

## **AGENDA**



### **FOR THE MEETING OF COUNCIL**

**To be held on Tuesday 20 June 2023**

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

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

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## **ACKNOWLEDGEMENT OF COUNTRY**

**To start the official proceedings**

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

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

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**1. PRESENT**

**2. APOLOGIES/LEAVE OF ABSENCE**

**3. DECLARATIONS OF INTEREST AND CONFLICTS OF INTEREST**

Nil.

**4. CONFIRMATION OF MINUTES**

**4.1. Meeting of Council - 16 May 2023**

The unconfirmed minutes of the Meeting of the Mount Alexander Shire Council held at 6.30 pm on 16 May 2023 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 Council confirms the Minutes of the Meeting of the Mount Alexander Shire Council held on 16 May 2023.**

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**5. ACKNOWLEDGEMENTS**

Nil.

**6. PUBLIC TIME**

**7. PETITIONS AND LETTERS**

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## **8. COMMITTEE REPORTS**

### **8.1. AUDIT AND RISK COMMITTEE MEETING MINUTES 24 MARCH AND 26 MAY 2023**

The confirmed Minutes of the Audit and Risk Committee Meeting 2023 meetings held on 24 March and 26 May 2023 are at Confidential Attachments 8.1.1 and 8.1.2

#### **RECOMMENDATION**

**That Council notes the confirmed Minutes of the Audit and Risk Committee Meetings held on 24 March 2023 and 26 May 2023.**

### **8.2. NORTH CENTRAL GOLDFIELDS REGIONAL LIBRARY CORPORATION BOARD REPORTS**

The Minutes of North Central Goldfields Regional Library Corporation (NCGRL) Board meeting held on 24 March 2023 and the Castlemaine Library Quarterly Report, January – March 2023 are at Attachments 8.2.1 and 8.2.2:

#### **RECOMMENDATION**

**That Council notes the Minutes of North Central Goldfields Regional Library Corporation (NCGRL) Board meeting held on 24 March 2023 and the Castlemaine Library Quarterly Report, January – March 2023.**

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## 9. OFFICER REPORTS

### 9.1. Economy

#### 9.1.1 ADOPTION OF 2023/2024 BUDGET

This Report is For Decision

Responsible Director: Director Corporate and Community Services, Lisa Knight  
Responsible Officer: Executive Manager Corporate Services, Carolyn Ross  
Attachments: 1. Proposed Budget - 2023-2024 (for adoption) [9.1.1.1 - 56 pages]

#### Executive Summary

Having prepared and publicly displayed the Proposed Budget 2023/2024, and having received and heard from submitters and considered all submissions received, Council is now able to consider the formal adoption of the Budget 2023/2024.

#### RECOMMENDATION

That Council:

1. **Adopts the Budget 2023/2024, including the Schedule of Fees and Charges, annexed to this resolution, in accordance with the Local Government Act 2020 and relevant regulations.**
2. **Gives public notice of this decision to adopt the Budget 2023/2024.**
3. **Having received and considered public submissions, and having publicly heard from some of these submitters, acknowledges their contribution to the budget process and thanks them for their contribution.**
4. **Declares an amount of \$27,653,180 which Council intends to raise by general rates and service charges for the period 1 July 2023 to 30 June 2024. The amount is calculated as follows:**

<b>General Rates</b>	<b>\$22,782,788</b>
<b>Service Charges</b>	<b>\$4,840,392</b>
<b>Supplementary Rates and Rate Adjustments</b>	<b>\$30,000</b>
<b>Total</b>	<b>\$27,653,180</b>

5. **Note that the proposed budget released in April 2023 utilised preliminary valuations. Final valuations have now been received from the Valuer General, and minor adjustments have been made to rates income and differential rates to ensure compliance with the Fair Go Rates System.**
6. **Declares that General Rates be raised by the application of Differential Rates as detailed in Council's Revenue and Rating Plan 2021-2025 and as required under section 94(2)(i) of the Local Government Act 2020 and section 161(2) of the Local Government Act 1989.**

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7. Furthermore, in declaring a Differential Rate for rateable land, the respective characteristics specified below will form the criteria for each differential rate so declared:
- **General Rate** – applies to residential properties and home-based businesses that are conducted at residential premises. Vacant land that is not farmland and cannot be developed for residential purposes is also classified as general.
  - **Farm Rate** – applies to farmland and farmland is any rateable land:
    - a) That is not less than 2 hectares in area.
    - b) That is used primarily for grazing (including agistment), dairying, pig farming, poultry-farming, fish-farming, tree-farming, beekeeping, viticulture, horticulture, fruit-growing, or the growing of crops of any kind or for any combination of those activities.
    - c) That is used by a business:
      - i. That has a significant and substantial commercial purpose or character.
      - ii. That seeks to make a profit on a continuous or repetitive basis from its activities on the land.
      - iii. That is making a profit from its activities on the land, or that has a reasonable prospect of making a profit from its activities on the land, if it continues to operate in the way it is operating.
  - **Vacant Land Rate** – all vacant rateable residential land that does not have a dwelling, or to vacant commercial or industrial land.
  - **Commercial Rate** – any land that is occupied for the principal purpose of carrying out the manufacture or production of, or trade in, goods or services, or residential properties that are predominately used for the purposes of short-term rental.
  - **Recreational Rate** – all rateable land upon which sporting, recreational or cultural activities are conducted, and including buildings that may be ancillary to such activities. These properties have a rate of zero set in accordance with the Cultural and Recreational Lands Act 1963.
8. Declares that a Trust for Nature Covenant rebate of 100% applies to the site value of the portion of land covered by the covenant.



9. Determines each differential rate by multiplying the General Rate by the relevant differential percentage as indicated in the following table:

Differential Rate	Differential %	2023/2024 rate in \$
General	Base	.0023980
Farm	80%	.0019184
Commercial	130%	.0031174
Vacant Land	200%	.0047960
Recreational	0%	.0000000

10. Records that it considers that each Differential Rate will contribute to the equitable and efficient carrying out of Council functions.
11. Confirms that no amount is fixed as the minimum amount payable by way of General Rate in respect of each rateable land within the municipal district.
12. Declares an Annual Service Charge, for the collection and disposal of refuse, in respect of the 2023/2024 financial year. The annual service charges are the sum of, and based on the criteria, set out below:
- The Annual Service Charge (large garbage bin and recycling bin) of \$653 will apply to properties where a garbage collection service is provided, and the capacity of their refuse bin is approximately 140 litres.
  - The Annual Service Charge (small garbage bin and recycling bin) of \$450 will apply to properties where a garbage collection service is provided, and the capacity of their refuse bin is approximately 80 litres.
13. Adopts the following arrangements for interest on rates and charges:
- Declares that interest is to be charged in accordance with Section 172 of the Local Government Act 1989, on any amounts of rates and charges that have not yet been paid by the date fixed by the Minister in accordance with Section 167(2) of the Local Government Act 1989.
  - That the interest to be charged is at the rate, fixed under Section 2 of the Penalty Interest Rates Act 1983, that applied on the first day of July immediately before the due date for payment, calculated from the date on which the instalment was due.
14. Authorises the Director Corporate and Community Services to levy and recover general rates and annual service charges described earlier in this resolution, in accordance with the Local Government Act 1989.

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## Context

The purpose of this report is for Council, having developed a proposed Budget 2023/2024 and considered public submissions, and after declaring differential rates and giving public notice of that declaration, to adopt the budget. The Budget has been prepared having considered Council's priorities and commitments as well as strategic documents such as the Financial Plan, Asset Plan, and Council Plan 2021-2025. At the Meeting of Council held on 18 April 2023, Council resolved to give public notice that it had prepared a budget for 2023/2024. Public notice was given in the Midland Express and the Proposed Budget 2023/2024 was made available for inspection on Council's website and at the Civic Centre, with submissions in writing being received until 5.00 pm on Wednesday 10 May 2023. An Unscheduled Meeting of Council was held on 23 May 2023 to hear the submitters who wished to speak to their submissions.

## Issues

The 2023/2024 Budget is in line with the constraints identified in Council's 10-year Financial Plan, which supports the community vision and Council Plan 2021-2025 and key strategies. The Budget is a sustainable and strategic plan that seeks to build on existing initiatives to provide important works and services to our community, as well as prioritising significant long-term infrastructure projects that enhance the liveability of our community. The budget features a range of initiatives across diverse sectors including early and middle years, economic development, climate change, sport, and recreation, as well as affordable housing.

By investing in new and existing infrastructure, Council plays a vital role in the local economy by supporting our businesses and residents and enabling confidence in the direction of our community and our economy. In 2023/2024, Council will receive funding of \$1.08 million from the Federal Government's Local Roads and Community Infrastructure program. This program funds important works on public infrastructure, such as roads, community buildings or recreation facilities. Over the past two years Council has been successful in receiving funding in rounds 1, 2 and 3 of the programs, and round 4 will enable us to continue upgrading much valued and utilised community infrastructure.

Two rounds of public consultation were conducted to inform development of the 2023/2024 Budget:

1. From mid-December 2022 to early-February 2023, where 117 individuals or organisations provided input.
2. Late-April to mid-May 2023, where 43 submissions were received.

(See the Communication and Consultation section of this paper for further information concerning public submissions).

## Finance and Resource Implications

To develop the budget document, Council has used the Best Practice Guide 'Model Budget' provided by Local Government Victoria. The budget document details both the operating and capital income and expenditure for Council for the 2023/2024 financial year. The Budget includes detailed information on the operating result, capital expenditure and rating, as well as cash and investments, borrowings, and reserve balances. The Proposed Budget 2023/2024 includes:

- Funding for projects and initiatives included in various Council plans and strategies.

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- Sufficient cash to meet upcoming obligations, with further information provided on Council's unrestricted cash balance.
  - No proposed borrowings.

An operating surplus of \$4.71 million is proposed, inclusive of \$6.97 million of capital grant income. This operating surplus assumes no early receipt of the 2023/24 financial assistance grant from the Federal Government. Excluding non-recurrent capital grants, the underlying operating deficit is \$1.18 million.

Council has received an update that the 2023/2024 Federal Government pool of funds available to Victorian local governments will increase by 9.6% over the 2022/2023 allocation. No change has been made in the 2023/2024 budget to Council's allocation as it cannot be assumed that Council's share will automatically increase by 9.6% (due to the guidelines on how the funds are allocated).

## **Risk Analysis**

### Financial risk:

While a level of financial uncertainty is always present in our economy, we and our community are currently experiencing a higher-than-normal level of financial uncertainty due to a combination of factors including:

- The ongoing impact of the COVID-19 pandemic, in terms of supply chain challenges, pricing challenges, and shortages of contractors and staff. Council is mindful of the uncertainty surrounding COVID-19 but has not made any specific allocations in the 2023/2024 Proposed Budget.
- The continuing war in Ukraine and its flow on effect around the world on energy prices and, therefore, prices.
- The impact of natural disasters in Australia over the past twelve to twenty-four months and the flow on effect for supply chains for materials and contractors.
- Sustained high inflation rates and, in trying to address this issue, increases to the cash rate by the Reserve Bank of Australia.

The above may not always impact Council directly, but indirectly Council may see their combined effect in, say, higher contract prices, or difficulty in sourcing contractors or employees.

The Budget is based on a 3.50 per cent increase to average rates income, in line with the Victorian Government's Fair Go Rates System. Around 60 per cent of Budget funding comes from rates.

As in previous years, Council has not applied for a variation to the rate cap, and – conscious of cost-of-living pressures for the community - will absorb increasing costs within current allocations, which limits revenue available to fund new projects and initiatives or reduced the potential scope of projects. Inflation has been reported (Reserve Bank of Australia update as of 31 March 2023) at 7.0 per cent for the preceding 12-month period. This is significantly more than the 3.50 per cent rate cap set for 2023/2024, and higher than previous estimates in Council's Financial Plan. Construction costs may increase faster or higher than the broader CPI, thereby placing pressure on service delivery over the coming year.

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### Information risk:

All care and diligence have been taken in preparing the budget, using information and estimates available at the time. Monitoring and reviewing financial results over the 2023/2024 financial year will help manage any unforeseen financial variations.

### Reputation risk:

Failure to adopt the Budget by the required statutory date may pose a reputational risk to Council regarding expectations of ratepayers and our relationship with the State Government. It also presents a challenge to staff who require the Budget to be adopted so they can plan and manage the delivery of their works, services, and projects at the commencement of the financial year. By providing our community with two opportunities to provide input or feedback on the budget, and an opportunity to speak directly to Councillors, Council is seeking to manage its reputational risk by being accessible to members of the public, hearing what they have to say, and considering any requests.

## **Climate Impact Statement**

In preparing the Proposed Budget 2023/2024, Council can choose to allocate funds to address the impacts of climate change directly or indirectly. Council is directly addressing the impacts of climate change by:

- Commencing construction of four separate levees, as well as waterway improvements, in Castlemaine and Campbells Creek that will reduce the impact of major flood events on nearby homes, businesses, and community buildings. \$3.3 million will be spent over the life of this project, with over \$2.2 million to be received from the National Flood Mitigation Infrastructure Program.
- Participating in a local carbon offset pilot project.
- In recognising how important trees are to our environment, increasing the budget allocation for tree management and maintenance.
- Undertaking design of a section and replacing a gate on the Newstead flood levee.

## **Alternate Options**

There are no alternate options as adoption of an annual budget is a legislative requirement as per the Local Government Act 2020.

## **Communication and Consultation**

The Communication and Consultation plan is not attached.

### Consult:

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

As in previous years, Council's Budget has been developed in consideration of Council's priorities and commitments as well as Council's Financial Plan, Asset Plan, and 2021-2025 Council Plan.

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Community consultation was undertaken by:

- Seeking public feedback on ideas and suggestions for the budget from mid-December 2022 to early-February 2023.
- Placing the Proposed Budget on display for 21 days from mid-April 2023 to seek feedback via public submissions.
- Hearing submitters speak, if they wished, at an Unscheduled Meeting of Council on 23 May 2023. 12 community members or organisations spoke to Councillors about an idea or project that they were seeking support for.
- Considering those submissions and speakers before adopting the Budget.

The early engagement helped to inform Councillors during the Budget development and ensured that community priorities were considered and captured in the budget where possible.

All submissions were reviewed, and recurring themes identified from the feedback included the need for healthy livable spaces and places, such as investment in walking trails, shared pathways, and improvements to facilities, parks, and open space, as well as care for our environment and climate, including weed control and eradication.

Initiatives within the budget that sought to meet this first round of community feedback include:

- Several recreation projects including construction of additional changerooms and installation of sports lighting at the Bill Woodfull Recreation Reserve (\$1.20m), creating a youth space at Taradale including a playground renewal (\$510k), and a lighting upgrade at the Harcourt Recreation Reserve (\$357k).
- Installation of temporary change facilities at Camp Reserve and the Campbells Creek Recreation Reserve, while we work to upgrade facilities at these sites over the next few years (\$751k). A new netball court will be installed at the Campbells Creek Recreation Reserve.
- Commencing investigation and design for a section of the flood levee (subject to government funding, \$92k) and replacing a flood gate (\$143k), both at Newstead.
- Increasing the budget allocation to several tree management programs, to ensure best practice tree management and to mitigate potential tree risks.

Initiatives within the budget that sought to meet the second round of community feedback and engagement include allocations to:

- Business Mount Alexander - \$5,000
- Maldon Inc - \$5,000
- Fringe Festival - \$10,000
- Castlemaine Safe Space - \$30,000.

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In addition, while specific allocations were not made, Councillors asked that staff investigate, and report on, ways to support the objectives of the Tarrangower Cactus Control Group, as well as report on how the work done by a community volunteer to control and eradicate weeds can continue given their impending retirement. We have also asked that staff investigate our support for vulnerable community members through a hygiene station and how we can collaborate with other community organisations to make this happen.

## **Legislation**

### Local Government (Planning and Reporting) Regulations 2020

Part 3 of the Regulations detail further requirements regarding the provision of information in the budget document.

### Local Government Act 1989

Part 8 details the requirements for rates and charges on rateable land.

### Local Government Act 2020

Division 2 of the Act details budget processes.

### Penalty Interest Rates Act 1983

This legislation details the penalty interest rate applied to overdue rates payments. In accordance with the Local Government Act 2020, Council must:

- Prepare and adopt a budget for each financial year and the subsequent three financial years commencing 1 July by 30 June (Section 94(1)).
- Ensure that the budget gives effect to the Council Plan and contains the information required under Section 94(2).
- Prepare the budget in accordance with:
  - Section 96(1)(a) - The financial management principles;
  - Section 96(1)(a) – Council's Community Engagement Policy;
  - Comply with guidelines established under Section 161, including Ministerial Guidelines for Differential Rating.

## **Strategies and Policy Impacts**

### Council Plan 2021-2025

Principle - We are always improving.  
Council is responsive to the needs of the communities it serves.

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

Principle - We are engaging genuinely with the community.  
Our community feels heard and is able to influence and participate in the decisions that impact them.

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### **Declarations of Conflict of Interest**

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

#### No conflicts of interest

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

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## 9.2. Community

### 9.2.1. GOLDFIELDS LIBRARY CORPORATION SERVICE AND FUNDING AGREEMENT 2023-2025

This Report is For Decision

Responsible Director: Director Corporate and Community Services, Lisa Knight  
Responsible Officer: Director Corporate and Community Services, Lisa Knight  
Attachments: 

1. Fully Signed North Central Goldfields Regional Library NCGRL Service and Funding Agreement 2019 to 2023 [9.2.1.1 - 12 pages]
2. GLC Service and Funding Agreement 2023-2024 [9.2.1.2 - 11 pages]
3. Goldfields Libraries Strategy 2021-2025 [9.2.1.3 - 24 pages]
4. Regional Library Agreement for North Central Goldfields Regional Library Corporation T/A Goldfields Library Corporation [9.2.1.4 - 12 pages]

#### Executive Summary

The North Central Goldfields Regional Library Corporation (the Corporation) commenced in 1996. Member Councils include the City of Greater Bendigo and the Shires of Loddon, Macedon Ranges and Mount Alexander, and provide library services to these municipalities.

The current Service and Funding Agreement (SaFA) 2019 to 2023 (Attachment 9.2.1.1) is due to expire on 30 June 2023. It is proposed that a new SFA (Attachment 9.2.1.2), which carries over the existing conditions of the current agreement, be entered into for a 12-month period, with an option of a further one-year extension.

#### **RECOMMENDATION**

**That Council authorises the CEO to sign the North Central Goldfields Regional Library Corporation Service and Funding Agreement 2023 to 2025 for 12 months with the option to extend for an additional 12 months, noting that this agreement carries over the existing conditions of the Service and Funding Agreement currently in place.**



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## Context

In 2021/2022 the North Central Goldfields Regional Library service included approximately 90 staff, across 17 sites and provided a range of library services to over 200,000 people.

Library services in Mount Alexander Shire are provided out of the Castlemaine branch with 53% of the population (total 20,106) recorded as active library members. The library services have worked closely with Council over many years, on shared projects and activities and demonstrated alignment to Council Plan actions, in order to deliver community outcomes.

As noted in the Corporation's 2021/2022 annual report (Attachment 9.2.1.3) priorities included supporting outcomes for:

- Children and young people.
- Lifelong learning.
- Safety and inclusion.
- An informed community.
- Respecting First Nations Peoples and Cultures.
- A learning organisation.
- A sustainable future.

## Issues

The four councils are signatories to a SaFA, which details the responsibilities and obligations of the Corporation and the member councils. The SaFA is an extension of the Regional Library Agreement (RLA) (Attachment 9.2.1.4), and although it is not required to be gazetted by the Minister, it should be read in conjunction with the current RLA.

The SaFA is not bound by legislation. It is the RLA that establishes the framework of the Corporation as a separate legal entity, as part of a sunset agreement covered under the Local Government Act 1989 (section 97).

Council's current SaFA with the Corporation is due to expire on 30 June 2023. A new SaFA is proposed that provides for the existing conditions of the current SaFA to be maintained for a 12-month period, with an option to extend for a further 12 months. There are no proposed changes to the conditions in the 2023-25 SFA.

The timeline of the SaFA allows for review at the end of the 2023/2024 financial year and for mutually agreed rollover for the 2024/2025 financial year, if required, for all parties bound to the RLA.

This approach is proposed to provide flexibility and a built-in review process for the four-member council undertaking any service review or due diligence in considering the requirements of the Local Government Act 2020, to wind up Regional Library Corporations by 2030. Due to the removal of Regional Library Corporations sections within the Local Government Act 2020, Regional Library Corporations must be dissolved by 1 July 2030, as part of a sunset agreement, but can continue to operate until then, to allow councils to consider the most appropriate approach to library service delivery within each municipality.

Councils may consider alternative ways of delivering library services by either directly providing them as an "in-house" council service, or through a Beneficial Enterprise, as

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defined under section 110 and section 111 of the Local Government Act 2020. The delivery of library services is not a legislated requirement for councils to provide.

It may be that no decision on a new service delivery approach is reached by 30 June 2025, which would simply result in the re-signing of a SaFA for a further time period, given that councils have until 2030 to finalise a new approach to services.

The proposed SaFA is in line with current practice of the Library Corporation and represents good governance through the provision of an agreement that clearly outlines the foundations of service provision and funding responsibilities of all parties. It represents a continuation of current services, utilising the same legal structure and fee structure.

Funding for the delivery of services via the Corporation is provided for in the proposed 2023/2024 Budget, which will be considered by Council at the Meeting of Council on 20 June 2023.

### **Finance and Resource Implications**

Funding for the delivery of services via the Corporation is provided for in the proposed 2023/2024 budget, which will be considered by Council for endorsement in June 2023. There are no social, economic or environmental sustainability implications to be considered in relation to this report.

### **Climate Impact Statement**

The report does not address climate change risk; however, it supports the Roadmap to Carbon Neutrality 2020 through implementing innovative administrative solutions to support the delivery of Council services.

### **Alternate Options**

There are no alternate options as the current agreement is due to expire on 30 June 2023.

### **Communication and Consultation**

Whilst no external community engagement was undertaken in the development of this report or recommendation, it is anticipated that community consultation will be planned and delivered in the future, aligned to the library service review.

### **Legislation**

Local Government Act 1989

Local Government Act 2020

### **Strategies and Policy Impacts**

Council Plan 2021-2025

*Principle - We are delivering together.*

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

Municipal Public Health and Wellbeing Plan 2021-2025

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### **Declarations of Conflict of Interest**

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

#### No conflicts of interest

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

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## 9.3. Environment

### 9.3.1. LOCAL LAW 13 - CAMPING ON PRIVATE PROPERTY

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Coordinator Community Safety and Amenity, Ron Medler

Attachments: 1. Local Law Proposed Change 2023 [9.3.1.1. – 3 pages  
2. Report - Shape Feedback Local Law 13 [9.3.1.2. - 3 pages]

#### Executive Summary

The purpose of this report is to inform Council of the outcomes of the community consultation process, and for Council to consider the proposed amendment to Local Law 13: Camping on Private Property to allow where there is an existing dwelling, limited to one tiny house on wheels, caravan, tent or the like to camp without a permit.

In line with the *Local Government Act 2020*, the proposed amendment to Local Law 13 was publicly exhibited for a period of 28 days. In total, 1,616 submissions were received.

The feedback was overwhelmingly in favour of the proposed amendment, with 91 percent of respondents in support, 6 percent being opposed, and 3 percent undecided.

#### RECOMMENDATION

That Council:

1. **Considers the community feedback on the proposed amendment to Clause 13: Camping on Private Property of Mount Alexander Shire Council's General Local Law 2020.**
2. **Adopts the proposed amendment to Council's General Local Law 13: Camping on Private Property, to allow where there is an existing dwelling, limited to one tiny house on wheels, caravan, tent or the like to camp without a permit.**

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## Context

At the July 2022 Meeting of Council, Council passed Notice of Motion 2022/001 requesting Council officers to assess and make recommendations on the use of caravans, also known as tiny houses on wheels, as places of temporary residence through a review of Mount Alexander Shire Council's General Local Law 13: Camping on Private Property. It was asked to provide advice on the requirements within the Mount Alexander Planning Scheme (Planning Scheme), which outlines objectives, policies and controls for the use, development and protection of land in Mount Alexander Shire, by the end of August 2022.

In response to the Notice of Motion, Council Officers noted for Councillor consideration that Council requested an amendment to Mount Alexander Shire Council's Local Law 13: camping on private property, to allow one caravan or tiny house on wheels on a property on which there is a dwelling, without a permit (Attachment 9.3.1.1).

On 20 December 2022, Council resolved to publicly exhibit the proposed amendment to the Mount Alexander Shire Council Local Law 13: Camping on Private Property, and on completion of the public exhibition consider the community feedback in consideration of the proposed amendment.

The proposed amendment to the Local Law seeks to remove the requirement for a permit to camp or occupy a caravan or tiny house on wheels on property where there is a dwelling.

The proposed amendment was publicly exhibited on Council's Shape platform for 28 days between 3 February and 3 March 2023. During this period, the community was invited to provide their feedback on the proposed amendment. A total of 1,616 submissions were received, with an overwhelming response of 91 percent in support of the proposed amendment. Interestingly, 92 percent of contributors were first time Shape users. With the 1616 contributions, this the largest number of contributions for a single survey on the Shape platform. Support for the amendment is clear.

There is the potential for tiny houses on wheels to be utilised for income generation or tourism ventures. The use of land for such purposes is regulated by the Planning Scheme, not a local law. It is possible to operate for commercial purposes a tiny house on wheels. However, in all instances such operations fall within one of the six land uses defined with the Planning Scheme; therefore, it must be regulated by the Planning Scheme and not the local law.

Separate to the application of Local Law as considered in this report, the Mount Alexander Shire Planning Scheme regulates the consideration of the use of small footprint dwellings (including tiny house on wheels) for private or commercial purpose. Rules vary dependent on the land uses, specific characteristics, and also by the land to which the use will apply. Such uses may also trigger separate regulatory requirements under the Building Act and the Public Health and Wellbeing Act (as a prescribed accommodation premise). Furthermore, as per Environmental Health legislation, paying to reside in a tiny house on wheels, a caravan or the like, moves it from camping to a camping ground setting. This causes the land to fall under the Planning Scheme for its use.

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## Issues

There were five themes that came through the substantive community feedback received on the proposed changes to Local Law 13: Camping on Private Property, these are outlined below.

### Housing Affordability

Twenty three percent (375 contributors) expressed concerns about the availability and affordability of housing in the community. Respondents mentioned the high cost of rent and housing, the need for more affordable housing options, and the prevalence of homelessness. Some common comments include:

*"Rent prices are skyrocketing and it's becoming impossible for people to afford to live here."*

*"There's a lack of affordable housing options for low-income families and individuals."*

*"Homelessness is a growing problem in our community and we need to do more to address it."*

While the proposed change to the Local Law is not the answer to the problem of housing affordability it does go some way towards providing another option to the community when the need to provide temporary housing arises.

### Regulation concerns

Twenty percent (325 contributions) of respondents had concerns about the cost of additional infrastructure and waste management. Officers recommend that wastewater (both black and grey) created by the use of camping are retained on the property and removed to a suitable 'dump site', therefore allowing for the camping to remain in the intended temporary capacity without the use of existing infrastructure. This will mitigate the risk of increased burden on any existing infrastructure and falls under the jurisdiction of State law, and the Planning Scheme; not a Local Law.

The provision of services, including sewage and the management of wastewater was outside of the scope of the changes proposed. As these rules are enforced by state legislation and cannot be contravened by the local law, they were outside the scope of the community consultation.

It is important to note that the Environment Protection Authority Code of Practice for onsite wastewater management does not allow for the treatment of wastewater on property where sewer is available. This means that campers would not be able to treat wastewater, black or grey onsite and that this sewage must be managed on site and removed from site for treatment i.e., taken to a legal dump point.

The issues associated with black and grey water can be dealt with by an education campaign to inform the community of the requirement to dispose of black and grey water off site to a legal dump point.

### Social Impact

Thirteen percent (208 contributions) of the feedback were concerned with the potential social impact of the proposed change, describing that there may be potential effects on the local community and residents, including issues such as noise, privacy, and community cohesion.

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While ensuring community cohesion is outside the scope of the proposed amendment, it is important to note that the current General Local Law seeks to mitigate any risk to the amenity of the site and therefore, also to neighbouring properties and the amenities of the surrounding area.

#### Impact to health and safety

Thirteen percent (208 contributions) of respondents cited the importance of ensuring that any change to the Local Law be assessed for potential safety and health impacts on residents and the wider community. This includes issues such as fire safety, access to basic amenities, and emergency response.

Limiting the camping without a permit to land where there is an existing dwelling, somewhat provides for mitigation of the potential safety and health impacts of the proposed amendment to the local law. Properties where there is an existing dwelling, has the precedence already set to mitigate concerns such as access to properties by emergency vehicles and the like. The current General Local Law provides objectives to protect the amenity, regulate the control of activities on and uses of private property within the municipality.

#### Environmental Impact and Sustainability

The promotion of a more sustainable/smaller footprint lifestyle was cited as a reason by thirty-four percent (547 contributions) of the contributors to support the proposed changes to Local Law 13.

Contributors noted that changes could promote the sharing of resources allowing extended families to stay together, enhancing social connections as well as contributing to a smaller overall economic impact.

An equal number of submissions (547 contributions) expressed concerns about the impact of human activities on the environment if the proposed changes to the Local Law were passed. The need for more recycling options, better waste management practices, and the importance of preserving natural spaces were among the concerns raised.

Some common comments include:

*"We need more recycling bins and education on how to reduce waste."*

*"There's a lot of litter and pollution in our community. We need to do more to clean it up."*

*"Preserving natural spaces like parks and forests is important for the health and well-being of our community."*

While outside of the scope of the proposed changes, the potential impact to the environment is a known issue that could arise from camping. To mitigate this risk the objectives of Part 2 of Council's General Local Law 2020: Municipal Amenity – Private Property provides Council's Local Laws Officers with the capability of jurisdiction to provide for the following:

- Protection of the amenity of the municipal district.
- Regulation and control of activities on, and uses of, property.
- Maintenance of the safety and condition of property.

- 
- Regulation of the use of vehicles on, or in the vicinity of, property.
    - prohibitions and obligations on owners and occupiers of residential property; and
    - owners and occupiers of commercial and industrial property; and
    - other people.

These objectives can be achieved through responding to complaints, if they arise.

### **Finance and Resource Implications**

If Council were to adopt the proposed amendment to Local Law 13, there may be an impact on resources within the Local Law team, there may be an increased requirement on staff to monitor for compliance of properties. There may also potentially be an impact on resourcing due to increased customer requests related to perceived and/or real negative impacts to the amenity of the area and health of the environment. Conversely, if the proposed amendment is endorsed the Local Laws team will be relieved of the workload of issuing permits.

### **Risk Analysis**

The main risk of allowing camping without a permit is the lack of control Council may have over where people are camping. Council Officers would respond upon complaint or when they become aware of an unregistered camp site.

The requirement to comply with the conditions of proposed amended subclause 2 of Local Law 13 Camping on Private Property (included below), provides the basis for Council to monitor and enforce controls where there is an existing dwelling.

#### *Proposed Amended Subclause 2:*

*A person may without a permit camp or occupy one caravan or tiny house on wheels on property on which there is a dwelling.*

The requirement to take wastewater offsite to a legal dump point could create the need for more legal dump points in the shire. Currently, there are legal dump points in Harcourt and Baringhup.

### **Climate Impact Statement**

The Shire is vulnerable to weather events that will be magnified by climate change. This includes prolonged drought and fire seasons, heatwaves, and widespread floods. Average temperatures will continue to increase in all seasons, with warmer days and fewer frosts projected, and less rainfall during the cool season. Tiny houses on wheels/caravans could be seen as an environmentally friendly, a sustainable, and/or affordable option. However, given that they are not required to meet building code standards, they may not contain sufficient insulation and/or be structurally sound enough to keep the home at a safe temperature for human health.

Determining the types of potential structures to be used for camping is outside the scope of this proposed amendment to the Local Law and would fall to the Building Act and Regulations to allow occupation.

### **Alternate Options**

There are a number of alternative options that Council could consider in relation to Local Law 13: Camping on Private Property.



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Council may decide to defer the decision to amend Local Law 13: Camping on Private Property, until current strategic projects, such as the Settlement Planning Assessment and Castlemaine Campbells Creek and Chewton Housing and Neighbourhood Character Strategy are finalised, to understand where best to locate tiny houses on wheels for a longer duration than currently permitted.

Council may decide not to amend Local Law 13: Camping on Private Property. This would continue to allow camping on private property through the issuance of a permit. Local Law Officers would monitor compliance to permits as business as usual.

Council may decide to increase the amount of time that a local laws permit can be issued for camping on private property. This may include:

- Vacant land; extending the current six months for a period up to 12 months or two years.
- Occupied land; extending the current period up to two years.

### **Communication and Consultation**

Community consultation on Council's Shape platform was open for a 28-day period from 3 February until 3 March 2023, a combination of engagement forms were used throughout the course of the project. A summary of the feedback is provided in Attachment 9.3.1.2.

Overall, the Shape page received over 4,000 visitors and over 1,616 contributions. Of the 1,616 respondents, 71.3 percent (653) own or are paying off their home, 21.17 percent (340) rent privately, and 1.18 percent (19) rent community or public housing. These statistics signify that people who own or are paying for their homes are more interested in the consultation than the other groups.

Of the contributors, 60 percent (1037) were female, 32.65 (523) percent were male, and 2.62 percent (42) chose other identity. The 35-39 age group were the most engaged with 229 contributors of this age group.

From the community consultation it is clear that most of those surveyed were in support of the proposed change to the Local Law, in favour of allowing camping on private property where there is a dwelling without a permit.

### **Legislation**

[Planning and Environment Act 1987](#)

[Mount Alexander Planning Scheme](#)

[Council's General Local Law 2020](#)

[Local Government Act 2020](#)

### **Strategies and Policy Impacts**

[Council Plan 2021-2025](#)

*Objective: We are focused on the housing affordability challenge in our community.*

- Strategy: Encourage diverse housing options and infill residential development in appropriate locations.

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## Municipal Public Health and Wellbeing Plan 2021-2025

*Objective: Demonstrate leadership and commitment to addressing climate change and its impacts on health within the community, through a strategic approach at multiple levels of decision making across all Council business areas.*

- Strategy 1.2.4: Participate in Elevating ESD Targets Planning Scheme Amendment Project to improve the performance of subdivisions, new housing developments, and precinct structure plans to improve a range of healthy living outcomes.

### **Declarations of Conflict of Interest**

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

#### No conflicts of interest

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

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### **9.3.2.CLIMATE CHANGE STRATEGY**

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Climate Change Coordinator, Melanie Marshall

Attachments:

1. Climate Change Strategy [9.3.2.1 - 26 pages]
2. Climate Change Strategy - Action Plan 2023/2024 FY [9.3.2.2 - 7 pages]
3. Summary of Community Feedback on Draft Climate Change Strategy [9.3.2.3 - 22 pages]

#### **Executive Summary**

The Climate Change Strategy sets the direction for Council's climate action now and into the future. It provides organisation-wide guidance for the way we operate, communicate, and collaborate to achieve outcomes for and with our community and partners. Importantly the Strategy recognises and builds on our strengths and work to date.

The Strategy has been informed by extensive community input and written in plain language, acknowledging the importance of communicating about climate change clearly and inclusively.

The strategy sets out six goals, which focus on integrating climate action, supporting just and equitable transitions, enhancing our natural environment, incorporating climate into our infrastructure planning and renewal, supporting community connections, and moving toward a circular economy. Council's role in fulfilling these goals is clarified through action areas.

The purpose of this report is to present the Climate Change Strategy for adoption, and 2023/2024 financial year Action Plan for information.

#### **RECOMMENDATION**

**That Council:**

- 1. Adopts the Climate Change Strategy.**
- 2. Notes the 2023/2024 financial year Action Plan.**

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## Context

Continued global warming is exacerbating climate change and increasing the frequency, severity, and intensity of climate hazards. Climate change projections for Mount Alexander Shire show that instances of extreme temperatures, heatwaves, extreme and heavy rainfall and fire weather will increase over the coming years<sup>1</sup>

Council declared a Climate Emergency in 2019 in response to strong community demand.

Through the declaration process, Council committed to developing a roadmap, that was adopted in August 2020 (*Roadmap to Carbon Neutrality 2020-2025*; the Roadmap) to achieve zero-net emissions for Council operations by 2025. Delivery against the Roadmap is progressing steadily, and achievements have been reported to the community via a recent Roadmap Report.

Council declared it would act on the urgency by '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'.

Following the Declaration, Council supported community members to develop a transition plan for zero-net community emissions. This work is underway through a local community group, Wararack.

The Climate Change Strategy (the Strategy) is identified in the Council Plan 2021-2025 to be delivered this financial year. This organisation-wide Strategy is being established to provide high-level strategic guidance which will influence future priorities and projects across Council.

The Strategy builds on and complements the Roadmap. It also complements work being undertaken to deliver Council's *Municipal Public Health and Wellbeing Plan 2021-2025*, and speaks to Council's upcoming Waste Strategy and Economic Development Strategy. It is intended that the Strategy be updated internally every four years in line with the Council Plan.

A 2023/2024 financial year Action Plan has been developed alongside the Strategy. It is intended that the Action Plan be updated annually, in consultation with internal and external stakeholders.

### Stages of Strategy development

In 2022, Council's internal Climate Change Leadership Group identified a range of risks that climate change poses to Council infrastructure, service delivery, operations and the broader community. This work informed development of the Strategy and will inform Council's Strategic Risk Reporting in the future.

Data from the community input provided to the Climate Emergency Declaration process was reviewed to inform the strategy development and provided key themes to test with our community. Engagement activities included a survey on the Shape platform, pop-up sessions, two community workshops, and internal workshops. The key themes were also tested in a Councillor workshop.

The feedback from this early consultation informed the development of a draft Strategy and 2023/2024 financial year Action Plan which were displayed for community feedback for three

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<sup>1</sup> Drawn from the Victoria's Future Climate Tool (<https://vicfutureclimatetool.indraweb.io/>) for the Mount Alexander Local Government Area. This tool uses data from the CSIRO's Victorian Climate Change Projections 2019.

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weeks in March and April 2023. Internal consultation was also undertaken at this time. Feedback was consolidated and informed updates to both the Strategy and 2023/2024 financial year Action Plan.

## **Issues**

### Strategy Design

The Strategy puts the Mount Alexander Shire Community Vision front and centre. It communicates climate impacts at a local level and delves deeply into opportunities specific to our community and Council. The resulting document was praised by a Community Reference Group member, who stated it is 'written in a way that makes it feel like ours'.

#### *A strategy that recognises the long-term nature of climate action*

The impacts (positive and negative) of our changing climate are being seen across all aspects of our social, economic and political systems. Addressing the challenge and maximising opportunities will be achieved through the compounding effect of continuous action over long timeframes.

In acknowledging the long term operational and societal change, which in turn requires long term thinking, the Strategy does not have a defined timeframe (i.e. five, ten, twenty, fifty years). Rather the Strategy and the six goals are the aspirational framework, which will inform and be achieved through the development of annual action plans.

#### *A strategy that talks to all*

The language often used around climate change is complex and therefore exclusionary. The Strategy is written in plain, simple language to increase its readability. The consultants used the Hemingway Tool to test the readability of the Strategy. This tool is used by State Government departments to ensure simplified and effective writing.

#### *A strategy that communicates Council's role*

It was clear through the community engagement process that there are varying levels of understanding about Council's role in climate change action. The Strategy attempts to clarify Council's role by identifying:

- Where we have the powers, connections and resources to deliver strong, meaningful outcomes.
- Where other governments or organisations are better placed to effect real change.
- Where we can best partner with community and other organisations to deliver impact.

#### *A strategy that links and integrates, doesn't duplicate*

There is an emphasis in this Strategy on the integration of climate change across Council. This is how Council can have the biggest impact within budget constraints, and Council has strong foundations to build on and celebrate. Integration was a common priority for the community.

The Strategy talks directly to the Community Vision and Council Plan. Care has been taken to link to other strategies where relevant and avoid duplication of work and reporting.

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### *A strategy that responds to community feedback*

The Strategy considers the community feedback we heard in its goals, the focus on Council working with community, and the focus on communications.

#### Communicating what we do

The stakeholder workshops and Community Reference Group conversations have highlighted that community members want Council to communicate better around climate change, in terms of climate consideration in programs and projects, and as a trusted voice to provide community members with information on how they can respond to climate change themselves. This has led to a strong, communications focus in the Strategy.

#### Strategy goals

Following extensive review of community and internal feedback, and analysing areas that other Councils are committing to in this space, six goals have been identified for the Strategy. These focus on integrating climate action, supporting just and equitable transitions, enhancing our natural environment, incorporating climate into our infrastructure planning and renewal, supporting community connections and moving toward a circular economy.

These goals point to the upcoming Waste Strategy and Economic Development Strategy where relevant. It is important to have waste and circular economy commitments in the Climate Strategy as they are crucial to our climate response and encourage cross-organisational collaboration. The Operations and Economic Development teams have been consulted with on these commitments and support them.

#### Urgency of the climate crisis

The Strategy presents the climate crisis in a grounded, solutions-focused way. Feedback from some community members was that this doesn't capture the urgency well enough. Small changes have been made to increase this, but only minimally. The grounded approach has been taken because the urgency can be overwhelming and cause people to disengage.

### **Finance and Resource Implications**

Council allocated \$35,000 in the 2022/2023 financial year for development of the Climate Change Strategy. The final cost is estimated to be \$41,685, with the overspend sourced from the Climate Change Coordinator operating budget.

The 2023/2024 financial year Action Plan captures existing work and looks for opportunities and collaborations which can occur within existing staff and organisational capacity.

Additional resources will be required to achieve the goals outlined in the strategy. External grant opportunities will be explored alongside inclusion of actions into future budget considerations.

### **Risk Analysis**

#### Asset risk:

Climate change impacts pose risks to Council facilities, assets and infrastructure. This can include buildings, roads, street furniture and footpaths. They can increase maintenance costs

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and reduce asset lifespans. Failing infrastructure can reduce Council's ability to deliver services.

Under Goal 4 of the Strategy sits the action 'Council-owned buildings, assets and infrastructure are resilient and built for future climate'. Council staff are working closely with the Central Victorian Greenhouse Alliance to secure grant funding to begin this process.

Finance risk:

The 2023/2024 financial year Action Plan is based on the proposed budget for the 2023/2024 financial year. This Strategy will require extra funding in future years, some of which will likely be available through grants. If grant funding is not secured, additional internal resources will need to be considered to achieve the goals of the Strategy.

The goal of increasing canopy cover will incur extra costs for Council due to the high cost of maintaining trees and performing regular tree safety audits. The benefits of increased canopy cover include shade, physical and mental health benefits, biodiversity and carbon capture. The 2023/2024 financial year Action Plan has an action addressing seeking funding to cover these costs.

Health and Wellbeing risk:

Climate change poses significant risks to the health and wellbeing of our community and Council staff. Foreseeable climate impacts include increased heatwaves, floods and bushfires, reduced air quality, changes in the spread of infectious diseases, increasing respiratory disease, poor mental health, and risks to food availability and reduced water quality. Together with the Municipal Public Health and Wellbeing Plan (2021-2025), the Strategy gives Council guidance on its role in mitigating these risks.

Reputation risk:

Council's climate emergency declaration has created high expectations within the community for Council to deliver strong climate action.

Throughout the Strategy development, staff and consultants have focused on managing expectations by being clear about Council's role and limitations through the Shape survey questions and the design of the community workshops.

The Strategy goes to great lengths to clarify Council's role, and where it can have the most impact.

Communication will be integral to meeting community expectations. The Strategy commits Council to consult with local stakeholders to develop annual Climate Change Action Plans, and to better communicate what it is doing to address climate change, and what community members can do themselves.

Positive risk:

This Strategy gives Council the foundations and license to play its role in the climate crisis with confidence, integrity and effectiveness. It sets up stronger community connections, enabling the collaborative approach that is needed to address climate issues.

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## Climate Impact Statement

The Climate Strategy provides a clear pathway for Council to respond to climate change by working with government agencies, local organisations and the community to reduce greenhouse gas emissions and prepare for the climate conditions predicted.

## Alternate Options

Council could choose not to adopt the Strategy. This would not be recommended due to the importance of outlining Council's position and vision on climate change to inform the community on our role and where we are heading, and forming foundations for future grant funding.

## Communication and Consultation

Extensive internal consultation was undertaken in March and April 2023 on the draft Strategy and Action Plan (see Attachment 9.3.2.3). Members of the Climate Change Leadership Group and Internal Working Group discussed the drafts with their teams, and the Climate Change Coordinator presented both documents at a range of team meetings, including Works and Parks and Gardens Toolbox meetings. At least 70 staff were consulted with during this period. This feedback gave the opportunity to update the Strategy to better reflect the work that Council does and ensure that the first-year actions are achievable and deliverable.

During the community consultation period the Strategy was downloaded from Shape 144 times and the action plan 38 times. Twelve submissions were received, and 19 people completed the short survey. Clearly many people who took interest in the Strategy as demonstrated by the number of downloads, did not choose to provide feedback to Council.

The draft Strategy was also presented to the Community Reference Group, who suggested small tweaks but were essentially supportive of the content. One member who was not supportive chose to provide written feedback rather than attend the meeting. This was considered as a submission.

The Strategy consultants consolidated all feedback and recorded how it was addressed in strategy updates. Of the community feedback, 102 individual suggestions were considered, with 58 of these taken on board and tweaks made to the Strategy and Action Plan accordingly.

## Legislation

### Climate Change Act 2017

Through its strategic planning and transparency requirements, the *Climate Change Act 2017* gives Local Government the confidence to continue investing in measures to reduce their emissions and increase their communities' resilience to climate change impacts.

### Local Government Act 2020

Requires every council to:

- Promote the economic, social and environmental sustainability of the area, including mitigation and planning for climate change risks.



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- Give priority to achieving the best outcomes for your community, including future generations.

## **Strategies and Policy Impacts**

### Council Plan 2021-2025

The Community Vision 2021-2031 includes the statement 'We are protecting our shire from the threat of climate change by working together at the local level'.

The Climate Change Strategy will contribute to the following elements of the Council Plan 2021-2025:

*Principle 1: We are engaging genuinely with the community.*

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

- Action: Strengthening participatory engagement with the community to guide our actions on the complex challenge of climate change (Partner).

*Principle 2: A flourishing environment for nature and people*

Objective: We are working locally to address the climate emergency

- Action: Delivering a Climate Change Strategy (Lead).
- Action: Championing funding to projects which educate the community on mitigating the impacts of climate change (Advocate).
- Action: Work with the local community to support the ongoing development and implementation of their community climate transition plan (Partner).

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

- Action: Partnering with the Indigenous community and community groups to improve management and knowledge of our environment (Partner).

### Environment Strategy 2015-2025

The Climate Change Strategy is intended to sit beneath the Environment Strategy. It will respond to many Priority Areas of the Environment Strategy, particularly:

*Priority Area 8: Integrate our response to climate change*

Long-Term Goal: Council is carbon neutral and is resilient to the impacts of climate change

Intermediate Outcome: Council has integrated consideration of climate change into all operations and actively influences and advocates about adaptation and mitigation more broadly.

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## Climate Emergency Declaration 2019

The Climate Change Strategy 2023-2033 will allow Council to continue and expand many elements of Council's Climate Emergency Declaration. The most relevant to this Strategy development are:

2. That Mount Alexander Shire Council will act on the urgency by:

- 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.

## Municipal Public Health and Wellbeing Plan 2021-2025

Through this Plan, Council is delivering food security projects, supporting community connectivity, and emergency management planning. The first priority in the Plan is 'Tackling climate change and its impact on health'.

Objective 1.1 Provide an enabling policy framework for integrating climate change and health actions across all relevant organisational policies, plans and strategies, including municipal public health and wellbeing planning and corporate planning, with a whole-of-Council approach for joint ownership and management of issues.

- 1.1.1 Implement Council's Roadmap to Carbon Neutrality that will lead to zero net emissions for Council operations by 2025, across electricity, buildings, lighting, waste, transport, procurement and offsetting.
- 1.1.2 Set up a governance model for implementation of the Roadmap and future climate strategies, so that responsibility is integrated and shared across the organisation.

Objective 1.2 Demonstrate leadership and commitment to addressing climate change and its impacts on health within the community, through a strategic approach at multiple levels of decision making across all Council business areas.

- 1.2.1 Advocate for resourcing to implement climate change and mitigation.

## **Declarations of Conflict of Interest**

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

## No conflicts of interest

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

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### **9.3.3. URBAN TREE POLICY 2023-2028**

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear  
Responsible Officer: Coordinator Parks and Gardens, Stewart Campbell  
Attachments: 1 Urban Tree Policy 2023-2028 [9.3.3.1 – 8 pages]

#### **Executive Summary**

The management of trees on Council managed land is based on an understanding of the dynamic nature of the resource, its legislative, aesthetic and safety requirements, public attitude and perception, and Council's commitment to engaging and working with the community in undertaking best practice tree management within the allocated budget.

The development of Council's first Urban Tree Policy establishes Council's position in relation to the management of the approximately 24,000 trees located in a street, park or other Council managed property, within an urban area of the shire.

The objective of this Policy is to:

- Provide the strategic framework for the management of urban trees located on Council managed land.
- Protect areas of important vegetation including botanically, historically or culturally important vegetation, or vegetation of outstanding aesthetic or ecological significance, and/or the habitat of rare or endangered species.
- Promote the preservation of the existing tree canopy cover to mitigate the urban heat island effect and impact of climate change within the urban area.
- Standardise tree management decisions.
- Value the contribution of urban trees to the liveability and character of the shire including the social, environmental and economic benefits.

It is intended the Urban Tree Policy is reviewed every five years.

#### **RECOMMENDATION**

**That Council adopts the Urban Tree Policy 2023-2028.**

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## Context

Tree lined avenues, mature exotic specimen trees and remnant native trees are located throughout urban areas of the shire. To protect the long-term value of these trees and prolong their continued health, it is important to establish consistent best practice tree management and appropriate management of tree risk issues.

Best practice tree management requires an understanding of the dynamic nature of the resource and its aesthetic and safety requirements as well as consideration of public attitudes and perceptions.

The Urban Tree Policy establishes Council's position in relation to the management of trees located in a street, park or other Council managed property, within an urban area of the shire.

The Urban Tree Policy is complemented by the Tree Management Guideline. The Tree Management Guideline is a living document which provides specific details regarding tree related issues which can be updated as legislation or other changes impact on practice and referred to by officers to guide tree management practices and decisions.

In recognition of the positive contribution of trees, the retention of existing trees in the landscape is a priority. As trees age however, they require more management to maintain them in a condition that is acceptable with regards to risk, while preserving amenity in the landscape.

Through the application of timely, scheduled and proactive work planning that respond to changing environmental conditions and community expectations, implementation of tree management programs as described in the Urban Tree Policy will:

- Protect existing trees.
- Promote public safety and tree health.
- Maintain canopy cover.
- Implement cost effective enhancement and maintenance of public trees in line with best practice arboriculture and current legislative requirements.
- Increase public awareness of the value of our trees.
- Maximise the social, community health and wellbeing, economic and environmental benefits of public trees for current residents and future generations.

The Policy provides an overview of practices used as part of the following tree management activities:

- Tree Management.
- Tree Protection.
- Tree Establishment.
- Tree Removal.

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The Policy does not apply to:

- Trees located on private property.
- Trees on rural roadsides, which are managed in accordance with Council's Road Management Plan.
- Trees located beyond township 60kph speed limits on roadsides managed by the Department of Transport and Planning.
- Trees located on crown land managed by Victorian State authorities.

## **Issues**

### Community interest in Council managed trees

Trees in urbanised areas are highly valued due to the positive contribution they provide towards maintaining sustainability, community health and amenity. The value placed on trees means that issues relating to tree management have a high profile and can generate considerable public debate and passion. As a consequence, a commitment to engaging and working with the community, forward planning and best practice tree care are all required to facilitate effective tree management.

Adoption of the Urban Tree Policy provides the community with clarity on Council's approach to the management of Council's urban tree population. This allows Council to create awareness of our overall approach, and where relevant, the basis of decisions that are made for the efficient and effective management of Council's urban tree population. Furthermore, when planning or undertaking works, Council communicates with affected and interested members of the local community to receive input into plans and to inform of actions to be taken.

### Tree Management Guideline

The Urban Tree Policy is complemented by the Tree Management Guideline which provides specific details for the efficient and effective management of Council's urban tree population.

The Tree Management Guideline is a living document which can be updated as legislation or other changes impact on practice. The document is intended for in-house use as a reference to guide officers in tree management practices and decisions and deliver on the Urban Tree Policy objectives.

As the Tree Management Guideline is a living document, Council endorsement is not required.

### Enforcement of unauthorised tree damage or removal

Trees are essential components of our environment and have an intrinsic amenity value that can be translated into a universally meaningful monetary value.

From time to time, a Council managed tree or group of trees is removed or damaged by a person or authority without Council authorisation. That person or authority may be subject to enforcement action under the jurisdiction of the Mount Alexander Shire Council Local Law or Victoria Police.

In the pursuit of compensation for a tree loss, Council may elect to calculate the tree's amenity value if a tree is particularly significant due to its size, prominence in the landscape, rarity, or other highly esteemed social value and it requires removal, has been removed as a result of an unauthorised tree removal or damaged structurally or aesthetically beyond that which the tree can no longer be retained.

Council has adopted the City of Greater Bendigo – Amenity Value Formula Calculating a Tree's Amenity Value (2018). This formula is based on the City of Melbourne's Amenity Value Formula and has been modified for application in the Greater Bendigo region.

### **Finance and Resource Implications**

It is important that support for adequate resourcing continues to be provided to ensure best practice tree management, to mitigate tree risk potential and to maintain and enhance the tree population.

As part of the 2023/2024 budget process, a submission for additional funding for tree maintenance has been presented for consideration. Requests for additional funding may form part of future capital works and operational budget bids by way of the annual budget process.

The proposed 2023/2024 budget for management of urban trees is \$599,000 (excluding salary and wages). For effective management, the budget is broken down into several tree management programs as shown in the table below.

<b>Program</b>	<b>2023/2024 Budget Proposed</b>	<b>Comments</b>
<b>Tree Planting and Establishment</b>	\$84,000	Tree planting and a two-year tree establishment program.
<b>Programmed Park and Property Tree Maintenance</b>	\$70,000	A systematic and proactive approach to the risk assessment of trees located on Council managed parks and properties.
<b>Programmed Street Tree Maintenance</b>	\$200,000	A cyclic street tree maintenance program. This includes a proposed increase of \$20,000 for FY 2023/2024.
<b>Elm Leaf Beetle (ELB) Control</b>	\$25,000	Proactive management of ELB on 960 Council managed elm trees.
<b>Responsive Tree Maintenance</b>	\$120,000	Unplanned tree maintenance in response to a customer request, storm damage or tree/branch failure. This includes a proposed increase of \$35,310 for FY 2023/2024.
<b>Powerline Maintenance</b>	\$100,000	Legislative management of trees within the vicinity of overhead powerlines in the Declared Area of Castlemaine. Over-expenditure is offset by other program under-expenditures. This includes a proposed increase of \$36,000 for FY 2023/2024.

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## **Risk Analysis**

### Positive risk

Trees in urbanised areas are highly valued due to the positive contribution they provide towards maintaining sustainability, amenity and community health and wellbeing.

Collectively, trees add beauty to urban landscapes by softening the harsh lines of buildings, complementing architecture, screening unsightly views and providing privacy and a sense of security and place. Trees absorb air pollutants, release oxygen and sequester carbon dioxide. They also reduce stormwater runoff and erosion, ameliorate climate, can save energy, provide wildlife habitat and strengthen a sense of community within a given area.

The Urban Tree Policy supports the protection and long-term value of the shires urban trees and maintenance practices for the appropriate management of tree risk issues.

### Safety risk

Council has an obligation to ensure that reasonable care is taken to manage the risks associated with trees while still maintaining and enhancing the existing tree population for inheritance by future generations by preserving tree health, aesthetic appearance and amenity value.

Tree risk management principles will be implemented using accepted professional practices of tree evaluation and treatment in order to reduce risk associated with trees to an acceptable level. The following guiding principles of tree risk management form best practice tree management:

- Utilise a program of systematic tree assessment and best practice tree management to mitigate tree risk for residents and visitors to the Shire.
- Maintain accurate and current data on the management of public trees.
- Undertake proper selection, placement and planting of trees to reduce long-term risk.
- Maintain high standards of tree management to current best practice and recognised standards.
- Provide adequate resources to ensure proper tree management and mitigate risk potential.

A high safety risk is currently present due to a limited budget to deliver best practice tree care. The current budget presents difficulties in completing identified work, compromised further in recent years by increased contractor costs and the impacts of climate change.

### Financial risk

Due to the dynamic nature of trees, adequate resourcing is required to manage the potential high risk within urban areas. A tree risk management program has been established that provides a systematic process for scheduling and inspecting trees and the prioritisation of works based on risk. Risk prioritisation enables judicious use of community resources and is actioned within the available budget.

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Inadequate resourcing impacts upon monitoring and maintenance. This is likely to result in financial implications for Council due to potential future claims for compensation for damage to private property and increased costs for maintenance of public trees and Council assets.

Interruptions to the scheduled program due to an inadequate budget is a high risk as it will result in increased costs in subsequent years, particularly as part of Council's legislative and management obligations.

#### Reputation risk

Council has an obligation to ensure that trees on Council managed land are managed in line with its legislative and management obligations. Tree management as outlined in the Urban Tree Policy aims to manage tree health and reduce the inherent risks associated with trees. Deviation from these obligations' places Council in a position of high reputational risk.

The risk of meeting community expectations is also a reputational risk to Council. Officer's approach to tree management, combined with community engagement practices, seek to engage the community for input when required and to be informed of Council's long term tree management approach. This risk is mitigated by implementation of the Urban Tree Policy and the Tree Management Guideline.

#### **Climate Impact Statement**

Trees provide a positive contribution towards maintaining environmental sustainability and adding to community health, wellbeing and serenity benefits within township and rural areas.

The existing tree population originates from diverse habitats, including locally occurring species, those native to more distant regions of Victoria or other states of Australia, and a wide variety of locations around the world. While mature trees are often quite resilient to climatic changes, projected temperature increases may make it difficult to establish new or replacement specimens and ultimately, is likely to produce early failure or senescence of existing trees.

Tree selection will consider a town's/area's landscape character in-line with issues pertaining to climate change. Future tree selection will consider the importance of preserving and enhancing the heritage character of the shire's townships. Any planting will consider future climate suitability in order to produce a tree population which is robust and is able to provide the required amenity values.

#### **Alternate Options**

Council could choose not to adopt the Urban Tree Policy. This option is not recommended as having an adopted Urban Tree Policy provides clear direction and understanding to Council and the community. A Council adopted Urban Tree Policy will demonstrate a commitment to manage the shire's valuable tree resource and provide support to Council officers when making tree management decisions.

#### **Communication and Consultation**

##### Consult:

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

The high value placed on trees by the community means that issues relating to tree management can generate considerable public debate and passion. Informing affected and



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interested members of the local community is paramount to ensuring the success of any tree management program, the Urban Tree Policy provides an overview of tree management practices.

The management of trees requires specific technical knowledge and adherence to legislative requirements. As such, the Urban Tree Policy has been developed by officers to respond to these criteria. While it is planned not to consult the community on the content of the policy, they will be informed as required, on Council's tree management programs and actions as part of the following programs:

- Programmed Street, Park and Council Property Tree Maintenance.
- Powerline Tree Maintenance.
- Tree Removal.
- Tree Planting.

### **Legislation**

The document is consistent with Council's obligations within the following legislation:

Electricity Safety (Electric Line Clearance) Regulations 2020 (Vic)

Road Management Act (2004)

### **Strategies and Policy Impacts**

Council Plan 2021-2025

Best practice tree care and effective tree management is consistent with:

*Pillar 2: - A environment for nature and people.*

- Objective: We are maintaining, improving and celebrating our places and spaces.

Municipal Public Health and Wellbeing Plan 2021-2025

*Priority 1: Tackling climate change and its impact on health.*

- Strategy 1.2.2: Implement urban greening and cooling strategies to increase tree canopy cover and vegetation, green walls, roofs, facades, corridors and public open space.

Community Engagement Policy 2021

This policy outlines Council's commitment to engaging with the community and its intent to ensure clear and thorough communication in all stages of each community engagement process.

Electric Line Clearance Management Plan 2023-2024 (annual)

The Electric Line Clearance Management Plan outlines Council's method for compliance with the Electricity Safety (Electric Line Clearance) Regulations 2020 (Vic).

The plan details the management responsibilities, procedures, and practices to be adopted and observed in managing vegetation in the vicinity of electric lines and to minimise danger

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of electric lines causing fire or electrocution and maintain electricity supply. The annual plan is prepared in accordance with the *Electricity Safety Act 1998* and with Regulation 9 – Management Plans, Section 3 of the Electricity Safety (Electric Line Clearance) Regulations 2020 (Vic).

#### Road Management Plan 2021

This plan is prepared in accordance with Part 3 Division 1 of the Road Management (General) Regulations 2016.

The *Road Management Act* (2004) was introduced to improve the management and coordination of road infrastructure. The purpose of the *Act* is to establish a coordinated management system that will promote safe and efficient road networks at State and local levels and the responsible use of road reserves for other legitimate purposes.

#### Castlemaine Botanical Gardens Tree Succession Plan 2022

This plan provides strategic direction to achieve a mixed age tree population and sustained amenity into the future at the Castlemaine Botanical Gardens. It allows for transparency regarding succession planning and potential community educational opportunities.

#### **Declarations of Conflict of Interest**

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

#### No conflicts of interest

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

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## 9.4. Economy

### 9.4.1. PLANNING PERMIT APPLICATION PA118/2022 - 1 WALLACE STREET, CASTLEMAINE

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Senior Statutory Planner, Callum Murphy

Attachments: 1. Combined Plans [9.4.1.1 - 5 pages]

#### Executive Summary

The purpose of this report is to enable Council to decide on an application for a six-lot subdivision at 1 Wallace Street, Castlemaine. The application has been referred to the Council for a decision because six objections have been received. Council Officers recommend approval of this application.

The subject site is located within the General Residential 1 Zone per the Mount Alexander Planning Scheme. The site is not affected by any overlays.

The grounds of objection relate to the following points;

- Neighbourhood character.
- Residential development.
- Driveway location, parking and street access.
- Waste removal and waste bin location.
- Permeability and stormwater management.

The application was assessed against the relevant planning considerations, and it is considered that the proposal is consistent with Planning Policy Framework, Zoning and Provisions of the Mount Alexander Planning Scheme. In forming this position, consideration was given to the grounds of objection and the views of the relevant referral authorities.

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

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## **RECOMMENDATION**

That Council issue a Notice of Decision to Grant a Planning Permit for PA118/2022 for a six-lot subdivision at 1 Wallace Street, Castlemaine, subject to the following conditions:

### **AMENDED PLANS REQUIRED**

1. Before the Certification of the Plan of Subdivision under the *Subdivision Act 1988*, amended plans [and documents] 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 advertised plans but further modified to show:
  - a. Site contours and any proposed changes to existing levels;
  - b. A Landscape Plan in accordance with Condition 3 of this permit;
  - c. A Waste Management Plan required by Condition 6 of this permit;
  - d. The location and style of any fencing and retaining walls;
  - e. Provision of the locations of all domestic services to be provided on the land, such as letter boxes, meters and transformers; and
  - f. Location and details of lighting in the common property. Any proposed public lighting must be designed, baffled and located so as to prevent any adverse effect from light spill on adjoining land to the satisfaction of the Responsible Authority.

### **COMPLIANCE WITH ENDORSED PLANS**

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

### **LANDSCAPE PLAN**

3. Prior to the certification of the plan of subdivision, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority in relation to the common property. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be prepared by a person suitably qualified or experienced in landscape design, must be drawn to scale with dimensions and three copies must be provided. The landscape plan must show:
  - a. The locations of all landscaping works to be provided on the land;
  - b. The locations of any trees to be retained or removed from the land (including details of species and size);
  - c. A detailed schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant;
  - d. Details of the proposed surface finishes of pathways and driveways; and
  - e. Details of the irrigation system to be used on land following completion of the landscaping works.
4. Before the issue of a Statement of Compliance under the *Subdivision Act 1988*, or by any later date that is approved in writing by the Responsible Authority, the landscape works shown on the endorsed landscape plans must be carried out and completed to the satisfaction of the Responsible Authority.

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

#### **WASTE MANAGEMENT PLAN**

6. Before the plan of subdivision is certified under the *Subdivision Act 1988*, a Waste Management Plan must be prepared by a person suitably qualified. The plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a. a statement of whether the garbage, medical waste, hard waste and recycling will be collected by Council or a private collection, stating the size of bins, frequency of collection and hours of collection;
  - b. include a plan showing the location of the bin storage area on the site and details of screening from public view;
  - c. state where and when the bins will be placed for waste collection;
  - d. bins to be placed on the kerbside for collection must not obstruct pedestrians, street furniture, driveways or other points of access and must not exceed the property frontage; and
  - e. The plan must demonstrate how each property will be able to locate their waste bins onto the street. The plan must provide a suitable solution in the instance the bins are unable to be demonstrably located on the street on collection day. A set of scaled drawing showing the disposal of waste from the occupant to the final collection point must show:
    - i. Elevation drawings;
    - ii. Residential garbage disposal points;
    - iii. Waste infrastructure and storage areas; and
    - iv. Bin presentation location with bin alignment shown for each individual bin showing size.

When submitted and approved to the satisfaction of the Responsible Authority, the Waste Management Plan and associated notated plans will form part of this permit.

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

#### **GENERAL CONDITIONS**

8. The owner of the land must enter into an agreement with:
  - a. Telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and

- b. A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
9. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
  - a. A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b. A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
10. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
11. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
12. Before the issue of a Statement of Compliance under the *Subdivision Act 1988*, the permit holder must pay to the Responsible Authority a cash payment equivalent to five per cent of the site value of all the land in the subdivision in lieu of the provision of land for Public Open Space, unless otherwise agreed in writing by the Responsible Authority.

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with Council which affects each lot within the subdivision. Such agreement must covenant that:

- a. The owner will maintain the on-site detention system and not modify without prior written approval from the Council.
  - b. The owner shall allow duly authorised officers of the Council to inspect the system at mutually agreed times.
  - c. The owner will pay for all costs associated with the construction and maintenance of the on-site detention system.
17. This requirement will not apply in the event that a stormwater detention system does not form part of the approved drainage design.
18. Provide cut off drains or similar to protect adjoining properties from overland storm water flow. Provision is to be made to divert major rainfall (1 in 100 year) storm events away from the building envelopes of lots within this and adjoining subdivisions.
19. 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.
20. The Developer shall formalise/tidy-up the open drain at property boundaries.
21. Existing/proposed Vehicle crossovers is to be constructed/upgraded to the satisfaction and levels /requirements of the Council. No impending or redirection of existing surface flow is allowed to occur as a result of these works. Council's minimum standards are:
- a. 3.5 m wide;
  - b. with appropriately sized reinforced concrete pipes (min 375mm) 4.8m long centred on the crossover matching the capacity of the open drain;
  - c. drivable Culvert end-walls to all culvert ends and rock beaching either side of culvert;
  - d. batters to be re-established either side of culverts to ensure free flow of stormwater;
  - e. crossings must be positioned keeping a minimum of 3m clearance from the council trees located at the property frontages;
  - f. where two crossovers are in close proximity, pipes are to be extended through to create one wide crossover servicing both properties; and
  - g. in Asphalt / Concrete.
22. The internal driveway access must be constructed to appropriate engineering standards approved by council along with appropriate kerb and channel.
23. The applicant shall submit plans to the satisfaction of council's infrastructure unit to demonstrate that vehicle accessing the common property can enter and exit in a forward manner.
24. All existing road reservation assets are to be protected and maintained throughout the works including all utilities and services. Any damage is to be restored prior to issuing a statement of compliance.
25. 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).

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26. The developer must ensure that all site works conducted during any stages of the proposed development minimises any erosion damages to the surrounding public and private property and assets.
  27. The developer is required to re-instate any erosion damage or sediment build-ups caused by the proposed works to any residential or public assets.
  28. Council is to be paid a fee of 0.75% of the total construction costs for these works for the approval of said plans plus 2.5% for supervision of construction. Said fees to be paid prior to commencement of any road/ drainage works. Estimate for the works are to be prepared and submitted to Council.
  29. 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.
  30. Prior to issue of a statement of compliance for the subdivision, drainage and driveway works must be completed to the satisfaction of council in accordance with the approved plans.
  31. If the applicant / property owner requires removing or trimming of trees in the road reserve as part of the works permitted by this planning permit or as part of future works, all costs of such removal must be borne by the applicant / property owner. Applicant / Property owner must obtain consent and necessary work permits from the council for such future tree trimmings/removals prior to commencement of the works.

#### **COLIBAN WATER CONDITIONS**

32. The owner is required to provide reticulated water and sewerage services to each of the lots within the subdivision and comply with any requirements arising from any effect of the proposed development on Coliban Water assets.
33. Services are to be provided and where necessary, amendments to the existing services, will be required in accordance with our specifications.
34. The reticulated sewer main extension required to service the proposed lots within this subdivision, is required to be designed, constructed and must be finalised in accordance with Coliban Water's Developers installed works process.
35. Please note under section 65(5) of the water act (1989), Coliban water is not required to ensure that the water pressure is adequate for firefighting. It is important to note that Coliban Water does not guarantee fire flows.
36. All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by an easement in favour of Coliban Regional Water Corporation.
37. Evidence to the satisfaction of Coliban Water will be required to verify that the existing plumbing and sanitary drains for the existing residence, have been cut and sealed at the sewer main in accordance with our conditions.
38. Evidence to the satisfaction of Coliban Water will be required to verify that the existing water supply service pipes for the existing residence have been cut and sealed at the water main with the water meter being returned to Coliban Water.
39. Agreement is to be reached with Coliban Water via applications through our consent to connect process, will be required prior to the domestic water supply services, including a fire service (where applicable), being connected to Coliban Water assets and complying with our conditions.

**A single larger service may be constructed into the Common Property from the water main, where the service is to be divided and continue within the Common**



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Property as a domestic water supply for Lots 1-6 and the separate fire service may then terminate near the end of the Common Property.

The larger service must have an isolation valve with a detector check valve, including a by-pass water meter assembly etc fitted on the pipe within the Common Property, no closer than 600mm and no more than 2 meters from the Wallace Street title boundary lie.

The domestic service/s must be constructed from the upstream side of the fire service ancillary equipment, must have an isolation valve, a Back Flow Prevention Device fitted at or adjacent to the smaller offtake and is then required to be constructed parallel to the fire service along the Common Property where offtakes are required with meter assembly to be constructed within the boundary of each lot unless a manifold is constructed for the water meters near the Wallace Street title boundary line.

All private works for water supply and sanitary drainage must be constructed in accordance with the National Plumbing and Drainage Code of Australia being AS 3500, the MRWA Water Metering & Servicing Guidelines 2020 and or any relevant requirements of Coliban Water.

Applications to connect to Coliban's water supply will need to be made through our consent to connect process for Coliban Water's approved contractor to install the digital data devices (water meters) which will be located in an accessible location within 2.0 metres but no closer than 600m, inside title boundary lines of Lots 1-6 (unless a manifold arrangement is chosen), including the by-pass meter for the detector check value on the fire service.

40. Prior to Coliban Water issuing statement of compliance for this subdivision, evidence satisfactory to Coliban Water is required to verify how the potable water supply services and fire service pipes/s have been connected to Coliban Water's main and how they have been constructed into the common property and lots 1-6 within this development site.
41. Before the issue of a Statement of Compliance for the subdivision under the Subdivision Act 1988, the owner of the land must make payment to Coliban Water of new customer contributions (NCCS). These contributions are based upon the number of additional allotments connected (or to be connected) to Coliban Water's, sewer or recycled water networks. A Quote will be supplied to the owner on the referral of the certified plan of subdivision.

#### **GOULBURN MURRAY WATER CONDITIONS**

42. Any plan of subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
43. All works within the subdivision must be done in accordance with EPA publication 1834 Civil Construction, Building and Demolition Guide (November 2020).
44. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
45. All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

#### **POWERCOR CONDITIONS**

46. This letter shall be supplied to the applicant in its entirety.

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

#### **PERMIT EXPIRY**

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

The Responsible Authority may extend the permit if a request is made.

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## Summary

<b>Application details:</b>	Six Lot Subdivision
<b>Application No:</b>	PA118/2022
<b>Applicant:</b>	Turning Point Property & Projects (Jason Schneider Fuller)
<b>Land:</b>	1 Wallace Street, Castlemaine
<b>Zoning:</b>	Clause 32.08 – General Residential 1 Zone
<b>Overlays:</b>	No Overlays
<b>Triggers:</b>	General Residential Zone - Clause 32.08-3 (Subdivision)
<b>Notice:</b>	Yes, letters to adjoining owners and occupiers and a sign on site
<b>Referrals:</b>	<ul style="list-style-type: none"><li>• Engineering Unit</li><li>• Goulburn-Murray Water</li><li>• North Central Catchment Management Authority</li><li>• Coliban Region Water Corporation</li><li>• Powercor Australia</li><li>• Downer Utilities Australia Pty Ltd</li></ul>
<b>No. of Objections:</b>	Six
<b>Consultation Meeting:</b>	No
<b>Key Considerations:</b>	<ul style="list-style-type: none"><li>• Neighbourhood Character and Residential Development</li><li>• Driveway location, parking and street access</li><li>• Waste removal and waste bin location</li><li>• Permeability and Stormwater management</li></ul>

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## Context

### *Site and Surrounds*

The land description of the subject site is “Lot 9 LP53919”. The site is an irregular shaped allotment found on the north side of Wallace Street. The site measures 3,634m<sup>2</sup>. The frontage width of the allotment is 16.4m with a general depth of 71.9 m along the western boundary. The site currently holds an existing dwelling with four ancillary outbuildings. Access to the site is via an unmade accessway on the eastern boundary. The land holds non-native vegetation sporadically placed throughout the western and north boundaries of the site. There is a general fall of the site towards the east of the site.

The site is situated in an established residential area. The neighbourhood context of the site is highly varied with a broad range of property sizes and shapes. The predominant allotments are regular shaped narrow width rectangular lots with a single dwelling. These lot shapes are typically 700m<sup>2</sup> to 1100m<sup>2</sup> in size. These properties are characterised by 7m to 10m setbacks with sparse landscaping and access via the side of the dwellings.

The surrounding area also shows examples of many irregular subdivision allotments. Dick Street, Van Heurck Street and Wallace Street all hold square shaped allotments of approximately 350m<sup>2</sup> to 400m<sup>2</sup> lots. In addition to the smaller regular shaped allotment with access to the street and regular street frontages, there are five development examples within a 250m radius of the subject site of alternative lot layouts. It is important to note all subdivisions share a single access way with common property, and do not separate access points to the street. These examples are the following:

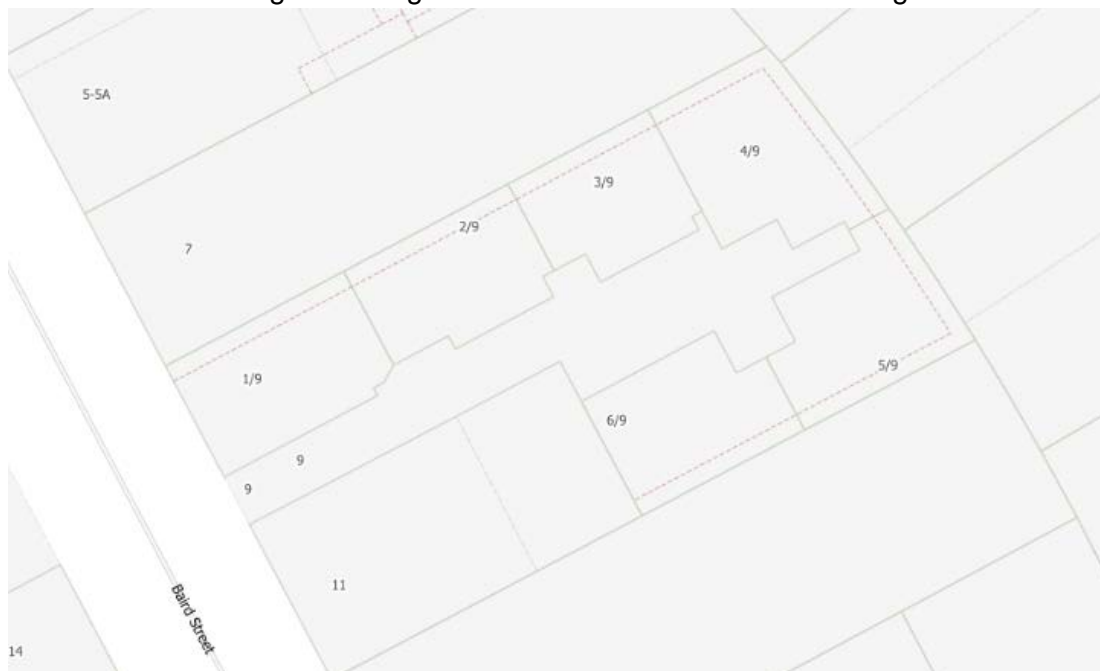
- 2 Dick Street. This property is a five-allotment unit style subdivision. This development is of a small single house development with a shared accessway in the centre of the property. The site has a singular access point to Dick Street on the north-western boundary. Car parking is contained within the site with waste services to the street. The average property size is approximately 255m<sup>2</sup>.



- 123 Duke Street. This subdivision resulted in a three-lot subdivision. The property has a frontage dwelling with two dwellings to the rear. The land is serviced via a shared common property driveway on the southern boundary. Stormwater and waste services are directed to the street. The average property size is approximately 375m<sup>2</sup>.



- 9 Baird Street. The pattern of subdivision is like this proposal. The subdivision pattern and design have a shared common property driveway on the boundary of 11 Baird Street with two allotments to the rear of this separate title. The subdivision is a medium density subdivision with single dwellings. Services are directed to the frontage of the site.



- 16 Baird Street. This subdivision is a four-lot battle-axe type subdivision with varying shapes and sizes for allotments. The site has a shared common driveway running along the southern boundary. The length of the common property is approximately 56m<sup>2</sup> with varying lengths. The smallest lots are 215m<sup>2</sup> and 265m<sup>2</sup> with the largest lot being 616m<sup>2</sup>.



- 2 Farran Street. This subdivision resulted in a three-lot subdivision. The property has a frontage dwelling with two dwellings to the rear. The land is serviced via a shared common property driveway on the northern boundary. Stormwater and waste services are directed to the street. The average property size is approximately 259m<sup>2</sup>. Lot sizes range from 220m<sup>2</sup> to 290m<sup>2</sup>. The access width is 3.5m at the narrowest point.



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- 21 Van Heurck Street. This subdivision resulted in a three-lot subdivision. The property has a frontage dwelling with two dwellings to the rear. This subdivision resulted in an alternative design to the other common subdivisions in the area with two wider blocks at the rear with a wider common property, compared to the narrow allotments of the other development sites.

The allotment size range is approximately 231m<sup>2</sup> to 300m<sup>2</sup> in size, with an average lot size of 274m<sup>2</sup>. The common property is much larger than other subdivision examples, however the land in the common property is largely unmaintained land with a large shared common access way.



The application seeks approval for a subdivision of the allotment into six parcels described.



Lot 1: The allotment is an irregular shaped allotment located at the existing frontage of the site. The land has a total area of 364m<sup>2</sup>. The frontage is 12.12m with a western boundary of 19.6m and eastern boundary of 26.94m. The average frontage on the northern side of Wallace Street is 15.5m. The proposal is seeking a reduction of the average by 3.4m in width. Vehicle access to the allotment will be via the shared crossover on the southeastern corner.

**Lot 3:** Lot three is a regular shaped allotment found in the north-western corner of the site. The site is 501m<sup>2</sup>. The site has a frontage width of 17.59m to the common property accessway. The site will hold a 3m wide easement on the and northern boundary for services.



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Lot 4: Lot four a regular shaped allotment found in the north-western corner of the site. The site is 496m<sup>2</sup>. The site has a frontage width of 16.40m to the common property accessway. The site will hold a 3m wide easement on the northern boundary for services.

Lot 5: Lot five is a regular shaped allotment found in the north of the site. The site has a frontage width of 16.27m to the common property accessway. The site is 593m<sup>2</sup>. The site will hold a 3m wide easement on the northern boundary for services.

Lot 6: Lot six is a regular shaped allotment found in the north-western corner of the site. The site has a frontage width of 5.9m to the common property accessway. The site is 736m<sup>2</sup>. The site will hold a 3m wide easement on the northern and eastern boundary for services.

Common Property: The common property is a 464m<sup>2</sup> accessway to service all allotments. The area on the western boundary will have a width of 3.6m with landscaping on the western boundary. The accessway in the centre of the site will have a varying width of approximately 5.5 m in average length. The south-eastern part will have a landscaped section. There is also a visitor car park to the north-east of lot two.

### *Assessment*

The key issues for consideration relate to the appropriateness of the subdivision relating to the Planning Policy Framework, General Residential Zone, Clause 56 (ResCode) and Clause 65.02 (Decision Guidelines) of the Mount Alexander Planning Scheme as well as issues raised by objectors.

### *Compliance with Planning Policy Framework*

The Planning Policy Framework of the Mount Alexander Planning Scheme integrates state, regional and local policy to show long term strategic direction of land use and development. The proposed development is consistent with the Planning Policy Framework as the subdivision generally accords with the purpose and strategies of the policies. Clause 02.03-6 (Housing) promotes “*encouraging new subdivisions to have a diversity of lot sizes, including smaller lots to promote affordability*” and “*supporting the development of smaller dwellings to respond to the changing housing needs of the community*”. Clause 15.01-3S (Subdivision design) encourages the provisions of “*a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups*”.

Clause 02.03-1 (Settlement) describes Castlemaine as the main population centre accounting for approximately 50 percent of the Shire’s total population. Castlemaine is identified as the regional urban focus and encourages the centralisation of growth and infill and higher density development in Castlemaine. This is supported via Clause 16.01-1S (Housing supply) and Clause 16.01-2s (Housing Affordability) to “*increase choice in housing type, tenure and cost*” and “*encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes*”.

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### *Compliance with the General Residential 1 Zone*

The subject site is found within the General Residential 1 Zone. The relevant objectives of the zone include:

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

A planning permit is needed for the subdivision of the land. The zoning requires any subdivision to meet the objectives of and consider the standards of Clause 56 (ResCode.) Any application for subdivision requires Council to consider:

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

The proposed allotments range between 360m<sup>2</sup> to 730m<sup>2</sup> and are consistent with the existing subdivision pattern of the surrounds. As shown in the site analysis above, the area benefits from a broad range of subdivision sizes and designs. The dominant feature of the subdivision pattern is the single entranceway with common property servicing the rear allotments.

The proposal is looking to create vacant allotments with the demolition of the existing dwelling on site. Council has considered whether the proposed subdivision is acceptable with development of dwellings proposed to ensure any future dwelling will not affect the neighbourhood character or amenity of existing and future residents. For this proposal, the vacant lots are not seen as detrimental to the neighbourhood character or amenity of the surrounds. The dominant house design is single storey with small side setbacks and generous backyard space. The proposed lots will allow for a variety of dwelling designs that are not considered to breach any preferred neighbourhood characteristics. Each lot must meet the requirements of the garden area which will ensure the garden characteristics of the area remain. The design will allow development to the rear of the single allotment fronting the street. All development will be recessive due to the subdivision design and will not detrimentally affect the existing streetscape.

### *Compliance with ResCode*

Clause 56 of the Scheme applies to an application to subdivide land in a General Residential 1 Zone. A six-lot subdivision must only be assessed against Clauses except 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6. The application has been assessed against and is considered to meet all the relevant objectives of ResCode. The proposed building envelopes enable proper siting of future development, solar access, vehicle access and parking, water management and infrastructure provision.

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### *Compliance with Clause 65.02*

Clause 65.02 of all Victorian Planning Scheme's sets out an added list of decision guidelines to that of the other provisions in the scheme. The guidelines to consider are the following:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body-corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.

The proposal is considered to suitably meet the above guidelines and the guidelines considered in earlier sections of this report.

The proposal has not proven how the movement of pedestrians onto the street will be helped. A condition is included in the permit requiring a detailed lighting plan to encourage safe mobility for pedestrians throughout the common property. Off street car parking is expected to be to a minimum, where guests are expected to be the predominant offsite parking. The rear allotments have suitable space to support multiple car spaces on the site. The front sites are limited in size for multiple car parks but are designed for smaller sized dwellings. The applicant has looked to supply a visitor space to ease any car parking on the street.

### **Finance and Resource Implications**

Cost of an Appeal to the Victorian Civil and Administrative Tribunal.

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## **Alternate Options**

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

## **Communication and Consultation**

### *Public Notice*

Public notice of the application was given per Section 52 of the *Planning and Environment Act 1987* to owners and occupiers of adjoining land. Council received six objections. A response to the objection is supplied as follows:

### Neighbourhood Character Residential Development

Consideration of any application must be assessed against the relevant provisions of the planning scheme. The proposed six lots are considered to comply with the provisions as outlined in this report where it relates to neighbourhood character and integration of the allotments in the existing urban context.

As shown in the site analysis, the eastern part of Castlemaine residential area has experienced substantial changes to their density. Increasing subdivisions and downsizing are occurring. The average lot sizes are shrinking where homeowners are looking to reduce the overall size of their land. The overall character of the area has remained intact due to the nature and design of the subdivisions. The area commonly proposes and allows battle-axe and common property style subdivisions to support the façade of the streetscape and as to encourage new buildings to the rear of the existing significant buildings facing the street. This proposal is continuing to protect the existing character of the area while allowing new buildings to be built through a common access driveway leading to the proposed allotments away from the street. The resulting development is not considered to be needed for planning consideration during this proposal as the built form and layout of the existing residences are varied in shape, form, size, setback and total area coverage. This variation of housing types is supportive of new buildings, in addition to no strategic or statutory requirements to meet a preferred character.

### Driveway location, parking and street access

Concerns were raised through submissions about the effect of on-street carparking in Wallace Street and the location of the accessway for the common property. The applicant has looked to alleviate these concerns via supplying a visitor parking space. The allotments can supply suitable locations for car parks on each site. It is considered the large allotments will allow for large car spaces where the smaller allotments will have smaller buildings, and therefore less demand for car parking. The submissions raised concerns surrounding Market Day on-street parking. It is not considered that the development of six allotments will create a demand for on-street parking that will greatly affect the availability of parking during the Market Day events.

The referral response from the Council's Engineering Unit included a response to access concerns. The conditions supplied will require upgrades to existing and proposed vehicle crossovers. The conditions require the crossover and internal driveway to be in asphalt /

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concrete with curb and channeling, and all vehicles must be able to enter and exit the property in a forward direction.

Waste removal and waste bin location;

Concerns are raised in submissions regarding the location of the waste bins. Comments from the Council's Waste Management Officer have led to the understanding that shared bins would be considered the most appropriate method for waste management. A waste management plan is to be a conditional requirement that will require the waste management officer to approve prior to the construction of the dwellings.

Permeability and Stormwater management

Several submissions raised the concerns of the intensification of stormwater and groundwater runoff through their properties due to the increase of permeability on the site, particular concerns have been raised in the location where the accessway is to be found.

A referral response from Council's Engineering Unit found that the future developments stormwater concerns can be suitably responded to through conditions requiring an on-site detention system to be supplied on site to the satisfaction of Council. The applicant must also supply cut off drains to protect adjoining properties from overland stormwater flow and be made to divert major rainfall (1 in 100 year) storm event away from the building envelopes of lots in the subdivision and neighbouring properties. The legal point of discharge will be to the street or on-site storm retention system. All development will be conditioned to require stormwater to traverse away from existing development.

*Referrals*

Engineering

Council's Engineering Unit supplied an assessment against sight lines along the affected streets, standard conditions for accessway and internal road management, and comprehensive stormwater management conditions, including a Section 173 Agreement for the construction of an onsite system.

Goulburn Murray Water

As a water authority, this application was referred to Goulburn Murray Water under Clause 66.02-5 Special water supply catchment area.

As a rural water corporation, the authority supplied conditions requiring connection to reticulated sewerage per the urban water authority.

Coliban Water

As a water authority, this application was also referred to Coliban Water under Clause 66.02-5 Special water supply catchment area.

As the urban water authority, Coliban Water supplied conditions requiring the connection of each allotment to reticulated sewerage and water services.

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### Powercor

As a utility authority, this application was referred to Powercor under Clause 66.03.

This authority supplied no response within the required statutory timeframe.

### Downer Utilities Australia

As a utility authority, this application was referred to Down Utilities Australian under Clause 66.03.

This authority supplied conditions subject to the supply of electricity to all lots in the subdivision to the Distributors Standards.

### North Central Catchment Management Authority

As a water authority, this application was referred to North Central Catchment Management Authority under Clause 66.02-5 Special water supply catchment area.

This authority consented to the application with no conditions.

## **Legislation**

*Planning and Environment Act 1987*

## **Strategy and Policy Impacts**

*Council Plan 2021-2025*

In making this recommendation, consideration has been given the Community Vision 2021-2031 contained within the Council Plan which states:

*"In 2031, our community is connected to each other, and comes together to build and celebrate an inclusive, creative shire. We are a healthy community that values the natural beauty of the Djaara Country we live on. We know that preserving our natural environment means living sustainably and caring for country. We are protecting our shire from the threat of climate change by working together at the local level. We are a welcoming community where everybody has access to services and supports, and opportunities for housing, education, employment and creative and social pursuits. We're known as a vibrant place which draws upon its creative spirit and shared heritage. We're building a place where everyone can enjoy the beauty, history and friendliness of the shire."*

Regard is also given to the following strategies contained within the Council Plan:

- *Ensure there is sufficient residential land that caters for the existing and future community needs.*
- *Encourage diverse housing options and infill residential development in appropriate locations.*

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## **Declarations of Conflict of Interest**

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

### No conflicts of interest

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

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#### **9.4.2. PLANNING PERMIT APPLICATION PA006/2023 - 10 CAMPBELL STREET, CASTLEMAINE**

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear  
Responsible Officer: Senior Statutory Planner, Callum Murphy  
Attachments: 

1. Photographs [9.4.2.1 - 8 pages]
2. Applicant Report [9.4.2.2 - 8 pages]
3. Proposed Plans [9.4.2.3 - 11 pages]
4. Applying the Heritage Overlay [9.4.2.4 - 9 pages]

#### **Executive Summary**

The purpose of this report is to enable Council to make a determination on application PA006/2023 for the use and development of an office in a Heritage Overlay and reduction of car parking at 10 Campbell Street, Castlemaine. The application has been referred to Council for a decision because Council Officers are recommending refusal of the application. The subject site is located in the General Residential 1 Zone and Heritage Overlay pursuant to the Mount Alexander Planning Scheme.

The application has been assessed against the Mount Alexander Planning Scheme and state government documentation on applying the Heritage Overlay. The proposal is considered to propose a prohibited use where the Applicant has not adequately demonstrated that the existing available range of permissible uses cannot suitably provide for the protection of the heritage building.

#### **RECOMMENDATION**

**That Council issue a Notice of Refusal to Grant a Planning Permit associated with PA006/2023 for the use and development of an office in a heritage overlay and reduction of car parking at 10 Campbell St Castlemaine VIC 3450.**

- 1. The proposal does not comply with the purpose of Clause 43.01-9 (Use of a heritage place) of the Heritage Overlay contained within the Mount Alexander Planning Scheme to allow a Prohibited Use as:**
  - a) The available range of permissible uses are suitable in the continued protection of the site.**
  - b) The prohibited use has not demonstrated how it will continue the conservation of the significance of a residential heritage structure where the permissible uses cannot.**
- 2. The proposal is contrary to the Planning Policy Framework, including Clause 15.03-1S (Heritage conservation), Clause 17.02-2S (Out-of-centre development), Clause 17.01-2L (Out of centre development in Castlemaine) contained with the Mount Alexander Planning Scheme as:**
  - a) The existing building's existing and historic use has not become redundant;**
  - b) The proposal does not respect the identified heritage value of a dwelling through a transformation of the land use.**



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- c) The proposal encourages commercial development outside the Castlemaine commercial centre where it is policy to discourage proposals for expansion of single use commercial uses outside of activity centres.**
  - d) The proposed development is not considered to be of a net benefit to the community where the prohibited use is outside of the commercial centre.**
- 3. The use of the land for an office does not serve the local community needs in an appropriate location as required under the purpose of Clause 32.08.**

## Summary

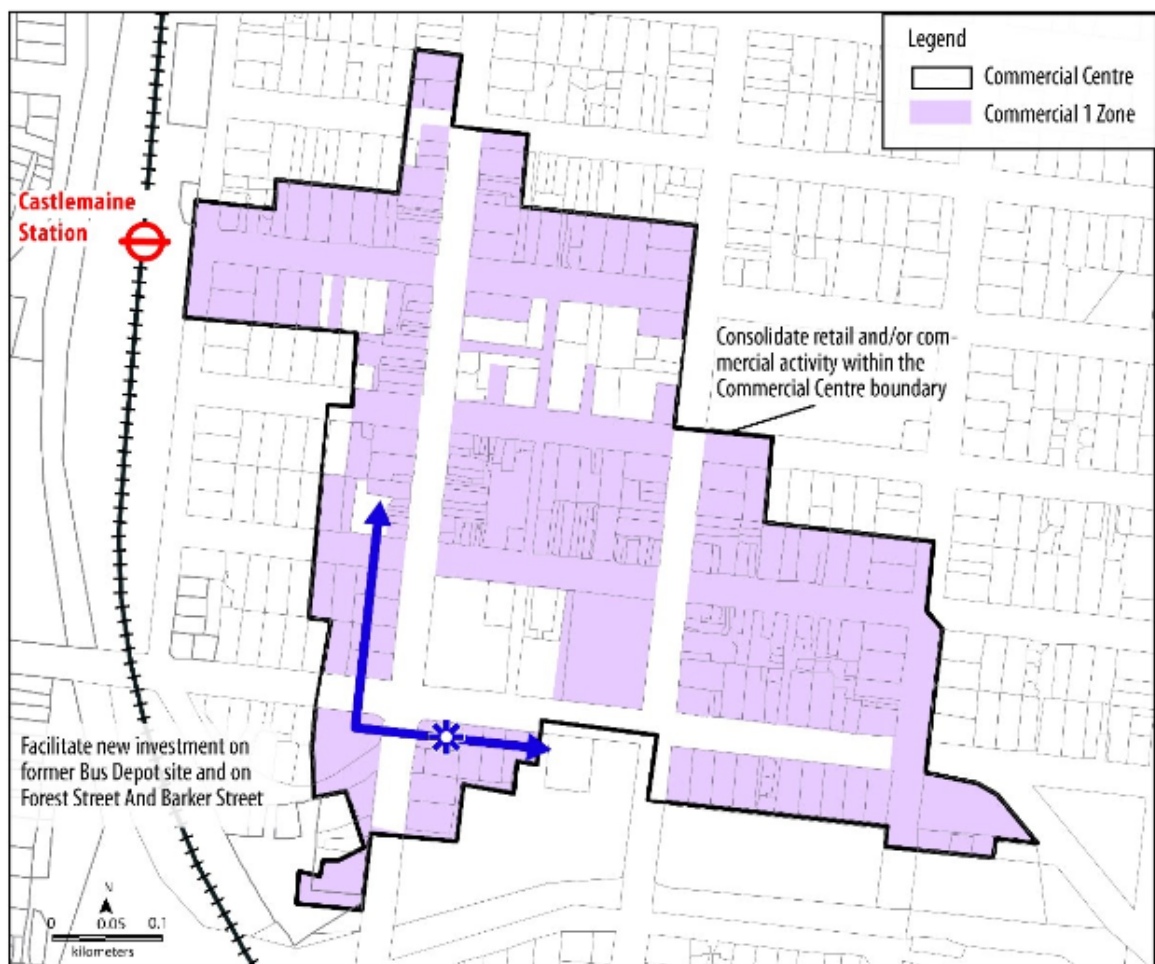
<b>Application details:</b>	Use and development of an office in a heritage overlay and reduction of car parking.
<b>Application No:</b>	PA006/2023
<b>Applicant:</b>	Barry Green
<b>Land:</b>	10 Campbell Street  Lot 1, Plan of Subdivision 648749, Vol. 11316, Fol. 710.
<b>Planning Policy Framework</b>	02.03-1 – Settlement 02.03-5 – Heritage and Character 02.03-7 – Economic Development 11.03-1L-01 – Activity Centres – Castlemaine 15.03-1S – Heritage Conservation 15.03-1L – Heritage General 17.02-1S – Business 17.02-2S – Out-of-centre Development 17.02-2L – Out-of-centre Development – Castlemaine
<b>Zoning:</b>	Clause 32.08 – General Residential 1 Zone
<b>Overlays:</b>	Clause 43.01 – Heritage (HO593)
<b>Particular Provisions</b>	Clause 52.06 - Car Parking
<b>Triggers:</b>	Clause 43.01-1 (Permit Requirement) of the Heritage Overlay Clause 43.01-9 (Use of a Heritage Place) of the Heritage Overlay
<b>Notice:</b>	Yes, letters to adjoining owners and occupiers
<b>Referrals:</b>	<ul style="list-style-type: none"> <li>• Goulburn Murray Water</li> <li>• Coliban Region Water Corporation</li> <li>• North Central Catchment Management Authority</li> <li>• Heritage Advisor</li> </ul>
<b>No. of Objections:</b>	The application is currently on public notice. No objections have been received to date. If objections are received an update will be provided at the Councillor Briefing.
<b>Consultation Meeting:</b>	No
<b>Key Considerations:</b>	<ul style="list-style-type: none"> <li>• Compliance with the Planning Policy Framework;</li> <li>• Appropriateness of the proposed prohibited use;</li> <li>• Conservation of a Heritage Place;</li> <li>• Car parking</li> </ul>

## Context

### Site Context

The site is a regular square shaped allotment located on the southern side of Campbell Street in Castlemaine and is approximately 371.75 square metres in size. The site has a depth of 27.0m and frontage width of 13.8m. The site to the east is an existing Funeral Parlour (Section 2 Use). The land to the west and south is a car park for use of the adjoining funeral parlour. The land further to the west and north are predominantly residential uses, while Castlemaine commercial centre is located to the east and further south of the site.

The site currently contains an existing dwelling and ancillary outbuilding. The dwelling is a brick cottage of individual heritage significance facing Campbell Street. Vehicle access is possible via Campbell Street. There is an existing heritage bluestone drainage along the frontage. The dwelling is considered to be in a poor physical state. The site is located in an area considered via Local Policy as a residential area. Referring to Clause 11.03-1L-01 (Activity Centres – Castlemaine) the following map is shown. This map highlights the existing Commercial Zone 1 and designated commercial centre. The proposal is located outside of the development in the north-western point of the commercial centre boundary.



## Proposal

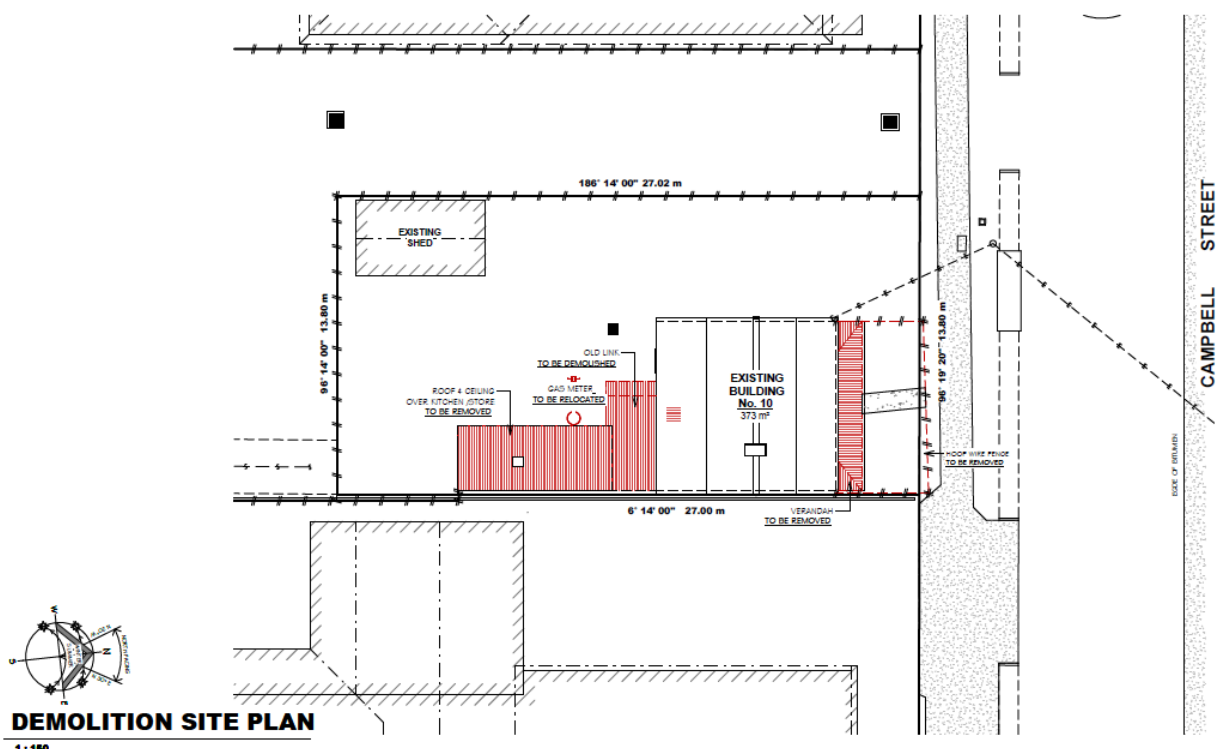
The application seeks approval for the use and development of the land as an office and associated car parking. Specifically, the proposal seeks approval for:

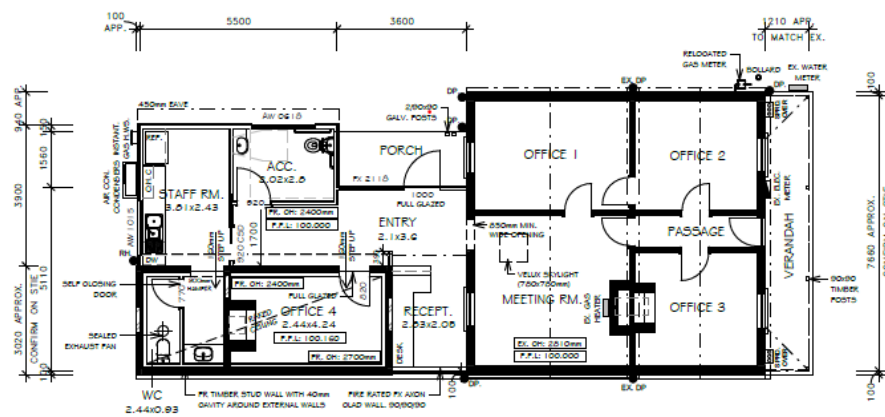
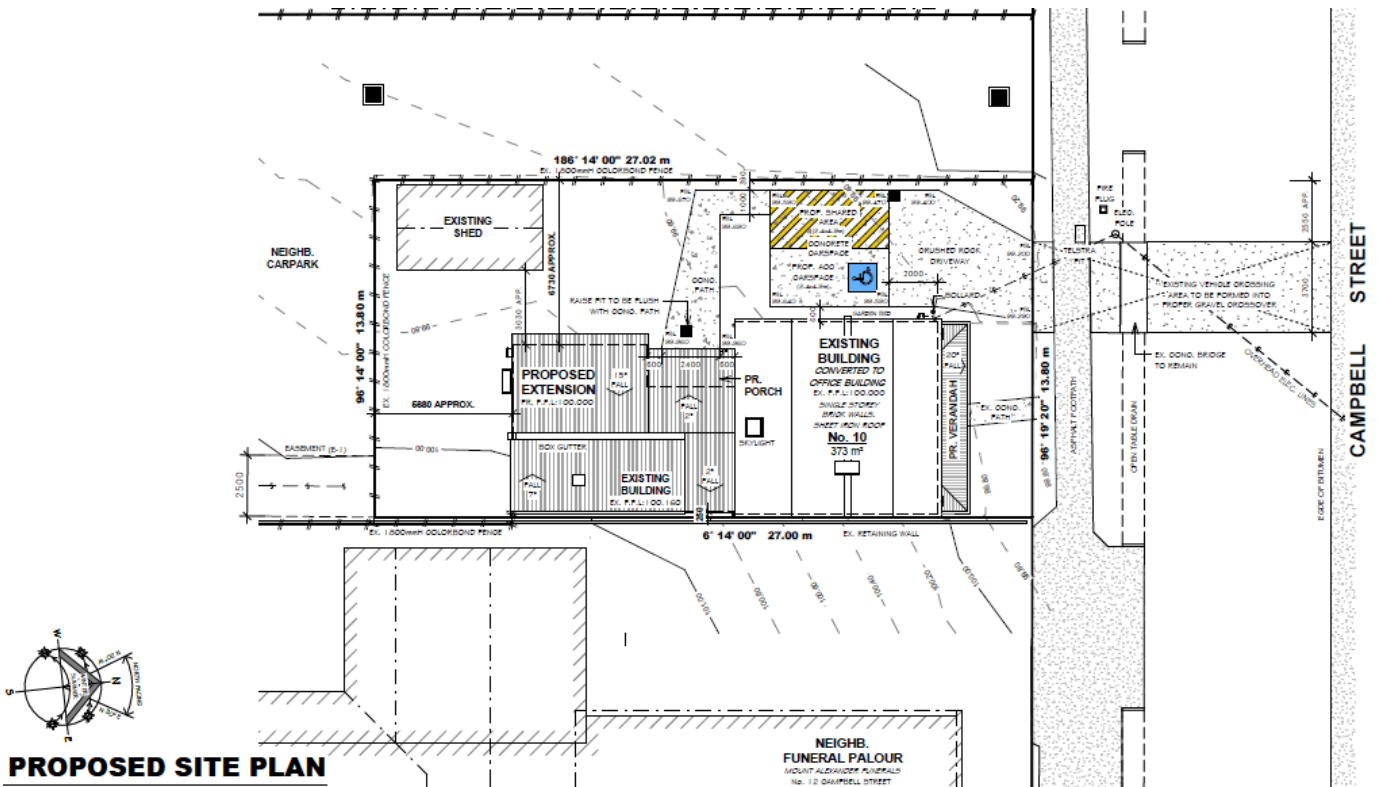
- A reduction in the required on-site car parking.
- The partial demolition of the existing dwelling (which is a contributory building within the Heritage Overlay).
- Additions to the dwelling.
- To change the use of the land from a dwelling to an office (which is a prohibited use in the General Residential 1 Zone).

The written submission provided by the applicant suggests that the application seeks to create an office that will complement the existing funeral home located on the adjoining property to the east of the site. Whilst the buildings and works will allow the restoration of the disused historic dwelling to create a modern office catering for small scale commercial activities.

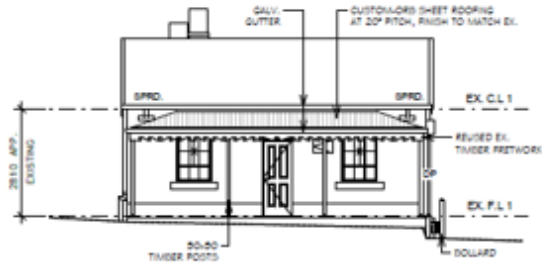
The proposed demolition plan seeks the removal of the existing verandah, building a link to the existing heritage building and addition to the rear, as well as the roof and ceiling over the kitchen and store. The proposed works seek to reinstate the verandah and provide an extension to the rear of the site. The land will accommodate two on-site car spaces with concrete paths traversing the rear yard. The crossover is proposed to be removed and reinstated with a gravel crossover to Campbell Street. The demolition seeks to replace the existing kitchen and store with an office space and staff facilities area.

The following illustrations are taken from the plans provided by the applicant in support of the application:



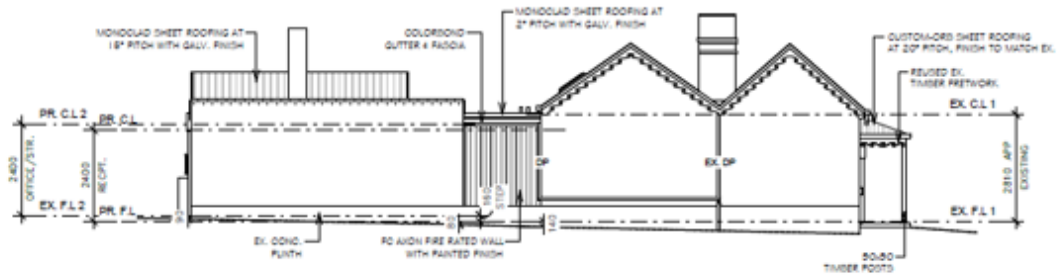


PROPOSED AREA SCHEDULE		
NAME	AREA	SQUARES
EXISTING (FRONT)	25.63 m <sup>2</sup>	7.00
EXISTING (REAR)	21.09 m <sup>2</sup>	2.32
PR. EXTENSION	30.32 m <sup>2</sup>	3.00
PR. PORCH	6.62 m <sup>2</sup>	0.60
PR. V.D.A.H.	9.27 m <sup>2</sup>	1.00
<b>TOTAL</b>	<b>92.93 m<sup>2</sup></b>	<b>11.92</b>

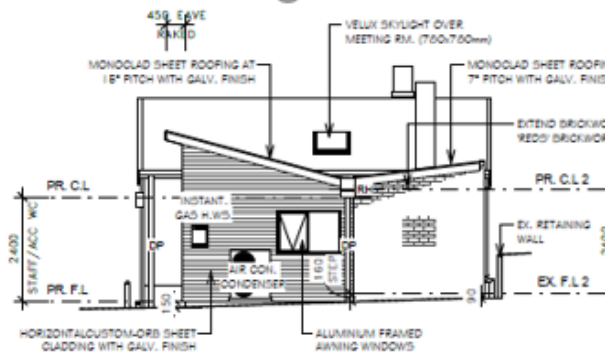


### NORTH ELEVATION

1:100

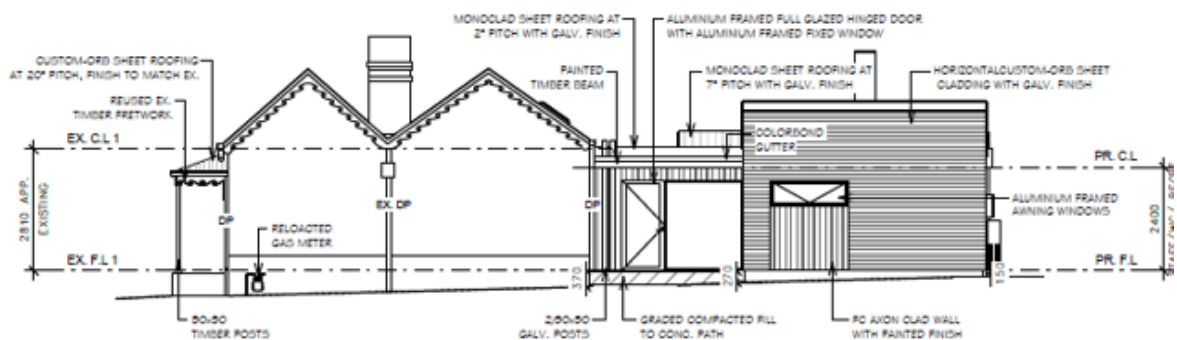


### EAST ELEVATION



### SOUTH ELEVATION

1:100



### WEST ELEVATION

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## Issues

An application must suitably respond to a balance of the relevant Planning Policy Framework, Zoning, Overlays and Provisions of the Scheme in order to be considered an appropriate development.

The following assessment will demonstrate that the development may be considered compliant with some state and local strategies, however, the proposed development is a prohibited use in the Zone and is not suitably applying the Heritage Overlay's provision for allowing prohibited uses in the Zone. This results in an application that does not meet the intention of the Planning Scheme.

### *Compliance with the Planning Policy Framework*

The Municipal Planning Strategy and Planning Policy Framework contained within the Mount Alexander Planning Scheme seek to identify long-term directions about land use and development in the municipality.

While the proposal is consistent with the key criteria as set out in the Planning Policy Framework, the weight of the policy does not allow for a prohibited use to occur when compared against the Heritage Overlay. The zoning allows for a range of commercial developments that comply with the policy, including specific office uses. However; the proposal of office land use allows for a broad range of land uses not considered appropriate due to the potential intensity of the land use in a Residential Zone and is a direct benefit to the surrounding community. Specifically, Clause 11.03-1S (Activity Centres) sets out the following strategies to encourage appropriate development in activity centres:

- Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that:
  - comprise a range of centres that differ in size and function;
  - provide a focus for business, shopping, working, leisure and community facilities;
  - provide different types of housing, including forms of higher density housing;
  - is connected by transport; and
  - maximises choices in services, employment and social interaction.
- Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.
- Encourage economic activity and business synergies.
- Improve the social, economic and environmental performance and amenity of activity centres.

Mount Alexander Shire Council has local planning policy relating to the specific application of the Activity Centres policy at Clause 11.03-1L-01 of the Planning Scheme. This policy is

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relevant to the subject site being located within Castlemaine; a major activity centre within the Shire.

Pursuant to Clause 15.03-1S (Heritage conservation), the state policy seeks to ensure the conservation of places of heritage significance. The relevant strategies include:

- Provide for the protection of natural heritage sites and manmade resources.
- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
- Encourage appropriate development that respects places with identified heritage values.
- Retain those elements that contribute to the importance of the heritage place.
- Encourage the conservation and restoration of contributory elements of a heritage place.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.
- Support adaptive reuse of heritage buildings where their use has become redundant.

The policy calls for the support of adaptive reuses of heritage buildings where the use has become redundant. The existing building is a dwelling with non-original additions to the rear which are in poor condition. Evidence of this disrepair is shown in the photographs provided via the applicant in the report, and a site visit from street observation of the rear. The building is not in a state that cannot continue to be used for a dwelling. The proposal is not supported by this policy where the use has not become redundant.

It is noted that the subject site is not located within the boundaries of the designated Castlemaine commercial activity centre. As the development is located outside of centre development, Planning Policy Clause 17.02-2S (Out of centre) and Clause 17.02-2L (Out of centre development in Castlemaine) set out relevant strategies for commercial application outside of the designed activity centre. Clause 17.02-2S sets out the relevant strategies:

- Discourage proposals for expansion of single use retail, commercial and recreational facilities outside activity centres.
- Give preference to locations in or on the border of an activity centre for expansion of single use retail, commercial and recreational facilities.
- Discourage large sports and entertainment facilities of metropolitan, state or national significance in out-of-centre locations unless they are on the Principal Public Transport Network and in locations that are highly accessible to their catchment of users.
- Ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.



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Clause 17.02-2L, the local policy includes the following strategy in addition to the above strategies:

- Discourage major office and retail developments outside the Castlemaine Commercial Centre.

It is considered when assessing the above policy that the application can adequately respond to the relevant strategy directions listed via local and state policy. The development is a single use commercial facility outside of the activity centre which is encouraged on the border of the commercial activity centre. The proposal is for an office for which the land use is considered an overdevelopment of the site due to the broad range of uses that an office provides. The zoning has provided specific office uses that is directly supportive of residential dwellings.

#### *Use of the land under the General Residential 1 Zone*

The subject site is located within the General Residential 1 Zone which covers the majority of the surrounding residential land in Castlemaine. The purpose of the zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

Subject to Clause 32.08-2 (Table of Uses), the proposal seeks the use of the land as an Office. As per the Planning Scheme, this is considered a Prohibited (Section 3 Use) in the Planning Scheme.

Any proposal in the General Residential 1 Zone must meet the following decision guidelines for non-residential use and development:

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

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Pursuant to the relevant purpose and decision guidelines of the General Residential Zone, the planning scheme is seeking to allow specifically for non-residential uses in a limited capacity that directly serve the local community need in appropriate location. The Table of Uses in the residential zone sets out the relevant commercial and office uses suitable in residential areas. These include (but not limited to) medical centres, stores and take away food premises. The available range of uses is designed to serve the local community needs through the provision of services that could be relied upon on an immediate basis. The proposed use is a commercial office. The scheme has prohibited this type of proposal for directing non-beneficial, specified office uses into commercial areas. It is considered that this application does not suitably respond to the general residential zone.

*Use of a prohibited use under the Heritage Overlay and associated documents*

The subject site is affected by the Heritage Overlay. The relevant purpose of the overlay to this application is:

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

The proposal seeks approval for alterations and additions including partial demolition to a heritage building. The application was referred to Councils Heritage Officer for comment. The officer found that the development component of the application to be an appropriate proposal subject to conditions requiring further specifications on the details of the restorative works to the building.

Subject to Clause 43.01-9 (Use of a Heritage Place), the Planning Scheme states that a permit may be granted to use a heritage place for a use which would otherwise be prohibited if all the following apply:

- The schedule to this overlay specifies the heritage place as one where prohibited use may be permitted.
- The use will not adversely affect the significance of the heritage place.
- The benefits obtained from the use can be demonstrably applied towards the conservation of the heritage place.

The proposal has sought to meet the above criteria to allow the land to be used for an office which is prohibited use within a residential zoning. The proposal seeks to do restorative works on the building to demonstrate the conservation of the building considering allowing an office and states the use will not detract for the built form of the building through the use of an office.

Council officers understand that this provision is to be applied to allow prohibited use to occupy a heritage building as a last resort, to facilitate the conservation and restoration of the

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building. This provision would be applied where a preferred use that is consistent with the zoning of the land would otherwise not be feasible or achieved.

The application as proposed is contrary to the decision guidelines of Clause 43.01-9 as:

- The existing dwelling is not considered to be beyond reasonable repair or in need of immediate conservation;
- The dwelling is located within the established township of Castlemaine within an established residential zone where there is a demand for housing and therefore there is no evidence to suggest the dwelling is no longer suitable for residential use.
- Therefore, no suitable justification has been provided to Council that the benefit of the prohibited use is demonstrably applied towards the conservation of the heritage place.

The Planning Department has sought to rely on *Planning Practice Note 1. Applying the Heritage Overlay (DELWP, August 2018)*. The document is a guidance document that informs public authorities in the matters of applying the Heritage Overlay. The practice note gives guidance on allowing a prohibited use of a heritage place. The document specifically states that the provision can be used “*where it is considered that the normally available range of permissible uses is insufficient to provide for the future conservation of the building*”. The proposal has not considered the existing permissible uses of the site under Section’s 1 and 2 of the Zone as methods in the preservation of the building. The use of the provision is considered a tool used where the existing range of uses is unable to provide the necessary protection of heritage buildings. The proposal is seeking to convert Section 1 (permit not required) use (dwelling), into a section 3 (Prohibited) use (office). It is considered that the broad range of permissible uses are suitable in protecting the building.

During the initial stages of the application, the Planning Officers put forward a suggestion to consolidate the titles to confirm the office was to be an ancillary use to the funeral parlour, and therefore an extension of that land use. The applicant responded in stating the use of the land for an office was not specifically ancillary to the funeral parlour. As the site is not consolidated, there is no evidence the use of the land will continue to act in an ancillary manner as suggested by the reports.

Whilst there is a suggestion that the proposed office use will be associated with the adjoining funeral parlour, it is important to note that approval of the land as an office will allow a number of potential uses that can be defined as an “office” by the definition contained within the planning scheme which is:

*“Land used for administration, or clerical, technical, professional or other like business activity. No goods or materials intended for manufacture, sale, or hire may be stored on the land. Other than electoral office and medical centre, it does not include any other defined use.”*

Council Officers acknowledge that an office use may be compatible with a residential use and accordingly recommended that the land title be consolidated to incorporate the building into the funeral parlour site. This was rejected by the applicant during the preliminary

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discussions, and therefore, the applicant has not shown the department the proposed office will not be used in an ancillary to the adjoining land.

### *Car Parking*

The subject site is affected by the Car Parking Provision at Clause 52.06 of the Mount Alexander Planning Scheme which applies to a new use. The purpose of the provision is:

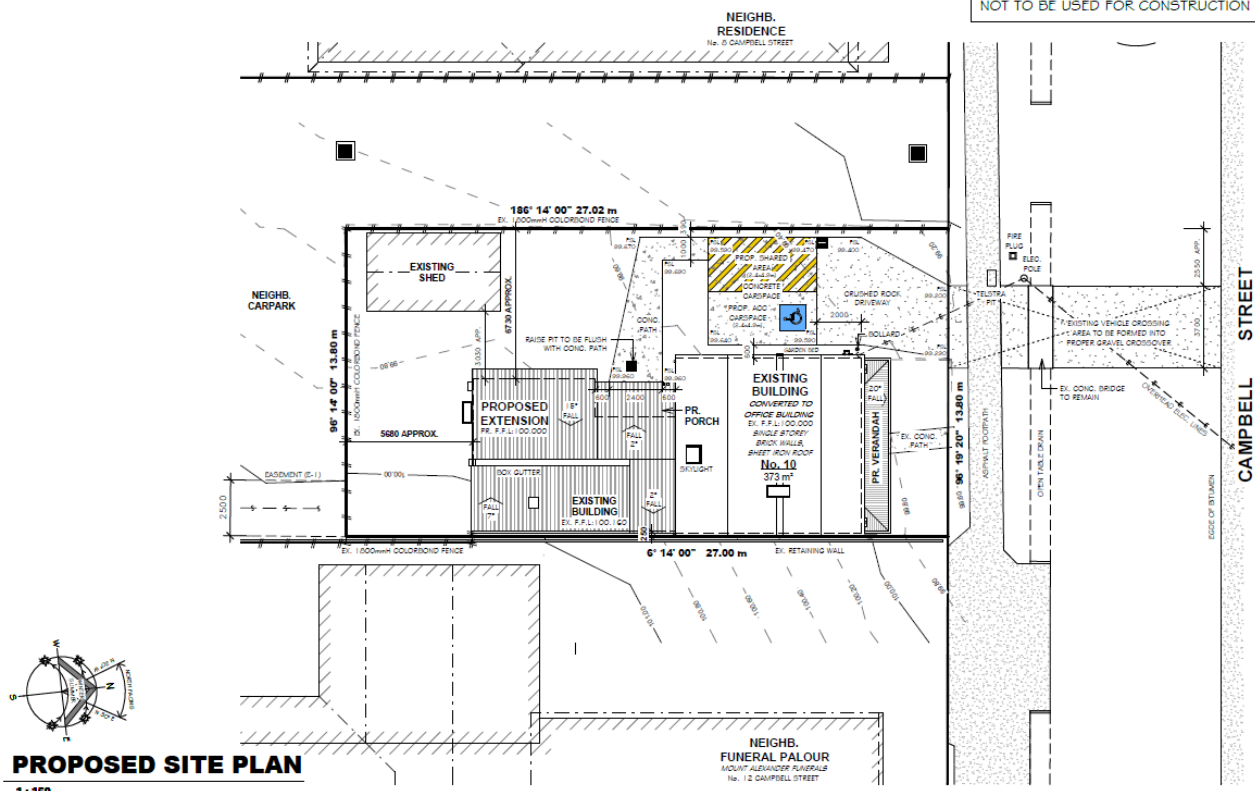
- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of parking spaces considering the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of the car park is of a high standard, creates a safe environment for users and enables easy and efficient use.

Clause 52.06-5 sets out the number of on-site car spaces that are to be provided with a new land use. The use of the land for an office requires a minimum of 3.5 car parks for each 100 sqm of net floor area. The submitted plans suggest the proposed floor area is 137.43 square metres. Accordingly, the proposed office requires four on-site car spaces.

The application seeks to provide one on-site accessible car space and waive the remaining three spaces. The applicant's justification for the waiver relates to the availability of off-site (street) parking and the potential use of the adjoining car parking that services the funeral home. It is noted that no formal request to incorporate the adjoining land or use the adjoining land for car parking associated with the subject site has been made.

An application seeking to reduce or waive the car parking requirement must provide a car parking demand assessment.

The proposal suggests there is ample on street parking on Campbell Street with angle parking available on either side of the road. The use is considered to have short peak demand times with employee car parking. The street is considered to have on-street light for dark periods. The provided car park is to be constructed of all-weather surfaces.



Council officers acknowledge that Campbell Street has suitable space for temporary vehicle parking with suitable gravel shoulders for car parking. The street is periodically busy; however, the intended volume of traffic is not considered detrimental to the available parking spaces off site.

The provision sets out the following relevant decision guidelines:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The protection and enhancement of the streetscape.
- The provisions of landscaping for screening and shade.
- The measures proposed to enhance the security of people using the parking area, particularly at night.
- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
- The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.

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- The type and size of vehicle likely to use the parking area.
  - Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
  - The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier.
  - Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).

The car space provided is considered to suitably respond to the point of the relevant guidelines. The available on street parking is considered to suitably allow for visitor car spaces. The waiver of three car spaces is a suitable response to the car parking provisions.

### **Finance and Resource Implications**

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

### **Alternate Options**

Council could issue a Planning Permit.

### **Communication and Consultation**

#### *Advertising*

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

The proposal did not receive any objections at the time of this meeting.

The application is currently on notice with letters to adjoining neighbours and a sign on site.

#### *Referrals*

- Heritage Overlay

The heritage officer was referred to as an internal authority where the land is located in the Heritage Overlay. The Heritage Officer provided consent to the application subject to the following summarised conditions:

- Amended plans showing the details of the verandah roof, including materials to a 1:10 detail;
- A demolition method statement must be prepared by a suitably qualified contractor or heritage consultant detailing methods of demolition to ensure specific features of the original fabric are not damaged during the works;
- Prior to issuing the certificate of occupancy, a heritage condition and maintenance plan for the original cottage must be prepared by a heritage consultant.

- Coliban Water

This application was referred to Coliban Water under Clause 66.02-5 (Special Water Supply Catchment Area). Coliban Water provided no objection to the application and no suggested permit conditions.

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- Goulburn Murray Water

This application was referred to Goulburn Murray Water under Clause 66.02-5 (Special Water Supply Catchment Area). Goulburn Murray Water provided no objection and no conditions.

- North Central Catchment Management Authority

This application was referred to the North Central Catchment Management Authority under Clause 66.02-5 (Special Water Supply Catchment Area). North Central Catchment Management Authority provided no objection and no conditions.

## **Legislation**

Planning and Environment Act 1987

## **Strategy and Policy Impacts**

Council Plan 2021-2025

In forming their position, Council Officers have considered the following strategies contained within the Mount Alexander Council Plan 2021-2025:

- Ensure there is sufficient residential land that caters for the existing and future community needs
- Manage sustainable township growth and development
- Protect urban and landscape character
- Protect and celebrate our Indigenous and European heritage
- Ensure there is sufficient residential, commercial and industrial land to meet demand  
Coordinate land use, urban design and infrastructure planning for towns

## **Declarations of Conflict of Interest**

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

No conflicts of interest

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

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#### **9.4.3. ANNUAL PLAN PROGRESS REPORT 2022/2023 - QUARTER 3**

This Report is For Information

Responsible Director: Director Corporate and Community Services, Lisa Knight

Responsible Officer: Executive Manager Corporate Services, Carolyn Ross

Attachments: 1. Annual Plan Progress Report - Q 3 March 2023 [**9.4.3.1** - 13 pages]

#### **Executive Summary**

This report provides an update on the status and progress of projects in the 2022/2023 Annual Plan to the end of March 2023.

#### **RECOMMENDATION**

**That Council notes the Annual Plan Progress Report 2022/2023 – Quarter 3.**



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## **Context**

The Annual Plan outlines the actions for 2022/2023 that will be implemented as priorities from the Council Plan 2021-2025. The quarterly progress report is prepared to inform Councillors and the community on progress against agreed actions.

## **Issues**

The quarterly report will provide an update on:

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

## **Finance and Resource Implications**

Projects and initiatives contained in the Annual Plan are fully funded in the 2022/2023 Budget. Many projects are contained within the capital works program or funded as a one-off initiative. Several programs are also funded from an annual operating budget.

## **Risk Analysis**

### Financial risk:

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

## **Climate Impact Statement**

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

## **Alternate Options**

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

## **Communication and Consultation**

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

### Inform:

We will keep our community informed.

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## **Legislation**

### Local Government Act 2020

Council has adopted a Council Plan for 2021-2025 in accordance with section 90 of the Local Government Act 2020 (the Act), together with a budget for 2022/2023, in accordance with section 94 of the Act.

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

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

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

## **Strategies and Policy Impacts**

### Council Plan 2021-2025

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

## **Declarations of Conflict of Interest**

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

### No conflicts of interest

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

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#### **9.4.4. FINANCIAL REPORT QUARTER 3 2022/2023**

This Report is For Information

Responsible Director: Director Corporate and Community Services, Lisa Knight

Responsible Officer: Executive Manager Corporate Services, Carolyn Ross

Attachments: 1. Financial Report - March 2023 [**9.4.4.1** - 21 pages]

#### **Executive Summary**

The purpose of this report is to present the Finance Report for the quarter ended 31 March 2023. This report was presented to the Audit and Risk Committee at its May 2023 meeting.

#### **RECOMMENDATION**

**That Council notes the Finance Report for the nine-month period to 31 March 2023.**

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## **Context**

Regular review of financial performance and reporting of Council activities provides an overview as to how different programs and projects are being delivered. This reporting assists in monitoring Council's achievement of objectives in the Strategic Resource Plan, Financial Plan, and Annual Budget whilst ensuring that Council is financially sustainable in the long term.

The Finance Report is presented to Councillors at a Councillor Briefing and a Meeting of Council on a quarterly basis.

The Finance Report presented includes the following information:

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

## **Issues**

The Finance Report provides a snapshot of the year-to-date financial performance for the 2022/2023 financial year. The current budget includes the adopted carry forwards budgeted for capital projects, special projects, and operating items.

## **Finance and Resource Implications**

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

## **Risk Analysis**

### Financial risk:

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

## **Climate Impact Statement**

In developing the Annual Budget, Council can choose to allocate funds to address the impacts of climate change directly or indirectly. As this report is an overview of Council financial performance per se, no overall consideration has been given to the impacts of climate change. However, there may be one-off or capital projects that address the impact of climate change. These projects may not be specifically discussed in this report, but they are subject to additional oversight processes within the organisation.

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## **Alternate Options**

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

## **Communication and Consultation**

Inform:

We will keep our community informed.

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

## **Legislation**

### Local Government Act 2020

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

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

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

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

## **Strategies and Policy Impacts**

### Council Plan 2021-2025

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

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

## **Declarations of Conflict of Interest**

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

### No conflicts of interest

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

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**10. DELEGATES REPORTS**

**11. NOTICES OF MOTION**

Nil.

**12. URGENT SPECIAL BUSINESS**

Nil.

**13. CONFIDENTIAL ITEMS**

Nil.

**14. MEETING CLOSE**