

## **MINUTES**



**FOR THE MEETING OF COUNCIL**

**Held on Tuesday 19 September 2023**

**At 6.30 PM in the  
Mount Alexander Shire Council Chamber,  
Civic Centre  
Corner Lyttleton Street and Lloyd Street, Castlemaine VIC  
3450.**

---

---

## TABLE OF CONTENTS

<b>1. PRESENT .....</b>	<b>4</b>
<b>2. APOLOGIES/LEAVE OF ABSENCE.....</b>	<b>4</b>
<b>3. DECLARATIONS OF INTEREST AND CONFLICTS OF INTEREST .....</b>	<b>4</b>
<b>4. CONFIRMATION OF MINUTES.....</b>	<b>4</b>
4.1. Meeting Of Council - 15 August 2023.....	4
<b>5. ACKNOWLEDGEMENTS .....</b>	<b>5</b>
<b>6. PUBLIC TIME.....</b>	<b>5</b>
<b>7. PETITIONS AND LETTERS.....</b>	<b>6</b>
<b>8. COMMITTEE REPORTS.....</b>	<b>6</b>
<b>9. OFFICER REPORTS.....</b>	<b>6</b>
9.1. Community .....	6
9.1.1. Adoption Mount Alexander Shire Middle Years Plan 2023-2026 .....	6
9.1.2. Mount Alexander Shire Council Disability Inclusion Action Plan 2023-2027.....	15
9.1.3. Partnership Agreement - Mount Alexander Shire Council And Mainfm.....	23
9.2. Environment .....	26
9.2.1. Graffiti Management Policy.....	26
9.2.2. Active Transport Strategy 2023 – 2033 .....	31
9.2.3. Planning Application PA207/2022 - 59 Carrs Road Barkers Creek. ....	41
9.2.4. Planning Application PA058/2023 - 71 Sonnys Lane Ravenswood VIC 3453.....	55
9.3. Economy .....	70
9.3.1. Annual Plan Progress Report - Quarter 4 2022/2023 .....	70
9.3.2. Adoption Of Revenue And Rating Plan 2021-2025 .....	73
9.3.3. Carry Forward Budget - 2022/2023 To 2023/2024 .....	79
9.3.4. 2022/2023 Financial And Performance Statements.....	84
<b>10. DELEGATES REPORTS .....</b>	<b>90</b>
<b>11. NOTICES OF MOTION.....</b>	<b>92</b>
<b>12. URGENT SPECIAL BUSINESS.....</b>	<b>92</b>
<b>13. CONFIDENTIAL ITEMS.....</b>	<b>92</b>
<b>14. MEETING CLOSE .....</b>	<b>92</b>

---

## **ACKNOWLEDGEMENT OF COUNTRY**

**To start the official proceedings**

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

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

---

## 1. PRESENT

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

Officers: Acting Chief Executive Officer (Michael Annear), Director Corporate and Community Services (Lisa Knight), Acting Director Infrastructure and Development (Paul Diss), Manager Governance and Risk (Leanne Brown) and Acting Governance Coordinator (Tim Webb).

## 2. APOLOGIES/LEAVE OF ABSENCE

Councillor McClure is on an approved leave of absence.

## 3. DECLARATIONS OF INTEREST AND CONFLICTS OF INTEREST

Nil.

## 4. CONFIRMATION OF MINUTES

### 4.1. Meeting of Council - 15 August 2023

The unconfirmed minutes of the Meeting of the Mount Alexander Shire Council held at 6.30 pm on 15 August 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 the Minutes of the Meeting of the Mount Alexander Shire Council held on 15 August 2023 be confirmed subject to the following amendment for Item 13 of the Minutes.**

**Council closed the Ordinary Meeting of Council 15 August 2023, in accordance with Section 66 (2)(a) of the Local Government Act 2020, in order to consider confidential information, as it contained as defined in the Local Government Act under Section 3, Definitions – Confidential Information:**

- (f) Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.**

**MOVED COUNCILLOR DRISCOLL**

**That the recommendation be adopted.**

**SECONDED COUNCILLOR MALTBY**

**CARRIED.**

---

**5. ACKNOWLEDGEMENTS**

Nil.

**6. PUBLIC TIME**

**MOVED COUNCILLOR CORDY**

**That standing orders be suspended at 6.34 pm.**

**SECONDED COUNCILLOR MALTBY**

**CARRIED.**

Mr Bill Wigglesworth:

Regarding the new Graffiti Officer position, I have the following questions:

1. The Bendigo Advertiser article about Castlemaine's graffiti problem , 17 September, (Graffiti officer could help on Castlemaine street art crackdown) does not make clear how the allocated funding will be spent.
  - a. Is the entire \$60,000 to be spent on a staff position, or will some of it be directed towards graffiti removal, for example, to provide graffiti clean-up kits to ratepayers who have been impacted by graffiti? These kits are available in other shires in Victoria.
  - b. Will any of the funding be spent on CCTV in an attempt to stop the ceaseless defacing of the railway overpasses on Johnstone, Forest, and Barker Streets? There have been at least five separate graffiti attacks on two of them during the past fortnight. [photos are available]
2. Council has formal advisory groups for some of its activities, for example, the Community Waste Reference Group, formed in December 2021 - Will MASC now encourage and support the re-establishment of the Graffiti Action Group which seriously addressed the graffiti problem up until it last met in February 2021? Or will stakeholders' comments to Council about graffiti continue to be ad hoc, informal communication?
  - Acting Director Infrastructure and Development advised that the budget will be used to fund a Council staff position to co-ordinate Council's graffiti response along with some resources for graffiti removal. No CCTV cameras will be installed as part of this funding. The new Graffiti officer will be working closely with community groups and other stakeholders to consider appropriate mechanisms for Graffiti Management into the future.

---

**MOVED COUNCILLOR CORDY**

**That standing orders be resumed at 6.40pm.**

**SECONDED COUNCILLOR HENDERSON**

**CARRIED.**

**7. PETITIONS AND LETTERS**

Council received a petition regarding the Victorian State Government Kangaroo Harvest Management Program in Mount Alexander Shire. The following request, was put forward by the petitioners:

We urge the Council to take immediate action in advocating against this cruel and dangerous wildlife trade that is negatively impacting the amenity of residents and undermines the environmental and touristic values of the shire.

The Governance Unit confirmed that the petition conforms with the criteria set out in clause 12.7 of the Governance Rules 2023 and that a report will now be provided to Council in two meetings time.

**8. COMMITTEE REPORTS**

Nil.

**9. OFFICER REPORTS**

**9.1. Community**

**9.1.1. ADOPTION MOUNT ALEXANDER SHIRE MIDDLE YEARS PLAN 2023-2026**

This Report is For Decision

Responsible Director: Director Corporate and Community Services, Lisa Knight  
Responsible Officer: Inclusive Communities Coordinator, Sharna Cropley  
Acting Manager Community Partnerships, Sam Campi  
Attachments: 1. Mount Alexander Shire Middle Years Plan 2023-2026 [9.1.1.1 – 22 Pages]  
2. Summary of Public Feedback in Response to Public Exhibition [9.1.1.2 – 22 Pages]

**Executive Summary**

The purpose of this report is to present the Mount Alexander Shire Middle Years Plan 2023-2026 (the Plan) to Council for adoption.

The aim of the Plan is to provide a future vision and strategic direction for how to best develop and coordinate services, programs and partnership activities in the Shire for children aged 8-12 years and their families.

---

The Plan reflects feedback received from children aged 8-12 years, their families and local middle years' service providers through conversations, surveys and forums held between January and February 2023.

---

**RECOMMENDATION**

**That Council adopts the Mount Alexander Shire Middle Years Plan 2023-2026.**

**MOVED COUNCILLOR HENDERSON**

**That the recommendation be adopted.**

**SECONDED COUNCILLOR DRISCOLL**

**CARRIED.**



---

## **Context**

Council is committed to implementing Early Years and Middle Years Plans, as outlined in the Council Plan 2021-2025.

Along with the Mount Alexander Shire Early Years Plan 2022-2026, the Mount Alexander Shire Middle Years Plan 2023-2026 further demonstrates Council's commitment to improving the health and wellbeing of children and families in this Shire.

The middle years of childhood are an important period of individual growth and learning, characterised by rapid physical, cognitive, emotional and social development. This is a critical time for intervention to improve social, emotional and health outcomes.

The Plan builds on the success of the Middle Years Plan 2020-2023 which featured a collective impact approach to keeping Mount Alexander Shire children and families happy, safe, active and connected.

The COVID-19 pandemic has impacted children and their families since the development of Council's first Middle Years Plan, and this was reflected in the findings of the surveys used to inform the development of both plans. Social networks and 'making friends' were more important to families and children in 2023 compared to 2020. Gaming and 'Art and Music' have also become much more important to children since 2020.

The creation of the Plan commenced in November 2022 and has been developed in partnership with the local community and middle years' service providers. The Plan provides a collective impact approach to developing and coordinating services, programs and partnership activities to address the needs of children aged 8-12 years and their families in the Shire.

The development of the Plan was based on feedback received through an extensive consultation process that involved conversations with key stakeholders, surveys and forums. 225 children and 98 parents, carers and service providers participated in the consultation process.

The draft Plan was publicly exhibited from 12 May to 28 May 2023. Six submissions were received, as detailed in the Summary of Public Feedback in Response to Public Exhibition.

## **Issues**

### Outcomes from consultation

Consultation with children, parents, carers and service providers highlighted the following issues and challenges:

- Impact of COVID-19 pandemic on health and wellbeing and learning. More than half (54%) of parents and carers surveyed reported that their family's health and wellbeing was impacted or severely impacted by the pandemic. Half (51%) of families reported that their children's learning was impacted, including 17% who reported it had been severely impacted.
- Access to local services is challenging. More middle years children are needing support for neurological disabilities and learning challenges, as well as social anxieties and housing insecurity. Wait-lists for specialised services such as child psychologists, speech therapists and occupational therapists are extensive, with many families having to travel and/or pay privately for the support they need.

- 
- Online safety remains a priority. One in ten children surveyed placed a high value on using social media, while over a third (38%) valued gaming. 12% of children surveyed said they worry about being safe online, while 8% said they worry about cyber-bullying.
  - Parents are feeling stressed. Insecure housing and the rising cost of living is putting many local families under pressure. Parents and carers surveyed reported the affordability of services and housing as their biggest challenges. Parental stress impacts children's learning, emotional regulation and overall wellbeing.
  - Complex and additional needs are becoming more common. Around a third (31%) of families reported caring for a child with additional needs in 2023 compared to 8.5% in 2020. This means more demands on families, schools and services.
  - Expectations of teachers are rising. Teachers are at the front-line of learning, while also working as key social and wellbeing supports for their students. Placing more demands on local teachers to play a more central role in primary prevention or response to behavioural or neurological challenges is not sustainable.
  - Concerns about the effects of climate change. Children identified 'the environment' as their biggest worry and expressed a need for more climate change action.

#### Priority areas identified

The priority areas, strategies and actions in the Plan aim to address these issues and challenges. The following three key priority areas were identified and included in the Plan to support children and families in the areas of wellbeing, safety and transition to secondary school as well as ensuring children have opportunities to care for the environment and connect with Country:

1. Happy and Included Kids: Middle years children and families are happy, well-informed, included and ready to transition to high school.
2. Active and Outside Kids: Kids have opportunities to be physically active, to care for the environment and connect with Country.
3. Safe and Supported Kids: Middle years children and families are safe and can access the support they need.

#### Proposed objectives and actions

Under these three key priorities the Plan outlines nine objectives and 22 actions that provide a strategic framework to guide the implementation of the Plan.

Each action states which stakeholder is the responsible organisation for its implementation as well as the role of Council in its delivery. This role has been defined as one of the following:

- Lead: Council adopts full responsibility for delivery of the action, due to the action being either internal or at a policy level.
- Facilitate: Undertaking a process involving other stakeholders, which will be driven by Council.
- Support: Add value to activities that are initiated by, and the responsibility of, other agencies. This may include promotion, in-kind support or providing advice.

- Advocate: Using Council's role in the community to exert influence on external agencies to undertake an action.

Council is the responsible stakeholder or lead agency for the following eight actions:

Ref	Action
2.1.1 **	Exploring ways to increase skate, scoot and cycling opportunities for middle years children and families
2.1.2 **	Ensuring the needs of children are considered when upgrading the walking and cycling networks around local primary schools
2.1.3	Ensuring the needs of children are considered when designing playgrounds and play spaces
2.1.4	Supporting and championing all-abilities access to sport and recreation activities
2.3.1	Promoting resources that encourage children and families to connect to Djaara Country and Culture
2.3.2	Continuing to support Nalderun Education Aboriginal Corporation to deliver quality educational and cultural programs for First Nations children
3.1.3	Developing processes to ensure our middle years children and families are able to provide input into Council's planning and programs
3.3.2	Continuing to work with our key partners to ensure emergency preparedness and planning specifically considers the needs of our children and their families

\*\* Actions 2.1.1 and 2.1.2 will be addressed and reported on through Council's Active Transport Strategy 2023-33 once adopted.

### Finance and Resource Implications

An allocation of \$25,000 has been provided from the 2022/2023 annual budget to assist with the development of the Plan.

The implementation of many of the actions in the Plan will be undertaken with existing Council resources. However, it is anticipated that some costs may be incurred in the Plan's implementation that are outside of Council's existing resource commitments. Any additional costs will be identified in the development of the implementation plan and presented to Council for consideration through the annual budget process. External grants and resources will also be explored as and when required.

The Middle Years Steering Group (Bulortj Children and Youth Network) will support the collaborative approach to resourcing the Plan's implementation.

---

## **Risk Analysis**

### Implementation risk:

The main risks identified as impacting the implementation of the Plan are the inability to deliver the actions, sustaining engagement of key stakeholders, community ownership of the Plan and the ability to source external funding, when required. These risks will be addressed by:

- The Middle Years Steering Group overseeing the implementation and monitoring of the Plan.
- Developing a 'Plan on a Page' summary of the aims, objectives and actions in easy English terminology and designing the look and feel of the plan with a more community lens rather than corporate.
- Identifying actions that require external funding to ensure that no opportunities for grant applications are missed.

## **Climate Impact Statement**

It is expected that this plan will have a positive environmental impact. During the consultation phase of the Plan, children reported the environment as their biggest worry and proposed various ways to address this. In response to this feedback, Strategy 2.2 in the Plan aims to: *'Support middle years kids to care for our environment'*.

## **Alternate Options**

Council may choose not to adopt the Mount Alexander Shire Middle Years Plan 2023-2026; however, this is not advised as the adoption of this plan was a commitment in Council's 2022-2023 Annual Plan supported by a \$25,000 budget allocation.

## **Communication and Consultation**

The Consultation and Communication Plan is attached.

The Plan was developed with feedback received through extensive consultation.

In December 2022, three surveys were developed: one for children aged 8-12 years (online and hardcopy), one for parents and carers (online and hardcopy), and one for middle years' service providers (online and hardcopy). The aim of the surveys was to inform the development of the Middle Years Plan by asking children, parents and service providers what is important to them, what are the challenges they face and what would make life better for children and their families.

Each survey was promoted through local media, primary and secondary schools, Castlemaine Library, school and community events, community centres and organisations, pop-up sessions across the Shire and via Council's website and Facebook page.

In February 2023, two workshops with the Middle Years Steering Group were held. Attendees included local service providers and representatives from local primary and secondary schools.

Targeted conversations were also conducted with three local school Principals.

Consultation workshops were held in February 2023 with Grades 3 to 6 students at four primary schools across the Shire to provide students with the opportunity to complete the children's survey.

A further children's workshop was held in March 2023 with 38 Grade 5-6 students from eight primary schools and the home-school network. Students were supported to develop project ideas in response to the issues highlighted in the children's survey findings. Student project ideas have informed the development of several actions in the draft Plan.

The draft Plan was placed on public exhibition from 12 May to 28 May 2023. An extensive promotional campaign supported the public exhibition period, including coverage on Council's website, Facebook page, local newspapers and electronic mail out.

Six submissions to the draft Plan were received as further detailed in the Summary of Public Feedback in Response to Public Exhibition document (attached). Feedback received was broadly supportive; however, it did highlight opportunities for potential minor improvements.

In response to the feedback received, five minor changes were made to the draft Plan. This included a change to Council's defined role against action 3.2.1, and the re-wording of the following four actions:

Draft Plan Action	Final Plan Action
1.1.1 Delivering kids programs that respond to known and emerging needs, such as preparation for puberty, mental health, identity, positive masculinity, social skills and online safety	1.1.1 Delivering kids programs that respond to known and emerging needs, such as preparation for puberty, mental health, identity, positive masculinity, social skills, <b>friendships</b> and online safety
1.1.2 Exploring ways to expand the activity program for middle years children at Castlemaine Library	1.1.2 Exploring ways to expand the activity program, <b>including play-based learning</b> for middle years children at Castlemaine Library
1.2.1 Coordinating and promoting parental education sessions and programs for our families to improve middle years child wellbeing, safety and family resilience	1.2.1 Coordinating and promoting parental education sessions and programs for our families to improve middle years child wellbeing, <b>online and physical</b> safety and family resilience
3.2.1 Facilitating opportunities for schools to identify and share information, data, learning and funding opportunities, events and other initiatives	3.2.1 Facilitating opportunities for <b>primary</b> schools to identify and share information, data, learning and funding opportunities, events and other initiatives

Collaborate:

We will work together with our community to formulate solutions and incorporate our community's advice and recommendations into our decisions to the maximum extent possible.

---

## **Legislation**

Child Wellbeing and Safety Act 2005

Local Government Act 2020

## **Strategies and Policy Impacts**

Council Plan 2021-2025

Community - A healthy, connected and inclusive community.  
Our community feels safe, regardless of identity or circumstance.  
Our community is inclusive and connected.  
Our community is physically and mentally healthy  
Services in our community are accessible and coordinated.

Economy - A resilient and growing local economy.  
We are supporting continuous learning and personal growth.

Environment - A flourishing environment for nature and people.  
Our community is growing in harmony with nature.

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

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.

Mount Alexander Shire Council Child Safe Policy 2022

Child Friendly Cities and Communities Charter

Municipal Public Health and Wellbeing Plan 2021-25

Mount Alexander Shire Early Years Plan 2022-2026

Reconciliation Plan 2020-2023

Mount Alexander Shire Environmental Strategy 2015-25

Walking and Cycling Strategy 2010-2020

## **Declarations of Conflict of Interest**

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

No conflicts of interest

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

---

## **9.1.2. MOUNT ALEXANDER SHIRE COUNCIL DISABILITY INCLUSION ACTION PLAN 2023-2027**

This Report is For Decision

Responsible Director: Director Corporate and Community Services, Lisa Knight

Responsible Officer: Social Equity and Inclusion Officer, Sarah Gradie

Inclusive Communities Coordinator, Sharna Cropley

- Attachments:
1. Disability Inclusion Action Plan 2023-2027 [9.1.2.1 – 38 Pages]
  2. Summary of Public Feedback in Response to Public Exhibition [9.1.2.2 – 4 Pages]

### **Executive Summary**

The purpose of this report is to present the Disability Inclusion Action Plan 2023-2027 (the Plan) to Council for adoption.

The aims of the Plan are to raise awareness of inclusion, accessibility and support needs for people with disability and their carers; to provide a platform for improved engagement and planned actions, and to provide meaningful outcomes for residents and visitors to the Shire.

The Plan is the result of extensive consultation reflecting the diversity of disability in the Shire. Carers, disability service providers, disability advocacy groups, support workers, individuals with experience of disability, businesses and the broader community were asked to share their experiences to help shape the Plan.

### **RECOMMENDATION**

**That Council adopts the Mount Alexander Shire Council Disability Inclusion Action Plan 2023-2027.**

**MOVED COUNCILLOR MALTBY**

**That the recommendation be adopted.**

**SECONDED COUNCILLOR CORDY**

**CARRIED.**

---

## Context

This Plan has been developed in accordance with the Victorian Disability Act 2006 (the Act). Local Government is required every four years to produce and implement a Disability Action Plan (DAP) to address how Council will reduce and remove barriers for people with disability in our community.

The Act sets out four objectives that the DAP must address:

1. Reducing barriers to persons with a disability accessing goods, services and facilities.
2. Reducing barriers to persons with a disability obtaining and maintaining employment.
3. Promoting inclusion and participation in the community of persons with a disability.
4. Achieving tangible changes in attitudes and practices which discriminate against persons with a disability.

The implementation of the Plan aligns with actions in the Council Plan 2021-2025: "Improve accessibility of Council services" and "Implementation of the Disability Action Plan". This will be the first time Council has adopted a standalone Disability Inclusion Action Plan.

In developing this standalone plan, Council has undertaken meaningful engagement, providing an opportunity for community and service providers to have a voice regarding the inclusiveness and accessibility of Council facilities and services. The Plan has been informed by regular meetings with a Disability Action Plan Working Group (the Working Group) since September 2022 and two months of broad public and internal consultation.

The Plan has been co-designed with the Working Group, which consisted of community members (individuals and carers with experience of a range of disabilities) and representatives from Castlemaine Library, Sports Focus and Council. Internal consultation was informed by 27 Officers across 14 teams.

This Plan sets out five key areas that will assist Council to meet the requirements of the Act and will address Council's roles and responsibilities as an employer, service provider and community leader by taking a human rights approach to disability access and inclusion.

## Issues

### Implementation of the Plan

The Plan adopts a 'whole of council' approach to delivering the Actions and will be coordinated by the Community Partnerships team.

### Key priorities identified

Community consultation has been thoroughly considered in developing the key priorities in this plan. The outcomes of the consultation highlighted that the main area of concern for respondents was the provision and accessibility of footpaths and tracks. 56% of survey respondents stated that our paths and tracks are either 'Accessible but could be improved' or 'Not accessible,' and the results from the service provider interviews also strongly supported this feedback.

This feedback strongly aligns with the results from the Active Transport Strategy Survey, with the number one concern for the community being the quality of roads, paths and footpaths.



---

When participants were asked to identify the main barriers preventing participation in active transport activities, the top response was 'Poor infrastructure (roads, paths, footpaths etc.)' with 78.22%.

Other key issues that our disability and inclusion consultation raised included:

- The quality and quantity of paths, parking bays, seating and toilets leading to people feeling unsafe and isolated from their community.
- Access to shops and businesses, including markets, tourism, hospitality and music venues.
- The lack of support, information and awareness in the community and businesses of neurodevelopment disorders, dementia and disability more generally.
- Concerns about the attitudes and behaviours of others, and the stereotypes and stigmas that exist in the community.
- People feeling isolated due to either a lack of suitable activities, or not being aware of what is on offer in the Shire.
- The lack of suitable housing in the Shire for people with disability and their carers, who require dwellings consistent with their needs.

### Structure of the Plan

The following five Key Areas have been included in the Plan to address these issues, along with the four areas required within the Act:

1. Equal, Respectful and Dignified Access.
2. Opportunities and Access to Employment, Volunteering, Education and Economic Participation.
3. Promote Inclusion and Participation in Civic Life.
4. Change the Attitudes and Practices that lead to Discrimination of People with Disability.
5. Wellbeing and Safety.

Each Key Area includes objectives and specific actions that will be undertaken to address each objective and nominates potential outcomes and indicators that will demonstrate success. Overall, the Plan has 28 Objectives with 58 Actions.

### Public Exhibition

The draft Plan was placed on public exhibition from 12 May to 9 June 2023. During this period, the draft Plan was promoted on SHAPE, Council's website and Facebook page, local newspapers and via relevant networks.

The SHAPE page had 103 visits from 64 people resulting in six submissions which raised 36 items for consideration as further detailed in the Summary of Public Feedback document (attached). Feedback in response to the draft Plan was also provided by the Working Group and Council.

The feedback received was positive and included a range of suggested amendments which resulted in 10 minor changes being made to the Plan.

The most notable changes were:

- The statistical data was reduced, and removed from Appendix 1, to instead be inserted into the body of the Plan under Disability in our Community;
- The rewording of nine items as detailed in the table below;

Draft Plan	Final Plan
Key Area 2: Impact Statement - Our community understands the value of diversity in the workforce and supports entrepreneurship.	Our community understands the value of diversity in the workforce and supports entrepreneurship and <b>personal agency</b> .
Key Area 3: Promote inclusion and participation in civic life.	Promote inclusion, participation and <b>agency</b> in civic life.
Area 3: intended impact – Our community will feel valued, purposeful and included.	Impact - Our community will feel valued, purposeful, <b>connected</b> and included.
Action 4.1.1: Advocate for structural and systemic change to other levels of Government, including better transport options and more localised health services.	Action 4.1.1: Advocate for structural and systemic change to other levels of Government, including better transport options, <b>NDIS outcomes</b> and more localised health services.
Outcome 4.4: People with disability feel valued and celebrated.	Outcome 4.4.1: People with disability feel <b>personally</b> valued, <b>publicly</b> valued and celebrated.
Objective 4.2: Our workforce is educated, flexible and kind.	Objective 4.2: Our workforce is educated, flexible and <b>respectful</b> .
Objective 4.3: Our community is educated, inclusive and kind.	Objective 4.3: Our community is educated, inclusive and <b>respectful</b> .
Action 4.4.1: Work in partnership to hold an event for International Day of People with Disability in the shire.	Action 4.4.1: Work in partnership <b>with community organisations</b> to hold an event for International Day of People with Disability in the shire.
Action 4.6.1: Provide tailored workshops and training to increase awareness of the value of being an inclusive organisation.	Action 4.6.1: Provide tailored workshops and training on <b>how to</b> increase awareness of the value of being an inclusive <b>connected</b> organisation.

---

## **Legislative requirements and compliance**

The Plan has been developed with consideration of upcoming changes the Victorian State Government is planning regarding the Disability Act 2006. The Victorian Disability Act 2006 is currently being reviewed by the Department of Families, Fairness and Housing (the Department), to ensure that legislation is 'contemporary' and 'fit for purpose'. The Department is intending to split the current Act into two separate pieces of legislation, one relating to safeguards and rights (Disability Act Amendment Bill), and another relating to inclusion for people with disability (Disability Inclusion Bill). There are also plans to establish a Disability Inclusion Commissioner and introduce different responsibilities for councils regarding DAPs.

The State Government has proposed plans to introduce Disability Impact Assessments and will require councils to submit their DAP to the Commissioner every four years and provide two-year progress reports. These requirements were not finalised or legislated at the time of the development of this plan.

This plan has been developed to be flexible and to accommodate the proposed changes to legislation. The introduction of Disability Impact Assessments has been included in the Plan to allow for submissions to the (yet to be established) Commissioner to be straightforward. The timeline of the proposed amendments is currently unknown. The expectation is that the new Act will be implemented in 2024, which corresponds with either year one or two of this plan.

If proposed amendments to the legislation differ from those planned for, a Disability Impact Assessment tool will still be developed and implemented due to its expected benefits.

## **Finance and Resource Implications**

The implementation of many of the actions in the Plan will be undertaken within existing Council resources and supported by a \$60,000 budget allocation over the lifespan of the Plan, subject to annual budget approval.

Responsibility for the resourcing and delivery of actions will sit with the nominated areas of Council, as outlined in the Plan. Whilst the Plan introduces a broad range of actions to be delivered across Council, they have been designed to align with work already planned or occurring. This plan ensures that these existing actions will now be undertaken with clear and careful consideration of issues relating to disability, access and inclusion.

It is anticipated that some costs will be incurred in the Plan's implementation that are outside of Council's existing resource commitments. External grants and resources will also be explored as and when required.

This plan has been graphically designed by Council's Graphic Designer.

## **Risk Analysis**

### Regulatory risk:

There is a regulatory risk of non-compliance if the Plan is not adopted, as Council has a legislative obligation to develop and implement a Disability Action Plan every four years.

By adopting the Disability Inclusion Action Plan 2023-2027, Council will be fulfilling its current legislative requirements.

---

### Reputation risk:

There is a reputational risk if Council is unable to implement this plan. The main element of this risk is securing adequate finance and resourcing.

To mitigate this risk, implementation of the Plan has been established as a whole of organisation responsibility, which will encourage the delivery of actions to be absorbed into existing Council resourcing across the organisation

As outlined above, any additional costs will be identified in the development of the implementation plan, and external grants and resources will be explored as and when required.

There is a reputational risk of community dissatisfaction if the Plan does not meet community expectations. This will be mitigated by the establishment of an internal working group and a Disability Inclusion Advisory Group who will be consulted throughout the implementation of the Plan as well as receiving annual progress reports.

### Positive risk

The development of the Disability Inclusion Action Plan 2023-2027 as a standalone document has enabled Council to seek meaningful engagement and seek improved inclusiveness and accessibility to Council facilities and services. This change in approach will provide positive outcomes for residents and visitors to the Shire, via the planned actions that are embedded in the Plan.

## **Climate Impact Statement**

The Plan does not attempt to address climate change risk.

Every effort has been made to use sustainable administrative practices in the development of the draft Plan.

## **Alternate Options**

It is a legislative requirement for Council to develop and implement a Disability Action Plan every four years.

Councillors may choose not to adopt the Disability Inclusion Action Plan 2023-2027. This is not advised as the implementation of the Plan is an action in the Council Plan 2021-2025 and supported by an annual budget allocation.

## **Communication and Consultation**

The Communication and Consultation plan is attached.

### Collaborate:

We will work together with our community to formulate solutions and incorporate our community's advice and recommendations into our decisions to the maximum extent possible.

---

## **Legislation**

Local Government Act 2020

Victorian Disability Act 2006

Disability Discrimination Act 1992

Victorian Charter of the Human Rights and Responsibilities Act 2006

Carer Recognition Act 2010

Victorian Equal Opportunity Act 2010

Victorian Mental Health Act 2014

Access to Premises Buildings Standards 2010

National Construction Code 2022

United Nations Convention on the Rights of Persons with Disabilities 2006

## **Strategies and Policy Impacts**

Council Plan 2021-2025

*Community - A healthy, connected and inclusive community.*  
Our community feels safe, regardless of identity or circumstance.  
Our community is inclusive and connected.  
Our community is physically and mentally healthy  
Services in our community are accessible and coordinated.

Municipal Public Health and Wellbeing Plan 2021-2025

Priority Area 3 - Increasing Active Living

Objective 3.1 'Supporting the community to take action to get more physically active'

Priority Area 6 - Preventing all forms of violence

Objective 6.3 'Raise the profile of the prevention of violence at events and facilities to ensure safety, access and inclusion for all'.

Active Transport Strategy 2023-2033

Outdoor Trading Policy 2023

Access, Equity and Inclusion Policy 2023

Pathways - Asset Management Plan 2020

Child Safe Policy 2022

Open Space Asset Management Plan 2022

## **Declarations of Conflict of Interest**

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

---

No conflicts of interest

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

---

### **9.1.3. PARTNERSHIP AGREEMENT - MOUNT ALEXANDER SHIRE COUNCIL AND MAINFM**

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. Partnership Agreement MASC and MAINfm 2023-2025  
[9.1.3.1 - 3 pages]

#### **Executive Summary**

The purpose of this report is to seek agreement from Council to enter a two-year Partnership Agreement with MAINfm. This request is in response to a 2023/2024 budget request, including an annual financial commitment of \$5,000 over two years (totalling \$10,000).

Mount Alexander Shire Council and MAINfm are aligned in a shared desire to improve connection and communications for residents and visitors of the Shire. Both organisations recognise the importance of partnerships to achieve lasting outcomes. The work of MAINfm aligns with Council's strategic goals set out in the Council Plan 2021-2025 and Community Vision 2021-2031.

#### **RECOMMENDATION**

**That Council;**

- 1. Endorses the Partnership Agreement between Mount Alexander Shire Council and MAINfm for the period 31 July 2023 to 30 June 2025.**
- 2. Delegates authority for the Director Corporate and Community Services to sign the Partnership Agreement 2023-2025 between Mount Alexander Shire Council and MAINfm.**

**MOVED COUNCILLOR CORDY**

**That the recommendation be adopted.**

**SECONDED COUNCILLOR GARDNER**

**CARRIED.**

---

## **Context**

94.9 MAINfm is an award-winning community radio station based in Castlemaine broadcasting music, community news, talks and specialist programs and events throughout a large area of Central Victoria.

MAINfm is a not-for-profit organisation which is owned and operated by and for the community and relies on sponsorship and listener subscriptions for its day-to-day broadcasting and administrative costs. With over 800 subscribers, MAINfm is committed to 'putting community into radio' by broadcasting high quality radio 24 hours a day and streaming online. Financial support has been sought from Council by MAINfm to provide ongoing operational costs for the radio station.

This Partnership Agreement is a statement of the shared principles and working arrangements that supports a two-year funding allocation to MAINfm through Council's Annual Budget 2023/2024 and Annual Budgets 2024/2025.

## **Issues**

The development of a Partnership Agreement with MAINfm will record the agreement of both parties to formalise arrangements, and to set out specific joint commitments for the ongoing relationship and cooperation between Mount Alexander Shire Council and MAINfm.

The purpose of this Partnership Agreement is to;

- Outline the partnership between Mount Alexander Shire Council and MAINfm.
- Detail the reciprocal support Mount Alexander Shire Council and MAINfm will provide to the other.
- Define the relationship, expectations, roles, and obligations of Mount Alexander Shire Council and MAINfm under this agreement.

## **Finance and Resource Implications**

The Partnership Agreement 2023-2025 includes an annual allocation of \$5,000 for 2023/2024 and 2024/2025; totalling \$10,000 to support MAINfm's operational budget. Resourcing allocations to review the purpose and scope of the Partnership Agreement will be undertaken within existing resourcing levels.

## **Risk Analysis**

### Reputation risk:

If Council decides not to endorse the Partnership Agreement 2023-2025 between Mount Alexander Shire Council and MAINfm, this may have a negative impact on Council's reputation within the broader community due to Council's expressed desire to support this budget allocation request.



---

## **Climate Impact Statement**

Council responds both directly and indirectly to the impacts of climate change in numerous ways. While these are not specifically mentioned in the Partnership Agreement, annual budget allocations facilitate Council's response to climate change.

## **Alternate Options**

Council may choose to recommend further changes or amendments to the scope and purpose of this Partnership Agreement.

## **Communication and Consultation**

The Communication and Consultation plan is not attached. Ongoing communication and consultation have occurred with the desired outcome by Councillors to enter into a formal Partnership Agreement with MAINfm (raised at the Councillor Briefing – 4 July 2023).

### Collaborate:

We will work together with our community to formulate solutions and incorporate our community's advice and recommendations into our decisions to the maximum extent possible.

## **Legislation**

### Local Government Act 2020

## **Strategies and Policy Impacts**

### Council Plan 2021-2025

*A healthy, connected and inclusive community.*  
Our community is inclusive and connected.

We are delivering together.

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

We are engaging genuinely with the community.

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

### Community Vision 2021-2031

## **Declarations of Conflict of Interest**

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

### No conflicts of interest

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

---

## 9.2. Environment

### 9.2.1. GRAFFITI MANAGEMENT POLICY

This Report is For Decision

Responsible Director: Acting Director Infrastructure and Development, Paul Diss

Responsible Officer: Acting Director Infrastructure and Development, Paul Diss

Attachments: 1. Draft Graffiti Management Policy DOC 23 24115 [9.2.1.1 - 5 pages]

#### **Executive Summary**

The purpose of this paper is to present the draft Graffiti Management Policy for adoption.

Graffiti in Mount Alexander Shire affects Council owned and managed fixed assets, private property and assets owned and managed by other public institutions. Graffiti can impact on people's perception of safety, feelings of inclusion, and may be considered offensive. The presence of graffiti may also increase feelings of fear and disorder in the local community and can distort perceptions of the actual level of crime and safety. The effective management of graffiti is important to maintain safe and welcoming public spaces across Mount Alexander Shire.

The draft Graffiti Management Policy seeks to improve overall public amenity through employing several interventions to address graffiti within Mount Alexander Shire.

#### **RECOMMENDATION**

**That Council adopts the Graffiti Management Policy.**

**MOVED COUNCILLOR DRISCOLL**

**That the recommendation be adopted.**

**SECONDED COUNCILLOR CORDY**

**CARRIED.**

---

## Context

Graffiti is the unauthorised writing, drawing, marking, or scratching that defaces property by any means so that the image or text is not readily removable. Graffiti can include images, script, posters, stickers and stencils, but is often word based and can span complex or abstract letter-based designs called tagging.

Graffiti is most often found in public places and on public and private property. Graffiti at the core is a visible form of crime within the public realm. It is illegal in Victoria to mark graffiti on property without the owner's consent. The motivation behind acts of graffiti are many and complex ranging from notoriety, peer recognition and status, claiming territorial areas, communicating a dissenting viewpoint, through to expressing artistic expression in the form of public art.

Research undertaken by the Australian Institute of Criminology<sup>1</sup> indicates that graffiti in its many forms continues to maintain popularity and can have a negative impact on community perception of safety and public amenity. The pervasiveness of graffiti can invoke impressions of antisocial behaviour and public spaces not being cared for, leading to reduced usage.

In recent years, there has been an increase in graffiti incidents across Mount Alexander Shire. Data from Victoria Police shows 71 incidents reported between July 2022 and June 2023. With 72 percent (51) of these occurring in the first six months of 2023. Traditionally incidents of graffiti are underreported, and it is estimated that these figures may represent only ten percent of all graffiti incidents within Mount Alexander Shire. Within the overall increase of graffiti incidents, several trends have been observed including graffiti being repeated in locations where removal has occurred, an increase in the offensive content of graffiti, and multiple sites being targeted by the same individual(s) within the shire.

Finding ways to address graffiti is a long-standing issue, in part due to the complexity of the phenomenon. The responsibility for the prevention and eradication of graffiti does not fall to a single institution within our society. Responsibilities rest with local and state government agencies who are responsible for the management of public assets, Victoria Police, and private property owners.

The Victorian State Government has established the *Victorian Graffiti Prevention Act 2007* which aims to:

- Reduce the significant financial and social costs of graffiti to the Victorian community.
- Provide a strong deterrent to perpetrators of graffiti and promote holding perpetrators accountable for their actions.
- Reduce the incidence of graffiti in Victoria.

The effective management of graffiti within Mount Alexander Shire will allow for the maintenance and improvement of community amenity and to engender pride in the Mount Alexander Shire. The Graffiti Management Policy seeks to improve overall public amenity by setting out the role of Council in preventing the placement of graffiti and the removal of graffiti when present. The policy sets out approaches to collaboration with external organisations reinforcing the shared responsibility as well as to undertake enforcement action where relevant.

---

<sup>1</sup> Morgan A & Louis E 2009. *Key issues in graffiti*. Research in practice no. 6. Canberra: Australian Institute of Criminology. <https://www.aic.gov.au/publications/rip/rip6>

---

## Issues

### Public Assets

The placement of graffiti within the public space is neither limited to a specific type of asset, nor an individual institution or organisation. As a result, the responsibility for the prevention and removal of graffiti is distributed across private property owners, Mount Alexander Shire Council, and other public institutions responsible for the management of assets within the public realm.

The Graffiti Management Policy sets out principles that Council will follow regarding improving the design and implementation of public assets to prevent graffiti, as well as the timely removal of graffiti to reduce exposure and discourage recurrence.

In addition, through the Graffiti Officer (new role) the organisation will engage with the many private and public organisations that own and maintain fixed assets, to provide advice for the prevention and removal of graffiti, as well as to encourage a consistent approach.

### Public Art

One challenge in responding to graffiti is the varied perception of the aesthetic value, which can range from being considered an act of vandalism through to artistic expression. In responding to the varying perceptions, the organisation will act to remove or request the removal of graffiti that is offensive or has not been approved by the property manager or private property owner.

In addition, the organisation through the Public Art Policy (2022) will explore opportunities for the expression of street art to be publicly exhibited within Mount Alexander Shire.

### Enforcement

The *Graffiti Prevention Act, 2007* outlines graffiti-related offences and gives powers to Victoria Police to investigate a suspected graffiti offence. The Act also provides a provision that Councils may, but are not required to, remove graffiti from private property.

Council is committed to the removal of graffiti on the assets it owns and manages. Where required the organisation will apply section 17 Unsightly land of Mount Alexander Shire Council General Local Law 2020, to enforce the removal of graffiti from private property.

Beyond the enforcement of the General Local Law 2020, it is not proposed to extend Council's enforcement powers as set out in the *Graffiti Prevention Act, 2007*. As a result, Council will not act to remove graffiti from private property as set out in Part 4.18 Removal of graffiti from private property of the *Graffiti Prevention Act, 2007*.

The organisation will further work with Victoria Police in its role to enforce the powers provided to it under the *Graffiti Prevention Act, 2007*.

## Finance and Resource Implications

The Graffiti Management Policy provides clarity and structure to work already being performed across the organisation by the Parks and Gardens, Works, Buildings teams and other Council Officers. Actions will continue to be undertaken by these teams and individuals within approved budgets.

The allocation of \$59,419 in the 2023/2024 budget will enable the appointment of a Graffiti officer to coordinate and streamline the organisations response to graffiti management. This allocation is for a one year, the impact of these additional resources will be assessed to inform future budget considerations.

---

The identification of additional actions for the prevention and removal of graffiti through the application of the Graffiti Management Policy will be subject to future budget bids and the success of external grant applications.

## **Risk Analysis**

### Positive risk:

The establishment of the Graffiti Management Policy provides clarity and structure to the prevention, removal, and enforcement activities that seek to address graffiti on private and public spaces across Mount Alexander Shire. The result of such activities will have a positive impact on public amenity and community perception of safety.

### Financial risk:

The cost of preventing and removing graffiti on Council owned and managed assets is difficult to quantify. There is a risk that available budgets are not sufficient to meet the needs in any given year. To mitigate this risk, Council will continue to include in operation and maintenance budgets costs associated with the removal of graffiti and incorporate graffiti prevention measures into the renewal and design of public place fixed assets. These actions will be undertaken in line with available resources.

### Reputation risk:

The public expectation of Council to prevent and remove graffiti on all private and public assets across the Shire goes beyond the organisation's defined responsibilities. Through action and public communication Council Officers seek to manage expectations by clearly describing the actions undertaken, the responsibilities of the organisation, and efforts to coordinate and collaborate with other organisations.

Communicating the actions, the organisation undertakes, as well as the wider efforts of other public institutions will be integral to meeting community expectations. The adoption of the Graffiti Management Policy will further assist to clarify roles and responsibilities of the organisation.

## **Climate Impact Statement**

The introduction of the Graffiti Management Policy does not have a direct impact on our climate.

The current practice to prevent and remove graffiti incorporates the selection of appropriate materials and products to limit the impact on our environment, chemical free products will be used where possible.

## **Alternate Options**

Council could choose not to adopt the Graffiti Management Policy. This option is not recommended as having an adopted Graffiti Management Policy provides clear direction and understanding to the organisation and the community. A Council adopted Graffiti Management Policy will demonstrate a commitment to address graffiti across the Shire and provide support to Council Officers when making graffiti management decisions.

## **Communication and Consultation**

The Graffiti Management Policy if adopted will be made available on the organisation's website under the 'curb or remove graffiti' page.

---

## **Legislation**

Local Government Act 2020

Graffiti Prevention Act 2007

Planning and Environment Act 1987

## **Strategies and Policy Impacts**

Council Plan 2021-2025

Pillar 2 – An environment for people and nature.

Community Engagement Policy, 2021

Public Art Policy, 2022.

Mount Alexander Shire Planning Scheme

Mount Alexander Shire Council General Local Law, 2020

## **Declarations of Conflict of Interest**

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

No conflicts of interest

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

---

## **9.2.2. ACTIVE TRANSPORT STRATEGY 2023 – 2033**

This Report is For Decision

Responsible Director: Acting Director Infrastructure and Development, Paul Diss  
Responsible Officer: Manager Parks, Recreation and Community Facilities, Karen Evennett

Attachments:

1. Active Transport Strategy 2023 - September 2023 - 2033 [9.2.2.1 - 24 pages]
2. Aspirational Active Transport Network Maps - September 2023 [9.2.2.2 - 12 pages]
3. Active Transport Strategy Initial Action Plan. - September 2023 [9.2.2.3 - 2 pages]
4. Active Transport Strategy Community Consultation Overview - Combined August 2023 [9.2.2.4 - 35 pages]

### **Executive Summary**

The purpose of this report is to present the Active Transport Strategy 2023 - 2033 for adoption, and the Aspirational Active Transport Network Maps (Aspirational Mapping), Active Transport Strategy Initial Action Plan (Initial Action Plan), and Active Transport Strategy Community Consultation Overview which includes public exhibition feedback for noting.

The Active Transport Strategy 2023 – 2033 (the Strategy) sets the direction for Council to partner with the community and other Government agencies and organisations to improve active transport opportunities and outcomes for all residents. The Strategy builds on the work delivered via the Walking and Cycling Strategy 2010-2020 with a vision to work towards a safe, sustainable, accessible, and connected active transport network to encourage our community to become more active, more often.

The Strategy sets out three key goals which focus on increasing active transport awareness, developing, and delivering safe, connected, and sustainable active transport infrastructure and enhancing community health and wellbeing outcomes through active transport activity.

### **RECOMMENDATION**

**That Council:**

- 1. Adopts the Active Transport Strategy 2023 – 2033.**
- 2. Notes the Aspirational Active Transport Network Maps, Active Transport Strategy Initial Action Plan, and Active Transport Strategy Community Consultation Overview.**

**MOVED COUNCILLOR HENDERSON**

**That the recommendation be adopted.**

**SECONDED COUNCILLOR MALTBY**

**CARRIED.**

---

## **Context**

Council allocated funding in the 2021/2022 Council budget to review the Walking and Cycling Strategy 2010-2020. In early 2022, a Strategy and Planning Officer led the development of the Strategy. External contractors such as a graphic designer and copywriter have provided support.

The Walking and Cycling Strategy has been renamed the Active Transport Strategy, to recognise all types of active transport participation, ensuring that they are considered as equally important, thereby creating opportunities for the wider community, providing a more inclusive strategy.

The following objectives were established to guide the Strategy review:

- Provide strategic guidance for Mount Alexander Shire Council to plan for and deliver, better community outcomes through greater participation in Active Transport.
- Align with other Mount Alexander Shire Council plans and strategies in areas relating to active transport.
- Gather local data to inform decision making relevant to Mount Alexander Shire.
- Identify and guide future projects and processes for active transport infrastructure and participation.
- Support community organisations and programs that help deliver positive active transport programs and activities.
- Initiate an evaluation and review framework for identified key actions.

In addition, an understanding of the performance and implementation of the Walking and Cycling Strategy 2010-2020, has been instrumental in the development of the Active Transport Strategy.

The Active Transport Strategy 2023 – 2033 was identified as an action in the 2022/2023 Council Annual Plan, and will support delivery of strategies outlined in Council's Municipal Public Health and Wellbeing Plan 2021-2025. The Strategy will also support the direction of Council's newly adopted Climate Change Strategy 2023, and Council's upcoming Disability Inclusion Action Plan (scheduled for adoption at the Meeting of Council September 2023).

The Aspirational Mapping and Initial Action Plan are documents that will support delivery of the goals set out in the Active Transport Strategy 2023 - 2033. These documents are purposely 'live' documents, providing the flexibility to develop and evolve throughout the ten-year life span of the Strategy. The Initial Action Plan is a 20-month plan and will be reviewed and assessed at the beginning of the next Council term, at which point annual action plans will be developed to align with the next four-year Council Plan.

A key action in the Initial Action Plan is the further refinement of the Aspirational Mapping for townships in the Shire.

## **Strategy Development**

Strategy development was undertaken from April 2022 to May 2023. Three groups were established to inform the development of the Strategy:



- 
- Project Control Group – consisting of Council staff from relevant business units across Council. Initial Working Group (active for the first three months of Strategy development) – consisting of Council staff, key community members and representation from the Department of Transport.
  - Ongoing Reference Group (took over from the Initial Working Group) – included members of the community and was established following a public Expression of Interest.

Councillor Henderson chaired both the Initial Working Group and the Ongoing Reference Group.

As detailed in the Community Consultation section below, from November 2022 to January 2023, a comprehensive community engagement campaign was undertaken to understand local issues, emerging themes, barriers, and potential enablers to greater participation of Active Transport.

Feedback from the community consultation, along with work undertaken by the working groups informed the Strategy, the Aspirational Mapping, and the Initial Action Plan. All three draft documents, along with a detailed overview of the community consultation, were displayed for community feedback for four weeks in May/June 2023. Internal consultation was also undertaken at this time.

Feedback was consolidated and informed updates to the Strategy and supporting documents. Key updates to the final documents included:

- Highlighting safety as a key theme of the strategy.
- Expanded clarification and language throughout.
- The addition of two actions, establishment of Internal and External reference groups to support the implementation of the Strategy deliverables.
- The addition of indicators to the Initial Action Plan.
- Removal of “sealed footpath network” and “future trail network tracks” from the Aspirational Mapping, as these require significant detailed work to complete, which forms part of action 2.1.1.
- Description of Town Centre Zone within the Active Transport Infrastructure considerations network.

## **Issues**

### Strategy Implementation

To ensure the success of the Strategy, it is important to maintain strong partnerships within Council, with other Government agencies and the community. An Internal Working Group of staff from relevant business units across the Council will share the strategy's oversight.

Establishment of this working group is a key action of the Initial Action Plan. Reporting on the achievement of actions listed in Action Plans will be done annually internally and externally.

To support the future implementation of the Strategy and build on the positive community engagement established during the development, members of the community will be invited

---

to join an Active Transport Community Reference Group to guide and support the delivery, and evaluation of the strategy.

### Active Transport Network

A key component of the strategy is to outline an aspirational active transport network plan across Mount Alexander Shire. This has been informed by a desire to provide the safest environment possible for active transport participation through:

- Defining the 'main purpose' of use for each route.
- Connecting education facilities within the shire.
- Enhancing linkages to public transport options and central business districts across the shire.
- Accessibility to key community assets such as hospitals, and public meeting places like parks and recreation reserves.
- Recognition of the physical connection and social interaction that active transport provides.

These principles have been applied across townships within the Shire.

Importantly, the aspirational active transport network will provide the vision for where active transport journeys prevail, and where infrastructure standards will strive to create a safe and efficient network, whilst meeting participants' needs through their various activities.

Progressing infrastructure standards to desired levels will take considerable time, resources, and planning. A full audit of existing and proposed routes will be required to ascertain delivery capacity and future infrastructure requirements. This is proposed in year one of the Strategy's implementation.

The aspirational active transport network will help guide the prioritisation of infrastructure renewal, upgrade, and new provision, with other Council plans such as the Pathways Asset Management Plan and the Road Management Plan.

### Safety

A critical principle throughout the Strategy is considering safety as the optimal environment for active transport activities. Providing safer network infrastructure creates a greater level of confidence for all ages and is a key enabler for active transport participation. Feedback received through the public exhibition of the plan has resulted in the inclusion of safety as a key theme within the updated draft of the plan.

### Evaluation and Review Framework

A strategy review framework has been developed to measure ongoing performance of the organisation towards the goals identified within the Strategy and Initial Action Plan. The review and monitoring of performance will form part of the role of the Active Transport Community Reference Group, while indicators have been included in the initial action plan.

---

## Baseline Data

Information collection processes to obtain relevant active transport data will be incorporated into the organisation's business practices, and considered as part of future budget submissions. Active Transport data capture and processes have been identified as a key action (3.2.1) within the Initial Action Plan. This data will continue to build on and enable benchmarking and measurement of the Strategy's deliverables effectiveness, and support advocacy for funding future active transport infrastructure projects.

## Strategy Structure

Prior to receiving the final draft of the Active Transport Strategy, the Ongoing Reference Group expressed a few concerns. In brief, these concerns were to do with the structure of the Strategy, the need for the aspirational network maps to be finalised and a pipeline of infrastructure projects identified, as well as targets and a methodology for investment into Active Transport activities and infrastructure to be included.

Several of the concerns raised have been addressed in the final draft Strategy as referenced under the Strategy Implementation, Active Transport Network, Safety and Evaluation and Review Framework issues outlined above.

An unresolved concern was the structure of the strategy document. Council Officers outlined the rationale behind the strategy's structure, explaining that it is structured in line with other recently developed Council strategies. Where the detailed research and community consultation that informs the strategy's vision and goals are contained in separate operational documents, rather than the strategy's body.

Importantly the resources will continue to live on and guide the achievement of the strategy through the internal working group that is charged with overseeing the achievement of the Active Transport Strategy. Officers further explained the important link to complementary Council plans such as the four-year Council Plan and Annual Plans, as well as asset management plans which support and commit to the delivery of the vision and goals of the Active Transport Strategy.

The other unresolved concern raised by the Ongoing Reference Group is the inclusion of a methodology to guide prioritisation into investment in Active Transport activities and infrastructure. As with all capital and community projects undertaken by Council, investment is guided by a number of factors, including social and economic benefits to the community, legislation, other related Council plans and strategies and State and Federal Government strategic directions. Council's overarching capital works investment framework along with the Resourcing Recreation Framework, will be utilised to guide investment.

While there remains a difference of opinion on the structure of the strategy document and the requirement for an investment framework, Council and the Ongoing Reference Group are aligned in the common commitment to improve active transport participation across Mount Alexander Shire.

## **Finance and Resource Implications**

Council allocated \$48,000 in the 2021/2022 budget to undertake a review of the existing Walking and Cycling Strategy 2010 - 2020. This amount was carried forward to 2022/2023. The total cost to develop the Strategy was \$23,841.

A significant saving was made due to the Strategy being developed in-house by Council officers, supported by project working groups. Unutilised funds will be carried forward into the

---

current financial year to commence delivery of items within the Initial Action plan. This will include an analysis of the existing footpath network, enabling the completion of the aspirational mapping.

Funding for activities and projects identified in the initial, and subsequent annual, action plans will be funded through grants and future budget bids.

### **Risk Analysis**

#### Reputational risk:

With the previous Strategy concluding in 2020, community expectation to have an up-to-date Strategy in place to accurately inform decision making would be compromised if this Strategy is not implemented.

Given the nature of the Active Transport strategy as a long-term strategic document, there will be disappointment among sections of the community to not have a more detailed and deliverable implementation plan. This is not the objective of the Active Transport Strategy, and will develop as plans and projects are prioritised, scoped, costed, and funded.

Furthermore; given the scale, complexity, and anticipated costs to achieve the breadth of the Strategy objectives over the next ten years, there is a risk that Council may not be able to secure the required resources to deliver the aspirations of the Strategy within the time frames expected by the community.

To mitigate this risk, community expectations will be addressed through ongoing communication on active transport, community engagement in key actions (projects) and the establishment of an Internal Working Group and an Active Transport Community Working Group.

#### Financial risk:

Additional internal and external resources beyond current operational budgets will be required to implement any active transport infrastructure renewal and expansion, advocacy and community programs as set out in the key actions established under the Strategy.

#### Delivery Risk:

Delivering the outcomes identified in the Strategy will require co-ordination, advocacy, and resource allocation. Without ongoing commitment to active transport, there is a risk that actions identified throughout the Strategy's life will not be delivered, and goals would remain unfulfilled. This risk has been addressed within the establishment of an initial action plan, and will sit with the Internal and External Working Groups for development and implementation.

Council's ongoing commitments to the management, renewal and upgrading of assets supporting the Active Transport network is contained within the Pathways and other Asset Management Plans. Additionally, identified active transport projects will be incorporated in Annual budgets with future action plans aligned to the four-year Council plan.

#### Positive Risk

Engagement with community members does create opportunities to develop partnerships to help inform the Council of issues and aspirations surrounding active transport. A partnership model for development of the Strategy has provided closer relationships within influential community groups, thus assisting with future advocacy opportunities and the achievement of the three Strategy goals.

---

Through evolving the concept of walking and cycling to active transport, the opportunity to develop internal awareness of the wide-ranging outcomes of active transport participation has been achieved within the Project Control Group members and more broadly across Council.

Greater collaboration and enhanced relationships between Council Officers and sharing of relevant information across departments has been a positive outcome of the strategy development and will support successful implementation once adopted.

### **Climate Impact Statement**

Increasing active transport participation of community members throughout the Shire may reduce reliance on motor vehicle transport and later reduce greenhouse gas emissions.

Any infrastructure projects that may be developed as part of the strategy, will seek to use construction practices that reduce the impact on the environment.

Consideration will also be given to the strategy implementation to ensuring best practice planning is used to optimize maximum use of community facilities. For example, path network improvements are supported and aligned with accessible and functional locations such as well shaded areas.

Alignment with the Climate Change Strategy has been prioritized as part of the development of the actions and will be considered when implementing the Active Transport Strategy.

### **Alternate Options**

Council could choose to delay adoption of the Strategy and seek further development. This would not be recommended due to the considerable community consultation already undertaken in the Strategy's development, along with limited feedback received through the public exhibition of the draft Strategy. Detailed work will proceed as part of the Initial Action Plan, as will ongoing consultation with the Active Transport Internal and External Working Groups.

### **Communication and Consultation**

A Communications Plan was developed, and a comprehensive community engagement process has been undertaken as part of the Strategy development. The outcome of this consultation process has been successful with significant feedback received from residents across the shire, informing development of the Strategy.

The initial consultation ran for nine weeks from November 2022 to January 2023 and included a range of activities across the Shire including:

- An Active Transport Shape page with background information, online survey, mapping tools and drop-in sessions. The page had 1,456 views across 482 unique visitors, with 259 survey responses received, making it the Council's most successful Shape campaign to date.
- Hard copy surveys available at Customer Service and drop-in sessions.
- Five onsite community drop-in sessions were held in Castlemaine, Maldon, Newstead, Chewton, and Harcourt.

- 
- Presentation at a Council staff meeting with attendees encouraged to complete an electronic survey.
  - Intercept surveys were held at Castlemaine Railway Station, Castlemaine Botanical Gardens and Gingell Street Shared Pathway
  - Email campaign to all education institutions throughout the Shire.
  - Presentation to the Mount Alexander Youth Advocacy Group.

The results of the community consultation identified themes, issues and opportunities for active transport included in the Strategy.

During this period, the draft Strategy was downloaded 99 times, the draft Aspirational Mapping had 120 downloads and the draft Initial Action Plan 58 downloads.

Despite the interest, public exhibition feedback was limited, with 25 surveys completed and nine submissions received. The consultation was conducted across three components, the draft Strategy (nine survey responses), the draft Aspirational Mapping Network (10 survey responses) and the draft Initial Action Plan (five survey responses). Survey results were evenly mixed from strongly agree through to strongly disagree across all three surveys.

Submissions received were predominantly from members of the cycling community. There was concern indicating that the Strategy does not provide enough detail or confirmed commitment to defined projects. The intention of the Strategy is to set out the vision and goals to guide future, more detailed work that will lead to delivery of defined active transport projects and outcomes.

The full analysis and data from the public exhibition are attached, with several amendments, additions and clarifications included as updates to the Strategy.

## Legislation

Legislation relevant to Active Transport activities include:

- Road Management Act 2004
- Road Safety Act 1986.
- Disability Discrimination Act 1992
- Victorian Disability Act 2006

## **Strategies and Policy Impacts**

The Active Transport Strategy 2023 – 2033 has alignment and linkage to the following Council Strategies and Plans:

### Council Plan 2021-2025

*A healthy, connected, and inclusive community.*

- Our community is supported to be physically and mentally healthy.

---

*An environment for people and nature.*

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

#### Municipal Public Health and Wellbeing Plan 2021-2025

##### *Increasing Active Living*

- 3.1 Supporting the community to take action to get more people physically active.

Other relevant guiding strategies include:

##### *Public Open Space Strategy (2016)*

- Open Space Vision & Principles:

###### 3.2 Guiding Principles – Access and Connectivity:

A high level of connectivity to/from and within open space reserves will be encouraged in order to enhance the overall walkability of townships and settlements and to support uptake of active transport options and informal physical activity participation (walking and cycling).

##### *Castlemaine Urban Waterways Management Plan 2018*

- Recreational and infrastructure assets:

All Zones – Goal 1 – To connect communities and enhance the recreational values and opportunities within the Castlemaine Urban Waterways Project Area.

##### *Castlemaine Streetscape Plan and Design Standards (2020)*

- 4.4.5 Walking and Cycling Strategy & bike amenities

##### *Mount Alexander Planning Scheme*

- 18.02 Movement Networks

##### *Resourcing Recreation (2019)*

##### *Pathways Asset Management Plan (2020)*

##### *Open Space Asset Management Plan (2022)*

##### *Road Management Plan (2021)*

##### *Climate Change Strategy (2023)*

---

Other strategies and plans in development with links to the Active Transport Strategy include the Disability Inclusion Action Plan (scheduled for adoption in September 2023) and the Castlemaine Railway Precinct Master Plan.

**Declarations of Conflict of Interest**

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

**No conflicts of interest**

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



---

### **9.2.3. PLANNING APPLICATION PA207/2022 - 59 CARRS ROAD BARKERS CREEK 3451**

This Report is For Decision

Responsible Director: Acting Director Infrastructure and Development, Paul Diss  
Responsible Officer: Senior Statutory Planner, Keith Longridge  
Attachments:

1. P A 207-2022 - Attachment A - Site context plan [9.2.3.1 - 1 page]
2. P A 207-2022 - Attachment B - Demolition plan [9.2.3.2 - 1 page]
3. P A 207-2022 - Attachment C - Heritage advice [9.2.3.3 - 3 pages]
4. P A 207-2022 - Attachment D - Heritage Advisor response [9.2.3.4 - 2 pages]
5. P A 207-2022 - Attachment E - Structural Engineer Report [9.2.3.5 - 9 pages]

#### **Executive Summary**

Planning permit application PA207/2022 proposes at 59 Carrs Road, Barkers Creek to:

- construct a new dwelling with ancillary buildings and structures; and
- demolish some of the existing farm buildings.

When assessed against the relevant provisions of the Rural Living Zone, Bushfire Management Overlay, and the Erosion Management Overlay, the proposal is considered acceptable.

However, when considered against the relevant provisions of the Heritage Overlay, the proposed demolition is not considered acceptable.

The application was advertised, and three objections were received. The grounds of objection relate to:

- Proposed dwelling will impact on views from adjoining properties
- The loss of heritage farm buildings

Council Officers have assessed the application against all the relevant provisions of the zone, overlays, and particular provisions of the Mount Alexander Planning Scheme. Given the absence of a Statement of Significance of the heritage place, and a Heritage Impact Statement to support the proposal, the proposed demolition of the farm buildings cannot be properly assessed. Therefore, based on the precautionary principle, the proposal is unacceptable.

#### **RECOMMENDATION**

**That Council determine to issue a Notice of Refusal to Grant a Planning Permit for the use and development of a dwelling, tennis court, and shed; development of ancillary outbuildings; demolition of carport, machinery sheds, hayshed and dwelling in a heritage overlay, at 59 Carrs Road, Barkers Creek on the following grounds:**

- 
1. **Inadequate information has been provided to accurately assess the application and to allow council to form a position on the appropriateness of the proposed demolition.**
  2. **That the proposal to demolish the farm buildings as set out in the revised site demolition plan (based on drawing ref: SDP01, revision B) by Total Property Developments, does not encourage retention of heritage listed buildings and will negatively impact on the heritage significance of the property contrary to:**
    - a. **State Planning Policy Framework at Clause 15.03-1S (Heritage conservation) and Clause 15.03-1L (Heritage general) (Demolition strategies); Clause 43.01-8 Decision guidelines); and**
    - b. **The purpose of the Heritage Overlay in the Mount Alexander Planning scheme.**

**MOVED COUNCILLOR CORDY**

**That the recommendation be adopted.**

**SECONDED COUNCILLOR HENDERSON**

**CARRIED.**

**COUNCILLOR MALTBY CALLED FOR A DIVISION**

**For: Councillors Cordy, Henderson, Annear, and Gardner**

**Against: Councillors Maltby and Driscoll**

## Summary

<b>Application details:</b>	Use and development of a dwelling, tennis court, and shed; development of ancillary outbuildings; demolition of carport, machinery sheds (2No.), hayshed and dwelling in a heritage overlay.
<b>Application No:</b>	PA207/2022
<b>Applicant:</b>	Tim Matheson
<b>Land:</b>	59 Carrs Road, Barkers Creek; CA 1A, 4, 5, 5A, 8, 9, & 9A Section 9, Parish of Walmer.
<b>Zoning:</b>	Rural Living Zone (RLZ)
<b>Overlays:</b>	<ul style="list-style-type: none"> <li>• Heritage Overlay (HO441)</li> <li>• Erosion Management Overlay (EMO)</li> <li>• Bushfire Management Overlay (BMO)</li> </ul>
<b>Planning Policy Framework:</b>	<ul style="list-style-type: none"> <li>• Clause 13.02-1S - Bushfire planning</li> <li>• Clause 13.04-2S - Erosion and landslip</li> <li>• Clause 14.02-1S - Catchment planning and management</li> <li>• Clause 14.02-2S - Water quality</li> <li>• Clause 15.01-5S - Neighbourhood character</li> <li>• Clause 15.01-6S - Design for rural areas</li> <li>• Clause 15.01-6L - Design for rural areas</li> <li>• Clause 15.03-1S - Heritage conservation</li> <li>• Clause 15.03-1L - Heritage general</li> </ul>
<b>Triggers:</b>	<ul style="list-style-type: none"> <li>• Rural Living Zone - Clause 35.03-1 (Table of uses) (RLZ), proposal is a Section 2 use (Permit required) because the Section 1 condition is not met.</li> <li>• Rural Living Zone - Clause 35.03-4 (Buildings and works), a permit is required to construct a building or construct or carry out</li> </ul>

	<p>(among other things) a building or works associated with a use in Section 2 of Clause 35.03-1.</p> <ul style="list-style-type: none"> <li>• Heritage Overlay - Clause 43.01-1 (Permit requirement), a permit is required to demolish or remove a building.</li> <li>• Heritage Overlay - Clause 43.01-1 (Permit requirement), a permit is required to construct a building or construct or carry out works.</li> <li>• Erosion Management Overlay - Clause 44.01-2 (Buildings and works), a permit is required to construct a building or construct or carry out works.</li> <li>• Bushfire Management Overlay - Clause 44.06-2 (Permit requirement) (Buildings and works), a permit is required to construct a building or construct or carry out works associated with (among other things), accommodation.</li> </ul>
<b>Notice:</b>	Notice was given for at least 14 days before 8 March 2023 by a notice posted on the two road frontages and letters to adjacent landowners and occupiers.
<b>Referrals:</b>	<ul style="list-style-type: none"> <li>• Coliban Water</li> <li>• Goulburn Murray Water</li> <li>• North Central Catchment Management Authority</li> <li>• Country Fire Authority</li> <li>• Heritage Planner</li> <li>• Engineering Dept</li> </ul>
<b>No. of Objections:</b>	Three
<b>Consultation Meeting:</b>	Not applicable
<b>Key Considerations:</b>	<ul style="list-style-type: none"> <li>• Compliance with the Planning Policy Framework</li> <li>• The appropriateness of the proposed development</li> <li>• The appropriateness of the proposed demolition</li> <li>• The grounds of objection</li> </ul>
<b>Conclusion:</b>	<p>Given that Council's Heritage officer cannot accurately assess the application without the Statement of Significance and a Heritage Impact Statement, Council cannot support the demolition of the heritage listed buildings.</p> <p>Therefore, the Officer's recommendation is to refuse the application.</p>

## Context

### Proposal

Use and development of a dwelling, tennis court, and shed; development of ancillary outbuildings; demolition of carport, two machinery sheds, hayshed and dwelling in a heritage overlay at 59 Carrs Road, Barkers Creek.

The application was originally lodged on 29 August 2022 and proposed:

*Construction of a new dwelling and garage and earthworks required for driveway  
Construction of a Brick Pool House, Pool, Tennis Court and Shed  
Demolition of existing structures including existing carport, machinery shed (x2), hayshed and dwelling*

Following extensive deliberation and discussions with the Applicant, and the commissioning of further reports, the application was amended on 12 May 2023 to the current proposal as referred to above and shown in the proposed site plan at Figure 1 below and reprinted as Attachment A to this report.

The construction of the new dwelling comprises a three bedroom (master with en-suite), pavilion style, brick, single-storey dwelling with kitchen/ meals area, dining room, lounge room, rumpus room and study. The proposal also includes a swimming pool, pool house, tennis court, double garage and shed.

Proposed demolition of existing buildings on the site are shown in Figure 2 below and reprinted as Attachment B to this report.



Figure 1 - Proposed Site Plan



Fig 2 Proposed demolition plan: Location of subject site.

The subject land is located north-east of Castlemaine, with vehicle access off Carrs Road, via School Road, west from the Midland Highway. The location of the subject land is shown in Figure 3 below:

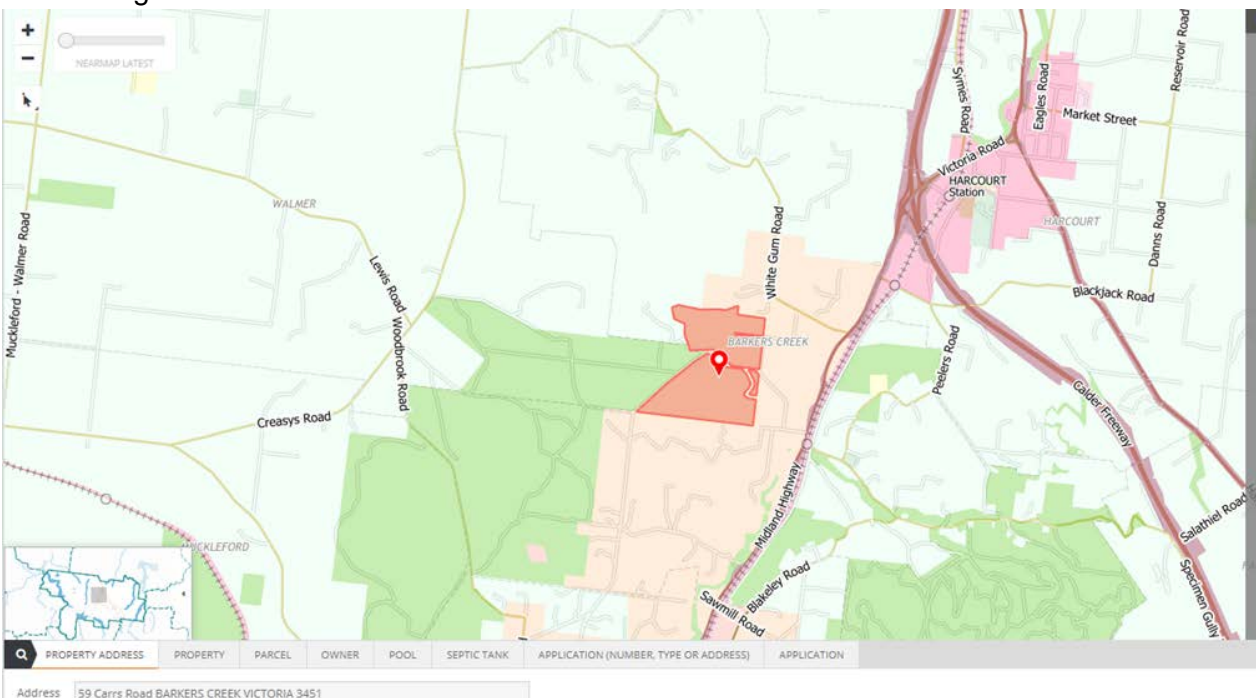


Figure 3 - Locality map: Dimensions, shape characteristics of site.

---

The landholding is 77.76ha in area, of irregular shape and bisected by a redundant water race under the management of Coliban Water, (refer Figure 4 below). The land rises relatively steeply from south to north. The water race shown in Figure 4 drains in a northwest to southeast direction. The current or most recent use of the land has been agriculture, primarily grazing, likely predominantly agistment.

*Description of surrounding land and sites, including current uses.*

Current uses of surrounding allotments include continued commercial farming in the Farming Zone, to the northwest and hobby farming, as is to be expected in the Rural Living Zone to the immediate north, east and south of the land. That settlement pattern is evident in Figure 4.

*Controls, zones, and overlays applicable to site.*

The subject land is in the Rural Living Zone; and covered by the Bushfire Management Overlay, and the Erosion Management Overlay. It is also located within the Cairn Curran Special Water Supply Catchment. Importantly, the site is also covered by the Heritage Overlay HO441.

The application has provided all required reports relating to the zone provisions, the Bushfire Management overlay, and the Erosion Management Overlay. The citation in the schedule to Clause 43.01 of the Heritage Overlay of the planning scheme, applicable to HO441, describes the heritage place as:

*Farm with cool room*

*59 Carrs Road, Barkers Creek, Crown Allotment 5, Section 9, Parish of Walmer*

There is no Statement of Significance relating to the collection of farm buildings on the site, nor a relevant heritage study that includes the subject site and its surrounds (on the outskirts of the former Shire of Maldon municipal boundary). This means that Council has no detail of what, how and why the place is significant in terms of its heritage.

*Other important background.*

The Applicant has provided the following specialist reports in relation to the proposed demolition of existing buildings and other structures:

- Engineers Report, detailing structural failings (Attachment 5.2.5); and
- Memorandum of Heritage Advice, by Peter Barrett, Architectural Conservation Consultant (Attachment 5.2.3).

## **Issues**

*Compliance with the Planning Policy Framework*

The construction of a dwelling on the land in an existing township and a Rural Living Zone is acceptable. The location and design of the proposed dwelling is acceptable and consistent with the rural character of the surrounds. Council's Heritage Officer has not formed a position on the appropriateness of the proposed dwelling as a Heritage Impact Statement has not been provided to support the assessment of the application.

---

In relation to the proposed demolition, the provisions of Clause 15.03-1S (Heritage conservation) apply. In particular, the planning policy framework requires that the application be assessed against the provisions of the Heritage Overlay, including decision guidelines. The objective of this clause states:

- *To ensure the conservation of places and heritage significance.*

At Clause 15.03-1L (Heritage general) (Demolition strategies) states:

- *Retain individually significant heritage places and elements that contribute to the significance of the heritage place.*

The subject site is located within the outskirts of the former Shire of Maldon municipal boundary. No heritage study was completed for this area, which means that Council has no detail of what, how and why the place is significant in terms of its heritage.

#### *The appropriateness of the proposed development*

The subject site is located within a Rural Living Zone. The purpose of the rural living zone is stated as:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for residential use in a rural environment.*
- *To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.*
- *To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

The subject site is located within a Bushfire Management Overlay. The purpose of the bushfire management overlay is stated as:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

The subject site is also located within an Erosion Management Overlay. The purpose of the overlay is stated as:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*



- 
- *To protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development.*

When assessed against the relevant provisions of the Rural Living Zone, Bushfire Management Overlay, and the Erosion Management Overlay, the proposal is considered acceptable.

The development raises no significant concerns in relation to erosion. Conditions could be included on any permit issued requiring disturbed soil to be restabilised to Council's satisfaction.

In relation to bushfire risk, the applicant has provided a Bushfire Management Statement, prepared by Total Property Developments Pty Ltd dated December 2022, identifying the proposed dwelling will be constructed to a BAL (Bushfire Attack Level) 12.5 rating. The application was referred to the CFA (Country Fire Authority) who consented to the application subject to the provision of an amended Bushfire Management Statement providing a passing bay to the proposed accessways, and modifications to the defensible space requirements.

#### *The appropriateness of the proposed demolition*

The purpose of the Heritage Overlay is stated as,

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

A planning permit is required to demolish or remove a building in the Heritage Overlay. At Clause 43.01-8 (Decision guidelines), it states, (among other things),

*Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
- *Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.*

The subject site is located within Schedule 441 of the Heritage Overlay which is described as "Farm with cool room" at "59 Carrs Road, Barkers Creek, Crown Allotment 5, Section 9, Parish of Walmer".

---

Council's Strategic Planning team have identified that the site, being in the former Shire of Maldon and on the outskirts of this former Shire, does not form part of the heritage studies held by Council. This means that Council has no detail as to why the property was originally included in the Heritage Overlay. In the absence of this information, it is the responsibility of the permit applicant to provide Council with adequate information to allow Officers to form a position on the application.

The application seeks approval for the demolition of four buildings from the site including three sheds (one a previous dairy) and a dwelling.

When considered against the relevant provisions of the Heritage Overlay, the proposed demolition is not considered acceptable. Specifically, at Clause 43.01-8 (Decision guidelines), in the absence of further details about the heritage place, a proper assessment against the decision guidelines cannot be made. The crux of the issue is that a Statement of Significance for the heritage place is not available. Council's Heritage Officer has therefore requested that the Applicant provide a Heritage Impact Statement for the heritage place to enable a proper heritage assessment to be made. The Applicant has not provided a Heritage Impact Statement and instead has provided a 'Memorandum of Heritage Advice,' prepared by an Architectural Conservation Consultant, a copy of which has been appended to this report (see Attachment 5.2.3).

Subsequently, Council's Heritage Advisor provided further clarification to the Applicant, a copy of which is appended to this report (see Attachment 5.2.4). It is noted that the applicant has formally declined to provide that information and requested that the application be assessed on the information provided to date. Thus, this report constitutes that assessment. Specifically, Council's Heritage Advisor states:

*It is noted that no Statement of Significance exists for the subject site. The absence of any information on the significance of the site is clearly an impediment to the assessment and management of its values – which is required under Clause 15.03-1S and 43.01-8 of the Mount Alexander Planning Scheme. While I acknowledge that the site is in poor condition – something confirmed by the engineer's report – I don't consider that an informed decision can be made in the absence of some information about the site's history, evolution, and significance. The documentation doesn't need to be exhaustive, but it does need to be sufficiently detailed to inform an assessment of the impact of the proposed demolition against the provisions of the Planning Scheme.*

It is noted from the foregoing that the applicant is required to assess the proposal against policy at Clause 15.03-1S (Heritage Conservation). An assessment against those objectives, strategies and policy guidelines has not been provided by the applicant. Instead, the applicant has relied on the provision at Clause 15.03-1L (Heritage general) which states,

*Demolition strategies  
Retain individually significant heritage places and elements that contribute to the significance of the heritage place.*

---

*Discourage the demolition of significant and contributory heritage buildings unless:*

- *The building is structurally unsound.*
- *The original fabric of the building has deteriorated to such an extent that a substantial reconstruction would be required to make the building habitable.*

Council does not contest the engineering report. Council's considered position is that the state of the current structural integrity, or extent of deterioration of the buildings' fabric is, of itself, not sufficient to justify demolition. It is acknowledged that the form of words in the above provision relating to structural integrity is not well constructed, ...'Loss of structural integrity...to restore the buildings to a habitable state.' *Prima facie*, this provision can give the impression that the consideration of, or requirement for, a heritage impact statement is a moot point. Council maintains that the subservient nature of this demolition provision is indicated by its placement following the opening sentence, namely,

*'...Retain individually significant heritage places and elements that contribute to the significance of the heritage place.'*

Further, that provision cannot solely be relied upon here, because most of the subject buildings are not, and maybe never have been, '*habitable buildings*.' That is to say that this provision cannot wholly and solely be applied to the current proposal.

Therefore, Council maintains that the provision relating to structural integrity of the buildings cannot be relied on to trump the need for a statement of heritage significance, because applying the required policy requirements and decision guidelines is simply not possible without knowing what the heritage significance of the buildings is.

Further, in its failure to provide a heritage impact statement, the applicant has not considered options for reconstruction and restoration strategies in the same policy. Those strategies include the following:

*Reconstruction and restoration strategies*

*Retain original fabric.*

*Encourage the reconstruction of a building or works that previously existed in a heritage place if either:*

- *The reconstruction will enhance the heritage significance of the heritage place.*
- *Evidence exists to support the accuracy of the reconstruction.*

*Encourage restoration of a heritage place or contributory element if evidence exists to support its accuracy.*

*Encourage the reconstruction of original or contributory elements where they have been removed.*

In this instance, the references to, '*...enhance the heritage significance...evidence exists to support the accuracy of the reconstruction...if evidence exists to support its accuracy,*' clearly relate to evidentiary knowledge of the heritage significance of the heritage place. It follows that with such information to hand, a heritage impact statement can be developed.

In conclusion, Council Officers have assessed the application against all the relevant provisions of the Mount Alexander Planning Scheme, including the Planning Policy Framework, the zone, overlays, and particular provisions of the scheme. Given the absence of a Statement of Significance of the heritage place, the proposed demolition of the farm buildings cannot be accurately assessed. Therefore, based on the precautionary principle, the proposal is considered to be unacceptable.

### Finance and Resource Implications

Irrespective of whether Council determined to issue a notice of determination to issue the planning permit, or refuse the issue of a planning permit, the cost of representation at VCAT (Victorian Civil and Administrative Tribunal) may become necessary.

### Alternate Options

Council could determine to issue a Notice of Decision to 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 as shown in Figure 4 below.

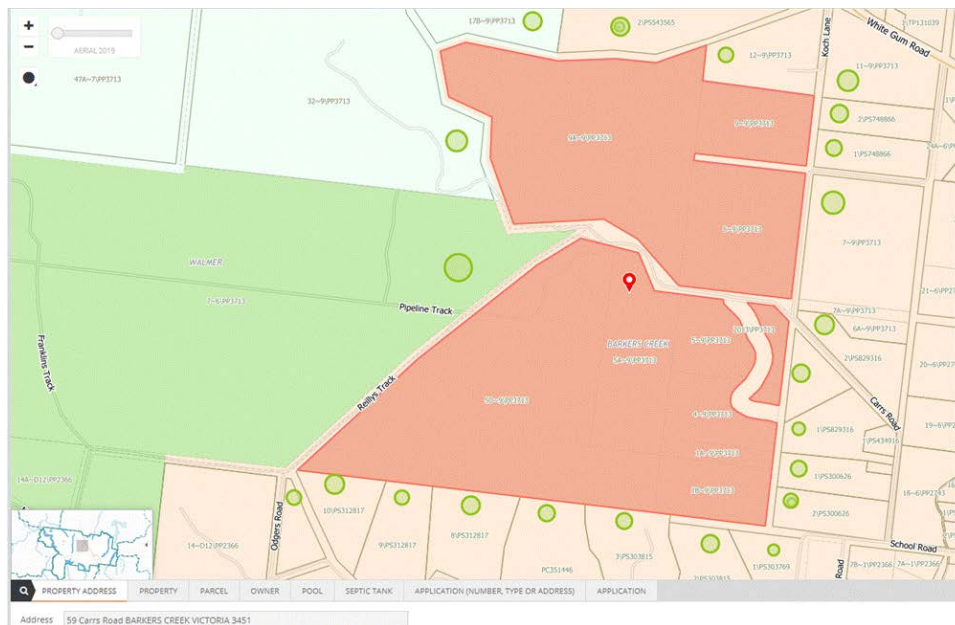


Figure 4 - Map for giving of notice

Following advertisement of the application in accordance with Sections 52(1)(a) and 52(1)(d) of the *Planning and Environment Act 1987*, three objections have been received. The following provides a repose to each of the issues raised.

*Given that the new dwelling and ancillary outbuildings will be located on the higher ground they may be visible from a neighbouring property and spoil current uninterrupted views across the rural landscape.*

---

There is no requirement in the state and local planning framework that requires protection of existing views. The submitter's property is greater than 100m from the proposed location of the proposed new dwelling, and new dwellings are an expected development in the Rural Living Zone.

*The loss of heritage farm buildings,*

- *'...that have been in its original condition of when it was built.'*
- *'Demolition of structures at...these buildings are of historical importance, dating back to circa 1910...they are of reasonable condition, showing the style of that era.'*
- *'...While they may not be in prime condition, this might be one of the last remaining groups of buildings which show what life was like on the land in much earlier days.'*

The sentiments contained in these objections may be accurate. Unfortunately, there is no independent, documented, specialist evidence of the heritage value of the farm buildings. Therefore, the assertions remain as just that. Accordingly, Council officers recommend refusal of the application.

#### Referral Responses

##### *External Referrals*

- Coliban Region Water Corporation

No objection.

- Goulburn-Murray Water

No objection subject to standard conditions relating to the treatment of stormwater, wastewater and appropriate setbacks from dams and waterways.

- North Central Catchment Management Authority

No objection.

- Country Fire Authority

No objection subject to conditions requiring the provision of an amended bushfire management plan including a passing bay within the accessway design and amended conditions for defendable space.

##### *Internal Referrals*

- Council's Heritage Advisor

Not assessed in the absence of a Statement of Significance. Council's Heritage Advisor(s) have requested a Heritage Impact Statement.

- Council's Infrastructure Engineer

No objection subject to standard conditions.

---

## **Legislation**

Planning and Environment Act 1987

## **Strategy and Policy Impacts**

### Council Plan 2017-2021

Environment - A flourishing environment for nature and people.

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

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 can influence and participate in the decisions that impact them.

## **Declarations of Conflict of Interest**

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

### No conflicts of interest

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

---

#### **9.2.4. PLANNING APPLICATION PA058/2023 - 71 SONNYS LANE RAVENSWOOD VIC 3453**

This Report is For Decision

Responsible Director: Acting Director Infrastructure and Development, Paul Diss

Responsible Officer: Senior Statutory Planner, Callum Murphy

Attachments: 1. PA058/2023 - 71 Sonnys Lane Ravenswood VIC 3453 - Dwelling Plans [9.2.4.1 - 8 pages]  
2. PA058/2023 - 71 Sonnys Lane Ravenswood VIC 3453 - Outbuilding Plans [9.2.4.2 - 6 pages]

#### **Executive Summary**

The purpose of this report is to enable Council to decide on an application for the construction of a dwelling, garage, and extension to an existing shed at 71 Sonnys Lane, Ravenswood VIC 3453. The application has been referred to Council for a decision because the construction cost is over the \$1,000,000 threshold, the Council Officer recommendation is to approve the application.

The subject site is located within the Farming Zone and is affected by the Bushfire Management Overlay pursuant to the Mount Alexander Planning Scheme.

The application is exempt from public notification under the provisions of the Bushfire Management Overlay.

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

It is recommended that the application is supported, and a Planning Permit is issued in accordance with the following recommendation.

#### **RECOMMENDATION**

**That Council issue a Planning Permit PA058/2023 for the construction of a dwelling, garage, and extension to an existing shed at 71 Sonnys Lane, Ravenswood VIC 3453, subject to the following conditions:**

#### **Compliance with Endorsed Plans**

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

#### **General**

- 2. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.**
- 3. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.**

- 
4. All external cladding and trim (including the roof) hereby permitted shall be of a non-reflective nature. Cladding materials shall be coloured or painted in muted shades or in colours satisfactory to the Responsible Authority and shall be maintained to the satisfaction of the Responsible Authority.

#### Public and Environmental Health

5. Prior to commencement of works the owner must apply for a permit to install an on-site wastewater treatment system in accordance with Part IXB of the *Environmental Protection Act 1970*.
6. The proposed system must have a relevant valid certificate of conformance under AS 1546:2008 and be capable of treating effluent to a 20/30 standard. All works and maintenance must be in accordance with the Environment Protection Authority's current edition of publication 891.4 Code of Practice – Onsite wastewater management and AS/NZS 1547:2012 – Onsite wastewater management.
7. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.

#### Engineering Requirements

8. The subject land, including landscaped and paved areas, must be graded, and drained to the satisfaction of the council as the responsible drainage authority.
9. Prior to the design of any internal drainage system the owner/applicant must submit a Property Information Request and be issued a Legal Point of Discharge Permit to discharge stormwater.
10. The owner must upgrade Sonnys Lane from the intersection from the intersection of Bendigo-Maldon Road to a point no less than two metres past the entry to the subject land. The road upgrade must be in accordance with Clause 12.4 of the Infrastructure Design Manual and constructed as Rural access road as set out Table 6 of this clause.
11. All LUAA (Land Use Activity Agreement) negotiations with Dja Dja Wurrung relating to works associated with the road upgrade are to be undertaken by the owner or their representative. All costs associated with negotiating, undertaking, and implementing the negotiated requirements will be at the cost of the owner. Council will be nominated as the decision maker and any and all costs associated with complying with/implementing the negotiated outcome, including legal costs, will be at the cost of the Developer.
12. The owner must ensure existing vehicle crossing meets Council's current standards. No impeding or redirection of existing surface flow is allowed to occur as a result of these works. Council's minimum standards are:
  - a) 3.5m wide with appropriately sized reinforced concrete pipes (min 375mm) 4.8m long centred on the crossover matching the capacity of the open drain.
  - b) Batters to be re-established either side of culverts to ensure free flow of drains.
  - c) Crossings must be positioned keeping a minimum of 3m clearance from the council trees located at the property frontages.



- 
- d) 100mm minimum compacted thickness of road base gravel from edge of road to property line.
13. 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).
14. 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.

#### Country Fire Authority

15. Endorsement of Bushfire Management Plan

Before the development starts, the Bushfire Management Plan prepared by Regional Planning & Design Pty Ltd (Figure 12 (Version C), dated 9/4/2023) must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

#### Goulburn Murray Water

16. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
17. All wastewater from the dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.
18. The wastewater disposal area must be located at least: 100m from any waterways, 40m from any drainage lines, 60m from any dams, and 20m from any bores.
19. The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy (based on a minimum 5 bedrooms), including an approximately sized disposal area based on a full water balance specific to the proposal and subject land in accordance with the requirements of the current EPA Code of Practice – Onsite Wastewater management.
20. The wastewater disposal area must be kept free of stock, buildings, driveways, and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
21. No buildings are to be constructed within 30 metres of any waterways or on any drainage lines.

- 
22. The shed must not contain bedrooms (or rooms that could be used as bedrooms) or any facilities with the potential to produce wastewater, including toilets, kitchens, or other food preparation facilities.
  23. Stormwater run-off from buildings and other impervious surfaces must be dissipated as normal concentrated overland flow or directed to a storage tank or dam.
  24. The shed must not encroach on the wastewater treatment system or disposal area or breach the minimum setback distances specified in the relevant EPA Code of Practice – Onsite Wastewater Management. Stormwater run-off from the shed roof must not be directed towards the disposal area.

#### **Coliban Water**

25. Prior to the commencement of the construction of buildings or other works, the Land Capability Assessment, prepared by Provincial Geotechnical Pty. Ltd., Reference Number 20621K, and dated 16 January 2023, must be endorsed under the permit.
26. The disposal area, and any recommendations for fencing or the prevention of trafficable access to the disposal area, which are set out in the Land Capability Assessment, must be shown on the site plans that form part of the permit.
27. The wastewater treatment systems and disposal areas must be installed, and, at all times, must be operated and managed, in accordance with the endorsed Land Capability Assessment and the council-issued septic tank permit.

#### **Permit Expiry**

28. This permit will expire if one of the following circumstances applies:
  - a. The development is not started within two years of the date of this permit.
  - b. The development is not completed within four years of the date of this permit.

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

#### **PERMIT NOTES:**

North Central Catchment Management Authority: Flood levels for the 1% AEP probability (100-year ARI) have not been determined for this area under the Water Act 1989. However, information available at North Central CMA indicates that in the event of a 1% AEP flood event it is unlikely that the proposed development site may be subject to inundation from a designated waterway.

#### **MOVED COUNCILLOR MALTBY**

That the recommendation be adopted.

#### **SECONDED COUNCILLOR DRISCOLL**

**CARRIED.**

## Summary

<b>Application details:</b>	Construction of a dwelling, garage, and extension to an existing shed
<b>Application No:</b>	PA058/2023
<b>Applicant:</b>	Advantage design/draft – Darren Williams
<b>Land:</b>	71 Sonnys Lane, Ravenswood VIC 3453 Crown Allotment 22 Section 29 Parish of Ravenswood
<b>Zoning:</b>	Clause 35.07 - Farming Zone (FZ)
<b>Overlays:</b>	Clause 44.06 - Bushfire Management Overlay (BMO)
<b>Planning Policy Framework:</b>	<ul style="list-style-type: none"> <li>• Clause 11.03-3S Peri-urban areas</li> <li>• Clause 12.01-1S Protection of biodiversity</li> <li>• Clause 12.01-1L Protection of biodiversity</li> <li>• Clause 12.01-2S Native vegetation management</li> <li>• Clause 13.02-1S Bushfire planning</li> <li>• Clause 14.01-01S Protection of agricultural land</li> <li>• Clause 14.01-1L Protection of agricultural land</li> <li>• Clause 14.02-1S Catchment planning and management</li> <li>• Clause 15.01-5S Neighbourhood character</li> <li>• Clause 15.01-6S Design for rural areas</li> <li>• Clause 15.01-6L Design for rural areas</li> <li>• Clause 16.01-05S Rural residential development</li> <li>• Clause 16.01-3L Rural residential development</li> </ul>
<b>Permit Triggers:</b>	<p>Bushfire Management Overlay - Clause 44.06-2:</p> <ul style="list-style-type: none"> <li>• A permit is required to construct a building or construct or carry out works associated with accommodation.</li> <li>• A permit is required for the alteration or extension to an existing building used for a dwelling (outbuildings are defined as dwellings under Clause 73.03) that is less than 50 percent of the gross floor area of the existing building.</li> </ul>
<b>Notice:</b>	None

<b>Referrals:</b>	<ul style="list-style-type: none"> <li>• Engineering Team – No objection subject to conditions</li> <li>• Goulburn-Murray Water – Conditional consent</li> <li>• Coliban Region Water Corporation – No objection subject to conditions</li> <li>• North Central Catchment Management Authority – No objection</li> <li>• Public &amp; Environmental Health Unit – No objections subject to conditions</li> <li>• Country Fire Authority – Conditional consent</li> </ul>
<b>No. of Objections:</b>	Not Applicable
<b>Consultation Meeting:</b>	None
<b>Key Considerations:</b>	<ul style="list-style-type: none"> <li>• Compliance with the Planning Policy Framework</li> <li>• Appropriateness of the proposed dwelling and associated outbuilding extension in relation to the provisions of the Farming Zone, and Bushfire Management Overlay.</li> </ul>
<b>Conclusion:</b>	Issue a Planning Permit

## Context

### *Proposal*

The application seeks approval for the construction of a dwelling, garage, and extend an existing shed.

The proposed dwelling will be two-storey with pitched roof 11m to the south of the existing shed, 129m from the western boundary and 287.18m from the southern boundary. The ground floor of the dwelling will contain a bedroom with walk-in-robe and ensuite, a study, a mud room, a laundry, a family area, an open plan kitchen/dining area, a double garage, and an outdoor area. The first floor of the dwelling will comprise three bedrooms with walk-in-robe and ensuite, a theatre room, a retreat area, a balcony to bedroom one and two respectively and a toilet. An elevator shaft is also proposed at the south side of the dwelling.

It is proposed to construct an 8x15m shed with pitched roof 5.9m to the south of the proposed dwelling, 135m from the western boundary and 264.08m from the southern boundary. The shed will have a maximum building height of 5.859m.

The existing shed is proposed be extended to the northern side. The extension will be measured 15x16m, including a 10.2x16m enclosed shed, a 2.4x16m shipping container #1 and a 2.4x12m shipping container #2.

It is also proposed to upgrade the existing gravel driveway to meet a minimum width of 3.5m. In addition, a passing bay with a length of 20m and width of 6m (including driveway) will be constructed in either direction of the driveway.

The following images taken from the Applicant's submission illustrate the proposal.

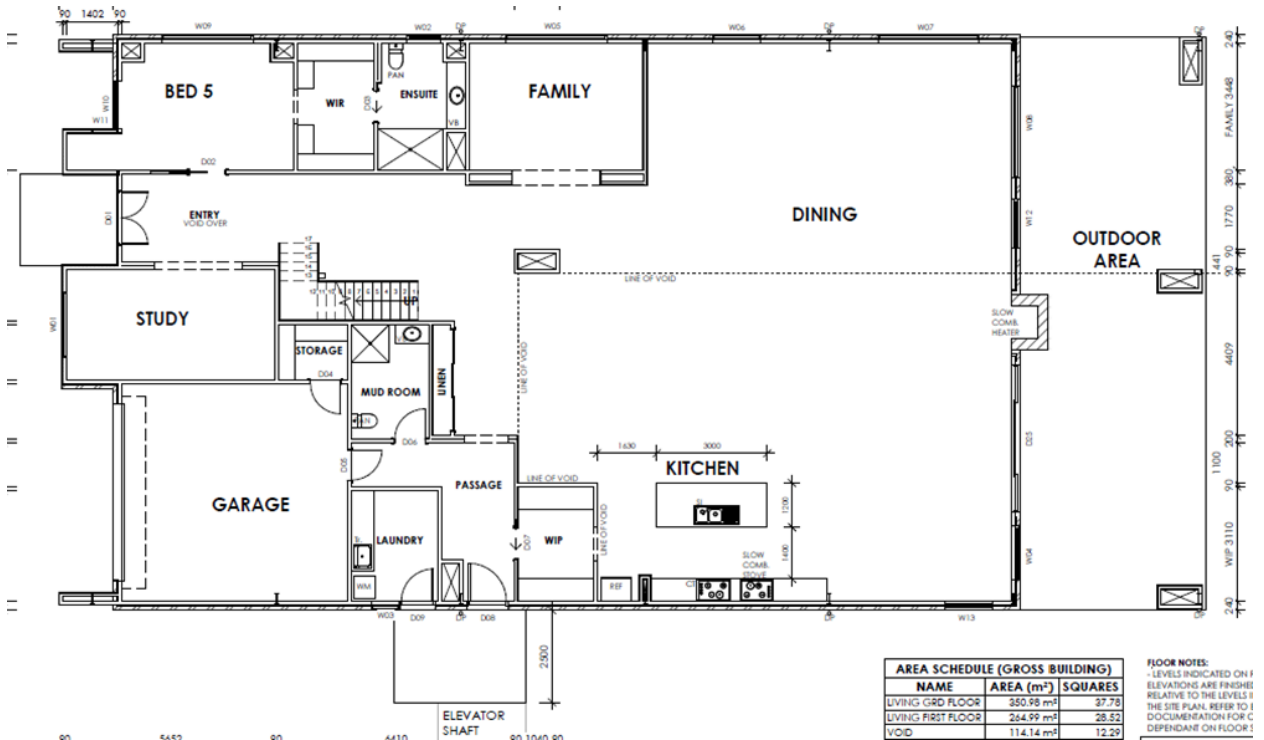


Figure 1 - Proposed Dwelling Ground Floor Plan

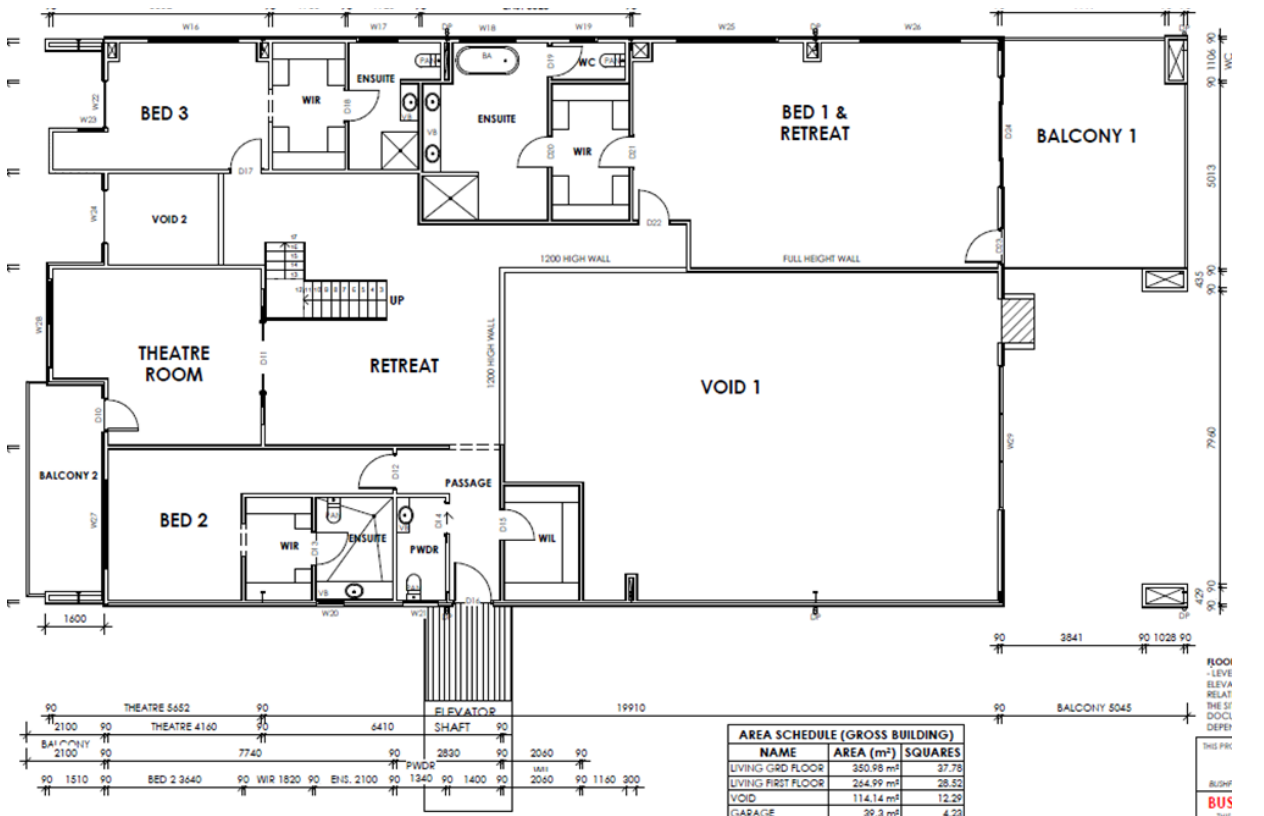


Figure 2- Proposed Dwelling First Floor Plan

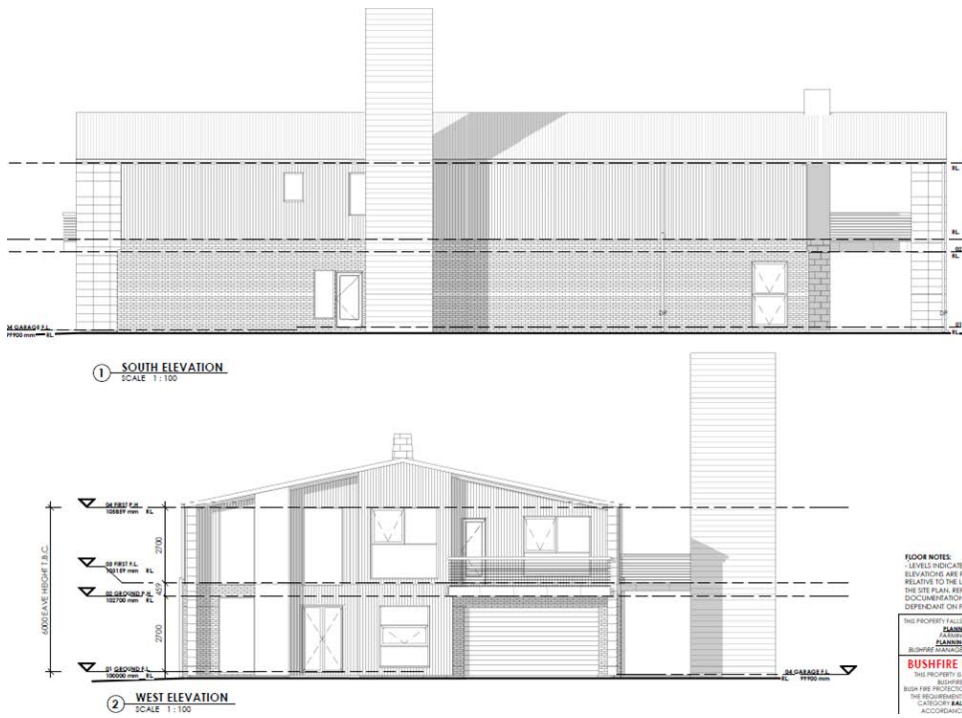


Figure 3 - Proposed Dwelling Elevation Plans

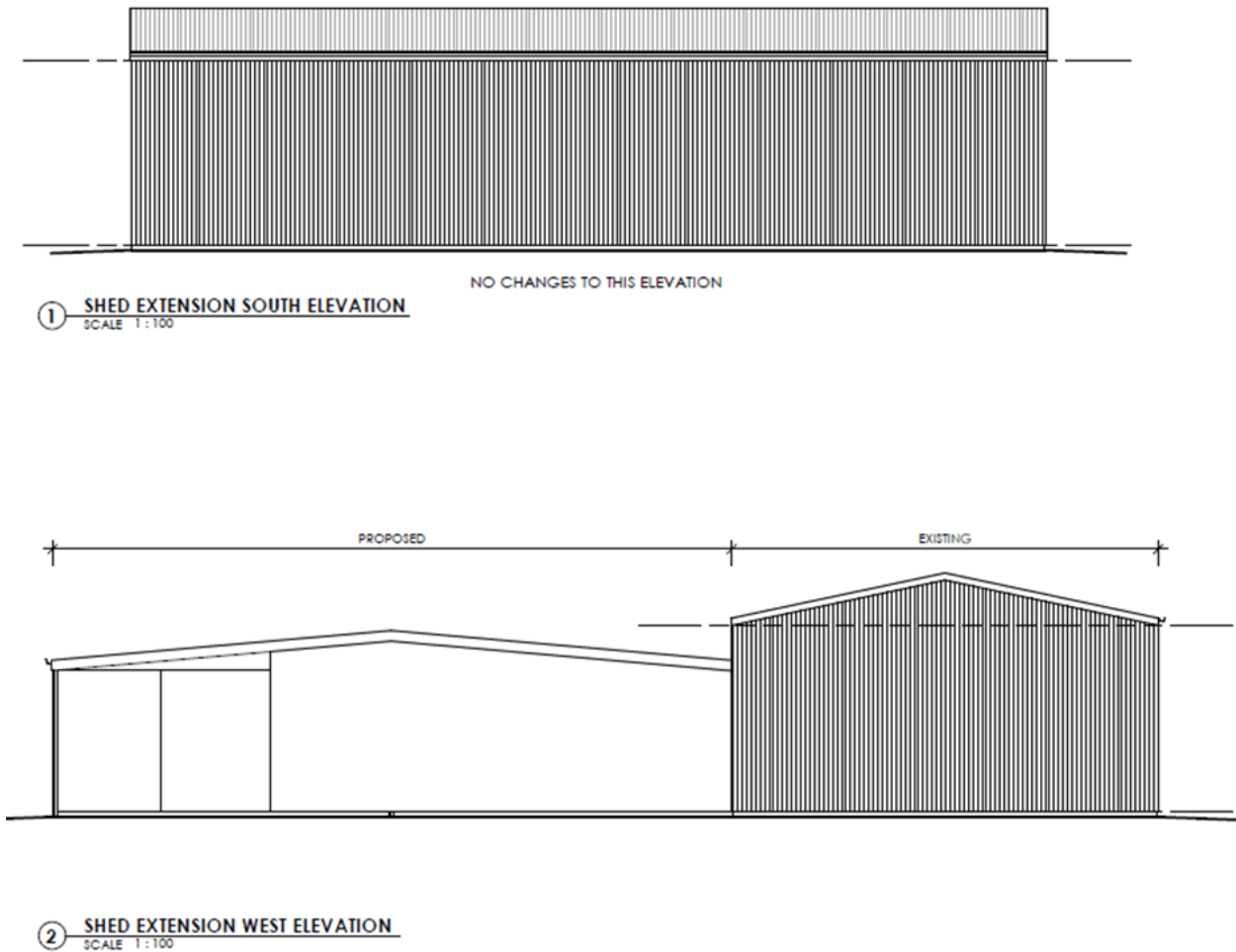


Figure 4 - Proposed Existing Shed Extension Elevation Plan

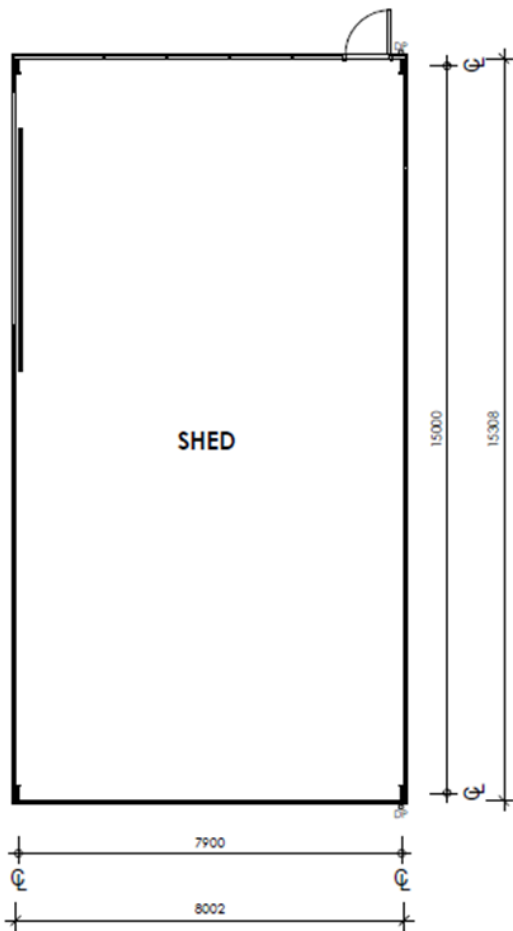


Figure 5 - Proposed Shed Floor Plan

*Subject Site*

The subject site is located at 71 Sonnys Lane Ravenswood VIC 3453, legally known as "Crown Allotment 22 Section 29 Parish of Ravenswood". The site is irregular in shape with an overall site area of approximately 259.03ha.

The site is currently occupied with an existing 20x9m shed at the southwestern corner of the site and east of the existing dam. The shed can be accessed via an existing gravel driveway on the west boundary.

There is grassland in the southern part of the site with woodland on elevated land in the central and northern area. There is a ridgeline in the central part of the site land falls on 1-to-3-degree downslopes to the southwest in the proposed house site area.



Figure 9 - Subject Site

*Surrounding Area*

The subject site is on the northern side of Sonnys Lane, about 730m east of the Bendigo-Maldon Road, about 8.8km from the Township of Maldon and 11.87m from the Township of Harcourt. There is a large variation in lot sizes of surrounding land. The surrounding land to the east is of similar character to that of the subject land, zoned Farming with Bushfire Management Overlay and covered by heavy vegetation. Further afield, the area is used primarily for bushland reserve or rural lifestyle living with agriculture activities. Most of the adjoining lots are developed with single residential dwellings and associated outbuildings. The area has an undulating topography.





Figure 10 - Surrounding Area

### **Issues**

The key issues for consideration relate to the appropriateness of the proposed dwelling and associated outbuilding extension in relation to the Planning Policy Framework, the Farming Zone, and Bushfire Management Overlay. The following provides a response to considerations:

#### *Compliance with the Planning Policy Framework.*

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

Relevant Planning and Local Policies relate to the protection of rural land from inappropriate development, the protection of landscape, character and amenity, vegetation and environmental attributes and there is a strong emphasis on the protection of water quality. They seek to control development in rural areas, to protect agriculture, to avoid inappropriate rural residential development and to protect rural landscapes and the rural character of areas.

The Planning Policy Framework seeks under clause 11.03-3S (Peri-urban areas) to manage growth in peri-urban areas to protect and enhance their identified valued attributes. This includes enhancing the character, identity, attractiveness, and amenity of peri-urban towns. Clause 11.03-5S seeks to protect and enhance the valued attributes of identified distinctive areas and landscapes. This is to be achieved by supporting use and development where it enhances the valued characteristics of these areas.

Clause 13.02-1S (Bushfire Planning) aims “to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life” and includes strategies relating to protection of human life and avoidance of unacceptable biodiversity impacts from development. Consideration of bushfire risk including

---

the minimisation of risk for development in rural and fringe areas are important considerations included in Clause 13.02-1S.

Clause 14.01-1S aims to protect the state's agricultural base by preserving productive farmland and limiting new housing development. It outlines that planning should avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.

Clause 14.02-1S seeks to assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment. The policy also required the authority to consider any applicable implementation strategy approved by a catchment management authority or waterway management authority, and to ensure planning is coordinated with the activities of catchment management authorities.

Clause 15.01-6S requires that development respects valued areas of rural character by ensuring the sitting, scale and appearance of development protects and enhances rural character. It also seeks to ensure that the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes, by ensuring new development is sympathetically located. Development is to be sited and designed to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, walkways, lakes, and wetlands.

Clause 16.01-3S seeks to ensure planning for rural residential development avoids or significantly reduces adverse economic, social, and environmental impacts by:

- maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources
- protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity, and habitat
- minimising or avoiding property servicing costs carried by local and state governments
- maintaining an adequate buffer distance between rural residential development and animal production

The development is consistent with adjoining and nearby lots that are also developed with single dwellings. The siting and design of the proposed dwelling is appropriate and allows for substantial setbacks from boundaries, which will ensure that it does not intrude upon the landscape character of the area. No significant vegetation removal and earthworks are required, and it is also unlikely to adversely impact the agricultural qualities and capabilities of the land. Its height, bulk and general appearance is also acceptable given the allotment size.

#### *Appropriateness of the proposal within the Farming Zone*

The subject site is in the Farming Zone. In addition to implementing the State Planning Policy Framework, and Local Planning Policy Framework, the purpose of the zone, as relevant to

---

the application, is to provide for the use of land for agriculture, and to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

The purpose of the Farming Zone, is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

The subject land is large in context of the standard 40ha minimum lot size within the Farming Zone provisions, at 259ha in area the land and the proposed dwelling is the only dwelling for this site, the proposal will be Section 1 use and the development will, therefore, will not trigger a planning permit under Farming Zone.

In addition, the proposal will be setback more than 100m from all boundaries and waterways. The development therefore will be consistent with the decision guidelines of the Farming Zone.

However, given there is a new effluent disposal system has been proposed and the site is within the Special Water Supply Catchment Area. The application has been referred to Goulburn Murray Water, Coliban Water, North Central catchment Management Authority and Council Public and Environmental Health Unit. All external authorities and internal units have no objection to the proposal subject to conditions. These conditions will ensure that the wastewater treatment and disposal system can accommodate any effluent load

*Clause 44.06 Bushfire Management Overlay (BMO), Clause 52.12-5 Exemption to create defendable space for a dwelling under Clause 44.06 of this planning scheme and Clause 53.02 Bushfire Planning*

BMO Purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritizes the protection of human life and strengthens community resilience to bushfire.*

- 
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
  - *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

The subject site is in an area affected by the Bushfire Management Overlay.

Under Clause 44.06 an application must be accompanied by a Bushfire Management Statement, a Bushfire Hazard Site Assessment and a Bushfire Management Plan.

The application has a detailed report by Regional Planning & Design Pty Ltd. The document provides an overall assessment of the proposal in relation to the calculation of defendable space and construction requirements, and how it meets the relevant objectives, standards, mandatory standards, and decision guidelines in the planning scheme.

The proposed dwelling must be constructed to a Bushfire Attack Level (BAL) 29 as the minimum construction standards for this site. The driveway shown on the plan will provide access for trucks for firefighting purposes which meets the minimum access requirement as per endorsed BMP (Bushfire Management Plan). A 10,000L water tank will be used for firefighting. The Bushfire Management Statement also mentioned that no significant vegetation is required to remove for creation of a 43m defendable space the site has been cleared.

The application was referred to the Country Fire Authority as required by Clause 66.03, who responded with no objection to the proposal, subject to the conditions.

### **Finance and Resource Implications**

Cost of appeal to the Victorian Civil and Administrative Tribunal.

### **Alternate Options**

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

### **Communication and Consultation**

#### *Advertising*

An application under Bushfire Management Overlay is exempt from the notice requirements of section 52(1) (a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987*.

#### *External Referrals*

- Goulburn-Murray Water

This application was referred to Goulburn-Murray Water under Clause 66.02-5 Special water supply catchment area.

No objection subject to conditions

- 
- Coliban Water

This application was referred to Coliban Water under Clause 66.02-5 Special water supply catchment area.

No objection subject to 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 consented to the application with no conditions.

- Country Fire Authority

This application was referred to the Country Fire Authority under Clause 44.06 Bushfire Management Overlay.

Country Fire Authority consented to the application with no objection subject to conditions.

#### *Internal Referrals*

- Council's Engineering Team - consented to the application with no objection subject to conditions
- Council's Public & Environmental Health Unit - consented to the application with no objection subject to conditions

#### **Legislation**

Planning and Environment Act 1987

#### **Strategy and Policy Impacts**

- Relevant Planning Policy implications have been discussed above.
- 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.

---

### **9.3. Economy**

#### **9.3.1. ANNUAL PLAN PROGRESS REPORT - QUARTER 4 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. Annual Plan Progress Report - Q 4 June 2023 [9.3.1.1 - 14 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 June 2023.

#### **RECOMMENDATION**

**That Council notes the Annual Plan Progress Report 2022/2023 – Quarter 4.**

**MOVED COUNCILLOR HENDERSON**

**That the recommendation be adopted.**

**SECONDED COUNCILLOR GARDNER**

**CARRIED.**

---

## **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.

---

## **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 30 June 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.



---

### **9.3.2. ADOPTION OF REVENUE AND RATING PLAN 2021-2025**

This Report is For Decision

Responsible Director: Director Corporate and Community Services, Lisa Knight  
Responsible Officer: Executive Manager Corporate Services, Carolyn Ross  
Attachments: 1. Revenue and Rating Plan 2021-2025 [9.3.2.1 - 29 pages]

#### **Executive Summary**

The Local Government Act 2020 requires Council to adopt a Revenue and Rating Plan (the Plan) following a general election.

Consequently, the Revenue and Rating Plan was adopted at the Meeting of Council on 15 June 2021. Since it was adopted, an annual review has been undertaken, which incorporates updates from the adoption of the Rating Strategy in December 2021. The Plan outlines Council's approach to raising revenue, including a description of how Council levies rates and charges.

#### **RECOMMENDATION**

**That Council adopts the updated Revenue and Rating Plan.**

**MOVED COUNCILLOR DRISCOLL**

**That the recommendation be adopted.**

**SECONDED COUNCILLOR CORDY**

**CARRIED.**

---

## Context

The Revenue and Rating Plan is a requirement of the Local Government Act 2020. The Plan aims to provide a medium-term plan for how Council will generate income to finance the strategic objectives in the Council Plan, programs, services, capital work commitments, as well as contribute towards ongoing financial sustainability of the organisation. According to Local Government Victoria, it will identify financial and revenue related risk and ensure these are mitigated and effectively managed.

The Plan explains how Council calculates the revenue needed to fund its activities and how the funding burden will be apportioned between ratepayers and other users of Council facilities and services.

The Plan, via Council's adopted Rating Strategy 2022-2027, sets out decisions that Council has made in relation to rating options available to it under the Local Government Act 1989 to ensure the fair and equitable distribution of rates across property owners. It also sets out the decision-making principles for other revenue sources such as fees and charges.

The Plan does not set revenue targets for Council; rather, it outlines the strategic decision-making framework that informs how Council will calculate and collect its revenue.

The Plan has been prepared to support the strategic objectives of the Council Plan 2021-2025 and informs Council's budgeting and long-term financial planning documents.

## Issues

Rates and charges, which can be complicated to understand, represent almost 60% of Council income. A good Revenue and Rating Plan should be able to explain several concepts<sup>2</sup>:

- Rates are a form of property taxation, as opposed to a fee for service.
- A general explanation of taxation principles.
- Discussion regarding the Fair Go Rates System and the impact of rate capping on council revenue.
- How the Revenue and Rating Plan outlines the equitable division of the rating burden amongst ratepayers (including that it does not dictate the total amount of rates to be raised), and how it contributes to the achievement of Council objectives.
- The use of property valuations in calculating rates including an explanation of the different methods available to councils, discussion on why the chosen method is used and how supplementary rates are calculated and the valuation objection process.
- Descriptions of differential rating categories if used and any evidence and justification for their use. Discussion on the use of the Municipal Charge (if applicable), including evidence and justification for their use.
- Council's approach to the rating of Cultural and Recreational Land.
- Any forms of rebates and concessions proposed or in use by Council.

---

<sup>2</sup> Local Government Revenue and Rating Plan Guide – Department of Jobs, Precincts and Regions

- 
- The way in which rates are collected and administered by Council (i.e., rates instalment notices, payment options available to ratepayers including those in financial hardship, how penalty interest is applied, pensioner rebates and debt recovery practices).
  - Descriptions of any service rates and charges collected via the rates process, their purpose and justification.
  - An explanation of the Fire Services Property Levy and its impact on rates notices.
  - Hardship policies and provisions available to ratepayers in financial distress.

In addition, the Plan must also address non-rate revenue received by Council, including statutory fees and fines, user fees and charges, grants, cash and non-cash contributions, interest income and asset sales.

Legislation requires adoption of the Plan for a period of four years. However, there may be changed circumstances that necessitate an earlier review of the Plan. This is particularly relevant to Council, in this instance, with current year changes from the adopted Rating Strategy updated into the Plan.

Updates to this version of the Plan are minor and include:

- Throughout the document:
  - Updating the referenced year.
  - Reference to rates income being greater than 60% of operating revenue has been changed to almost 60%. As other revenue sources have increased, namely interest income and grant income, the proportion of rates income has decreased.
- Page 5 – update of graphic for income sources 2023/2024.
- Page 7 – update the farm rate differential to 80% and removal of reference to the land management rate.
- Page 16 onwards - when discussing the objective of each rate differential, this has been refined to be easier to read.
- Page 19 – removal of reference to the land management rate differential.
- Page 25 and 26 – changed disincentive price to incentive price.
- Page 27 – changed the value of a penalty unit and a fee unit to the 2022/2023 rate.
- Page 29 – added section 1.4.7 “Future Considerations” to highlight that we are considering business opportunities that would create new revenue streams.

In addition to the above list of updates, several organisations have been granted a 100% rebate in accordance with the Cultural and Recreational Lands Act 1963. These organisations are:

- Nalderun Incorporated
- Mt Alexander Vintage Engine Club Inc.

- 
- Chewton Domain Society (old Town Hall and park area)
  - Newstead Croquet Club

### **Finance and Resource Implications**

The Plan will support Council in meeting its obligations of economic sustainability and ongoing financial viability in accordance with Section 9(2) (c) and (g) of the Local Government Act 2020. Once adopted, the Revenue and Rating Plan guides the development of future budgets of Council.

---

## **Risk Analysis**

### Financial risk:

The Plan (2021-2025), alongside the Annual Budget (one-year focus) and the Financial Plan (ten-year focus) attempts to address financial risk by prudently planning Council's revenue raising framework.

### Information risk:

The Plan discusses Council's rating principles and offers transparent justification for revenue and rating decisions of Council. By adopting this Plan, Council is providing residents and ratepayers with the opportunity to understand further the rating envelope within which Council operates.

### Regulatory risk:

Property rates are a focus for ratepayers, given they are a form of taxation based on wealth rather than income. The Plan seeks to inform ratepayers and provide greater public understanding of rate revenue, thereby minimising reputation risk to Council.

## **Climate Impact Statement**

The Plan will support Council in meeting its obligation on issues and services relating to the environment and climate change in accordance with Section 9(2) (c) of Local Government Act 2020.

## **Alternate Options**

An annual review of the Revenue and Rating Plan is not required; rather, the legislation states that it must be adopted for a minimum period of four years following each Council elections.

However, given the changes adopted in the Rating Strategy that impact the 2023/2024 financial year, an update of the Revenue and Rating plan is recommended so that the Plan and Strategy align.

## **Communication and Consultation**

The Communication and Consultation plan is not attached.

Deliberative engagement is not prescribed for a Revenue and Rating Plan; however, the Revenue and Rating Plan Guide suggests that public consultation should be viewed as an integral part of a Revenue and Rating Plan. The Guide suggests that community engagement could be undertaken in different ways, from simple public exhibitions calling for submissions, to appointing committees or panels of interested stakeholders to inform Council decisions.

Given that the purpose of the Plan is to educate community members "...given the low levels of understanding around rates..."<sup>3</sup>, and to explain the principles used in decision making for other revenue sources, seeking community feedback on a document that outlines how Council will calculate and collect its revenue, is not appropriate. Instead, the deliberative engagement process on the Financial Plan (i.e., the ten-year financial outlook), Rating Strategy, and the consultation process on the Annual Budget are avenues that are more

---

<sup>3</sup> Local Government Revenue and Rating Plan Guide – Department of Jobs, Precincts and Regions

---

appropriate for residents and ratepayers to influence the outcome and future financial direction of Council.

Inform:

We will keep our community informed.

Once adopted, the updated Revenue and Rating Plan will be publicly available on Council's website, and appropriate communication will be undertaken.

**Legislation**

Cultural and Recreational Lands Act 1963

This Act provides for a council to grant a rating concession in respect of any "recreational lands" which are rateable under the Act.

Local Government Act 1989

The *Local Government Act 1989* is still relevant legislation in terms of property rates and charges. At some stage, this legislation will be incorporated into the Local Government Act 2020, and any recommendations from the Local Government Rating System Review that were accepted by the State Government, will be included.

Local Government Act 2020

This Plan meet's Council's legislative responsibilities in relation to Section 9(2)(a) i.e., overarching governance principles and supporting principles, and Section 93 i.e. adoption of a Revenue and Rating Plan.

**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.

**Declarations of Conflict of Interest**

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

No conflicts of interest

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

---

### **9.3.3. CARRY FORWARD BUDGET - 2022/2023 TO 2023/2024**

This Report is For Decision

Responsible Director: Director Corporate and Community Services, Lisa Knight

Responsible Officer: Executive Manager Corporate Services, Carolyn Ross

Attachments: 1. Summary of request for carry forward 2022-2023 to 2023-2024 [9.3.3.1 - 5 pages]

#### **Executive Summary**

The purpose of this report is to present the recommended items to be carried forward from the 2022/2023 budget to the 2023/2024 budget.

#### **RECOMMENDATION**

**That Council:**

- 1. Approves the 2022/2023 budget carry forwards.**
- 2. Notes the adopted budget will be adjusted with the approved items which will form the basis of the quarterly financial reports for 2023/2024.**

**MOVED COUNCILLOR GARDNER**

**That the recommendation be adopted.**

**SECONDED COUNCILLOR MALTBY**

**CARRIED.**

---

## Context

Each year Council adjusts the adopted annual budget for such items as:

- previously approved but incomplete capital works or special projects, some of which have a commitment such as purchase order, raised
- projects that are grant funded, where the funding has either not been fully spent or has been received in advance

## Issues

The attachment details incomplete projects (as of 30 June 2023) and the funding amount recommended by the Executive Team for carry forward. It also includes added items for:

- Maintenance of Boorp Boorp Boondyil - \$6,270
- MainFM partnership funding - \$5,000

## Projects funded by Council

The carry forward of funds is recommended for 17 projects that are funded by Council. These projects are either special or capital in their nature. The total funds recommended is \$1,557,402 (including the two items mentioned above for maintenance and MainFM). This is inclusive of income to be earned on the sale of motor vehicles of \$153,276.

## Grant funded projects

Of the 55 projects recommended for carry forward:

- a number are multi-year projects
- 21 projects received \$1.82 million in unbudgeted grant income during the year, with most projects being one-off, or special, projects
- the total recommended is \$5,743,952

## LRCI (Local Roads and Community Infrastructure) Program

There is \$47,634 for LRCI round 1 recommended for carry forward, with the project to be determined. Funding for LRCI2 has been fully spent. \$1.507 million is recommended to carry forward for LRCI3.

## Other items

It is recommended that \$4.70 million in unbudgeted grant income be allocated a budget. \$3.74 million of this funding has already been received, and set aside, and \$961,388 is still to be received.

In addition, 2023/24 grant income for the Bill Woodfull Recreation Reserve facilities will need to be reduced from \$500,000 to \$200,000, as the \$300,000 was received in 2022/2023.

Officers recommended a scaled down approach to the Frederick Street project, estimating that \$660,000 is required in 2023/2024. The implication for this change is that the Roads to Recovery funding of \$482,212 that was earmarked for Frederick Street will now be allocated to the gravel road resheeting program.



---

Also, the 2023/24 income from Federal Government financial assistance grants will need to be reduced to \$286,414 to reflect the early receipt of much of this funding in June 2023.

Overall, the carry forward requests for capital projects will result in an increase to the 2023/2024 capital spend of \$6,792,573 (\$15.89 million to \$22.68 million).

### **Finance and Resource Implications**

The total funding requested for carry forwards is summarised below:

<b>2023/2024 Budget Changes</b>	
Operating projects	\$190,568
Special projects	\$1,978,471
Capital projects	\$5,132,314
LRCI program	\$1,554,617
<b>Total carry forwards</b>	<b>\$8,855,971</b>
Additional grant income	(\$961,388)
Increase budgeted grant income	(\$3,741,075)
Adjustments re Bill Woodfull and Frederick Street	(\$676,257)
Reduce Federal Government financial assistance	5,769,586
<b>Net change to budget</b>	<b>\$9,243,748</b>

### **Risk Analysis**

#### Financial risk:

A review of carry forwards is required to ensure that sufficient cash is available to fund the projects as well as to ensure that the overall cash holdings of Council are sufficient for future purposes. The 2023/2024 budget had estimated cash holdings of \$29.72 million at 30 June 2023 and the unaudited cash balance at 30 June 2023 is \$31.14 million.

However, this 30 June balance contains \$6.32 VLGGC (Victorian Local Government Grants Commission) funding received in 2022/23 but which is to be spent in 2023/24 so these funds need to be isolated. We expect to receive a cash payment for a reimbursement claim for the October 2022 flood of about \$1.00 million and an additional \$694,266 in unbudgeted grant income. In addition, we also need to isolate funds that have been set aside for future purposes for trusts and deposits, and statutory or discretionary reserves of \$17.21 million in total.

Considering all the above and including the reduction in 23/24 funds required for the Frederick Street project, Council's available cash is estimated at \$10.29 million, and

---

recommended carry forward requests are \$8.86 million, meaning there is a surplus of \$1.43 million. At a minimum, these funds should be reserved for the levees project in 2024/2025.

### **Climate Impact Statement**

Some of the projects included in the carry forward listing may directly or indirectly address the impact of climate change on our environment. Further detail is noted within the scope for each relevant project.

### **Alternate Options**

Council could choose not to approve any of the proposed carry over funds. However, it is recommended that such consideration only be made in relation to those projects that:

- have not yet begun
- do not have contractual commitments in place
- do not relate to grant funding

### **Communication and Consultation**

The Communication and Consultation plan is not attached.

#### Inform:

We will keep our community informed.

Consultation was undertaken with the Executive Team and Council Officers responsible for the budget, which informed the proposed carry forward budgets. In some instances, this required formal approval from granting bodies to carry forward unspent grant funds.

### **Legislation**

#### Local Government Act 2020

Section 101(1) of the *Local Government Act 2020* details the financial management principles that are relevant to Council:

- a. Revenue, expenses, assets, liabilities, investments, and financial transactions must be managed in accordance with a Council's financial policies and strategic plans.*
- b. Financial risks must be monitored and managed prudently having regard to economic circumstances.*
- c. Financial policies and strategic plans, including the Revenue and Rating Plan, must seek to provide stability and predictability in the financial impact on the municipal community.*
- d. Accounts and records that explain the financial operations and financial position of the Council must be kept.*

Section 101 (2) further explains that, for the purposes of the financial management principles, financial risk includes any risk relating to the following:

- a. The financial viability of the Council;*
- b. The management of current and future liabilities of the Council;*
- c. The beneficial enterprises of the Council.*

---

The recommended changes need to be considered in the overall context of Council's cash holdings, the 2023/2024 budget, and contractual obligations with funding bodies.

## **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.

Some carry forward requests may relate to strategic actions identified in 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.

---

#### **9.3.4. 2022/2023 FINANCIAL AND PERFORMANCE STATEMENTS**

This Report is For Decision

Responsible Director: Director Corporate and Community Services, Lisa Knight

Responsible Officer: Financial Services Coordinator, Madelaine Redman

Attachments:           1. Performance Statement 2022-2023 [9.3.4.1 - 15 pages]  
                              2. Financial Statements 2022-2023 [9.3.4.2 - 57 pages]

#### **Executive Summary**

The draft Financial and Performance Statements for the 2022/2023 financial year are provided for in principle approval by Council. The Statements, the Council Resolution and the Audit Report are then sent to the Auditor-General.

Any matters of significance, including proposed qualification issues not previously considered by Council, are reported back to Council prior to the formal sign-off of the Statements by two designated Councillors. When both Council and the Auditor-General are satisfied with the Statements, they are signed by the nominated Councillors and sent to the Auditor-General for signing.

The signed and certified Financial and Performance Statements are included in the Annual Report. The Annual Report must be presented at a Meeting of Council open to the public, within four months of the end of the financial year.

---

## **RECOMMENDATION**

**That Council:**

- 1. As endorsed by the Audit and Risk Committee, approves, in principle, the draft Financial and Performance Statements for 2022/2023.**
- 2. Authorises Councillor Annear and Councillor Driscoll to certify the Statements in their final form, after any changes recommended or agreed to by the auditors, have been made.**
- 3. Authorises the Principal Accounting Officer to make any changes to the Financial and Performance Statements that may arise out of the audit.**
- 4. Requires the Principal Accounting Officer to notify Councillors and the Chair of the Audit and Risk Committee of any proposed material changes to be made to any of the Statements.**
- 5. Sends a copy of the Statements in their final form to members of the Audit and Risk Committee.**
- 6. Notes that a final copy of the Statements will be included in the Annual Report.**

**MOVED COUNCILLOR CORDY**

**That the recommendation be adopted.**

**SECONDED COUNCILLOR DRISCOLL**

**CARRIED.**

---

## Context

The purpose of this report is to adopt, in principle, the draft Financial and Performance Statements for the 2022/2023 financial year.

## Issues

Council have prepared their 2022/2023 Financial and Performance Statements. These Statements were circulated to the Audit and Risk Committee via email on 21 August 2023 for their review and were endorsed for Council's in principle approval by the committee in the same manner on 31 August.

The draft Statements were audited during the week beginning 7 August 2023, and lodged with VAGO (Victorian Auditor General's Office) for final review on 31 August 2023. Due to timing of this meeting and the audit, the statements attached are before any adjustments identified by VAGO. Any material changes proposed because of the audit will be communicated to Councillors and the Chair of the Audit and Risk Committee.

## Financial Statements

The Statements, including Comprehensive Income Statement, Balance Sheet, Cash Flow Statement, Equity Statement, Capital Works Statement, and associated notes, summarise the financial position as of 30 June 2023.

For the year ended 30 June 2023, Council will report an operating surplus of \$7.20 million; the result for the prior year was a surplus of \$3.15 million.

However, when non-recurrent capital grants, contributions, and the prepayment of the 2023/2024 Financial Assistance Grants are removed, the result is an underlying operating deficit of \$3.57 million. This underlying operating deficit is \$4.14 million less than the budgeted underlying operating deficit of \$7.71 million.

The operating result is more than the adopted budget by \$9.21 million due to:

- \$6.35 million being received in 2022/2023 for the 2023/2024 Federal Government Financial Assistance Grant
- unbudgeted operating grant funding of approximately \$2.87 million being recognised for numerous projects, with \$1.82 million of these funds being for the flood in October 2022 or for future community support required due to this event. Alternatively, an unbudgeted cost of \$1.78 million has been incurred for works to restore the community assets damaged by the flood
- \$1.22 million of unbudgeted contributions received, both monetary and non-monetary. These contributions are made by developers in either cash (which Council sets aside for future works to be undertaken) or assets such as roads (which Council assume responsibility for)
- \$933,000 of unbudgeted non-cash income recognised because of the reduced expected future cost of monitoring the recently rehabilitated Castlemaine landfill
- other income is greater than budget due to higher-than-expected interest rates, and therefore higher-than-expected interest income of \$703,000
- \$854,000 unbudgeted disposal of infrastructure assets

---

Detailed explanations of performance against budget can be found in Note 2.1 of the Financial Statements.

The cash balance on 30 June 2023 was \$31.15 million, compared with \$32.32 million as of 30 June 2022. However, the majority of the \$31.15 million has already been allocated to:

- being held in trust (\$1.10 million)
- being held for statutory purposes (\$1.51 million)
- funding carry forward works which has not been determined at the time of authoring this paper, nor approved by Council (2021/22 was \$8.25 million)
- funding projects where grant funding has been received in advanced (\$5.23 million)
- funding discretionary reserves that have been set aside for future, specific purposes (\$14.60 million)

Excluding carry forward works, after considering the above items, a cash amount of \$8.71 million remains. Note 5 of the Financial Statements provides further information on our financial position.

A net asset revaluation increment of \$9.70 million has been recognised across most asset classes. However, the roads asset class saw a net increase of \$18.74 million in value while the bridges asset class saw a net decrease of \$13.00 million in value. This decrease in value is primarily due to a significantly wider range of unit rates being used in the current year than in the previous year.

### Performance Statement

The Local Government Performance Reporting Framework requires Council to report against prescribed indicators and measures as part of their Annual Report. There are several audited measures in the Performance Statement that focus on:

- sustainable capacity
- service performance
- financial performance

There are also several other measures that are included in the Report of Operations contained in the Annual Report. These measures have been reviewed by Local Government Victoria.

### **Finance and Resource Implications**

The annual audit of Council's Financial and Performance Statements is provided for in the Annual Budget.

### **Risk Analysis**

#### Financial risk:

To the best of the Council Officers' knowledge, these statements are true and correct.

---

## Climate Impact Statement

Costs for projects that directly or indirectly address the impacts of climate change will be represented in either the Comprehensive Income Statement (for smaller value items of an operational nature) or the Capital Works Statement (for higher value items that provide service over several years).

## Alternate Options

There are no alternate options. Council must provide their in-principle approval of the audited Financial and Performance Statements for inclusion in the Annual Report.

## Communication and Consultation

The Communication and Consultation plan is not attached.

Inform:

We will keep our community informed.

The Statements are included in the Annual Report which is a publicly available document.

## Legislation

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

Division 2 and 3 of the Regulations contains detailed information relating to the Performance Statement and the Financial Statements, including the certification requirements.

### Local Government Act 2020

Section 99 of the Act requires that:

1. *As soon as practicable after the end of the financial year, a Council must cause to be prepared in accordance with section 98, the performance statement and financial statements of the Council for the financial year.*
2. *The Council, after passing a resolution giving its approval in principle to the Performance Statement and Financial Statements, must submit the statements to the auditor for reporting on the audit.*
3. *The Council must ensure that the Performance Statement and Financial Statements, in their final form after any changes recommended or agreed by the auditor have been made, are certified in accordance with the regulations by:*
  - a. *2 Councillors authorised by the Council for the purposes of this sub-section.*
  - b. *Any other persons prescribed by the regulations for the purposes of this subsection. Other persons prescribed by the Regulations are the Chief Executive Officer and the Principal Accounting Officer.*

## 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.

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

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

#### No conflicts of interest

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

---

## 10. DELEGATES REPORTS

### COUNCILLOR DRISCOLL - Vale Ron Barassi

Mount Alexander Shire Council is saddened to hear of the passing of Castlemaine-born and Guildford-raised, Ron Barassi.

Mr Barassi was a legend of Australia rules football – and held roles as a player, captain, coach and ambassador throughout his illustrious career.

Mount Alexander Shire Mayor, Cr Rosie Annear said Mr Barassi would be remembered as a friendly and humble man, who made an incredible contribution to sport.

“Ron Barassi was an Australian sporting icon, with a long list of achievements in his premiership-winning career.

“Many locals will know of the fondness that Mr Barassi had for our region”, said Mayor Annear.

“Mr Barassi’s family migrated to Victoria during the gold rushes of the 1850s and 1860s.

“Ron was born in Castlemaine, and spent his formative years in Guildford, attending Guildford Primary School and later Castlemaine Tech.”

“In 2016, Mr Barassi returned to Guildford to be presented with a bronze bust of himself at the John Powell Reserve,” said Mayor Annear.

“Mr Barassi had long and lasting connections in our community, and on behalf of Council, I’d like to extend my heartfelt condolences to everyone who is mourning his loss at this time.

Victorian Premier Daniel Andrews has advised that Mr Barassi will receive a state memorial service, with the details to be announced in the coming weeks.

**MEETINGS ATTENDED BY CEO AND MAYOR FROM 16 AUGUST 2023 TO 19 SEPTEMBER 2023**

<b>MEETING</b>	<b>CEO</b>	<b>MAYOR</b>
Attended Early Years Steering Group meeting		✓
Gold Central Vic radio interview	✓	
Meeting with Lisa Chesters MP to discuss matters of common interest for Mount Alexander Shire	✓	✓
Attended Pride flag raising ceremony at Castlemaine Secondary College for Wear it Purple Day		✓
Gold Central Vic radio interview (Michael Annear, Acting Chief Executive Officer)	✓	
Attended Community Reference Group meeting - Housing and Neighbourhood Character Strategy - Castlemaine, Campbells Creek and Chewton		✓
Attended Castlemaine Community Refugee Sponsorship information event		✓
Attended Loddon Campaspe Regional Partnership meeting (Michael Annear, Acting Chief Executive Officer)	✓	
Meeting with Women Leading Locally participants from Mount Alexander Shire		✓
Meeting with Castlemaine Rotary Club representatives to discuss matters of common interest (Michael Annear, Acting Chief Executive Officer)	✓	✓
Gold Central Vic radio interview (Michael Annear, Acting Chief Executive Officer)	✓	
Attended joint State Government and Local Government CEOs monthly forum (Michael Annear, Acting Chief Executive Officer)	✓	
Attended Passions and Pathways expo		✓
Attended Indigenous Literacy celebration at Winters Flat Primary School		✓
Attended Climate Summit for Local Government 2023 (Michael Annear, Acting Chief Executive Officer)	✓	✓
Attended Castlemaine Goldfields Football Club's junior awards day		✓
Meeting with CEO, Dhelkaya Health and CEO, Bendigo Kangan Institute to discuss matters of common interest for Mount Alexander Shire (Michael Annear, Acting Chief Executive Officer)	✓	
Gold Central Vic radio interview (Michael Annear, Acting Chief Executive Officer)	✓	
Attended Local Government CEOs forum with Recycling Victoria, Department of Energy, Environment and Climate Action	✓	

<b>MEETING</b>	<b>CEO</b>	<b>MAYOR</b>
Meeting with VicPol Station Commander, Castlemaine to sign Memorandum of Understanding for CCTV (Michael Annear, Acting Chief Executive Officer)	✓	
Attended Castlemaine drop-in session – Housing and Neighbourhood Character Strategy		✓
Facilitated Citizenship ceremony (Michael Annear, Acting Chief Executive Officer)	✓	✓
Attended Goldfields Library Corporation Board meeting		✓
Attended opening of Bowls season at Castlemaine Bowling Club		✓
Attended opening of Bowls season at Harcourt Bowling Club		✓
Meeting to discuss a fossil ad ban in Mount Alexander Shire		✓
Gold Central Vic radio interview (Michael Annear, Acting Chief Executive Officer)	✓	

#### **11. NOTICES OF MOTION**

Nil.

#### **12. URGENT SPECIAL BUSINESS**

Nil.

#### **13. CONFIDENTIAL ITEMS**

Nil.

#### **14. MEETING CLOSE**

**The Meeting closed at 8.29pm**