourhood character. Including concerns the width of the lot should be increased from a width of 23 metres to 30 metres.

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

The wider subdivision lot sizes of the area are sporadic. The surrounding residential properties are located within a variety of Residential Zones and the creation of two lots in an

area that has a history of subdivision is not considered to create a significant negative impact. Within the Mount Alexander Planning Scheme, a variety in lot sizes is recommended in Clause 02.03-6 Housing.

In addition, the planning scheme does not provide any specific guidance in relation to the width of subdivided lots.

Use and development of the holding allotment for a Place of Worship (Application PA077/2023)

Objections relating to the use and development of a Place of Worship Council reference PA077/2023 cannot be considered under the breadth of this application for a two-lot subdivision subject to the provisions of the *Planning and Environment Act 1987*. The proposed two lot subdivision does not permit any development or land use relating to a Place of Worship on either allotment.

Traffic impacts

The application was internally referred to Council's Engineering Team who reviewed the application and consented to the proposal subject to conditions. The extra traffic movements generated from one additional allotment along Blakeley Road are not of concern to the sealed two-lane Council maintained road.

Amenity

Concerns have been raised in relation to an increase in noise associated with the proposed subdivision.

Future noise associated with the likely development of a single dwelling on Lot 1 is likely constrained within the allotment's bounds. Blakeley Road is a mix of residential and commercial uses (Hot Rods 73-75 Blakeley Road) which is currently exposed to noise relating to both land uses, the proposal is not thought to add undue noise concerns to the site.

Bushfire

The site is situated within the Low-Density Residential Zone and is affected by the Bushfire Management Overlay. The applicant prepared a Bushfire Management Statement and Bushfire Management Plan which was referred to the County Fire Authority for review. The proposed methods of management address the dangers at this site include defensible space inside the property boundary, access consistent with the requirements of the Country Fire Authority provisions and that of 53.02. As previously mentioned, the Country Fire Authority has consented to the endorsement of the Bushfire Management Plan subject to conditions.

Precedent for future subdivisions

Under the provisions of the Planning Scheme, the Council must consider each application on its individual merits, as such the proposed subdivision is not thought to have any impact on the precedent for future subdivisions in the area.

Flooding

Concerns have been raised in relation to Blakeley Road being prone to significant flash flooding with heavy rains.

Council's Engineering Team have reviewed the application and have concluded that the proposed two lot subdivision and potential future dwelling development on the smaller allotment will not substantially contribute to any flooding issues within the Blakeley Road streetscape. Any future development on either allotment will be required to drain to the legal point of discharge either through conditions on the planning permit or through the provisions of any building permit.

In addition, North Central Catchment Management Authority have provided permit conditions which require any future dwelling to be constructed away from the adjoining creek and above the designated flood level.

Public notification process

Concerns have been raised in relation to the lack of signage placed on the subject site during the public notice period.

Section 52 of the *Planning and Environment Act 1987* states that public notice can be provided at the discretion of the Responsible Authority (Council):

(a) *in all or any of the following ways—*

- i. by placing a sign on the land concerned;*
- ii. by publishing a notice in newspapers generally circulating in the area in which the land is situated;*
- iii. by giving the notice personally or sending it by post; or*

(b) *in any other way that the responsible authority considers appropriate.*

In this instance, given the scale of the proposed subdivision, Officers determined that mail to adjoining properties within a minimum 150 metres of the subject site was sufficient to notify adjoining properties that were likely to be impacted by the proposed subdivision.

Loss of native vegetation.

The application has not proposed in the removal of native vegetation either directly or consequential removal, on these grounds the existing habitats for wildlife in the area are deemed to be unaffected by the proposed subdivision.

The proposed 1.8m fence is not appropriate for the surrounding area.

No approval has been sought for the construction of fencing in relation to this application. It is noted that the plans associated with the concurrent application for the use and development of the larger allotment as a place of worship, identify that the southern boundary of the subject site would be partially provided a 1.8m high solid fence adjacent to a proposed car parking area. The remaining unfenced boundaries would be developed with a typical rural post and wire fence. This is considered to be an acceptable outcome.

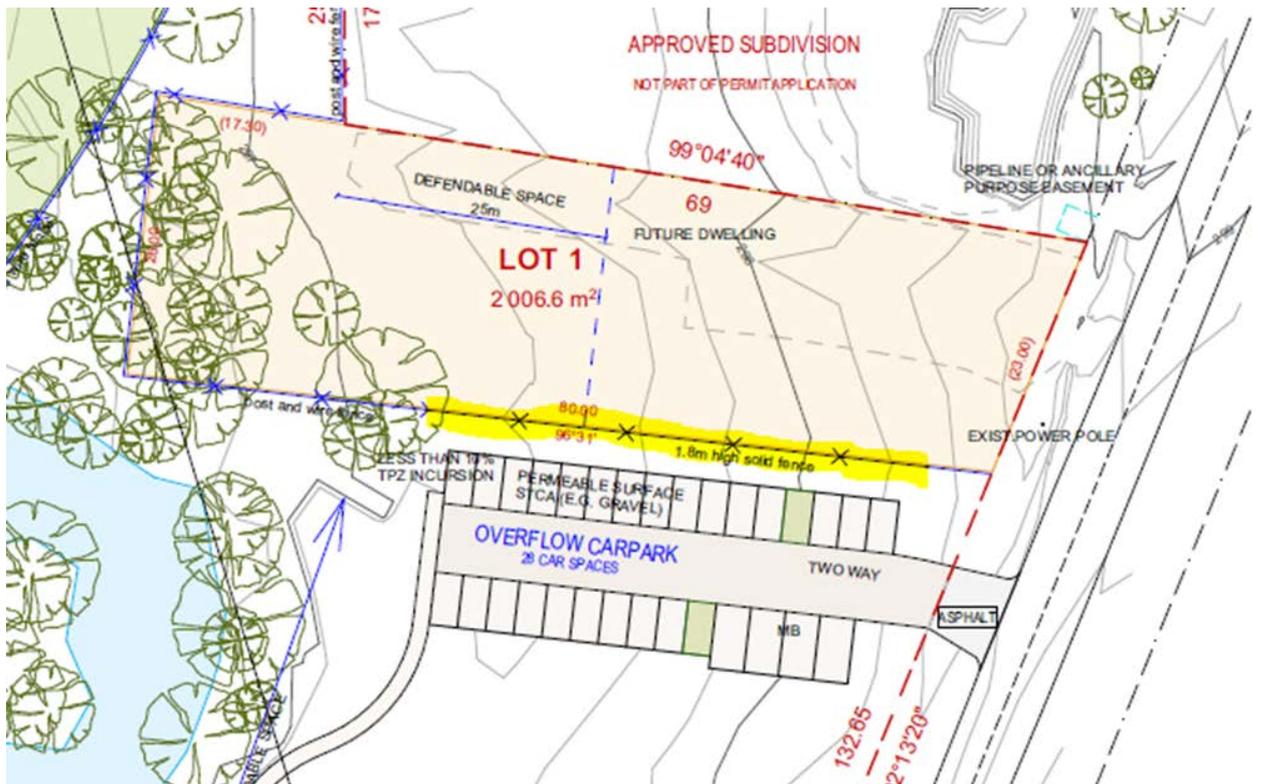


Figure 7: Part of a site plan forming part of planning application PA077/2023

Referrals

The following provides a summary of the referral responses received.

External Referrals	
Coliban Water	Provided their conditional consent to the application subject to conditions which included ensuring the property was connected to reticulated water and pressure sewerage services.
Goulburn Murray Water	Provided their conditional consent to the application subject to conditions which included ensuring the property was connected to reticulated sewerage services.
North Central Catchment Management Authority	Provided their conditional consent to the application subject to the conditions regarding minimum floor levels and other flood mitigation measures.
Country Fire Authority	Provided their conditional consent to the application subject to the preparation of an Emergency Management Plan and endorsement of the submitted Bushfire Management Plan to ensure ongoing compliance.

Internal Referrals	
Councils Engineering Team	<p>Provided their conditional consent to the application subject to:</p> <p>The submission of engineering plans;</p> <p>The management of on-site stormwater and drainage requirements including a requirement to ensure prevent the discharge of water from the subject land across any road or onto any adjoining land;</p> <p>The upgrade of vehicle crossovers (if required); and</p> <p>Sediment pollution Control.</p>

Legislation

Planning and Environment Act 1987

Strategy and Policy Impacts

Council Plan 2021-2025

- Relevant Planning Policy implications have been discussed above.

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.

Councillor Henderson returned to the Chamber at 7.42 pm.

10. DELEGATES REPORTS

Meetings attended by CEO and Mayor from 20 March 2024 to 16 April 2024

MEETING	CEO	MAYOR
Meeting with Maree Edwards MP to discuss matters of common interest for Mount Alexander Shire	✓	✓
Attended meeting of Chief Executive Officers from six Loddon Campaspe councils; working group representatives and consultant to discuss proposed Visitor Economy Partnership (Merryn Tinkler, Manager Economy and Culture also in attendance)	✓	
Meeting including site visits with Manager Local Government Partnerships; Manager Supply and Delivery, Homes Victoria to discuss social housing opportunities for Mount Alexander Shire (Clare Richards, Housing Solutions Broker also in attendance)	✓	
Meeting with Chief Executive Officer; Head of Development, Haven, Home Safe to discuss affordable housing project in Templeton Street, Castlemaine (Michael Annear, Director Infrastructure and Development; Clare Richards, Housing Solutions Broker also in attendance)	✓	
Gold Central Vic radio interview	✓	
Meeting with Peter Walsh MP, Leader of the Nationals and Gaelle Broad MP to discuss matters of common interest for Mount Alexander Shire	✓	✓
Attended Loddon Campaspe Councils CEOs meeting	✓	
MAINfm radio interview		✓
Gold Central Vic radio interview	✓	
Meeting with Board member of Castlemaine State Festival and Goods Shed to discuss matters of common interest for Mount Alexander Shire	✓	
Attended joint State / Local Government CEOs forum	✓	
Meeting with CEO, Dhelkaya Health and CEO, Bendigo Kangan Institute to discuss matters of common interest for Mount Alexander Shire	✓	
Meeting with applicant regarding planning permit matter		✓
Attended Goldfields Library Corporation Transition forum (Deputy Mayor Annear and Director Corporate and Community Services, Lisa Knight also in attendance)	✓	
Meeting with developer to discuss current status of Harcourt planning scheme amendment	✓	
Meeting with the Hon. Harriet Shing, Minister for Housing to discuss affordable housing for Mount Alexander Shire (Maree Edwards MP; Mayor Driscoll also in attendance)	✓	✓

MEETING	CEO	MAYOR
Gold Central Vic radio interview	✓	
Meeting with Bendigo Adelaide Bank representatives to discuss housing initiatives and opportunities (Clare Richards, Housing Solutions Broker also in attendance)	✓	
Attended Loddon Campaspe Councils CEOs meeting	✓	
Attended Loddon Campaspe Shire Councils Mayors and CEOs meeting	✓	
Attended (in part) Coliban Integrated Water Management forum	✓	
Attended Rural Councils Victoria committee meeting as Loddon Campaspe's CEO representative	✓	
Meeting with potential Councillor candidate	✓	
Gold Central Vic radio interview	✓	
Attended Australian Governance summit		✓
Attended Affordable and Social Housing presentation at Rotary, Castlemaine		✓
Listening Post – Newstead		✓
Attended Newstead Football match		✓
Attended and judged model cars at Autopia event		✓
Meeting with Guildford Pony Club committee		✓
Attended Wattle Gully Gold site meeting		✓

The Chief Executive Officer (CEO) spoke of the award received by the Community Wellbeing team from the Local Government Professionals Association, for Positive Ageing and Wellbeing – Outstanding Project or Program (not grant based). The CEO also spoke of meeting with a potential Councillor candidate through the Stand for Council One-on-One program.

Councillor Cordy spoke of the ceremony to launch the new lights at the Harcourt Recreation Reserve, which also included Maree Edwards MP. He also spoke of attending the Mount Alexander Vintage Engines Club Rally with Mayor Driscoll.

Mayor Driscoll spoke of attending the Australian Governance Summit, the season opening match of the Newstead Football club, the Autopia event where he judged model cars. The Mayor also spoke of attending the Pennyweight Flat Children's Cemetery, noting that whilst managed by Parks Victoria, it could do with some maintenance works. The Mayor spoke of meetings he attended with the CEO, with Peter Walsh MP and Gaele Broad MP to matters of common interest to Mount Alexander Shire. He noted attending a meeting with the CEO, Harriet Shing MP, and Maree Edwards MP to discuss affordable housing.

11. NOTICES OF MOTION

11.1. NOTICE OF MOTION 001/2024 - REQUEST DEPARTMENT OF TRANSPORT TO REVIEW NEW SPEED LIMIT ON PYRENEES HIGHWAY, CHEWTON

MOVED COUNCILLOR HENDERSON

That Council request the Department of Transport (DoT) to undertake a review of the recently-introduced 50 kilometre per hour speed limit on the section of the Pyrenees Highway between Chewton and Castlemaine, in particular the location of the start of the 50 kilometre per hour limit at White Gum Track. In the event that the review indicates that the location cannot be changed, Council requests that the DoT communicate effectively with the residents of Mount Alexander Shire, and directly with communities to the east of Chewton, providing a clear explanation for the choice of location of the start of the 50 kilometre per hour limit.

SECONDED COUNCILLOR ANNEAR

CARRIED.

Rationale

The recently introduced speed limit starting at White Gum Track on the Pyrenees Highway, and continuing to the Forest Street traffic lights has generated a very large amount of concern in the communities who use the road to commute to and from Castlemaine for work, school, shopping, sport, etc. While it seems that the majority of people accept the safety enhancement of a 50 kilometre per hour speed limit through Chewton extending to central Castlemaine, there is concern, and growing community reports, that the lower speed limit in its current position is leading to unsafe driving practices by some drivers, to the detriment of road safety for all. If the location is deemed to be necessary, then a communication campaign explaining the technical reasons for the location to regular users of the Pyrenees Highway is requested.

Officer Comment

The responsible authority for the management of the Pyrenees Highway is the Department of Transport and Planning. Mount Alexander Shire Council does not have authority to change the speed limits on this road and has not formed a position on the appropriate speed limit for this section of highway.

Should the Notice of Motion be carried, Council officers will write to the Executive Director Loddon Mallee and Hume, Department of Transport and Planning to request the review of the eastern transition point from 50 kilometre per hour to 80 kilometre per hour, as well as to undertake further community messaging regarding the rationale for changes.

12. URGENT SPECIAL BUSINESS

Nil.

13. CONFIDENTIAL ITEMS

Nil.

14. MEETING CLOSE

The meeting closed at 8.12 pm.