MINUTES
OF THE ORDINARY MEETING OF COUNCIL
HELD ON
TUESDAY 17 DECEMBER 2019
AT 6.30 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.
# TABLE OF CONTENTS

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>PRESENT</td>
<td>4</td>
</tr>
<tr>
<td>2</td>
<td>APOLOGIES</td>
<td>4</td>
</tr>
<tr>
<td>3</td>
<td>DECLARATIONS OF INTEREST/CONFLICTS OF INTEREST</td>
<td>4</td>
</tr>
<tr>
<td>4</td>
<td>MINUTES</td>
<td>4</td>
</tr>
<tr>
<td>4.1</td>
<td>SPECIAL MEETING OF COUNCIL – 19 NOVEMBER 2019</td>
<td>4</td>
</tr>
<tr>
<td>4.2</td>
<td>ORDINARY MEETING OF COUNCIL – 19 NOVEMBER 2019</td>
<td>4</td>
</tr>
<tr>
<td>5</td>
<td>PUBLIC QUESTION TIME</td>
<td>6</td>
</tr>
<tr>
<td>6</td>
<td>PETITIONS AND JOINT LETTERS</td>
<td>8</td>
</tr>
<tr>
<td>7</td>
<td>COMMITTEE REPORTS</td>
<td>8</td>
</tr>
<tr>
<td>8</td>
<td>ASSEMBLIES OF COUNCILLORS</td>
<td>9</td>
</tr>
<tr>
<td>9</td>
<td>OFFICER REPORTS</td>
<td>16</td>
</tr>
<tr>
<td>9.1</td>
<td>OUR PEOPLE (PEO)</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>PEO 11 CUSTOMER SERVICE POLICY AND CHARTER</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>PEO 12 VICTORIAN LOCAL GOVERNMENT ASSOCIATION – CHILD FRIENDLY CITIES AND COMMUNITIES CHARTER ENDORSEMENT - 30 MINS</td>
<td>25</td>
</tr>
<tr>
<td>9.2</td>
<td>OUR PLACE (PLA)</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>PLA 14A INTENTION TO DISPOSE OF FORMER CHEWTON COMMUNITY CENTRE AT 201 MAIN ROAD CHEWTON</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>PLA 15 SEALING OF BROWN, BUTTERWORTH AND FARNSWORTH STREETS</td>
<td>40</td>
</tr>
<tr>
<td>9.3</td>
<td>OUR ECONOMY (ECO)</td>
<td>49</td>
</tr>
<tr>
<td></td>
<td>ECO 50 PLANNING PERMIT APPLICATION 067/2019-DEVELOPMENT OF EIGHT DWELLINGS AT 6 SAINT STREET, CASTLEMAINE</td>
<td>49</td>
</tr>
<tr>
<td></td>
<td>ECO 51 AUDIT AND RISK ADVISORY COMMITTEE MEETING – NOVEMBER 2019</td>
<td>71</td>
</tr>
<tr>
<td></td>
<td>ECO 52 M1474-2019 AWARDING OF CONTRACT M1474-2019 BENDIGO-SUTTON GRANGE ROAD - RECONSTRUCTION WORKS</td>
<td>75</td>
</tr>
<tr>
<td>10</td>
<td>DELEGATES REPORTS</td>
<td>80</td>
</tr>
<tr>
<td>11</td>
<td>NOTICE OF MOTION</td>
<td>82</td>
</tr>
<tr>
<td>11.1</td>
<td>NOTICE OF MOTION 2019/009 – CLIMATE EMERGENCY</td>
<td>82</td>
</tr>
<tr>
<td>12</td>
<td>URGENT SPECIAL BUSINESS</td>
<td>82</td>
</tr>
<tr>
<td>13</td>
<td>CONFIDENTIAL REPORT</td>
<td>82</td>
</tr>
<tr>
<td>14</td>
<td>MEETING CLOSE</td>
<td>83</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Separate Attachment ECO 50B:</td>
<td>PA67 2019 - Final plans submitted with the application - 6 Saint Street Castlemaine.</td>
<td></td>
</tr>
</tbody>
</table>
ACKNOWLEDGEMENT OF COUNTRY

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

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

1. PRESENT

Councillors:  Tony Cordy, Stephen Gardner, Christine Henderson, Max Lesser, Bronwen
Machin, David Petrusma, and John Nieman.

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

2. APOLOGIES

Nil.

3. DECLARATIONS OF INTEREST/CONFLICTS OF INTEREST

Nil.

4. MINUTES

4.1. SPECIAL MEETING OF COUNCIL – 19 NOVEMBER 2019

The unconfirmed minutes of the Special Meeting of the Mount Alexander Shire Council
held at 6.00 pm on 19 November 2019 Year 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.

4.2. ORDINARY MEETING OF COUNCIL – 19 NOVEMBER 2019

The unconfirmed minutes of the Ordinary Meeting of the Mount Alexander Shire Council
held at 6.30 pm on 19 November 2019 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 Special and Ordinary Meetings of the Mount Alexander Shire Council held on 19 November 2019 be confirmed.

MOVED COUNCILLOR LESSER

That the recommendation be adopted.

SECONDED COUNCILLOR PETRUSMA

CARRIED.
5. PUBLIC QUESTION TIME

MOVED COUNCILLOR NIEMAN

That standing orders be suspended at 6.35 pm.

SECONDED COUNCILLOR LESSER

CARRIED.

a. Mr Peter Morris

Mr Morris congratulated Council on the new pedestrian crossing on Forest Street, Castlemaine. He asked if something similar could be installed on Duke Street, Castlemaine near the Wesley Hill Market. He advised that on Saturdays, when the Market is open, crossing the road can be hazardous.

- The Director Infrastructure and Development (DID) advised that he would take the matter on notice and contact Mr Morris directly.

b. Ms Chris Johnston, Ms Deb Shaw and Ms Deb Wardle, residents of Green Gully.

The residents spoke to Councillors regarding the speed limit through Green Gully, wildlife and speed advisory signage. They provided their requests in writing. They asked Council to:

1. Support their request to VicRoads to limit the speed limit on the Pyrenees Highway, between Muckleford South and Newstead.
2. To work with VicRoads to establish a review on speed limits and signage.
3. Ensure any results of these reviews are communicated to the community.

- The DID spoke in relation to Rural Roads Victoria policy on speed limits and noted that he would respond to their requests in due course.

c. Ms Leah Mow-Yoffee.

Ms Mow-Yoffee asked if Council would open any halls for rural residents needing refuge on Code Red Days, as open areas were not appropriate.

- The Director Corporate and Community Services (DCCS) noted that Council is a member of the Northern Victorian Emergency Management Cluster. She also spoke in relation to Emergency Relief Centres, Neighbourhood Safer Places and Places of Last Resort.

d. Mr Phil Hall, resident of Chewton.

Mr Hall spoke to the previous Council processes regarding the disposal of the Chewton Community Centre. He advised that Chewton residents were having their assets and heritage stripped of them without proper community consultation. He suggested that the entire precinct, which included the former community centre and the church, be handed back to the community. Mr Hall stated that there had been a long history of mismanagement of the building by Council.
• The DID advised that Council had resolved to dispose of the former community centre in 2017; however, due to the passage of time, it has been deemed appropriate to give public notice Council’s intention again to allow community members to make a submission in relation to that proposal.

e. Mr Gerard Condon, speaking on behalf of himself and Mr Michael Rigg, residents of Brown Street, Castlemaine.

Mr Condon advised that he and Mr Rigg gave their conditional support to the sealing of Brown, Butterworth and Farnsworth Streets. In terms of Brown Street, he advised that the current road alignment should be unchanged, the small bluestone bridge should be retained and there should be no kerb or guttering. Mr Condon stated that sealing of the road would improve public safety and dust control.

f. Ms Claire Reynolds, resident of Butterworth Street, Castlemaine.

Ms Reynolds advised that she was opposed to the sealing of Brown, Butterworth and Farnsworth Streets, as it would set a precedent for the other unsealed roads in Castlemaine. She also stated that as a landscape architect who has experience in designing urban roads, that sealing would change the local character and natural heritage of the area and damage existing trees. Ms Reynolds noted that changing the road surface would require excavation and a change to the drainage, which in turn would affect vegetation. Ms Reynolds submitted an aerial photograph of Butterworth Street from 1946 and information on tree protection zones.

g. Ms Margaret Panter, resident of Butterworth Street, Castlemaine.

Ms Panter stated that she was opposed to the sealing of Brown, Butterworth and Farnsworth Streets, noting that roadsides are wildlife corridors which create beauty and biodiversity. She stated that all vehicles pose a risk to public safety, not just a road grader. Ms Panter advised that she felt that sealing of the roads would shift legal liability away from Council.

h. Mr Frank Panter, resident of Butterworth Street, Castlemaine.

Mr Panter advised that he was concerned about the officer report in the Agenda on the sealing of Brown, Butterworth and Farnsworth Streets. He stated that it should not be classed as one project but three separate projects. He noted that the report showed the traffic counts were quite small and that each road has a separate problem. He also suggested that the confidential resident surveys noted in the report be for 3 separate roads.

i. Niamh O’Connor Smith

Ms O’Connor Smith stated that she was a seventeen year old Castlemaine Secondary College student and a representative for the School Strike for Climate group. She advised in relation to the climate, time is running out with rising temperatures and rising CO2 emissions. Ms O’Connor Smith asked for Council to declare a climate emergency to show that they acknowledge there is a crisis, as the State and Federal Governments were not doing anything.
MOVED COUNCILLOR PETRUSMA

That Public Question Time be extended by 10 minutes at 7.00 pm.

SECONDED COUNCILLOR MACHIN

CARRIED.

j. Ms Irene Yerman, resident of Golden Point.

Ms Yerman stated that she objected to Council declaring a climate emergency. She raised concerns after hearing a radio interview with the Mayor that a decision had already be made in relation to the Notice of Motion in the Agenda. Ms Yerman also queried a comment by the Mayor around equipment and emissions.

- The Mayor clarified her statements to provide clarity to Ms Yerman.
- Councillor Gardner stated that the outcome regarding declaring a climate emergency had not been decided.

MOVED COUNCILLOR MACHIN

That standing orders be resumed at 7.05 pm.

SECONDED COUNCILLOR CORDY

CARRIED.

6. PETITIONS AND JOINT LETTERS

Council has received a joint letter on 22 November 2019 from residents with 18 signatures concerned about the eradication of bees in the Botanical Gardens.

RECOMMENDATION:

That Council receive a report on this joint letter at the next Ordinary Meeting of Council on 18 February 2020.

MOVED COUNCILLOR MACHIN

That the recommendation be adopted.

SECONDED COUNCILLOR NIEMAN

CARRIED.

7. COMMITTEE REPORTS

Nil.
8. ASSEMBLIES OF COUNCILLORS

Responsible Director: Chief Executive Officer
Responsible Officer: Principal Governance Officer

Executive Summary

The purpose of this report is to provide the record of any assemblies of Councillors, held since the last Council Meeting, so they may be incorporated into the Minutes as required under the Local Government Act 1989 (the Act).

The Act defines an assembly of councillors as a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

The definition does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.

The Act requires that the CEO must ensure that a written record of an assembly of councillors is kept and that it include:

1. The names of all Councillors and members of Council staff attending;
2. The matters considered;
3. Any conflict of interest disclosures made by a Councillor attending; and
4. Whether a Councillor who has disclosed a conflict of interest leaves the assembly.

The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable:

1. Reported at an ordinary meeting of the Council; and
2. Incorporated in the minutes of that Council meeting.

RECOMMENDATION

That Council notes the records for the Assemblies of Councillors, as required under the Local Government Act 1989.

MOVED COUNCILLOR LESSER

That the recommendation be adopted.

SECONDED COUNCILLOR CORDY

CARRIED.
COUNCILLOR BRIEFING SESSION

ASSEMBLY DETAILS

Date: 6 November 2019
Time: 2.00 pm to 4.35 pm
Location: Council Chamber, Civic Centre, Cnr Lloyd and Lyttleton Streets, Castlemaine.

ATTENDANCE

Councillors: Stephen Gardner, Max Lesser, Bronwen Machin, John Nieman and Dave Petrusma.
Officers: Acting Chief Executive Officer (Phil Josipovic), Director Corporate and Community Services (Lisa Knight), Acting Director Infrastructure and Development (Shannon Meadows), Principal Governance Officer (Augustine Sheppard), Acting Development Services (Tracey Watson, Item 5.1 - 5.3), Coordinator Statutory Planning (Louise Johnstone, Item 5.1- 5.3), Fast Track Planner, (Daniel Spark, Item 5.1 – 5.3).

Visitors: Nil.

Apologies: Councillor Tony Cordy and Councillor Christine Henderson.

MATTERS DISCUSSED

2. Planning Permit Application 21/2019 – Use of a Food and Drinks Premises; Retail Premises; a General Liquor Licence; Business Identification Signage; and Development of a Storage Shed at 158 Victoria Road & 2C Warren Street Harcourt.
3. Planning Permit Application 185/2019 - Use and Development of a Dwelling at Corner Eagles Road and McIvor Road, Harcourt North.
4. Appointment of Councillors as Delegates and Representatives to Committees.
6. Community Lunches – Castlemaine, Maldon and Newstead.
7. Additional Planning Queries.
10. LGBTIQ+ Roundtable
14. Goldfields Library

CONFLICT OF INTEREST DISCLOSURES

<table>
<thead>
<tr>
<th>Matter No.</th>
<th>Councillor / Officer Name and Description of Interest</th>
<th>Time left / time returned</th>
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</tr>
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ASSEMBLY DETAILS

Date: 6 November 2019
Time: 5:00 pm to 6:00 pm
Location: Council Chamber, Civic Centre, Cnr Lloyd and Lyttleton Streets, Castlemaine.

ATTENDANCE

Councillors: Stephen Gardner, Max Lesser, Bronwen Machin, John Nieman, Dave Petrusma.

Officers: Acting Chief Executive Officer (Phil Josipovic), Acting Director Infrastructure and Development (Shannon Meadows).

Visitors: Sonia Anthony, Jan & John Baldock, Malcolm Burrows, Glenn Candy, Dennis Carroll, Diana Cork, Michael Henry, Chris Imer, Annette Larsen Rae, Adam Marks, Donna McMahon, Simon Moten, Jodie and David Pillinger, Bruce Rae, David Rob, Gary Selwood, Ian Sims, Ant Wilson.

Apologies: Councillor Tony Cordy, Councillor Christine Henderson.

MATTERS DISCUSSED

1. Planning Application PA021/2019 - 158 Victoria Road and 2C Warren Street Harcourt VIC 3453 - Use of the land for Food & Drinks premises including pizza Thurs -Sun 6pm to 9.30pm with a liquor license and a retail premises, seven (7) days a week - 7am to 5pm, business identification signage and construct a storage shed.

2. Planning Application PA185/2019 - Cnr Eagles Road and McIvor Road Harcourt North VIC 3453 - Use and Development of a dwelling.

CONFLICT OF INTEREST DISCLOSURES

<table>
<thead>
<tr>
<th>Matter No.</th>
<th>Councillor / Officer Name and Description of Interest</th>
<th>Time left / time returned</th>
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<tbody>
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<td>Nil</td>
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ASSEMBLY DETAILS

Date: 12 November 2019
Time: 2.00 pm to 6.40 pm
Location: Council Chamber, Civic Centre, Cnr Lloyd and Lyttleton Streets, Castlemaine.

ATTENDANCE

Councillors: Tony Cordy, Stephen Gardner, Christine Henderson, Max Lesser, Bronwen Machin, John Nieman and Dave Petrusma.

Officers: Acting Chief Executive Officer (Phil Josipovic), Director Corporate and Community Services (Lisa Knight), Acting Director Infrastructure and Development (Shannon Meadows), Principal Governance Officer (Augustine Sheppard), Emergency Management Coordinator (Luke Ryan, Item 5.1), Manager Community Partnerships (Gaynor Atkin, Item 5.1), Inclusive Communities Coordinator (Sharna Cropley, Item 5.1), Municipal Fire Prevention Officer (Glenn Brown, Item 5.1), Property Portfolio Coordinator (Lynne Williamson, Item 5.2), Manager Communications and Customer Service (Adam Perrett, Item 5.3) and Executive Manager Corporate Services (Carolyn Ross, Items 5.4 and 5.5).

Visitors:

Item 5.1: Dr Dhirendra Singh Senior Research Fellow, RMIT University.

Mr Steve Cameron Manager, Emergency Management Victoria (EMV).

Apologies: Nil.

MATTERS DISCUSSED

1. RMIT University, CSIRO and EMV – Community Based Evacuation Modelling Project
2. Intention to Dispose of Former Chewton Community Centre at 201 Main Road, Chewton.
7. Mayoral Election.
8. Climate Change Open Forum.
10. Fire Danger Period.
12. Remembrance Day Services.
CONFLICT OF INTEREST DISCLOSURES

<table>
<thead>
<tr>
<th>Matter No.</th>
<th>Councillor / Officer Name and Description of Interest</th>
<th>Time left / time returned</th>
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<td>Nil</td>
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ASSEMBLY DETAILS

Date: 19 November 2019

Time: 5.15 pm to 6.00pm

Location: Council Chamber, Civic Centre, Cnr Lloyd and Lyttleton Streets, Castlemaine.

ATTENDANCE

Councillors: Tony Cordy, Stephen Gardner, Christine Henderson, Max Lesser, Bronwen Machin, David Petrusma, and John Nieman.

Officers: Acting Chief Executive Officer (Phil Josipovic), Director Corporate and Community Services (Lisa Knight), Acting Director Infrastructure and Development (Shannon Meadows) and Executive Manager Organisational Capability (Jude Holt).

Visitors: Nil

Apologies: Nil

MATTERS DISCUSSED

5. Planning Permit Application 185/2019 - Use and Development of a dwelling at corner Eagles Road and Mclvor Road, Harcourt North.

CONFLICT OF INTEREST DISCLOSURES

<table>
<thead>
<tr>
<th>Matter No.</th>
<th>Councillor / Officer Name and Description of Interest</th>
<th>Time left / time returned</th>
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</thead>
<tbody>
<tr>
<td>Nil</td>
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ASSEMBLY DETAILS

Date: 26 November 2019

Time: 2.00 pm to 6.25 pm

Location: Council Chamber, Civic Centre, Cnr Lloyd and Lyttleton Streets, Castlemaine.

ATTENDANCE

Councillors: Tony Cordy, Stephen Gardner, Christine Henderson, Max Lesser, Bronwen Machin, John Nieman and Dave Petrusma.

Officers: Acting Chief Executive Officer (Phil Josipovic), Director Corporate and Community Services (Lisa Knight), Acting Director Infrastructure and Development (Shannon Meadows), Principal Governance Officer (Augustine Sheppard), Manager Community Partnerships (Gaynor Atkin, Item 6.2 and 6.3), Emergency Management Coordinator (Luke Ryan, Item 6.3), Municipal Fire Prevention Officer (Glenn Brown, Item 6.3), Executive Manager Corporate Services (Carolyn Ross, Item 6.4), Principal Technology Officer (Andrew Nankivell, Item 6.4), Business Solutions Analyst (Katherine Turner, Item 6.4), Manager Parks, Recreation and Community Facilities (Cath Olive, Item 6.5), Active Communities Team Leader (Jacquie Phiddian, 6.5), Executive Manager Infrastructure (Tanya Goddard, Item 6.6), Engineering Team Leader (Daniel Riley, Item 6.6) and Procurement Coordinator (Andrea O’Grady, Item 6.7).

Visitors:

Item 5.1: Mark Hands, Chief Executive Officer, North Central Goldfields Regional Library Corporation.

Jess Saunders, Manager, Castlemaine Library.

Apologies: Nil.

MATTERS DISCUSSED

1. Events and Traffic Management.
2. Public Question Time.
4. Proposed Supermarket Site.
10. IT Strategic Plan Update.
11. Play Space Fencing
12. Metcalfe Redesdale Road - Variation Approval.
13. Contracts within Chief Executive Officer Delegation.
15. Home Care.
16. Community Wellbeing Grant.
17. Climate Change Forum.

CONFLICT OF INTEREST DISCLOSURES

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COUNCILLOR AND CEO ONLY DISCUSSION

ASSEMBLY DETAILS

Date: 26 November 2019
Time: 6.25 pm to 6.40 pm
Location: Council Chamber, Civic Centre, Cnr Lloyd and Lyttleton Streets, Castlemaine.

ATTENDANCE

Councillors: Tony Cordy, Stephen Gardner, Christine Henderson, Max Lesser, Bronwen Machin, John Nieman and Dave Petrusma.

Officers: Acting Chief Executive Officer (Phil Josipovic).

Apologies: Nil.

MATTERS DISCUSSED

1. Councillor Peg.

CONFLICT OF INTEREST DISCLOSURES

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<th>Matter No.</th>
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<tbody>
<tr>
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9. OFFICER REPORTS

9.1. OUR PEOPLE (PEO)

PEO 11 CUSTOMER SERVICE POLICY AND CHARTER

Responsible Director: Director Corporate and Community Services
Responsible Officer: Manager Communications and Customer Services
Original Document: DOC/19/41704

Executive Summary

Customer service is at the heart of everything Council does. All staff are engaged in customer service, whether directly with residents, businesses and other stakeholders or indirectly through the provision of support in the day to day operation of Council.

In accordance with the Council Plan 2017 - 2021, Council is committed to reviewing the customer service standards. This review includes revision of the Customer Service Charter, which was launched in 2013; this being an action in the 2019/2020 Annual Plan.

During revision of the Charter, it was determined that a Customer Service Policy was required. The Charter and the Policy will provide clear roles, responsibilities and expectations regarding customer service, whilst reaffirming the commitment to meeting customer and stakeholder needs.

RECOMMENDATION


MOVED COUNCILLOR GARDNER

That the recommendation be adopted.

SECONDED COUNCILLOR MACHIN

CARRIED.
Context

Customer service is an area that Council scores consistently well in the annual Community Satisfaction Survey. In 2019, Council scored 68, equal to 2018 and only slightly lower than the score of 70 in 2017. This is in line with State averages. More than two thirds of participants in the 2019 survey had been in contact with Council over the last year.

The Annual Plan 2019/2020 commits the Communications and Customer Services Team to revising the current Customer Service Charter. This Charter was originally launched in 2013 and while basic and functional, a revision provides an opportunity to improve Council’s commitment to customer service.

A small working group was formed in early 2019 consisting of officers from Governance, Community Safety and Amenity, Communications and Customer Service and Infrastructure and Development. This working group revised the current Charter, benchmarking it against a host of charters and policies from a wide range of other Local Government agencies. This benchmarking established the difference in approach when publically making a commitment to customer service; from lengthy policies to simple brochures.

Following consultation with the Executive Manager Organisational Capability, the original document was revised and took the form of a Policy in order to meet the requirements of the Document Management Framework.

It meets the definition of a policy as it identifies what we will do, why we will do it and is a statement of intent and principles to guide decisions and achieve outcomes as set by Council, Chief Executive Officer or the Executive Team. The Charter itself; therefore became a separate document, a simplified version of the policy, designed to be easy to read for our community.

Refer to:

Attachment PEO 11B: Customer Service Charter.

Policy and Statutory Implications

Relevant policies, strategies and plans

As per the Council Plan 2017-2021, Council committed to reviewing the customer service standards. This review includes revision of the current Customer Service Charter (launched in 2013) as per the 2019/2020 Annual Plan.

Statutory powers and implications

Nil.

Issues

There is a strong expectation within the community that Council will provide efficient and professional customer service. This expectation is shared with Councillors, the leadership of the organisation and is widely promoted within the organisation. Compulsory customer service training for all Council staff members, and the reintroduction of staff inductions this year, will further embed a strong focus on customer service.
Risk Analysis

A risk analysis for the implementation of the Customer Service Policy and Customer Service Charter was undertaken. The following risk has been identified:

The risk of damage to Council’s reputation is low.

The Policy and Charter set standard timeframes by which Council aims to resolve enquiries and issues. There is a risk that if we do not meet this standard, adverse opinion or publicity could follow. This risk can be best mitigated with regular and clear communication with the person/s or organisation/s making the enquiry or raising the issue, informing them of progress on their matter.

Declarations of Conflicts Of Interest

Under section 80C of the Local Government Act 1989, officers providing advice to Council must disclose any interests, including the type of interest. The Responsible Officer reviewing this report, having made enquiries with the relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

Alternate Options

Revising the Customer Service Charter is a 2019/2020 Annual Plan action. Council could decide not to adopt the Policy document and to proceed with the Charter only. This would be inconsistent with the intention of the Document Management Framework and create inconsistencies between external facing policies.

Financial and Resource Implications

There are no direct financial and resource implications in adopting the Policy and Charter.

Consultation

The Policy and Charter were distributed to the Leadership group for feedback on 20 September 2019. Feedback was received from the Infrastructure, Corporate Services and Development Services teams and the documents were updated.
Customer Service Policy

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<td>• Customer Service Charter</td>
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<td>• Privacy and Data Protection Policy</td>
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Organisational documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult the policies on the Mount Alexander Shire Intranet, TRIM or the owner of the document to ensure that the version you are using is up to date.

**AUTHORISATIONS**

For all authorisations a digital signature is required via the comments in the TRIM notes of this document number. This is also part of the document audit trail.

This document must remain in Microsoft Word format until finalised.
1. **Purpose**

The purpose of this Policy is to outline Council's commitment to high level customer service to the community and set out clear standards of service the community can expect from Council Officers. This policy will also advise on the service that can be expected from Council and the steps that can be taken if someone is not satisfied with Council decisions or actions.

This policy defines the roles and responsibilities of all parties when dealing with customers and customers complaints and sits alongside Council's Complaints Policy.

2. **Scope**

This Policy applies to the Council employees (including full time, part time, casual employees, agency staff and students), contractors, volunteers and consultants of Mount Alexander Shire Council.

3. **Policy**

Council is committed to providing a high level of customer service to residents and visitors to our Shire.

This policy outlines our commitment to customers in accordance with our organisational values. It outlines customers' rights, the standard customers can expect when dealing with Council and how customers can provide us with feedback.

3.1. **Council's commitment to customer service**

"High quality customer service" is the provision of timely, effective, consistent and professional services provided by polite and helpful Officers that meet customers' expectations.

At all times Council seeks to provide a high quality service when responding to queries.

A great emphasis is placed on learning and improving how queries are handled. To achieve this, customers are encouraged to raise their issues and concerns so Council can work toward increasing customer satisfaction and continuously improve our services.

3.2. **Who are Council's customers?**

A customer is any person or organisation who have dealings with Council or use the services of Council. Council includes its employees, contractors, consultants, volunteers and work experience students.
3.3. Council’s service standards

Council has set standards with regards to how and when queries are answered. The aim is to resolve all queries promptly, courteously and without unnecessary referrals or transfers. Enquiries are to be acknowledged as soon as possible and customers will be informed if responses will take a longer amount of time to resolve why this is so.

The below table explains the timeframe for resolution of queries raised. All queries are prioritised from the information provided to Council.

<table>
<thead>
<tr>
<th></th>
<th>Routine</th>
<th>Complicated or complex</th>
</tr>
</thead>
<tbody>
<tr>
<td>In person</td>
<td>Same day</td>
<td>Council will inform the customer of expected response times and will keep the customer updated on the progress of their query.</td>
</tr>
<tr>
<td></td>
<td>If the responsible Officer is not available, the customer will be contacted by the end of the next working day</td>
<td>This initial response should meet the same timelines as ‘routine’ enquiries.</td>
</tr>
<tr>
<td>By telephone</td>
<td>Same day</td>
<td></td>
</tr>
<tr>
<td></td>
<td>If the responsible Officer is not available, calls will be returned by the end of the next working day</td>
<td></td>
</tr>
<tr>
<td>By email</td>
<td>Within 5 working days</td>
<td></td>
</tr>
<tr>
<td>By letter</td>
<td>Within 10 working days</td>
<td></td>
</tr>
<tr>
<td>By social media</td>
<td>Within 2 working days</td>
<td></td>
</tr>
</tbody>
</table>

Routine matters are matters that can be responded to quickly as they are usual or regular enquiries. Many infrastructure-related requests (roads, footpaths, trees etc) which are classified non urgent are included on the Schedule of Works. Customers will be notified of the expected commencement date of the works.

Sometimes routine queries may take longer due to heavy demand on Officer resources, for example, when rates payments are due. In these situations Council will prioritise urgent matters and will systematically resolve each enquiry. At times like this, not all responses will meet our set standard. Council will let customers know if this is going to be the case.

Complicated or complex matters are matters needing further investigation as they are unusual or unique and may include the involvement of multiple business units or other agencies. These matters will take longer to determine.

Council will always strive to ensure sensitive or confidential matters are handled with thoughtfulness and in line with our Privacy and Data Protection Policy.

Social media enquiries are received via Facebook Messenger.

3.4. What customers can expect from Council staff

- A professional and informative approach by all staff
Customer Service Policy

- Courteous, polite and friendly manner
- A commitment to listening and working with you to resolve issues
- Clear and concise communications
- Follow through on commitments
- Referral of requests to the appropriate person or agency if we are unable to fulfil your requirements
- An acknowledgement and respect for your time
- Ensure fair and equitable reviews and decisions
- A commitment to continuously improve how we work with you and how we work with each other within the organisation

Training in customer service is mandatory for all Council Officers. All information held by Council is treated in the strictest confidence in line with the requirements of the Privacy and Data Protection Act 2014 and Freedom of Information Act 1982.

3.5. Customers can help us by

- Providing accurate and timely information
- Treating Council Officers with respect
- Understanding some issues are complex and may take time to resolve
- Respecting the privacy, safety and needs of other customers

Council staff have the right to immediately terminate any conversation or interaction should customers become abusive or threatening. Staff may report such behaviour to Victoria Police.

3.6. Compliments and Complaints

We welcome feedback, and we commit to refer this feedback to the responsible Officer.

Customers can provide compliments in person at the Civic Centre or via email, telephone, in writing or social media.

There may be times when customers are not happy with the outcome of their interaction with Council. The Complaints Policy is available on Council’s website or by visiting the Civic Centre, which outlines what customers need to do to register a complaint and what Council do when we receive a complaint.

4. Human Rights Statement

Human Rights Statement

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006). Mount Alexander Shire Council is committed to consultation and cooperation between management and employees. Mount Alexander Shire Council will formally involve the Workplace Consultative Committee in any workplace change that may affect employees.
Contact us

Email: info@mountalexander.vic.gov.au
Telephone: 03 5471 1700
Office location: Corner Lyttleton and Lloyd St Castlemaine
Operating hours: Monday to Friday, 8.30am to 5.00pm
Postal address: PO Box 185 Castlemaine VIC 3450

Customer Service Charter

Attachment PEO 11B
Customer service is at the core of everything we do at Mount Alexander Shire Council. Customer service is part of the role of every person employed by Council. We work for the community and with the community to make our shire the best place we can to live, work and play.

**How we will work for you**

- We are committed to delivering the highest standard of customer service to our community
- We will prioritise requests that relate to safety
- We aim to respond to and resolve your enquiry at first point of contact
- We aim to respond to phone calls and social media messages within two working days
- We aim to respond to emails within five working days and written correspondence within 10 working days
- We will let you know when your enquiry may not meet these guidelines due to complexity and/or the involvement of other stakeholders
- We will aim to make our information as simple and accessible as possible.

**How you can work with us**

- Be courteous and respectful towards our staff, including contractors and volunteers
- Please understand it is our job to protect the privacy and safety of other customers
- Provide us with accurate and complete information
- Work with us to solve issues
- Accept the safety and wellbeing of our staff is an organisational priority. Abuse of staff will not be tolerated
- Please give us feedback on how we are meeting your needs or how we can improve our services.

**How to give us feedback**

- You can tell us in person, over the phone, via our website, via email, in writing or via social media
- If you have a compliment, we will ensure the responsible officer or team receives your feedback
- If you have a complaint, we will take it seriously and handle it as per our Complaints Policy which can be viewed on our website or in person at our Customer Service centre in the Civic Centre, Castlemaine.
The purpose of this report is for Council to endorse the Victorian Local Government Association's (VLGA) - Victorian Child Friendly Cities and Communities Charter (the Charter) (Attachment PEO 12A).

The Charter is an aspirational document developed by the VLGA for local governments to demonstrate their commitment to acknowledging and empowering children to become valued and engaged citizens within their communities.

The Charter outlines a key set of principles which will be used to inform and guide the work of Council in ensuring that the Shire is a child friendly community.


RECOMMENDATION

That Council endorses the Victorian Local Government Associations – Victorian Child Friendly Cities and Communities Charter.

MOVED COUNCILLOR LESSER

That the recommendation be adopted.

SECONDED COUNCILLOR MACHIN

CARRIED.
Context

In December 2018, Council adopted the Mount Alexander Early Years Plan 2018-2021. The plan commits to a vision of creating “an innovative and connected community that works together to support our children to reach their full potential”.

It was developed in partnership with the community, early years’ service providers and key stakeholders and provides a collective impact approach to developing and coordinating services, programs and partnership activities for children aged 0 - 8 years and their families in the Shire.

The endorsement of the Charter is an action of the plan (Action 4.1.1 Endorse the Victorian Local Government Association’s (VLGA) Child Friendly Cities and Communities Charter and develop a framework to support its implementation) and is based on the consultation undertaken in the development of the plan.

The Charter is a statement of three key principles that acknowledges Council’s commitment to being a child friendly city or community. These principles are:

1. Freedom for children to experience environments that consider their needs.
2. Respect and dignity for children to express their individual opinions, participate in and contribute to decisions about their communities and their wellbeing.
3. Equitable access to supportive environments and services for children regardless of gender, ethnicity, religion or ability.

As of June 2019, 19 Victorian local councils had endorsed the Victorian Charter for Child Friendly Cities and Communities and received recognition from the VLGA.

Refer to:

Attachment PEO 12A: Revised - Victorian Child Friendly Cities and Communities Charter, VLGA, April 2018.

Policy and Statutory Implications

The VLGA – Victorian Child Friendly Cities and Communities Charter contributes to the following policies, strategies and plans:

Council Plan 2017–2021

Support the building of social connections in each of our towns.

- Build the resilience of families to assist with the healthy development of children.

Facilitate an accessible range of services for all including children, young people and families.

- Work with service providers to ensure early years programs deliver quality outcomes for children and families.

Implement initiatives to create acceptance of diversity

- Support innovative community solutions through planning, support and advocacy.
- Partner with service providers to support improved social and health outcomes for indigenous and Culturally and Linguistically Diverse (CALD) communities.
Community engagement strategies and methods are accessible to all community members.

- Inform and consult with the community on significant projects and priorities.

Annual Plan 2019/2020

Facilitate an accessible range of services for all including children, young people and families.

- Adopt the Victorian Local Governance Association (VLGA) Child Friendly Cities and Communities Charter.

Mount Alexander Early Years Plan 2018-2021

- Endorse the Victorian Government Associations (VLGA) Child Friendly Cities and Communities Charter and develop a framework to support its implementation.

Statutory powers and implications

Nil.

Issues

The United Nations Children’s Fund defines a Child Friendly City as the embodiment of the Convention on the Rights of the Child at the local level, where the voices, needs, priorities and rights of children are an integral part of public policies, programmes and decisions.

The VLGA Child Friendly Cities and Communities Charter provides guidance for Council Officers, local service providers and the community in co-designing and co-delivering services and infrastructure with a child friendly lens.

It has been developed specifically for local governments to provide a starting point to becoming ‘child friendly’. It helps Councils explore how they are currently tracking prior to developing actions and implementation frameworks.

The Charter is outlined by three key principles:

1. Freedom for children to experience environments that consider their needs.

This principle recognises the importance of taking into account the specific needs of children in the development of all public spaces and facilities across the Shire. It also acknowledges children’s rights to safe, healthy and welcoming environments.

2. Respect and dignity for children to express their individual opinions, participate in and contribute to decisions about their communities and their wellbeing.

This principle acknowledges that involving children in relevant decisions and activities promotes development of their civic skills, actively involves children in their community and raises the profile of their unique perspectives, knowledge and experiences.

3. Equitable access to supportive environments and services for children regardless of gender, ethnicity, religion or ability.

This principle highlights the importance of communities and services being welcoming places for all children and their families to live, work, learn, play, explore and visit. It expects that all children will have access to equitable and high-quality services.
On the endorsement of the Charter, Council will receive a Certificate of Endorsement from the VLGA.

Council will also be invited to join the VLGA Child Friendly Cities and Communities Network. The network will provide the opportunity to share examples of best practice with other local councils that have endorsed the Charter.

The implementation of the Charter will involve the development of a framework, based on the three key principles. The development of the implementation framework will commence in early 2020. It will be based on the VLGA - Victorian Child Friendly Cities and Communities Framework (Separate Attachment PEO 12C).

Risk Analysis

A risk analysis for the endorsement of VLGA – Victorian Child Friendly Cities and Communities Charter was undertaken with the following risks being identified:

The damage to Council’s reputation is medium.

Due to the involvement of the community and local early years’ service providers in the development of the Mount Alexander Early Years Plan 2018–2021, there is an expectation that the plan actions will be delivered.

The commitment by Council to adopting the Charter is also an action in the Annual Plan 2019/2020 and is therefore an additional risk to Council’s reputation if not achieved.

There is also an identified risk of Council endorsing the Charter but not implementing it. The development of an implementation framework will mitigate this risk.

Declarations of Conflicts Of Interest

Under section 80C of the Local Government Act 1989, officers providing advice to Council must disclose any interests, including the type of interest. The Responsible Officer reviewing this report, having made enquiries with the relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

Alternate Options

Council may choose not to endorse the VLGA – Victorian Child Friendly Cities and Communities Charter.

This action may have a negative impact on Council’s reputation within the community and the early year’s sector due to its commitment to endorse the Charter in both the Mount Alexander Early Years Plan 2018–2021 and the Annual Plan 2019/2020.

Financial and Resource Implications

There are no identified costs relating to the endorsement of the Charter, however it is anticipated that some costs may be incurred in its implementation.

These costs will be absorbed into existing operational budgets with external funding options being explored as required.
Consultation

The commitment by Council to endorse the VLGA – Victorian Child Friendly Cities and Communities Charter was initiated by the extensive consultation undertaken in the development of the Mount Alexander Early Years Plan 2018–2021.

This included on-line and hard copy surveys for early years' service providers, families and children, three community forums and additional consultation with specific key stakeholders.

Further consultation with the community and key stakeholders will commence in early 2020 following the endorsement of the Charter, to develop the implementation framework.

The endorsement of the Charter will be announced through local media and Council's website and social media.
VICTORIAN CHILD FRIENDLY CITIES AND COMMUNITIES CHARTER

This Victorian Charter for Child Friendly Cities and Communities has been developed specifically for local governments, organisations and individuals to take action. The Charter is a statement of the principles and actions that underpin the right to be considered child friendly.

The Charter is consistent with state, national and international protocols and embraces rights that are embedded in the Convention of the Rights of a Child (1990), the Chiba Declaration for a Child Friendly Asia Pacific (2009), UNICEF’s Building Blocks for developing a Child Friendly City (2004) and the Victorian Human Rights and responsibilities Charter (2006).

Recognising the need for increased participation by children and young people in decision making forums and creating child friendly environments, we support the following principles:

1. Freedom for children to experience environments that consider their needs

2. Respect and dignity for children to express their individual opinions, participate in and contribute to decisions about their communities and their wellbeing.

3. Equitable access to supportive environments and services for children regardless of gender, ethnicity, religion or ability.
9.2. OUR PLACE (PLA)

PLA 14A  INTENTION TO DISPOSE OF FORMER CHEWTON COMMUNITY CENTRE AT 201 MAIN ROAD CHEWTON

Responsible Director: Director of Infrastructure and Development
Responsible Officer: Property Portfolio Coordinator
Original Document: DOC/19/40198

Executive Summary

The land at 201 Main Road Chewton is developed with the Chewton Community Centre church building and the separate Senior Citizens Sunday school building. The church is in a poor state of repair and was declared unsafe to use in late 2010.

At an Ordinary Meeting of Council 15 August 2017, Council resolved:

1.  Having considered the submission made under Section 223 of the Local Government Act 1989, resolve to sell the former Wesleyan Church at 201 Main Road Chewton and commence the process of sub-dividing the associated land to enable this sale; and

2.  Note the subdivision process is anticipated to take between 9 and 15 months and that a further report regarding the proposed method for sale will be presented to Council following completion of the subdivision.

The above resolution was passed following public notice of Council’s intent to sell the property in accordance with section 189 and 223 of the Local Government Act 1989 (LGA).

This report addresses the Council resolution. Subdivision of the land is likely to be completed by the end of 2019. Sale by auction is considered the most suitable option.

To ensure best practice by Council when exercising its powers, given the passage of time fresh public notice should be given under section 189 and 223 of the LGA. Councillors will consider any submissions received at a future meeting of Council and resolve to sell the land or not at a later meeting.
RECOMMENDATION

That Council:

1. Notes the Council resolution of 15 August 2017;

2. In accordance with Sections 189 and 223 of the Local Government Act 1989, publishes a public notice advising of its intention to dispose of the Chewton Community Centre at 205 (formerly 201) Main Road Chewton and inviting submissions to the proposal;

3. Considers submissions and hear any submitters wishing to be heard at a future meeting of Council, prior to making a decision on the proposal.

MOVED COUNCILLOR LESSER

That Council:

1. Notes the Council resolution of 15 August 2017;

2. In accordance with Sections 189 and 223 of the Local Government Act 1989, publishes in late January 2020, a public notice advising of its intention to dispose of the Chewton Community Centre at 205 (formerly 201) Main Road Chewton and inviting submissions to the proposal;

3. Considers submissions and hear any submitters wishing to be heard at a future meeting of Council, prior to making a decision on the proposal.

SECONDED COUNCILLOR PETRUSMA

CARRIED.
Context

The land at 201 Main Road Chewton is developed with the Chewton Community Centre church building and the separate Senior Citizens Sunday school building. The church building is in a poor state of repair and was declared unsafe to use in late 2010.

As Council already owns or manages approximately 240 buildings, several of which are located only a short distance from Chewton and offer similar facilities, it was decided to investigate sale of the church building. In May 2017 Council determined to give notice of its intention to subdivide the land at 201 Main Road to separate the church from the Sunday school to dispose of the church (Attachment PLA 14A).

Eight submissions were received in response to public notice. Key issues raised in the submissions include:

- Council has poorly managed the building in the past, causing the large repair bill.
- Council should be supporting Chewton by retaining the building and spending the money on it.
- Other buildings in Chewton are too small to serve a similar function.
- The building should/will be demolished.
- Loss of heritage.
- Estimated cost for repairs is too high, or too low.

Subdivision of the land is likely to be completed by the end 2019. Sale by auction is considered the most suitable option as it is a fully transparent process, and has the potential to deliver the best value for Council.

Section 189 of the Local Government Act 1989 (LGA) requires that public notice must be undertaken at least four weeks before the sale or exchange of land but does not otherwise prescribe the timing, however legal advice to Council suggests there must be a nexus between when the public notice is given and when the sale occurs. The previous public notice was published over two years ago and could be considered not current.

It is therefore recommended that fresh public notice is given notifying of Council’s intention to sell the Chewton Community Centre church building.

Refer to:

Attachment PLA 14A: Subdivision layout and vehicle access.

Policy and Statutory Implications

Relevant policies, strategies and plans

Council Plan 2017-2021

The sale of the church building is supported by objectives and strategies from the Council Plan, particularly:

The pillar of ‘Our Place’ includes the objective of ‘Well managed assets for now and into the future’, and the strategy to ‘review, maintain, renew and expand the assets of our community.’

Council Policies — Land Disposal Policy

The purpose of this policy is to establish a consistent basis to identify surplus land and to ensure statutory compliance and best practice with the sale, exchange and transfer of
The land, through the mandated requirements of the LGA and through following the *Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land* (the Guidelines).

The policy states that all land is to be retained except where decision criteria can be met and stipulates that all sales should be through a public process unless there is a specific reason for an alternate sale method.

An additional requirement is that ‘land sales are to be considered in the context of Council’s Long Term Financial Plan and Annual Budget and used to fund priorities identified in the Long Term Financial Plan and Annual Budget. Land sale proceeds must not be utilised for recurrent/operational purposes.’

The sale of the church building meets six of the eight decision criteria (as shown in bold below):

1. **The land is no longer used or is not used for a purpose associated with service provision by Council.**
2. The land is not being used for its originally intended purpose.
3. The land (being used for a Council service) has a net realisable value for another purpose which is significantly greater than the cost of re-establishing the service on another site.
4. **The land does not contribute to the achievement of a current Council objective.**
5. **The land has no strategic significance to Council on a long term basis.**
6. The land is identified in a Study commissioned and adopted by Council as being surplus to requirements (e.g. Open Space Study, Community Infrastructure Plan, etc).
7. **The land requires greater investment than the value of the property to meet current standards and legislative requirements for public buildings.**
8. **Other land assets in close proximity provide a similar service.**

*Local Government Best Practice Guideline for the Sale, Exchange & Transfer of Land*

This State Government publication sets out the legal obligations under the *Local Government Act 1989*, and additional general principles and best practice for the sale, exchange or transfer of land.

Matters addressed include contents of public notice, that sale of land should be in the best interests of the community and provide the best result both financial and non-financial, for the Council and the community, that sale of land should occur at not less than the market value assessed by a Valuer engaged by Council, that sale should be conducted through a public process unless circumstances exist that justify an alternative method, and that all actions must be undertaken in the interests of probity, public accountability and transparency.

**Statutory powers and implications**

Section 189 of the Local Government Act outlines restrictions on the power to sell land as follows:

189. **Restriction on power to sell land**
   (1) *Except where section 181 or 191 applies, if a Council sells or exchanges any land it must comply with this section.*
   (2) *Before selling or exchanging the land the Council must–*
   (a) ensure that public notice of intention to do so is given at least 4 weeks prior to selling or exchanging the land; and
(b) obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the Valuation of Land Act 1960 a valuation of the land which is made not more than 6 months prior to the sale or exchange.

(3) A person has a right to make a submission under section 223 on the proposed sale or exchange.

If the statutory provisions of section 189 are not followed, any contract for sale of the land will be void.

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

223. Right to make submission
(1) The following provisions apply if a person is given a right to make a submission to the Council under this section (whether under this or any other Act)—
(a) the Council must publish a public notice—
(i) specifying the matter in respect of which the right to make a submission applies;
(ii) containing the prescribed details in respect of that matter;
(iii) specifying the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published;
(iv) stating that a person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission.

Council will undertake the public notification process and give consideration to any submissions prior to deciding whether or not to sell the land. A valuation will be obtained closer to the sale date, prior to Council resolving to sell the building.

Issues

Process

If Councillors endorse proceeding with the sale of the subject land, officers will begin a consultation process as defined in section 223 of the Local Government Act. This will advertise the intention to sell and give members of the public 28 days to make a submission and be nominated to be heard at a Council Meeting. Council will consider submissions and hear any submitters who wish to be heard at a subsequent council meeting. A later Council resolution will be required to formally sell the land.

Alternative venues

Other venues are available for hire that might serve the same purpose as the Chewton Community Centre.

<table>
<thead>
<tr>
<th>Venue</th>
<th>Approx. Capacity / persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chewton Senior Citizens building (adjacent to the Community Centre)</td>
<td>90</td>
</tr>
<tr>
<td>Elphinstone Hall</td>
<td>100</td>
</tr>
<tr>
<td>Wesley Hill Hall (DELWP committee of management)</td>
<td>130</td>
</tr>
<tr>
<td>Castlemaine Market Building</td>
<td>180</td>
</tr>
<tr>
<td>St Mary’s Hall</td>
<td>200</td>
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</table>
### Risk Analysis

**Reputational**

The building in its current state of decay is a liability to Council and does not reflect a positive image of Council.

**Financial**

Council is currently directly responsible for the maintenance and upkeep of the church building, an expense that is not justified by any use of the building.

More than $60,000 has been spent to subdivide the building which will not be recouped if the building is not sold.

**Implementation**

Whenever Council is involved in a project in more than a single capacity there is a risk of assumed assistance to effect an outcome. If the building is sold care must be taken to ensure any purchasers understand the use or development of the building and associated land is subject to the same controls and permissions as would be required if the building were being purchased from a private entity. In short Council approval to sell does not guarantee any development approval.

### Declarations of Conflicts Of Interest

Under section 80C of the Local Government Act 1989, officers providing advice to Council must disclose any interests, including the type of interest. The Responsible Officer reviewing this report, having made enquiries with the relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

### Alternate Options

Council could make a new resolution not to sell the property. There are several options available if this path is decided. However, most options would make the subdivision redundant noting the expenditure of the allocated budget and considerable officer time.

**Retain the building**

The building will continue to deteriorate unless significant funds are released now to restore it. If no funds are released, future restoration costs will increase, incurring ongoing maintenance costs, and become a safety hazard and a reputational risk for Council.

Since closing the building, Council has incurred costs to undertake urgent minor repairs such as roof sheeting, and maintenance, gardening and lawn mowing, as well as officer time required to arrange works to be done. This officer time and funding would be better directed to buildings that are open to the public and provide a public benefit.

The building would remain a liability if no further action is taken.
Demolish the building

The site is subject to a Heritage Overlay under the Mount Alexander Planning Scheme and demolition would require a planning permit from Council or, on appeal, VCAT.

Demolition of the building would incur substantial costs, approximately $50,000, and result in additional land that Council would need to maintain, or which could be sold at less value. It would also demonstrate poor management of heritage assets.

Renovate the building

This option is consistent with the Chewton Community Plan. However costs would be disproportionate to the overall Council budget for renewal of all buildings across the Shire. It is not foreseeable that this funding will become available.

Retain the building to allow the community time to come up with a strategy to justify the expenditure.

A community action in the Chewton Community Plan was to develop a strategy for the building to justify the required investment in the building from various levels of government. There has not been any progress since the Community Plan was completed.

Gift the building to the community

One community member has raised the idea of a new community group taking over ownership and management of the building. A similar arrangement exists for the Chewton Town Hall and the Chewton Post Office. There has not been any formal proposal put to Council to date.

Financial and Resource Implications

Expenditure on the building if not sold

There is no budget allocation for restoration works to this building. Council’s limited maintenance budget must already be spread over approximately 240 other buildings and investment is typically prioritised in facilities that have the highest value and function for the community.

Subdivision and disposal

The allocated budget of ~ $56,000 for the subdivision of the land has been spent. This has covered surveying, engineering, planning application costs, statutory fees for planning and subdivision certification as well as works including installation of drainage and vehicle crossover, and supply of separate services such as water, sewerage, power, gas and communications (Telstra/NBN), to each of the lots.

In addition to the allocated budget extra costs were required to prepare the property for sale such as relocating the existing memorial stone and some reconfiguration of landscaping to reflect new property boundaries. These additional costs are estimated at $5,000-$10,000 and will be recouped from the sale proceeds of the building.

Further officer time will be required to administer the sale of the land and costs will be incurred for valuation and legal expenses to prepare sale documentation. These will be accommodated within existing salary budget and council operating costs.
Disposal value

Council had the building appraised by a local real estate in 2017. The agent indicated there are a number of things that would help achieve a selling price at the higher end of the range, as the property would appeal to both dwelling conversions and commercial use. These are:

- Allow a range of commercial uses (the Township Zone already facilitates this).
- Ensure vehicle access is provided from the Pyrenees Highway.
- Allow for the rear carpark to be used for commercial use associated with the church building.
- Facilitate a loading area, ideally from the rear.

Any works that could be included as part of the subdivision process have been undertaken to maximise sale price.

Revenue generated from sale

Revenue generated from the sale of the property would be reinvested into general revenue.

Consultation

Public notice in accordance with Sec 223 of the LGA was given in 2017 advising of Council’s intention to sell the building by placing a notice in the Midland Express. Additional media included a press release, an article on the front page of the Castlemaine Mail and a story on Channel 9 news.

Due to the lapse of time Council will again undertake public notice of the sale, and accept public submissions in accordance with section 223 of the Local Government Act before deciding whether or not to enter into formal agreement for the sale of the land.
Executive Summary

This brief responds to a petition received by Council that opposes the proposed upgrades to Brown, Butterworth and Farnsworth Streets in Castlemaine.

The project to seal Brown, Butterworth and Farnsworth Streets was a response to a history of service requests, maintenance challenges including cost increases, safety concerns, and increasing urban development.

Investigation and design was completed in 2018/2019, with the outcome detailing the proposed upgrade of the pavement to a sealed surface, as well as formalising some drainage to reduce erosion. The road and drainage is intended to be retained within the existing footprint with some minor widening on Brown Street. There are a small number of trees that require further assessment to determine if they can be retained.

The petition received by Council notes concerns about increased speed and traffic numbers, loss of amenity, and issues regarding damage to native vegetation. Supplementary letters received from a small number of residents reiterate these issues, as well as identifying a number of additional concerns.

This report responds to the issues identified by the residents, as well as identifying the risks and issues associated with ongoing maintenance of unsealed roads in the urban environment.

While the concerns of residents are acknowledged, sealing of the road is considered a proactive measure to ensure that the Brown, Butterworth and Farnsworth streets remain in good trafficable condition without the need for regular ongoing maintenance grading.

**RECOMMENDATION**

That Council:

1. Notes the responses to issues raised by residents in their petition.

2. Notes the cost and safety implications associated with current maintenance requirements of the affected roads.

3. Endorses the project to undertake upgrades to Brown, Butterworth and Farnsworth streets, as planned, noting that construction is currently unfunded and subject to future budget consideration.

4. Writes to the lead petitioner advising of Council’s decision.

**MOVED COUNCILLOR MACHIN**

That Council:

1. Notes the responses to issues raised by residents in their petition.
2. Notes the cost and safety implications associated with current maintenance requirements of the affected roads.

3. Consults with residents and interested citizens about the proposed road sealing and drain upgrades for Butterworth, Brown and Farnsworth Streets to enable Council to make a more informed decision at a future Ordinary Meeting of Council Meeting.

4. Writes to the lead petitioner advising of Council’s decision.

SECOND COUNCILLOR PETRUSMA

CARRIED.
Context

Council regularly receives requests from the community to upgrade unsealed urban roads. There are inherent but significant issues and risks associated with maintaining such roads in residential areas; as a result, large sections of unsealed local roads with a high risk profile have been identified for investigation with the intent of prioritising design so that upgrades can occur in the future.

The 650 metre long section of Brown, Butterworth and Farnsworth Streets was identified for upgrade as a result of the issues and risks associated with maintaining the road. A further consideration is the extent of urban development which has and continues to occur in the area.

Council received a petition on 12 June 2019. It has 35 signatures and opposes the proposal to seal Butterworth, Brown and Farnsworth Streets. The petition references high level concerns related to increase in speed and traffic numbers, loss of amenity (specifically, a loss of the local semi-rural feel) and issues regarding damage to native vegetation (trees and understorey vegetation).

It is noted that the petition has been formulated without reference to the design documents for the road upgrades, as these documents have not yet been made available to the public.

Supplementary letters received from a small number of residents reiterate the above issues, as well as raising other concerns associated with heat island affect, impact on resident’s lives, and a need for broader (and more detailed) vegetation assessments.

Further work towards this project, including detailed vegetation assessments and other procurement actions, has been halted subject to Council consideration of the concerns raised in the petition.

This report has attempted to address the above mentioned issues identified by the residents, as well as those risks and issues associated with ongoing maintenance of unsealed roads in the urban environment, in order to provide a balanced view in relation to proposed works.

Further consultation with the residents may be required prior to a decision being made in support (or not) of the proposed works

Service Requests

Council receives a very high number of road and drainage requests relating to the three roads that are subject to the proposed works. Requests since 2013 are as follows:

- 32 requests relating to Butterworth Street.
- 63 requests relating to Brown Street.
- 65 requests relating to Farnsworth Street.

The community requests generally relate to road upgrades and maintenance to address dust, corrugations, pot holes, and access and drainage issues. The community requests are consistent with the feedback provided to Council’s Engineering Department by the Works Department.
Planning and Development

The roads in question and all adjacent properties are located entirely within the General Residential Zone (GRZ1). These roads support high traffic volumes, and each is conspicuous in this setting due to their unsealed condition.

There has been significant development in the area which is clearly evident when referencing the aerial imagery from 2007 compared to the most recent imagery from January 2019. The area has been subject to urban infill development resulting in increased housing density and infrastructure demand.

To support the development in the area, Coliban Water invested approximately $750,000 in 2015/2016 to expand the domestic sewerage network and provide connections to the properties on Butterworth and Brown Streets. This has unlocked some urban infill development, and lots can now be subdivided to a smaller size than was previously possible using septic systems.

There are two current developments on Butterworth Street that are still active:

- 1 Butterworth Street PA239/2015 (Staged 5 Lot Subdivision).
- 6 Butterworth Street PA049/2016 (Staged 5 Lot Subdivision).

Both developments have planning permit conditions that require the developer to upgrade Butterworth Street from Reckleben Street to the respective development access point. The standard specified in both planning permits is a 6.0 metre road width with a sealed wearing surface. Noting that neither of the developers have completed these works to date, Council agreed that the developers would contribute a proportion of the cost of the upgrade of the entire length of road in lieu of constructing a small section of the road each.

Further to the above, located nearby on Reckleben Street, at the north end of Butterworth Street, is the Paddock Eco Village development (27 new dwellings). Although this development is not located on any of the roads in question, it does demonstrate the increasing housing density in the area and will result in a small increase of vehicles and pedestrians in the area.

Previous Works

The southern half of Butterworth Street and the western side of Brown Street were upgraded in 2014/2015 in response to an increase of dwellings in the area and ongoing maintenance and drainage issues.

Future Works

Council officers recognise the importance of pedestrian accessibility, and are continuing to design and implement pedestrian infrastructure in this area. Currently, the priority is finishing the Ray Street path link, while investigation and design will begin on the Gaffney Street and Reckleben Street path network in the 2020/2021 financial year.

Maintenance

The unsealed sections of Butterworth, Brown and Farnsworth Streets are becoming increasingly difficult to maintain for Council’s Works department. The cost and time required to mobilise the necessary plant and equipment is increasing, along with the growing demands for traffic and pedestrian management.
This results in routine maintenance of these roads not being carried out as frequently as it should, given the difficult access and steep gradient of the road and drainage. Ideally, a road with this geometry and amount of traffic (approximately 150 vehicles per day) would be graded at least once a year. This road is currently being graded twice annually (given impact of rain events) resulting in an over-servicing of this asset.

To complete a routine maintenance a significant amount of plant and equipment is required:

- Grader and operator.
- Water cart and operator.
- Self-propelled roller.
- Truck and Trailer.
- 5 tonne Excavator to get into steep drains.
- Traffic and site management with spotters at either end of the works.

A conservative cost for routine maintenance of the roads and drainage on the three roads is $8,000, or $12,300 per kilometre. In comparison, the average rate per kilometre for rural unsealed roads is $1,300 per kilometre, noting that due to less traffic and different wearing patterns, rural roads are generally graded at half the frequency. This does not include additional maintenance mentioned below.

The following risks and issues require ongoing management when undertaking work on these roads:

- Graders are forced to enter the adjoining sealed roads to turn around safely. This is due to the large turning circle of the graders, and the limited visibility available for operator regarding oncoming vehicles. Large plant and equipment is generally not appropriate for routine maintenance within residential areas because of these issues.
- Vehicle and pedestrian activity in the area is increasing as a result of ongoing development, the existing high number of dwellings, and the proximity to the primary school. There is a significant risk associated with plant and equipment interaction with vehicles and pedestrians without complete exclusion (through work zone barriers) from the work area.
- The narrow pavement width on Brown Street prevents vehicle access (of any kind) during maintenance periods.
- Despite best efforts of the operators and driver, environmental issues potentially arise whenever maintenance is required as graders and trucks inevitably interact with trees and vegetation on the verge and nature strip, and backhoes and excavators encroach on the road verge vegetation when conducting table drain maintenance and clearance.

Further to the above mentioned issues and risks, these gravel roads also result in frequent maintenance/clean up requirements associated with:

- Clean up of gravel that has washed from Farnsworth Street down onto Ray Street adjacent to the school crossing. This occurs whenever a rain event is experienced and less than 5mm rain is received, and results in significant safety issues for vehicles on Ray Street.
- Repairs to pot-holing on the gravel entrance to Butterworth Street at the intersection of Reckleben Street.

Ray Street and Reckleben Street are both heavily trafficked and therefore it is essential that traffic management is in place prior to manual labour being undertaken to rectify the
above maintenance issues. This does not eliminate the risk to Council workers, but attempts to reduce the risk to an acceptable level.

Upgrading the road surface and drainage on these roads will reduce the level of ongoing maintenance required, thereby reducing the need to close the roads for grading and drainage works, reducing the potential for public vehicle and pedestrian incidents associated with maintenance works, reducing the potential for ongoing environmental encroachment (post construction), and significantly reducing the safety issues to drivers and road workers caused by gravel runoff/potholes adjoining intersections.

Design

Investigation and detailed design (including detailed feature survey and geotechnical investigation) was undertaken as part of the 2018/2019 budget for a cost of $25,000. The current design proposes the following:

- Maintain the existing carriageway width but with a sealed wearing course as opposed to the existing gravel wearing course. There are some small areas where minor widening is required for width and alignment consistency.
- Crushed rock overlay with a double coat spray seal wearing course.
- Upgrade the existing swale drain to minimise the soil erosion along Farnsworth and Brown streets.
- Installation of kerb and channel along Farnsworth Street and Butterworth Street (Reckleben Street end) to address the identified drainage issues.

Due to the narrow road widths and steep roadside topography, dedicated pedestrian infrastructure was not able to be accommodated in the design.

Vegetation

The exact extent of vegetation removal is unable to be determined until a detailed assessment has been undertaken. However, the design process identified a number of trees which required further assessment:

- Four trees along Butterworths Street.
- Seven trees along Brown Street.

A Council arborist identified the trees as follows: five are Long-leaved Box Trees, two are River Red Gum, two are Large-flowered Bundy, and two are unidentified. These trees vary in size, form and health.

Subject to Council consideration, the next stage of review involves engagement of a DELWP accredited ecologist and arborist to undertake a detailed assessment of the impacts and risks associated with the project, as well as possible removal requirements. This is estimated to cost $3,000. Progress towards this assessment has been halted pending consideration of the petition by Council.

Petition issue – Effect on indigenous trees and understory and noxious weeds

As previously mentioned, the extent of tree removal is required to be determined by a DELWP accredited ecologist and arborist. Ideally there will be no tree removal; however, eleven trees have been identified as needing detailed assessment. There is no planned vegetation removal outside of the existing road and drainage footprint.
Environmental controls during construction remain a high priority, and practices have improved dramatically since the previous works (30 years ago) referred to in the petition. These controls include:

- Effective management of any identified noxious weeds in the area during construction.
- The likelihood of imported material being contaminated is very low as imported material will be specified as Class 2 and 3 crushed rock which is a registered quarry material for road building and does not contain any organic matter.
- Establishment of an environmental protection zone which identifies and marks significant and sensitive vegetation and understory.
- Avoidance of stripping and removal of topsoil that may contain noxious weeds or seeds, and containing the roads and drains within the existing footprint.

Petition issue – Effect on speed and traffic volume

Based on traffic counts conducted in 2006 (92 vpd), 2014 (108 vpd) and 2018 (154 vpd) the volume of traffic on Butterworth Street has increased consistently over the last twelve years. It is inevitable that the traffic volume will continue to increase given the development identified within the area.

There is no significant increase in traffic speeds expected as a result of the proposed road surface treatment. The most recent traffic counts recorded the 85th% of traffic (a traffic engineering measure) travelling at 39 kilometres per hour. This is consistent with other residential streets of similar character that are sealed.

Engineered traffic calming solutions are a more effective method of controlling behaviour. An example of this is the speed hump located at the southern end of Butterworth Street, which is intended to be retained (or similar if improved alternate options are identified). Further traffic calming devices are not believed to be required.

Supplementary issue – Urban heat island effect

Officers are not able to comment with authority on the concept of urban heat island effect. Notwithstanding this, it would appear that in this heavily vegetated residential area the relatively small area of sealed pavement is not likely to have a considerable impact.

Supplementary issue – Effect on resident lives

There is comment within letters supporting the petition that sealing of the road will have adverse impact on resident’s lives. It is unclear from the letters what form these negative impacts take, and how this impact could be measured by Council officers; however, consideration should be given to both the benefits and perceived dis-benefits associated with improving road surface, and associated accessibility with respect to Castlemaine’s demographic.

Policy and Statutory Implications

Relevant policies, strategies and plans

Council Plan 2017 – 2021

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

- Partner with community groups to improve assets.
Declarations of Conflicts Of Interest

Under section 80C of the Local Government Act 1989, officers providing advice to Council must disclose any interests, including the type of interest. The Responsible Officer reviewing this report, having made enquiries with the relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

Alternate Options

Council may decide to not upgrade this road.

Options associated with this include:

1. Minimising maintenance as a result of the decision to not seal the road.

2. Continuing ongoing drainage and unsealed road maintenance – anticipated to be twice per year at a cost of $8,000, in addition to regular maintenance at the adjacent intersections – and acceptance of the need to potentially close the roads and surrounding areas during such maintenance so as to manage the risk of vehicle and pedestrian interaction to a level which is as low as reasonably practicable.

3. Avoiding ongoing grading maintenance.

Financial and Resource Implications

- The design and investigation costs currently total $25,000.
- A detailed vegetation assessment will cost approximately $3,000.
- The estimated cost to upgrade the road and drainage is estimated to be $500,000.
- Ongoing maintenance costs are estimated at $12,000 annually.
- Construction is currently unfunded and will be subject to future budget considerations.

Consultation

Council’s Parks and Gardens team were consulted during the design process and provided advice regarding the nature and extent of affected vegetation that will require further review.

No formal consultation with residents was conducted prior to investigation and design. The history of service requests, residential development and assessed risk has informed the need to upgrade these roads, which is consistent with historical practices.

Affected residents would generally be consulted in the final stages of design, and when there is a likelihood of a future year budget commitment. However; given that the petition was received on 10 May 2019, there has now been numerous conversations and correspondence with residents to address a variety of concerns during the design process.

Discussions with one business owner on Farnsworth Street emphasised that the business attracts at least 5000 tourists every year into Castlemaine from all over Australia and overseas, and that sealing these roads would be of huge benefit for the business.

A number of other residents in the area have contacted officers directly to express their support for the proposed project.
If required, the current design documents could be made available to property owners and residents on Butterworth, Brown and Farnsworth Streets, along with an invitation to respond to a confidential survey to ensure that Council is informed about resident concerns related to the project.

A detailed vegetation assessment is also required to be undertaken.
9.3. OUR ECONOMY (ECO)

ECO 50  PLANNING PERMIT APPLICATION 067/2019-DEVELOPMENT OF EIGHT DWELLINGS AT 6 SAINT STREET, CASTLEMAINE

Responsible Director:  Director Infrastructure and Development, Phil Josipovic
Responsible Officer:  Manager Development Services, Shannon Meadows
Original Document:  DOC/19/25728

Executive Summary

Council has received an application for the development of eight dwellings at 6 Saint Street, Castlemaine. The land is located within the General Residential Zone (GRZ) and is not affected by any overlays. The trigger for the planning permit is the GRZ to develop more than one dwelling on the land.

Five objections have been received including a signed petition containing a number of signatures. Issues raised in the objections include the development not being an appropriate design including the double storey elements of the design and the amenity impacts of the eight dwelling including increased traffic, overlooking and drainage impacts.

In response to concerns raised to the development, amended plans were lodged on 28 October 2019 to remove one dwelling from the proposal, and other changes to reduce the impact of the dwellings on the adjoining properties.

The application has been assessed against the relevant provisions of the planning scheme, including Clause 55 and the application is considered an appropriate design response at this location.

It is recommended that a Notice of Decision to Grant a Planning Permit be issued

RECOMMENDATION

That Council issue a Notice of Decision to Grant a Planning Permit for the development of eight (8) dwellings at 6 Saint Street, Castlemaine subject to the following conditions:

1. AMENDED PLANS REQUIRED

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

a) Deletion of Dwelling 7 from the development plans.

b) The proposed front fence to dwelling 1 must not be higher than 1.5 metres.

c) A landscape plan as required by Condition 5.

d) Screening to all habitable windows, balconies and decks to ensure compliance with Clause 55.04-6 to limit views into existing secluded private open space and habitable room windows.
e) An arborist assessment that defines the details of the tree protection measures as required by Condition 8.

f) Windows to the bedroom and bathroom on the ground level dwelling 4.

g) Windows to the bathroom on the ground level to dwellings 3 and 6.

2. LAYOUT NOT ALTERED

The layout of the development on the endorsed plans must not be altered without the written consent of the responsible authority.

3. MINIMISING GLARE

The exterior colour and cladding of the building(s) must be of a non-reflective nature to the satisfaction of the responsible authority.

4. CONTROL OF LIGHT SPILL

External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

5. LANDSCAPE PLAN REQUIRED

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

a) A survey (including botanical names) of all existing vegetation to be retained and/or removed.

b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.

c) Details of surface finishes of pathways and driveways.

d) Inclusion of a canopy tree within Dwelling 1 front set back area and in all other dwellings secluded private open space.

e) A combination of trees and shrubs within the driveway areas and screening plantings along both the eastern and western boundaries.

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

The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

6. COMPLETION OF LANDSCAPING

Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

7. LANDSCAPING MAINTENANCE

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.
8. TREE PROTECTION DURING CONSTRUCTION

Before the development (including demolition) starts, a tree protection fence must be erected around the existing trees located on 8 Saint Street at a radius to be determined by an arborist report as required under Condition 1e to define a "Tree Protection Zone". The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the responsible authority. The tree protection fence must remain in place until construction is completed. The ground surface of the Tree Protection Zone must be covered by a 100mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the responsible authority.

The above condition may be modified to require protection of other types of vegetation.

9. REGULATION OF ACTIVITIES IN TREE PROTECTION ZONE

No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone without the written consent of the responsible authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

10. ENGINEERING

Engineering Plans

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

Drainage

b) 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.

c) 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.

d) 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 5 year annual recurrence interval (IDM Design standards - Section 19.3 Requirements).

COMMON PROPERTY ACCESS

a) The applicant shall submit plans to the satisfaction of council’s infrastructure unit to demonstrate that vehicle accessing the property can enter and exit in a forward manner.

b) Provision is to be made for the turning circle or “T”.
c) The internal driveway access shall be constructed to appropriate engineering standards approved by council along with appropriate cut off table drains and cross culverts.

Vehicle Crossing

d) The proposed vehicle crossover is to be constructed to the satisfaction and requirements of Council. No impending or redirection of existing surface flow is allowed to occur as a result of these works. Council’s minimum standards are:
   I. 3.5 metres wide.
   II. Crossings must be positioned keeping a minimum of 3 metres clearance from council trees located at the property frontages.
   III. 100 millimetres minimum compacted thickness of road base gravel from edge of pavement to property line.

Sediment Pollution Control

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

Consent for Constructions

f) 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.

11. PLANT/EQUIPMENT OR FEATURES ON ROOF

   No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the responsible authority.

12. BOUNDARY WALLS

   The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the responsible authority.

13. CULTURAL HERITAGE

   The recommendations of the approved Cultural Heritage Management Plan No 14083 must be adhered to under the Aboriginal Heritage Act 2006 and subject to the following management conditions listed in the Plan including specific Cultural Heritage Management requirements specified in Section 10 of the plan and Contingency plan outlined in Section 11 of the plan.

14. DELWP

   To prevent impacts on Crown land, all works are to be contained within the freehold land and must take place from the freehold side of the boundary.

   Permit Notes:

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

This permit will expire if the permitted development is not started within two years of the date of this permit, or is not completed within four years of that date.

The responsible authority may extend these periods if a request is made in writing before the permit expires, or within six months afterwards (for a request to extend the time to commence the development) or twelve months after the permit expires (for a request to extend the time to complete the development).

MOVED COUNCILLOR PETRUSMA

That the recommendation be adopted.

SECONDED COUNCILLOR CORDY

CARRIED.
OVERVIEW

<table>
<thead>
<tr>
<th>Application type</th>
<th>Development of eight dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land/Address</td>
<td>6 Saint Street, Castlemaine</td>
</tr>
<tr>
<td>Lot size</td>
<td>2193.9 square metres</td>
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<tr>
<td>Zoning</td>
<td>General Residential Zone.</td>
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<td>Overlays</td>
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<td>Under what clause(s) is a permit required</td>
<td>Clause 32.08-6 GRZ</td>
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<td>Referrals (section 55)</td>
<td>Nil.</td>
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<tr>
<td>Notice (section 52)</td>
<td>Council’s Infrastructure Department</td>
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<tr>
<td>Objections received</td>
<td>5</td>
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<tr>
<td>Mediation</td>
<td>Yes - 24 May 2019 and 27 June 2019</td>
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<tr>
<td>Objections outstanding</td>
<td>5</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Issue a Notice of Decision to Grant a planning permit</td>
</tr>
<tr>
<td>Supporting documents</td>
<td>Amended Development Plans, list of changes</td>
</tr>
</tbody>
</table>
Context

The purpose of this report is to enable Council to make a determination on an application for the development of eight dwellings at 6 Saint Street, Castlemaine. The application has been referred to Council for a decision because there are five objections received to the application.

Refer to:

Attachment ECO 50A: PA67/2019 - Context and Site Aerial
Attachment ECO 50B: PA67/2019 - Final plans submitted with application
Attachment ECO 50C: PA67/2019 - Clause 55 Assessment

The application was lodged on 18 March 2019 and proposes to develop eight dwellings on the land. The proposed layout of the dwellings on the land includes a new dwelling on the Saint Street frontage, with three new dwellings located behind and three dwellings located behind No.6a Saint Street. The dwellings are contemporary architecturally designed dwellings and would utilise a mixture of materials including timber, rendered and metal sheet wall cladding and metal roofing.

Amended plans were lodged with Council on 19 June 2019 and circulated to all objectors for further comments. The amended plans provide additional plans including sectional plans through the site showing the overall height of the proposal in relation to the adjoining natural ground levels and built form. The amended plans include the following changes:

- Setback of Dwellings 2 and 4 from the western boundary, 1 metre & 1.1 metres respectively, previously had been on the boundary.
- Reduction in finished floor levels of Dwellings 1 and 6 by 330 millimetres and 1200 millimetres respectively.
- Unit 8 floor level changed from FL 284.56 to RL 284.67, an increase of 110 millimetres.

Further amended plans were lodged on the 28 October, 2019 and circulated to all objectors for further comments. The amended plans (labelled ‘G’ revision) include the following changes:

- Removal of dwelling 7 from the development, resulting in a total of seven dwellings over the land.
- Changes to the layout, setbacks and heights of dwellings along the eastern boundary.

The report assesses these amended plans, labelled revision ‘G’.

The dwellings comprise 4 x three bedroom and 3 x two bedroom dwellings. All of the proposed dwellings are double storey with the exception of dwelling 8. Parking has been provided to each dwelling including five visitor car spaces and bicycle spaces on the land. Access to the site is directly from Saint Street.

The land comprises two existing lots, Lot 2 PS 709687 (1742m²) & Crown allotment 2025 (449m²) The land is located on the southern side of Saint Street and has a 20.12 metre frontage to Saint Street, 62.4 metre length along the eastern boundary and a 67.4 metre length along the western boundary, having a total area of 2181sqm. The land rises up approximately 5.2 metre from the Saint Street frontage to the rear of the site. The land is developed with a single storey dwelling and three sheds, which are all proposed to be demolished to accommodate the development. There are existing trees along the rear southern boundary which are proposed to be removed.
Adjoining lots are developed with existing dwellings. The existing built form in Saint St is a mixture of architectural styles and materials including a number of multi dwelling sites. The land is located within walking distance of the Castlemaine commercial centre.

A Cultural Heritage Management Plan was triggered by the Aboriginal Heritage Act 2006 as the development is considered high impact and the site is located within a sensitive area as defined within the Aboriginal Cultural Heritage Regulations. The CHMP has been approved. Any permit issued will include reference to the approved plan and its recommendations and conditions.

**Policy and Statutory Implications**

**State Planning Policy Framework (SPPF) (In Style Report Heading 2)**

*Clause 11.01-1S Settlement*

This policy seeks to promote sustainable growth and development through a network of settlements. The policy encourages development in accordance with the relevant regional growth plan and seeks to limit urban sprawl and direct growth into existing settlements. The subject site is located within the existing Castlemaine township and zoned to accommodate residential development.

*Clause 11.01-1R Loddon Mallee South*

This policy outlines broad objectives for land use and development within the Loddon Mallee South region. The plan includes objectives of strengthening communities especially by supporting the ongoing role and contribution of the regional towns including Castlemaine to manage and support growth.

*Clause 15.01-1S Urban design*

Policy in this Clause seeks to create urban environments that are safe, healthy and functional and which contribute to a sense of place and cultural identity. Relevant policy aims to ensure development responds to its context in terms of character, cultural identity, natural features and surrounding landscape, ensuring development provides landscaping and promotes good urban design.

The design, layout and scale of the dwellings on the land is considered to respond to its context, would provide landscaping and would not detract from the natural qualities of the landscape areas adjoining the subject site.

*15.01-5S Neighbourhood character*

This policy objective includes to recognise, support and protect neighbourhood character, cultural identity, and sense of place. Strategies to achieve the objective is to ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.

*Clause 16.01-3S Housing Diversity*

This policy includes broad support for diversified provision of housing. Housing should be well located, close to services and other community and physical infrastructure.

Provision of housing should widen housing choice to meet increasingly diverse needs and make better use of existing infrastructure. Housing development should also respect neighbourhood character.
Local Planning Policy Framework (LPPF)

Clause 21.02 Municipal Vision and Framework Plan

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

Under the heading of Township Role and Identity at Clause 21.02-3, Castlemaine is classed as a Region centre/town and identified as a having a local and sub-regional role, with key features including heritage buildings and streetscapes, and surrounding areas of native vegetation which provide the backdrop to the town.

In the Strategic Framework Plan at Clause 21.02-4, Castlemaine is identified as the preferred location for commercial, industrial and residential expansion in the shire.

Clause 21.03 Settlement

The Shire has prepared a growth management model to accommodate potential growth called “Cluster Connect and Consolidation”. The model was developed during the preparation of the Mount Alexander Urban Living Strategy. The model seeks to encourage balanced development across the Shire building on the Shire’s existing settlement pattern with a regional urban focus on Castlemaine. The main components of the model are urban consolidation and expansion at Castlemaine.

Clause 21.03-1 Urban growth

This Clause offers an overview of the Shire’s urban growth. The preferred settlement pattern identifies limited growth of smaller towns into existing urban areas/township boundaries that are serviced, and bushfire risks can be managed

Clause 21.08-1 Housing location and diversity

This Clause recognises the need for greater need for housing diversity within the Shire and the close connection this has to wellbeing of a changing community. The policy recognises the aging population of the Shire, being older than the State average as a whole, and a greater number of lone and single person households.

Strategies aim to promote development of smaller dwellings, preferably within infill locations.

Clause 21.11 Infrastructure

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

Clause 21.12-1 Castlemaine

Castlemaine is the main population centre in Mount Alexander Shire which accounts for 50 percent of the Shire’s total population. The subject land falls within the urban boundary on the Castlemaine land use framework plan, close to the centre of town and is located in area where residential development is encouraged.
Zoning

Clause 32.08 General Residential Zone (GRZ)
The land is located within the General Residential Zone which includes in its objectives:

- To provide for development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

Under Clause 32.08-6, a permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

Overlays

No overlays affect the land.

Particular provisions

Clause 52.06 – Car Parking

Clause 52.06 refers to car parking and Clause 52.06-1 requires that a new use must not commence until the required car spaces have been provided on the land. The number of spaces required to be provided for a dwelling:

- One space to each one or two bedroom dwelling.
- Two spaces to each three or more bedroom dwellings.
- One space for every five dwellings for visitors.

The proposal has a parking requirement of 11 spaces for the dwellings and 2 visitor spaces, having a total requirement of 13 spaces. The proposal provides a total of 16 car spaces on the land, including 11 for the 7 dwellings and 5 visitor spaces, which achieves compliance with Clause 52.06.

Clause 55 Two or more dwellings on a lot

This clause includes various standards for two or more dwellings on a lot. A detailed assessment against the relevant sections of clause 55 has been undertaken and achieves compliance.

Issues

Policy support

The proposal is supported by a wide range of policy within the Mount Alexander Planning Scheme which recognises the need to accommodate future populations and actively encourages urban consolidation and infill development where it is considered appropriate.

State Planning Policy requires development to respond to its context in terms of scale, form, use of materials and surrounding landscape and climate. Policy specific to Castlemaine at Clause 21.08-1 acknowledges that Castlemaine in particular is ideally placed to create different housing stock within the urban area.

Housing diversity, consolidation and affordability are other key themes. The State Planning Policy Framework also requires development to respond to its physical context and to achieve good quality environments through good urban design. Design objectives ask for development that contributes positively to local urban character, enhances
liveability and amenity, promotes attractiveness of towns and cities within broader strategic contexts and minimises detrimental impact on neighbouring properties.

The proposed dwellings are located within the General Residential Zone and within an area where residential infill development is encouraged in the Castlemaine land use framework plan at Clause 21.12.

Density of Development

The density of any development is not considered in isolation. The planning provisions of the Mount Alexander Planning Scheme require a performance based approach to how development responds to a site and its context. Therefore matters such as built form, scale, design, pattern of existing development, setbacks, retention of vegetation and amenity impacts must be considered in any development.

It is acknowledged that the density of development on this site would be higher than what currently exists in the immediate area, however it is considered that the design and layout of the dwellings on the land has responded to and considered the existing built form and layout of lots in this section of Saint Street. More importantly, the proposal responds to the site’s opportunities and constraints by:

- Locating the dwellings to provide sufficient setbacks from all boundaries to reduce the impact of the building form to the immediate adjoining properties.
- Minimising overlooking and overshadowing to any adjoining site, particularly with recessed first floor levels and removal of some of the upper level balconies.
- Staggering the levels of the dwellings across the site to reduce the need for significant site cuts, fill, and retaining walls.
- Providing separation between the built form to allow for landscaping and providing a sense of space on the site.
- The development is planned around a shared pedestrian access way in the centre, providing for interaction between residents, a shared asset, and better pedestrian movement throughout the development.
- The use of selected building materials, colours and finishes that provide for architectural variation, articulation, and some visual interest while not being bold or dominant within this streetscape.

Neighbourhood Character

Neighbourhood character is essentially the combination of the public and private realms. Every property, public place or piece of infrastructure makes a contribution, whether great or small. It is the cumulative impact of all these contributions that establishes neighbourhood character. The key to understanding character is being able to describe how the features of an area come together to give that area its own particular character but the fact that an element or characteristic does not exist does not mean a new design cannot include new elements that will form part of the future or preferred character.

The character of the immediate area of the site comprises a mixture of built form including the use of varied materials, including timber and brick. What is consistent in this streetscape in and around the site is the expansive street verge, low rise fencing and the dominance of street trees, particularly on the south side of Saint Street and garden settings.

Whilst being contemporary in its design, Dwelling 1 as it present to Saint Street would reinforce the scale and character of the existing built form. The building has been designed to include the design elements existing in this area in a contemporary manner but has not replicated any particular design.
The combination of the use of double and single storey elements over the site, limiting the size and layout of the upper level, façade articulation and detailing including the use of recessive materials on the upper level, all contribute to the design of the dwellings being suitable to this location. The setback of the dwellings on the land, particularly on the Saint Street frontage and along both the eastern and western elevations will allow for detailed landscaping within these areas to provide a balance between built form and landscaping. A reduction in the height of the front fence to Saint Street would ensure consistency in this streetscape.

Clause 55 (Rescode) Assessment

A detailed assessment against the requirements of Clause 55 is provided as an appendix to this report. The proposal achieves compliance with the requirements of Rescode. This indicates a suitable design in regards to features such as the provision of open space, siting and availability of sunlight to habitable rooms, provision of privacy, and other design details.

Outstanding objections to the application

Following advertisement of the application in accordance with Sections 52(1)(a) and 52(1)(d) of the Planning and Environment Act 1987, five (5) objections were received, including a signed petition. Key issues raised by objectors and officers comments are detailed below.

Development out of character

The purpose of the General Residential Zone is not limited to providing single detached dwellings on quarter acre blocks, and there is no relevant limitation which would require single storey only development. Rather, the purpose of the zone specifically seeks to provide a variety of dwellings types at a range of densities that meet the housing needs of all household types.

As above, the design, layout and height of the dwellings are considered an appropriate design response at this location. The design of the dwelling has considered the sloping site and achieves compliance with heights and setbacks as required by Clause 55.

Density of development

As outlined in this report, density cannot be considered in isolation and must be considered against all the provisions of the planning scheme as they relate to neighbourhood character, urban consolidation, infill, amenity impacts and Clause 55 assessment. As demonstrated in this report, the development is considered on balance to achieve a suitable site response design at this location.

Overshadowing and lack of privacy

The development achieves compliance with overshadowing and overlooking requirements of Clause 55. Condition 1 requires screening on balconies on upper levels to limit views into adjoining (secluded) private open space.

The development will compound the current flooding issues at No 8 Saint Street.

This issue has been raised in a previous planning application for multiple dwellings at 16 Saint Street. Council officers are aware of stormwater and drainage issues in this street and have recently undertaken works to manage stormwater. Further remedial works are proposed in this area. Council’s Engineers have not raised any issue with this development, but have also included conditions that require stormwater and drainage to be managed in accordance with Council’s requirements, including on site retention.
Concerns about the mature trees located at No 8 Saint Street.

This issue was discussed at the consultation meeting. It was stated that if a permit was to issue, tree protection measures would be included as conditions on the permit, with a specific requirement for a tree protection area and restrictions on the works to protect the existing trees.

Alternative Options

Council could refuse the application; however, noting the proposed permit conditions require the removal of one dwelling from the development, and that the revised development will comply with applicable policies, there are no strong grounds for refusal.

Financial and Resource Implications

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

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.

Applicant-objector correspondence

An applicant-objector meeting was undertaken on the 24 May 2019, and was attended by objectors, Councillors Lesser and Henderson, the applicant, and Planning officers. The applicant agree to provide additional plans to show further detail regarding the height and levels of the proposal in relation to the adjoining built form and ground levels. These updated plans were provided to Council on the 19 June 2019 and emailed to all parties on the 20 June 2019. The objectors requested a further meeting on site, which was held on the 27 June 2019 to further discuss the proposal. No resolution was reached between parties.

External Referrals

- DELWP – conditional consent

Internal Referrals

- Council’s Infrastructure Unit have provided conditional consent.
### Clause 55 Assessment:

**Clause 55.01 Neighbourhood and Site Description and Design Response**

<table>
<thead>
<tr>
<th>Standard No. &amp; Objective</th>
<th>Standard</th>
<th>Comments</th>
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</table>
| **Standard B1: Neighbourhood character**  
Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area. | The design response must be appropriate to the neighbourhood and the site.  
The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site. | Satisfactory |

**Clause 55.02 Neighbourhood Character and Infrastructure**

| Standard B2: Residential Policy  
Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services. | Witten statement describing how development is consistent with planning policies for housing in the Planning Scheme. | Complies  
The proposal is site responsive to the residential neighbourhood character of the area which has varying topography, and a mix of single and double storey dwellings, some unit development in a mixture of eras of and styles.  
Written Statement Submitted and in accompanying planning report. |

| Standard B3: Dwelling diversity  
Encourages a range of dwelling sizes and types in developments of ten or more dwellings. | Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:  
- Dwellings with a different number of bedrooms.  
- At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. | - Not Applicable  
The dwelling include a range of two – three bedroom dwellings including bedrooms and living areas at the ground level. |

| Standard B4: Infrastructure  
Integrate the layout of development with the street. | Development should:  
- be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.  
- not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.  
- In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure. | Complies  
Development can be suitably serviced by the existing infrastructure of the established area. |
**Clause 55 Assessment:**

| Standard B5: Integration with the street | Development should provide adequate vehicular/pedestrian links that maintain/enhance local accessibility. | ✓ Complies
The existing dwelling to be retained at 6A Saint (not part of the subject site) and the new dwelling 1 both front Saint Street. A new crossover is proposed to provide access to the new dwellings via an internal access road. The new crossover location replaces the existing crossover which provides vehicle access to 6 Saint St. Front fencing will be restricted to 1.5m height.
The design allows for vegetation to be established within the front setback. |
<table>
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<tbody>
<tr>
<td>Integrate the layout of development with the street.</td>
<td>Dwellings should be oriented to front existing and proposed streets.</td>
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<td>High fencing in front of dwellings should be avoided if practicable.</td>
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<td></td>
<td>Development next to existing public open space should be laid out to complement the open space.</td>
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</table>

**Clause 55.03 Site Layout and Building Massing**

<table>
<thead>
<tr>
<th>Standard No. &amp; Objective</th>
<th>Standard</th>
<th>Comments</th>
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</table>
| Standard B6: Street setback | The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. | If **there are existing buildings on both abutting allotments**, the average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or **9 metres**, whichever is the lesser. | Complies
Dwelling 1 has a staggered set back to the front wall of the adjoining dwelling to the west, a setback of 8.3m—7m. The existing dwelling at 5A Saint Street is setback 7m from the street. The dwelling at 4 Saint St is setback 8.3m from the street.
The large verges in the street, with the street trees, combined with the varied dwelling setback the means that the proposed front setback is reasonable in this setting. |
| STANDARD B7: Building height | Building height should respect the existing or preferred neighbourhood character. | Changes of building height between existing buildings and new buildings should be graduated. **Sloping site**
- If the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, the maximum building height should not exceed **10 metres**. | Complies
The proposed new dwellings are all double storey, except for one and they vary in height across the site due to the design and response to the site topography. No dwelling exceeds 7m in height. |
| Standard B8: Site coverage | Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site. | The site area covered by buildings should not exceed 60%. | Complies
The site coverage is approximately 38%. |
### Clause 55 Assessment:

<table>
<thead>
<tr>
<th>Standard B9: Permeability</th>
<th>Complies</th>
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<tbody>
<tr>
<td>Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</td>
<td>The private open space areas and areas around dwellings provide for pervious surfaces of 30.0%.</td>
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<tr>
<td><strong>At least 20% of the site should not be covered by impervious surfaces.</strong></td>
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<tr>
<th>Standard B10: Energy efficiency</th>
<th>Complies</th>
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<tbody>
<tr>
<td>Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</td>
<td>The dwellings and open space areas have been oriented to take the best advantage of northern aspect.</td>
</tr>
<tr>
<td><strong>Buildings should be:</strong></td>
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<tr>
<td>➢ Oriented to make appropriate use of solar energy.</td>
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<tr>
<td>➢ Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</td>
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<tr>
<td>➢ Living areas and private open space should be located on the north side of the dwelling, if practicable.</td>
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<tr>
<td>➢ Dwellings should be designed so that solar access to north-facing windows is maximised.</td>
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<table>
<thead>
<tr>
<th>Standard B11: Open space</th>
<th>NA</th>
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<tbody>
<tr>
<td>Integrate layout of development with any public and communal open space provided in or adjacent to the development.</td>
<td></td>
</tr>
<tr>
<td><strong>If any public or communal open space is provided on site, it should:</strong></td>
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<tr>
<td>➢ Be substantially fronted by dwellings, where appropriate, and be accessible and useable.</td>
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<tr>
<td>➢ Provide outlook for as many dwellings as practicable.</td>
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<tr>
<td>➢ Be designed to protect any natural features on the site.</td>
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<thead>
<tr>
<th>Standard B12: Safety</th>
<th>Complies</th>
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<tbody>
<tr>
<td>Layout to provide safety and security for residents and property.</td>
<td>All dwelling entrances are visible and oriented to the internal accessway. The entrance to dwelling 1 is located in the frontage of the dwelling and accessed by a front entry path.</td>
</tr>
<tr>
<td><strong>Entrances to dwellings/residential buildings should not be obscured or isolated from the street and internal accessways.</strong></td>
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<tr>
<td>Planting which creates unsafe spaces along streets and accesseways should be avoided.</td>
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<tr>
<td>Developments should provide good lighting, visibility and surveillance of car parks and internal accessways.</td>
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<tr>
<td>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</td>
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<table>
<thead>
<tr>
<th>Standard B13: Landscaping</th>
<th>Complies</th>
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<tbody>
<tr>
<td>To provide appropriate landscaping.</td>
<td>Landscaping areas provided along the frontage, adjacent to driveway areas and along boundary fences. Canopy trees are shown in the private open space area of each dwelling. Screen planting is proposed along the west boundary in the private open space of dwelling 5. Further a landscape plan will be required by permit condition.</td>
</tr>
<tr>
<td><strong>The landscape layout and design should:</strong></td>
<td></td>
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<tr>
<td>➢ Protect any predominant landscape features of the neighbourhood.</td>
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<tr>
<td>➢ Take into account the soil type and drainage patterns of the site.</td>
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<tr>
<td>➢ Allow for intended vegetation growth and structural protection of buildings.</td>
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<tr>
<td>≥ In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.</td>
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<tr>
<td>➢ Provide a safe, attractive and functional environment for residents.</td>
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<tr>
<td>➢ Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.</td>
<td></td>
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<table>
<thead>
<tr>
<th>Standard B14: Access</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure the safe, manageable and convenient vehicle access to and from the development.</td>
<td>The proposed internal accessway has been designed to enable vehicles to enter and exit the site in a forward and reverse manner.</td>
</tr>
<tr>
<td><strong>Access ways should:</strong></td>
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<tr>
<td>➢ Be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network.</td>
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</tr>
<tr>
<td>➢ Be designed to ensure vehicles can exit a development in a forward and reverse manner.</td>
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</table>
### Clause 55 Assessment:

| Ensure the number and design of vehicle crossovers respects neighbourhood character. | direction if the accessway serves five or more car spaces, three or more dwellings, or connects to a road in a Road Zone.  
- Be at least 5 metres wide  
- Have an internal radius of at least 4 metres at changes of direction.  
- Provide a passing area at the entrance that is at least 5 metres wide and 7 metres long if the accessway serves ten or more spaces and connects to a road in a Road Zone.  
- The width of access ways or car spaces should not exceed 33% of the street frontage, or if the width of the street frontage is less than 20 metres, 40% of the street frontage. | direction. There is adequate turning room in to the garages for each dwelling, and appropriate access to the onsite visitor parking spaces.  
A new accessway replaces the existing accessway which provides vehicle access to the site. The accessway has a width of 5 metres at the entrance and 6 metres throughout the development well in excess of minimum requirements. The new accessway does not impact on the number of street car parking spaces.  
The width of the accessway is less than 33% of the site frontage and will not dominate the frontage. |

| Standard B15: Parking location  
Provide resident and visitor vehicles with convenient parking.  
Avoid parking and traffic difficulties in the development and the neighbourhood.  
Protect residents from vehicular noise within developments. | Car parking facilities should:  
- Be reasonably close and convenient to dwellings and residential buildings.  
- Be secure.  
- Be designed to allow safe and efficient movements within the development.  
- Be well ventilated if enclosed. | Complies  
Each dwelling has a single or double garage conveniently located next to the dwelling entry. They are designed so that the movements to and from them are safe. The garage forms are well designed and are separated by breaks in the building form, with landscaping where appropriate.  
6 visitor car parks are located on site. |

### Clause 55.04 Amenity Impacts

<table>
<thead>
<tr>
<th>Standard No. &amp; Objective</th>
<th>Standard</th>
<th>Comments</th>
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</table>
| **Standard B17: Side and rear setbacks**  
Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings | A new building (if not built on a boundary) should be set back from side or rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. | Complies  
The height and setbacks of the dwellings complies |
### Clause 55 Assessment:

<table>
<thead>
<tr>
<th>Standard B18: Walls on boundaries</th>
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<tbody>
<tr>
<td>Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</td>
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<tr>
<td>• A new wall or carport constructed on a side or rear boundary of a lot should not abut the boundary for a length of more than:</td>
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<tr>
<td>➢ 10 metres plus 25% of the remaining length of the boundary of an adjoining lot, or</td>
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<tr>
<td>➢ Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.</td>
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</tr>
<tr>
<td>• The height of a new wall or carport constructed on a side or rear boundary should not exceed an average height of 3 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</td>
<td>Complies</td>
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<table>
<thead>
<tr>
<th>Length of walls on boundary – achieved</th>
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<tbody>
<tr>
<td>Heights of walls on boundaries</td>
<td></td>
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<tr>
<td>The boundary wall heights are less than 3.8m and are generally 3 – 3.2m varying due to the slope of the land.</td>
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<tr>
<td>There is one small area of non-compliance on the western elevation at the front corner of Townhouse 1. The wall height on this western side ranges in height from 3.6m to 4.7m for a length of around 8m. The impact of this non-compliance is limited, as the new wall sits adjacent to the existing wall of the adjacent dwelling which in this location is the driveway access for this dwelling.</td>
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<tr>
<th>Standard B19: Daylight to existing windows</th>
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<tbody>
<tr>
<td>Allow adequate daylight into existing habitable room windows.</td>
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<tr>
<td>• Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky.</td>
<td>Complies</td>
</tr>
<tr>
<td>• Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</td>
<td></td>
</tr>
</tbody>
</table>

| Dwelling 1 is located opposite one habitable room window in the dwelling to the west – it is located over 3m away and complies with the standard. |  |

<table>
<thead>
<tr>
<th>Standard B20: North-facing windows</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Allow adequate solar access to existing north-facing habitable room windows.</td>
<td></td>
</tr>
<tr>
<td>• If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window.</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

| No north facing windows in existing dwellings within 3 metres of the boundary. |  |

<table>
<thead>
<tr>
<th>Standard B21: Overshadowing open space</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure buildings do not significantly overshadow existing secluded private open space</td>
<td></td>
</tr>
<tr>
<td>• Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of 5 hours of sunlight between 8 am and 3 pm on 22 September.</td>
<td>Complies</td>
</tr>
</tbody>
</table>

| Shadow diagrams are provided with the application and demonstrate that minimal overshadowing occurs to the property to the west in the morning along the fence line and similarly in the afternoon to the property to the east. The overshadowing will not result in any unreasonable amenity impact. |  |
**Clause 55 Assessment:**

| Standard B22: Overlooking | Limit views into existing secluded private open space and habitable room windows. | A habitable room window, balcony, etc. should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within 9 metres. | Complies

There are limited east facing windows proposed adjacent to the private open space area of the adjoining property to the east. Where windows are proposed they will be opaque. Some of the balconies will be recommended to be removed. |

| Standard B23: Internal views | Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development. | Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development. | Complies

Within the development, upper level windows are designed to look within their own private open space, but not into the private open space of other proposed dwellings. |

| Standard B24: Noise Impacts | Protect residents from external noise and contain noise sources in developments that may affect existing dwellings. | Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. | Complies

No noise sources apparent. |

---

**Clause 55.05 On Site Amenity and Facilities**

<table>
<thead>
<tr>
<th>Standard No. &amp; Objective</th>
<th>Standard</th>
<th>Comments</th>
</tr>
</thead>
</table>
| Standard B25: Accessibility | The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility. | Complies

 Provision of amenities at ground floor level with bedrooms at ground floor. |

| Standard B26: Dwelling entry | Provide a sense of identity to each dwelling/residential building. | Entries to dwellings and residential buildings should:
- Be visible and easily identifiable from streets and other public areas.
- Provide shelter, a sense of personal address and a transitional space around the entry. | Complies

The entry to each of the dwellings is visible from driveway and site frontage with appropriate sheltered areas provided. |
### Clause 55 Assessment:

<table>
<thead>
<tr>
<th>Standard B27: Daylight to new windows</th>
<th>A window in a habitable room should be located to face:</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allow adequate daylight into new habitable room windows.</td>
<td>➢ An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot.</td>
<td>Each window complies with this standard.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard B28: Private open space</th>
<th>A dwelling or residential building should have private open space consisting of:</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide reasonable recreation and service needs of residents by adequate private open space.</td>
<td>➢ An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or</td>
<td>All dwellings are provided with an excess of 40sqm of private open space located off the living room area. The private open space areas have been located to take advantage of northern aspect wherever possible.</td>
</tr>
<tr>
<td></td>
<td>➢ A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>➢ A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</td>
<td></td>
</tr>
</tbody>
</table>

### Clause 55.05 On Site Amenity and Facilities

<table>
<thead>
<tr>
<th>Standard No. &amp; Objective</th>
<th>Standard</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard B29: Solar access to open space</td>
<td>The private open space should be located on the north side of the dwelling, if practicable. The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 * 0.9h) metres, where ‘h’ is the height of the wall.</td>
<td>Variation required. Dwellings 1, 2, 3, 4, 6, 7 &amp; 8 all comply with this standard. Minor variations are sought for dwellings 5 &amp; 6. Townhouse 7 has a southern boundary wall height of 6.6m which is located on the north side of the private open space area of Townhouse 6. The depth of the POS is 4.8m. The depth required by the standard is 7.9m. The wall height of dwelling 5 is 4.5m high to the north of the POS for that townhouse, with the southern boundary of the POS varying from 3.6m to 5.8m. The suggested setback is 6.05m. These areas of non-compliance are considered very modest and in all instances the dwellings are provided with a suitable primary open space area and a compliant secondary private open space area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard B30: Storage</th>
<th>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide adequate storage facilities for each dwelling.</td>
<td>Storage areas are provided in the garage areas of the townhouses. This is considered appropriate and adequate for this type of housing. Further storage could be located in the private open space areas if the future residents choose.</td>
<td></td>
</tr>
</tbody>
</table>

Page 7 of 8
Clause 55 Assessment:

<table>
<thead>
<tr>
<th>Standard B31: Design detail</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Encourage design detail that respects the existing or preferred neighbourhood character.</td>
<td>The design will suitably blend with the surrounding development, using materials appropriate to the area. The character of this area is of a mix of dwelling styles and eras. The dwellings are contemporary in style and appropriate to the character of the area. The development allows for adequate areas for landscaping.</td>
</tr>
<tr>
<td>• The design of buildings should respect the existing or preferred neighbourhood character.</td>
<td></td>
</tr>
<tr>
<td>• Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard B32: Front fences</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Encourage front fence design that respects the existing or preferred neighbourhood character</td>
<td>The proposed front fence consists of a 1.3m terraced rock wall. A 1.8m (will be required to be 1.5m) semi-transparent screen is set back 1m from the rock terrace, will integrate well into streetscape.</td>
</tr>
<tr>
<td>• The design of front fences should complement the design of the dwelling and any front fences on adjoining properties.</td>
<td></td>
</tr>
<tr>
<td>• A front fence within 3 metres of a street should not exceed:</td>
<td></td>
</tr>
<tr>
<td>➢ Streets in a Road Zone, Category 1: 2 metres</td>
<td></td>
</tr>
<tr>
<td>➢ Other streets: 1.5 metres</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard B33: Common property</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</td>
<td>The common accessway is clearly delineated as are the visitor car parking spaces.</td>
</tr>
<tr>
<td>• Developments should clearly delineate public, communal and private areas.</td>
<td></td>
</tr>
<tr>
<td>• Common property, where provided, should be functional and capable of efficient management.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard B34: Site services</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.</td>
<td>Mailboxes for all dwellings are located in the accessway toward the Saint Street frontage. The location for bin storage is shown for each dwelling.</td>
</tr>
<tr>
<td>• The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.</td>
<td></td>
</tr>
<tr>
<td>• Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</td>
<td></td>
</tr>
<tr>
<td>• Bin and recycling enclosures should be located for convenient access by residents.</td>
<td></td>
</tr>
<tr>
<td>• Mailboxes should be provided and located for convenient access as required by Australia Post.</td>
<td></td>
</tr>
</tbody>
</table>
ECO 51    AUDIT AND RISK ADVISORY COMMITTEE MEETING – NOVEMBER 2019

Responsible Director:    Chief Executive Officer
Responsible Officer:    Executive Manager Organisational Capability
Original Document:    DOC/19/51126

Executive Summary

This report provides a summary of the Audit and Risk Advisory Committee Meeting held on 14 November 2019.

RECOMMENDATION

That Council notes:

1. Details of the Audit and Risk Advisory Committee Meeting held on 14 November 2019.

2. 20 recommended actions were identified in the Payroll Internal Audit Report and they will be added to the Outstanding Action Report for monitoring and completion.

MOVED COUNCILLOR LESSER

That the recommendation be adopted.

SECONDED COUNCILLOR MACHIN

CARRIED.
Context

The Audit and Risk Advisory Committee is a Committee of Council created under Section 139 of the Local Government Act 1989. The Committee’s Charter governs its activities which include assisting Council in discharging its oversight responsibilities in relation to the following matters:

- Financial reporting process to ensure balance, transparency and integrity of published financial information.
- The effectiveness of Council’s internal and risk management systems.
- The effectiveness of the internal audit function.
- The independent external audit process including assessing the performance of the external auditor.
- Council’s process for monitoring compliance with legislation and regulations and Council policies affecting financial reporting.
- Key policies, processes and procedures impacting the effectiveness of Council’s governance framework, including Code of Ethics, Fraud Policy, Protected Disclosure Policy, etc.
- The effectiveness of Council establishing and meeting its performance objectives.

As a Committee of Council, it is important that the Committee’s activities are reported to Council following each meeting.

Policy and Statutory Implications

Statutory powers and implications

Section 139 of the Local Government Act 1989 states:

(1) A Council must establish an audit committee.
(2) An audit committee is an advisory committee.
(2A) The chairperson of an audit committee—
   (a) must not be a Councillor; and
   (b) must not be a member of Council staff; and
   (c) must be suitably qualified.
(3) An audit committee must be constituted in the prescribed manner.
(4) An audit committee has the functions and responsibilities prescribed for the purposes of this section.
(4A) Sections 76D, 79 and 81 apply to members of an audit committee as if they were members of a special committee of the Council.
(5) The Minister may make guidelines for the purposes of this section.
(6) Guidelines made under subsection (5) must be published in the Government Gazette.
(6A) The chairperson may require any report prepared by the audit committee to be listed on the agenda for the next ordinary meeting of the Council.
(7) A Council may pay a fee to a member of an audit committee who is not a Councillor or member of Council staff.

Issues

Meeting Summary

On 14 November 2019 a meeting was held and the following matters were provided on the agenda:

- The scope and resulting internal audit report on Payroll which returned 20 audit recommendations which have been accepted by the Committee, and will be added to the outstanding audit action report for monitoring and completion.

- A progress report on completion of recommendations that were identified through the Auditor-General Victoria's report Fraud and Corruption Control – Local Government. A further report will be provided to the Committee in May 2020.

- The outstanding audit actions report. At the start of the reporting period there was 38 outstanding actions. During the quarter 12 actions were completed, and 13 new actions were added, resulting in 39 outstanding actions at the end of the reporting period.

- The Committee discussed a media report entitled ‘He was doing a great job': Darebin's $16M council corruption scam”.

- The Committee was provided with options for the next internal audit review for consideration and presentation to the February 2020 meeting. As a result of that discussion the next review will be an accounts payable internal control review which will include a focus on scam emails (phishing), and what internal controls are in place in relation to the change of bank accounts and other details for suppliers. This will be followed by an audit on employees’ leave entitlements and balances for the May 2020 meeting. This audit will focus on the system and its calculation and management of all leave types.

Following these audits the work being undertaken in risk management should be sufficient to inform the committee about an internal audit program for 2020/2021.

- The following standing agenda items were provided:
  - Financial Statements for the period ended 30 September 2019.
  - Update on actions in the Enterprise Risk Management Action Plan.
  - Verbal reports from the Mayor and Acting Chief Executive Officer.

Risk Analysis

The Audit and Risk Advisory Committee is the Council’s assurance oversight, which is known as the third line of defence. The first and second line of defence are:

1. Management controls and internal control measures (own and manage the risks).

2. Financial controls, risk management processes, quality controls, security (such as delegations), inspection and compliance (oversee risks).
The three lines of defence are designed to improve the risk management process in the organisation, and the Committee’s work is integral to that.

**Declarations of Conflicts Of Interest**

Under section 80C of the Local Government Act 1989, officers providing advice to Council must disclose any interests, including the type of interest. The Responsible Officer reviewing this report, having made enquiries with the relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Alternate Options**

This report is an information report summarising the activities of the Audit and Risk Advisory Committee’s November 2019 meeting.

**Financial and Resource Implications**

There are no specific costs related to this report.

**Consultation**

Consultation is undertaken with the:

1. Responsible officers of outstanding actions to understand how they are progressing and manage expectations for completion.
2. Internal audit firm and the internal client team of each specific audit as it is undertaken.
3. Executive Team to provide oversight of the internal audit process and monitoring of outstanding actions.
ECO 52 M1474-2019 AWARDING OF CONTRACT M1474-2019 BENDIGO-SUTTON GRANGE ROAD - RECONSTRUCTION WORKS

Responsible Director: Acting Director Infrastructure and Development
Responsible Officer: Project Engineer
Original Document: DOC/19/46761

Executive Summary

This report recommends the awarding of the construction contract for road reconstruction works on Bendigo-Sutton Grange Road.

As part of Council’s commitment to maintain and rehabilitate road infrastructure within the Shire, three sections of Bendigo-Sutton Grange Road were identified as requiring reconstruction. These sections were designed in the previous financial year to ensure the completed works achieve the essential quality and safety requirements for Council infrastructure. The project budgeted was set at $1,930,000.00 in the 2019/20 capital works program, with grant funding obtained for the entire project through the Regional Roads Victoria Fixing Country Roads and Roads to Recovery programs.

Six submissions were received through an open tender process. Following the evaluation of all tenders, three tenderers were shortlisted and interviewed based on their ability and capacity to undertake the works.

This report recommends the awarding of the contract to Bitu-Mill Pty Ltd for a lump sum contract price of $1,788,952.22 (excluding GST).

RECOMMENDATION

That Council:

1. Awards Contract M1474- 2019 for Bendigo-Sutton Grange Road Reconstruction Works to Bitu-Mill Pty Ltd for a contract price of $1,788,952.22 (GST exclusive);

2. Authorises the Chief Executive Officer to sign and affix the Common Seal to the contract documentation for Contract (M1474- 2019) for Bendigo-Sutton Grange Road Reconstruction Works.

MOVED COUNCILLOR GARDNER

That the recommendation be adopted.

SECONDED COUNCILLOR MACHIN

CARRIED.

COUNCILLOR CORDY CALLED FOR A DIVISION:

Councillors For: Gardner, Henderson, Lesser, Machin, Nieman and Petrusma.

Councillors Against: Cordy.
Context

Bendigo-Sutton Grange Road is one of Council’s busiest roads, with an average daily traffic volume of 1123 per day recorded in 2018, up 55% from 2014. Given the anticipated growth rate, and considering the existing condition of the road, this road was identified as requiring reconstruction in three separate locations in order to maintain a safe environment for current and future road users.

A design was completed by civil engineering consultants FMG Consulting in the 2018/19 financial year.

A suitably qualified civil contractor is now required to be appointed to undertake the proposed works.

The location of the site; the traffic volumes and speeds along these sections; and the size of the works, were all identified as key risks to the public and workers. It is therefore important that quality systems and processes be in place to deal with these challenges during the project.

An evaluation of the tenders focused on past experience, construction methodology, and business capacity to ensure a safe and efficient worksite is maintained throughout construction.

A request for tender was publicly advertised on Saturday 28 September 2019 and closed at 2:00pm on Friday 25 October 2019. Conforming tenders were received from six companies.

The Tender Evaluation Panel met on 30 October 2019 to undertake the evaluation of all tenders received. The tenders were evaluated in accordance with the criteria detailed within the tender documents (refer to Table 1).

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk Management</td>
<td>Pass/Fail</td>
</tr>
<tr>
<td>Cost to Council – Direct &amp; Indirect</td>
<td>30%</td>
</tr>
<tr>
<td>Response to Specification</td>
<td>25%</td>
</tr>
<tr>
<td>Experience &amp; Qualifications</td>
<td>25%</td>
</tr>
<tr>
<td>Business and Financial Capacity</td>
<td>10%</td>
</tr>
<tr>
<td>Local Content</td>
<td>5%</td>
</tr>
<tr>
<td>Sustainability</td>
<td>5%</td>
</tr>
</tbody>
</table>

Following the initial evaluation, three Tenderers were shortlisted for interviews.

Tender interviews were conducted on 7 and 8 November 2019. A standard set of questions was provided, with the intention of extracting further detail regarding the Tenderer’s submissions as well as clarifying items within each submission. Shortlisted tenderers were also given the opportunity to provide additional value to Council through the reduction of lump sum total or project efficiencies, if applicable.
On completion of tender interviews the evaluation scoring was revised by the evaluation panel as detailed in the confidential attachment.

Following the detailed evaluation and interview process Bitu-Mill Pty Ltd was the highest ranked Tenderer and deemed to present the best value for money to Council.

Refer to:


**Policy and Statutory Implications**

**Relevant policies, strategies and plans**

**2017-2021 Council Plan**

**Strategy**

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

**Measure of success**

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

**Statutory powers and implications**

The Local Government Act 1989 (the Act) provides relevant direction to local government in regards to procurement and contracts. Section 186 of the Act requires Councils to undertake competitive market testing processes before entering into contracts for purchase of goods or services, or for the carrying out of works for the value of $200,000 or above. The Act imposes specific restrictions on Council in regards to entering such contracts.

Important provisions within Section 186 include minimum standard processes for giving public notice of the purpose of contracts in excess of the value of $200,000. Nothing in Section 186 of the Act requires Council to accept the lowest tender or to accept any tender.

Clause 208 of the Act – ‘Best Value Principles’ requires local governments to comply with the Best Value principles, specifically the need for Council services to meet quality and cost standards and provides a number of factors that may be looked at when applying the principles.

All goods and services purchased by Council must be compliant with the Occupational Health and Safety Act 2004, the Dangerous Goods Act, Equipment (Public Safety) Act 1987, and associated regulations and codes of practice whenever applicable.

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

Risk Analysis

The following risks (amongst others) were considered within the evaluation of the tender and reflected within the recommendations of this report:

- **Traffic Management.** Bendigo-Sutton Grange Road is one of council’s busiest roads, with a posted speed limit of 100km/h. Therefore expertise in traffic management, to monitor and control traffic throughout the works, is essential. Failure to comply with the highest level of traffic management would expose members of the public and workers onsite to unnecessary hazards.

- **Quality assurance associated with stabilisation.** The design requires road pavement stabilisation to be undertaken during the construction phase. This will require the use of specialist equipment and technical expertise; without such expertise the project is likely to be exposed to poor quality outcomes which will increase the likelihood of premature failure of the asset.

- **Environmental Management.** The works are likely to impact the roadside native vegetation. Demonstrated experience in environmental management and protection of vegetation is therefore necessary to ensure that construction activities align with associated approvals, whilst also minimising/avoiding removal and/or damage to other significant environmental assets and vegetation.

Declarations of Conflicts Of Interest

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

Financial and Resource Implications

The project is solely funded through grant submissions obtained through Regional Roads Victoria’s Fixing Country Roads and Roads to Recovery programs. The recommended lump sum cost of the contract is $1,788,952.22, which is within the budgeted cost (Refer Table 2).

It should be noted that, as a result of the project being funded through Regional Roads Victoria programs, project savings will not be realised by Council or available for use on other projects. Additionally, allocated funds are for the 2019/20 financial year only.

**Budget Breakdown – Table 2**

<table>
<thead>
<tr>
<th>Item</th>
<th>$</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Budget</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income</td>
<td>$1,930,000.00</td>
<td>Regional Roads Victoria Fixing Country Roads &amp; Roads to Recovery Programs</td>
</tr>
<tr>
<td><strong>TOTAL BUDGET</strong></td>
<td>$1,930,000.00</td>
<td></td>
</tr>
<tr>
<td><strong>Proposed Expenditure</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tender M1474-2019</td>
<td>$1,788,952.22</td>
<td>Per Council Report</td>
</tr>
<tr>
<td>Contract Contingencies</td>
<td>$91,268.78</td>
<td>Contingencies required for; Latent site conditions Flexibility scope change</td>
</tr>
<tr>
<td>Other Costs</td>
<td>$35,000.00</td>
<td>Project management</td>
</tr>
</tbody>
</table>
### Item Table

<table>
<thead>
<tr>
<th>Item</th>
<th>$</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design Services and Ecological Assessment</td>
<td>$14,779.00</td>
<td></td>
</tr>
<tr>
<td><strong>Total Cost</strong></td>
<td><strong>$1,930,000.00</strong></td>
<td><strong>Total cost over a 1 year period</strong></td>
</tr>
<tr>
<td><strong>NET COST TO COUNCIL</strong></td>
<td><strong>$0.00</strong></td>
<td><strong>Within budget</strong></td>
</tr>
</tbody>
</table>

### Consultation

Local members of the community have been notified of proposed future works through a letter drop and targeted community engagement.

The Sutton Grange Landcare Group leadership committee has also been engaged to discuss the impacts to roadside vegetation as a result of the works.

Allowances have been made within the contract to keep members of the community informed throughout the construction period.
10. **DELEGATES REPORTS**

**Meetings Attended by Chief Executive Officer and Mayor**

The Chief Executive Officer (CEO) tabled meetings attended by the CEO and the Mayor for the period from 20 November to 17 December 2019.

The CEO thanked the Acting CEO for his work whilst he was on leave.

<table>
<thead>
<tr>
<th>Meeting</th>
<th>CEO</th>
<th>Mayor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting with CEO’s of Castlemaine Health, CHIRP Community Health and Project Manager to discuss Mount Alexander Health &amp; Wellbeing Precinct Project (Phil Josipovic, Acting CEO)</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Attended Municipal Fire Management Planning Committee Meeting</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Attended Media Opportunity for Signing of Leases for Etty Street Campus (Phil Josipovic, Acting CEO)</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Attended Climate Risk Financial Reporting and Disclosure Session (Phil Josipovic, Acting CEO)</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Gold Central Vic FM Interview (Phil Josipovic, Acting CEO)</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>MaineFM Radio Interview</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Meeting with Inspector Donna Mitchell regarding Community Web of Protection Initiative (Lisa Knight, Director Corporate &amp; Community Services also in attendance)</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Attended (via online) Climate Emergency Information Session for Councillors</td>
<td>✔</td>
<td>✔</td>
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<tr>
<td>Attended Loddon Campaspe Regional Partnership Meeting (Phil Josipovic, Acting CEO)</td>
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<tr>
<td>Attended Climate Change Community Forum</td>
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<tr>
<td>Attended Annual General Meeting for Barfold Hall Committee</td>
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<tr>
<td>Attended Loddon Mallee New Energy Taskforce Meeting</td>
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<tr>
<td>Gold Central Vic FM Interview</td>
<td>✔</td>
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<tr>
<td>Meeting to discuss matter of concern for local resident</td>
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<tr>
<td>Meeting with Managing Director, CVGT Australia regarding training proposal for Rural Councils Victoria</td>
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<tr>
<td>Meeting with representatives from VicTrack and Newstead Art Salon and Member for Bendigo West, Maree Edwards</td>
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<tr>
<td>Attended Rotary Dinner and participated in Question and Answer Panel</td>
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<tr>
<td>Meeting</td>
<td>CEO</td>
<td>Mayor</td>
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<tr>
<td>Attended Paddock Stage 1 Opening</td>
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<tr>
<td>Attended International Volunteer Day Afternoon Tea</td>
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<tr>
<td>Attended Castlemaine Art Museum Event</td>
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<tr>
<td>Attended Mount Alexander Business Awards</td>
<td>✔</td>
<td>✔</td>
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<tr>
<td>Meeting with Maree Edwards MP, Member for Bendigo West to discuss matters of common interest for Mount Alexander Shire</td>
<td>✔</td>
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<tr>
<td>Attended Official Opening for Castlemaine Library – Improving our Community Space Project</td>
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<tr>
<td>Meeting with Regional Director DELWP to discuss matters of common interest for Mount Alexander Shire</td>
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<tr>
<td>Gold Central Vic FM Interview</td>
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<tr>
<td>Media Interview with Tarrangower Times</td>
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<tr>
<td>Attended Rural Councils Victoria Steering Committee Meeting</td>
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<tr>
<td>Meeting with representatives from Castlemaine Historical Society to discuss matters of common interest for Mount Alexander Shire</td>
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<tr>
<td>Gold Central Vic FM Interview</td>
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11. NOTICE OF MOTION

11.1. NOTICE OF MOTION 2019/009 – CLIMATE EMERGENCY

Moved Councillor Machin

1. That Mount Alexander Shire Council acknowledges that:
   a. Urgent and continuing action is needed to address the current and future impacts of climate change on the health, economy and wellbeing of the people of the Mount Alexander Shire and to its environment.
   b. All parts of our community, including Council, will need to act over many years to reduce emissions, to adapt to our changing environment and to managing the predicted increasing number and intensity of emergencies.
   c. There is significant expertise and goodwill within our communities that has been offered to Council, as identified in the open council briefing held on 9 December 2019.

2. That Mount Alexander Shire Council will act on the urgency by:
   a. Declaring a climate emergency.
   b. Approving and implementing a roadmap that will lead to zero net emissions for Council operations by 2025, ensuring that all actions are informed by cost-benefit analyses to ensure that Council invests in actions with the best returns while maintaining its services and a sustainable long term budget.
   c. Integrating a climate change lens into Council’s design and construction of infrastructure, the planning and implementation of services and the development of policies and strategies.
   d. Identifying the best ways to engage with the expertise and enthusiasm of our communities.
   e. Working with our communities to help reduce our community’s greenhouse gas emissions and increase our ability to adapt to climate change, including in the development of Council’s next climate change strategy.

MOVED COUNCILLOR MACHIN

That the recommendation be adopted.

SECONDED COUNCILLOR NIEMAN

CARRIED.

12. URGENT SPECIAL BUSINESS

Nil.

13. CONFIDENTIAL REPORT

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

That the meeting be closed to the public in accordance with Section 89(2)(a) of the Local Government Act 1989.

SECONDED COUNCILLOR CORDY

CARRIED.

Meeting closed at 8.00 pm.

MOVED COUNCILLOR MACHIN

That the meeting be reopened to the public.

SECONDED COUNCILLOR GARDNER

CARRIED.

Meeting reopened at 8.07 pm.

14. MEETING CLOSE

Meeting closed at 8.07 pm.