

MINUTES



FOR THE MEETING OF COUNCIL

Held on Tuesday 21 November 2023

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

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

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ACKNOWLEDGEMENT OF COUNTRY

To start the official proceedings

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

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

1. PRESENT

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

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

2. APOLOGIES/LEAVE OF ABSENCE

Nil.

3. DECLARATIONS OF INTEREST AND CONFLICTS OF INTEREST

Nil.

4. ELECTION OF MAYOR

In accordance with Section 9 of the Governance Rules, the Chief Executive Officer as chairperson must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee for the ensuing Mayoral Term.

Pursuant to the provisions of the Act, the election of Mayor shall be by show of hands and must be elected by an absolute majority of Councillors which means the number of Councillors greater than half the total number of the Councillors of a Council.

If an absolute majority of the Councillors cannot be obtained at the Meeting, the Council may resolve to conduct a new election at a later specified time and date.

In accordance with section 25(6) of the Local Government Act 2020, if only one Councillor is a candidate for Mayor, the Meeting must declare that Councillor to be duly elected as Mayor.

RECOMMENDATION

MOVED COUNCILLOR MATLBY

That Council elects Councillor Driscoll as Mayor of the Mount Alexander Shire Council for the Mayoral Term.

CARRIED UNANIMOUSLY.

The Mayor spoke the following words:

“Good evening everyone,

It is an honour to accept the role of Mayor of Mount Alexander Shire for the year 2024, and I look forward to carrying out this role with integrity and enthusiasm.

Firstly, I'd like to thank my fellow Councillors for supporting me thus far, and of course; Rosie in particular, who has filled the role so well over the past twelve months. As a team, I believe this Council has worked towards great things, and I would like to keep up that same momentum as we approach our final term in office.

I'd like to thank the Mount Alexander Shire team, who under the leadership of Darren Fuzzard, work incredibly hard, providing tons of support to all Councillors and assist us in navigating the often tricky waters of Local Government legislation and protocols.

Last, but not least, thank you to my amazing family, who know how to support me, encourage and guide me, and how to bring me down a peg or two, when I need it.

My start in life was violent and confusing; we were often homeless and usually poor. I have been very fortunate to break out of a violent poverty cycle, and so working towards easing a housing crisis has become my passion. I want to advocate for people within our community who feel that their voice is not heard, and work towards further strengthening community ties where we can all be kinder to one another."

5. VERBAL REPORT FROM OUTGOING MAYOR

Councillor Annear spoke the following words:

"I have had the most incredible year in the Mayoral role.

Thank you to my fellow Councillors for believing in me and trusting and respecting me in the position.

Thank you to now-Mayor Driscoll for being a Deputy Mayor that I could always count on. I know you will be a fair and reliable Mayor, who will keep things to time a lot better than I ever did. I wish you all the best for the year ahead. It will be a pleasure to be able to return the favour, as your Deputy.

Thank you to the CEO for getting me through a whole year without having an utter breakdown. I know so much more about so many things from getting to be a team with you this year. And I did a whole bunch of things that I didn't know I could do this year because of your support.

Thank you to Director Knight and Director Annear – your support also got me through some tough times and big feelings, and you always made time for a chat, even when you were probably sick to death of talking about the thing that I wanted to talk about right then.

Thank you to all the other wonderful Council staff who looked out for me this year; there are so many of you who made my days better and my job more manageable, especially when I was having a bad day or a bad week.

Thank you to our community, you are a joy to represent, and to be a part of. I have been so proud to be Mayor of our Shire this year. It has been a real honour.

Thank you to my sisters in Lady Fun Times and Lady Mayor Friends, the two girl gangs who always have my back.

Thank you to my parents for putting up with all this, but secretly thinking it's pretty cool, too. And for everything you do in the background so that I can do the things I do.

Thank you to my kids for putting up with all this and for thinking it's very cool, not secretly at all. You have sacrificed your Mum a lot this year, but your love and unconditional belief that I can do hard things has given me the oomph I needed to keep going.

I have had the most incredible year, representing our Shire. I don't think I'll ever forget it. It is the second coolest thing I have ever done, and I gave it everything I had. It was really hard sometimes. And I am very tired. But I have grown in ways I never thought possible, I have done things I never thought I could do, and it was absolutely worth it."

Councillors congratulated the incoming Mayor and thanked the outgoing Mayor for her work over the previous year

6. ELECTION OF DEPUTY MAYOR

Council may also choose to appoint a Deputy Mayor, in accordance with Section 20A of the Act. In accordance with Section 9.5 of the Governance Rules 2020 such election must follow the same process as that applied to the election of the Mayor.

Pursuant to the provisions of the Act, the election of the Deputy Mayor shall be by show of hands and must be elected by an absolute majority of Councillors which means the number of Councillors which is greater than half the total number of the Councillors of a Council.

If an absolute majority of the Councillors cannot be obtained at the Meeting, the Council may resolve to conduct a new election at a later specified time and date.

In accordance with section 25(6) of the Local Government Act 2020, if only one Councillor is a candidate for Deputy Mayor, the Meeting must declare that Councillor to be duly elected as Deputy Mayor.

RECOMMENDATION:

MOVED COUNCILLOR GARDNER

That Council appoints a Deputy Mayor and elects Councillor Annear as the Deputy Mayor of the Mount Alexander Shire Council for the Mayoral Term noting that the Deputy Mayor may exercise any of the powers of the Mayor if:

- a. The Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or**
- b. The Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or**
- c. The office of Mayor is vacant, in accordance with Section 21 of the Local Government Act 2020 during absences of the Mayor.**

CARRIED UNANIMOUSLY.

7. CONFIRMATION OF MINUTES

7.1. Meeting of Council - 17 October 2023

The unconfirmed minutes of the Meeting of the Mount Alexander Shire Council held at 6.30 pm on 17 October 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 17 October 2023 be confirmed.

Subject to the following amendment to Item 6 of the Minutes being that in response to Mr John Taylor's question the Director Infrastructure and Development advised that in early 2024, Council will undertake a Rural Living Assessment.

MOVED COUNCILLOR CORDY

That the recommendation be adopted

SECONDED COUNCILLOR ANNEAR

CARRIED.

8. ACKNOWLEDGEMENTS

Nil.

9. PUBLIC TIME

MOVED COUNCILLOR MALTBY

That standing orders be suspended at 6.52 pm.

SECONDED COUNCILLOR HENDERSON

CARRIED.

Question: Bryan Balmer

Mr Balmer noted that a response to his petition was on the Agenda, for which he thanked Council. He advised that the draft 2024-2028 Kangaroo Management Plan has been published noting that this will be an important document for Council to consider.

He then asked:

Did Council comply with its "Shape Communications Engagement Policy" before writing to the State Government of Victoria to advocate for a ban on commercial harvesting of kangaroos?

And

Is it now more likely that MASC will consult directly with farmers and other affected parties on issues that affect them such as land protection and right to farm issues?

Response: Mayor Driscoll read this response:

The decision by Council to write to the State Government occurred in July 2023 and the Communications and Engagement Strategy was adopted in October 2023. Therefore, Council's consideration of the kangaroo matter was not made with reference to this document.

That said, Councillors have the legal right to raise Notices of Motion on any matters that they wish as long as the motion is deemed by the CEO to be legal and clear in its intent. It is then for other Councillors to determine if they feel adequately informed to decide on the matter, and to then vote accordingly.

Further, the CEO advises that, on all matters presented to Council, Officer reports will have regard to the recently adopted Communications and Engagement Strategy. So too, where required, will any advice provided in relation to Notices of Motion raised by Councillors.

Question: Anna Howard (Mount Alexander Women's Sports Club - Falcons)

Ms Howard advised that she was speaking on behalf of the Mount Alexander Women's Sports Club, otherwise known as the Falcons. Her question related to the use of ovals in the Shire, in particular in central Castlemaine; currently delegated under section 65 to Community Asset Committees.

Does Council stand by its decision (made by its delegate the Wesley Hill Community Asset Committee) to block access for a local sports club

dedicated to improving the participation of women, girls and gender diverse people in sport to one of two football ovals in central Castlemaine.

Is Council aware that in winter (footy season), one football club has a monopoly on both ovals in Castlemaine?

What is Council doing about the lack of policies and transparency of decision making of this committee and how is it ensuring decisions made in its name and on its behalf are not discriminating against people based on gender?

Response: Director Annear provided this response:

Thank you for your question. Council delegates management responsibility to Wesley Hill Recreation Reserve Community Asset Committee, this includes decision making regarding bookings of the reserve and facilities.

The decision regarding the request to utilise the facilities was made by the Community Asset Committee and documented in minutes using the correct format which has been submitted to Council officers.

If a user group appeals a decision, Council Officers can arrange to meet with the parties to discuss the background. This occurred in this instance.

The Community Asset Committee have informed Council Officers that their decision was not made to block access to any particular club club, but rather, based on the scheduling of requests from all user groups, and the request from the Mount Alexander Women's Sports Club was unfortunately not able to be accommodated as requested.

Council Officers are aware of the use of sporting facilities by sporting clubs across the Shire.

Council provides access to sporting reserves across the Shire to accommodate sporting club needs. Unfortunately, it is not always possible to meet the preferences for every sporting club for the requests for the facilities that we do have. However, we do work with the Community Asset Committees across the Shire to provide access to facilities and that communication and consultation is ongoing.

Council's Governance Team have confirmed that Wesley Hill Community Asset Committee adhere to the current Instrument of Delegation.

By July 2024, Council will have adopted a Fair Access Policy in line with the State Government's Fair Access Roadmap. The Instrument of Delegation will be updated to align with this policy.

Question: From Laurel Kanost, read by Mayor Driscoll

I refer to the move towards digitisation of the banking system.

Attached is copies of other council motions to support the creation of a Postal Bank for the people to ensure that banking cartels (privately owned World Bank run organisations) cannot force electronic monetary systems upon the people of Australia without their choice or consent.

I note that I am currently charged for the electronic movement of my funds from a savings account: so while I can go into a bank and take out cash which doesn't lose value through use; in stark contrast, I have to pay to electronically move my funds from the account in which they are stored (and I pay bank fees to do so) when using the electronic payment to a business owner (who would otherwise have to pay that fee).

Council is the voice of its own community, I ask that council refer this matter to the people of the shire in order that they can vote to keep cash banking in their community.

Response: CEO provided this response

Thank you for the question.

The matter referred by Laurel is the responsibility of the Federal Government. With Council's support, it is proposed that I write to Local Member Lisa Chesters asking that her Government consider this request and that they provide a response back to the author.

MOVED COUNCILLOR MALTBY

That standing orders be resumed at 7.01 pm.

SECONDED COUNCILLOR MCCLURE

CARRIED.

10. PETITIONS AND LETTERS

Nil.

11. COMMITTEE REPORTS

The North Central Goldfields Regional Library Board Papers for the meeting held on 27 October 2023 are at Attachments 11.1.1, 11.1.7 and 11.1.14-16 and Confidential Attachments 11.1.2-6 and 11.1.8-13.

RECOMMENDATION

The North Central Goldfields Regional Library Board Papers for the meeting held on 27 October 2023 be noted.

MOVED COUNCILLOR ANNEAR

That the recommendation be adopted

SECONDED COUNCILLOR CORDY

CARRIED.

12. OFFICER REPORTS

12.1. Community

12.1.1. MOUNT ALEXANDER SHIRE COUNCIL RECONCILIATION PLAN 2023 - 2026

This Report is For Decision

Responsible Director: Director Corporate and Community Services, Lisa Knight
Responsible Officer: Inclusive Communities Coordinator, Sharna Cropley
Attachments: 1. Mount Alexander Shire Council Reconciliation Plan 2023-2026 [12.1.1.1 – 28 pages]

Executive Summary

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

The Reconciliation Plan 2023–2026 presents a framework to implement actions that will continue to promote understanding of First Nations people and their culture, and support reconciliation within the Mount Alexander Shire.

The Plan also reflects the achievements of the organisation to date and identifies opportunities to strengthen the initiatives and progress already made towards reconciliation.

RECOMMENDATION

That Council adopts the Mount Alexander Shire Council Reconciliation Plan 2023-2026.

MOVED COUNCILLOR ANNEAR

That the recommendation be adopted

SECONDED COUNCILLOR GARDNER

CARRIED.

Context

Council committed to developing a Reconciliation Plan in the Council Plan 2017–2021 and in the 2018/2019 Annual Plan.

The Mount Alexander Reconciliation Plan 2020-2023 was adopted in May 2020 and provided Council with its first stand-alone strategic plan addressing the existing reconciliation activities the organisation was delivering and providing structure and guidance for the goals that Council aimed to deliver over the three years.

With the dissolution of the first plan, Council was presented with the Mount Alexander Reconciliation Plan 2020-2023 Final Status Report at the Councillor Briefing Session on 27 June 2023.

The report highlighted the many achievements made under the first plan, and presented alongside the report were the key learnings and subsequent recommendations that have informed the structure, content and the approach to implementation within this plan.

Council is currently committed to 'Implementing initiatives that align with the Reconciliation Plan', as outlined in the Council Plan 2021-2025.

Legislative Context

Mount Alexander Shire is one of twelve Local Government areas that sit within the Dja Dja Wurrung People Recognition and Settlement Agreement area.

Commencing in 2013, the Recognition and Settlement Agreement (RSA) was the first Native Title Settlement in Victoria. It secured a range of rights for Dja Dja Wurrung people, some of which were the responsibility of Local Government to uphold. This consisted of eleven actions for councils to deliver under the RSA's Schedule 6 - Actions for Local Government. The approach taken in Council's first Reconciliation Plan was to embed the eleven actions into the body of the Plan to highlight and maintain our commitment to them, and to better coordinate reporting requirements.

With the RSA now being in the 10th year of its lifespan, DJAARA (Dja Dja Wurrung Clans Aboriginal Corporation) has renegotiated a fourth Deed of Amendment, which sets out a new range of requirements for councils under a Local Government Engagement Strategy. This Strategy is a component of the Amendment and will not come into effect until 2024; and it is understood that the number of actions required of councils will increase.

Due to the adoption of this Plan occurring prior to the commencement of the revised RSA, the RSA actions will not be embedded into this Reconciliation Plan. However; this Plan does include a range of new actions that will support the development of improved relationships with DJAARA and set Council up for greater success with implementing the Local Government and Engagement Strategy moving forward.

Issues

The Mount Alexander Shire Council Reconciliation Plan 2023-2026 (the Plan) aims to provide Council with a comprehensive framework that builds upon the success of the first Reconciliation Plan 2020-2023 and continues to demonstrate Council's commitment to strengthening relationships and partnerships with Traditional Owner groups and First Nations peoples, and to guide Council's contribution to reconciliation.

The Plan captures existing reconciliation activities that have now been implemented ongoing, and the aspirational goals of what Council would like to deliver, both internally and externally, with its partners and for the community over the next three years.

The Plan introduces a range of new focus areas including support for cultural tourism, First Nations enterprises and children and young people. It also has an increased emphasis on building Council's relationship with DJAARA, supporting community-based initiatives and being a leader in combatting racism.

Structure of the plan

The Plan consists of 45 actions, under 11 objectives, structured around three core themes: Partnership, Recognition and Empowerment.

Of the 45 actions included in the Plan, 16 have already been implemented as ongoing activities.

The table of actions sets out which Council business unit is responsible for the overall delivery of each action. Whilst the responsibility for an action will be assigned to a team, responsible Officers will be assigned to update and report on each action.

Based on consultation with local Djaara Traditional Owners, the Vision, Themes and 10 of the 11 objectives included in the Plan remain the same as those identified in the development of Council's Reconciliation Plan 2020–2023, as they continue to reflect the spirit in which Council approaches reconciliation, and provide a structure flexible enough to accommodate the breadth of areas where council operations and reconciliation opportunities intersect. However; the decision was made to adjust Objective 3.2 to 'Empower First Nations children and youth' to better reflect the actions that sit underneath it, and to more clearly define their intent.

Implementation

Based on the key learnings identified through evaluation of Council's first Reconciliation Plan and presented with the Final Status Report to Council, this Plan does not include a priority level for the implementation of each action. Implementation will instead be managed internally through the development of annual work plans and reported via Council's corporate reporting system.

This Plan also presents a more balanced allocation of actions across the relevant business units of Council, which is anticipated to better support organisational wide accountability and improve the likelihood of success through a more evenly shared load.

Finance and Resource Implications

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 new actions to be delivered across Council, they have been designed to align with work already planned or occurring, and within existing resource allocations; wherever possible.

The implementation of many of the actions in the Plan will be undertaken within existing Council resources and supported by an annual \$10,000 'Indigenous Projects' budget line, subject to annual budget approval. These funds will support implementation of the following Actions: 1.1.1, 1.1.2, 1.3.1, 1.3.2, 2.1.1, 3.2.1 and 3.4.1.

External funding has been secured by the Community Partnerships Team for actions 3.2.2, 3.2.3 and 3.2.5. External funding will be sought for Actions 2.2.5, 3.2.4, 3.2.5, 3.4.1 and

3.4.2; however, if funding is not secured, the actions can proceed but with reduced output and outcomes, with the exception of Action 3.2.5 which would cease to occur.

It is anticipated that some costs will be incurred in the Plan's implementation that are outside Council's existing resource commitments.

For the Community Partnerships team led projects and initiatives, it is expected that Actions 1.3.2, 2.1.1 and 2.2.5 may require the need for short term increases to officer time to support their delivery. Any requests for additional resourcing will be provided to the Executive Management Team for consideration. External grants and resources will also be explored in the first instance when required.

For the actions that sit with other areas of Council it is expected that 1.2.3, 1.3.3 and 2.4.4 may require additional investment from Council, and actions 2.1.2, 2.2.1, 2.2.2, 2.2.5, and 3.1.5 will also need financial support; however, external grants will be sought for implementing these actions.

The Plan is to be graphically designed in-house, with minor printing costs to be incurred, funded through the 2023/2024 \$10,000 'Indigenous Projects' allocation.

Risk Analysis

Reputation risk:

If Council decides not to adopt the Mount Alexander Shire Council Reconciliation Plan 2023–2026, it may have a negative impact on Council's reputation within the local First Nations and broader community due to Council's expressed commitment to reconciliation, and the current Reconciliation Plan reaching the end of its lifespan.

Climate Impact Statement

It is expected that the adoption of this Plan will have a positive climate impact, due to the inclusion of the following actions:

2.4.1 Utilise Cultural Knowledge

Explore opportunities to align our land management practices with the goals identified in *Dhelkunya Dja* - the DJAARA Country Plan 2014-2034 and associated strategies, and support DJAARA to see their vision and aspirations for managing Country realised.

2.4.3 Indigenous Burning

In partnership with the member agencies of the Municipal Fire Management Planning Committee, continue to incorporate Indigenous burning practices into our Fire Prevention strategies.

When coordinating the implementation of this Plan, all consideration will be made to reduce any environmental impacts, such as the use of digital platforms for monitoring and reporting only, and online working group meetings with digital records only, to reduce unnecessary resources, travel or waste.

Alternate Options

Council may decide not to adopt the Mount Alexander Shire Council Reconciliation Plan 2023-2026 or to request amendments to the Plan. This is not recommended as it is an adopted strategic objective within the Council Plan 2021-2025.

Communication and Consultation

A Summary of Consultation and Feedback was presented at the Councillor Briefing Session on 12 September 2023. This document provided a detailed summary of all consultation undertaken with key stakeholders and relevant community groups, the items discussed, and the ways in which these discussions informed the development of the Plan and its actions.

Extensive internal consultation was undertaken with various Council officers to jointly develop actions that respond to the objectives identified in the Plan and align with the respective business units' current capacity and strategic direction. All actions were developed with oversight from the relevant business unit Manager.

Dedicated one-on-one sessions were held with local Djaara Elders to guide the inclusion of the vision, themes and objectives, and to establish key priority actions for inclusion in the Plan.

Extensive consultation was also undertaken with local First Nations stakeholders via Nalderun Education Aboriginal Corporation's 'Friends of' group, and with the Board members of Nalderun Education Aboriginal Corporation.

Consultation was also undertaken with the DJAARA Corporation, Central Victorian Local Government Reconciliation Network and the Indigenous Roundtable, as well as Reconciliation Victoria.

The adoption of the Plan will be announced through local media and Council's website and social media.

Inform:

We will keep our community informed.

Legislation

Aboriginal Heritage Act 2006

Local Government Act 2020

Traditional Owner Settlement Act 2010

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.

Economy - A resilient and growing local economy.

- We are attracting and building investment in our cultural and creative community.
- We are helping businesses make their work simpler and more sustainable.
- We are supporting continuous learning and personal growth.

Environment - A flourishing environment for nature and people.

- Our community is growing in harmony with nature.
- We are facilitating managed growth of our towns while protecting natural assets.

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.

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.

12.1.2. EVENT GRANTS PROGRAM 2023 – 2024 - ROUND ONE SUCCESSFUL APPLICANTS

This Report is For Information

Responsible Director: Director Corporate and Community Services, Lisa Knight
Responsible Officer: Manager Communications and Customer Services, Ed Butler
Attachments: Nil.

Executive Summary

The purpose of this report is to provide Council with the outcomes of the Events Grants Program 2023/2024, and to outline the decision process of Council Officers for the allocation of funds.

RECOMMENDATION

That Council notes the successful applications for Round 1 of the Events Grants program for 2023/2024 for a total allocation of \$38,000.

MOVED COUNCILLOR CORDY

That the recommendation be adopted

SECONDED COUNCILLOR GARDNER

CARRIED.

Context

Round one of the Event Grants Program for 2023/2024 opened for applications on Monday 7 August 2023 and closed on Monday 28 August 2023.

A total of 22 applications were received with the amount of funding requested totalling \$48,000. One application was deemed ineligible as the applicant was seeking funding for events taking place outside of the eligible period for this round.

The final amount of funding requested for this round was \$45,000. For the first time since before the pandemic, the funding requests exceeded the round's budget. The budget for each round is \$40,700; this funding round required a deduction of a missed payment of \$1,000 from 2022/2023 and an increase of \$375 in SmartyGrants fees.

The final budget for this round was \$39,325. Combined with the high number of applications, this was a more competitive round than recent years.

As per previous rounds, the assessment of the eligible applications was conducted by a panel of three Council Officers using the SmartyGrants platform. The Officers' individual scores for each application were totalled and then averaged to create one overall score for each application that could be ranked. Panel members also met at the conclusion of their assessment to review the final recommendations to ensure consistency.

At the end of the process, 18 applications were successful in receiving the grant they applied for, totalling \$38,000 in funding. As partial funding is not applicable, the bottom three applications were unsuccessful and a total of \$1,325 left over funds will be added to the budget for the second round of grants.

Refer to the Table 1 Summary of successful Events Grants applicants – Round 1, 2023/2024 for further details.

Assessors noted that the top six applicants produced strong, well-detailed applications with a noticeable growth in the size of events and quality of their grant applications. It was also noted that some applications lacked detail and were deemed quite poor in quality.

As the Venues and Events team starts the Event Grant Program review process, the panel's observations prompted more recommendations. Along with putting the eligibility criteria and tiering system under scrutiny, assessors recommended introducing grant writing workshops to support event managers improve the quality of their funding application.

Table 1 Summary of successful Events Grants applicants _ Round 1, 2023/2024

Status of grant	Applicant Name	Event Name	Location	Has this event been funded before?	Grant amount
Successful	Applejack Music	Town Folk Festival	Castlemaine	YES	\$3,000
Successful	Castlemaine District Radio Inc trading as MainFM	The Main Game	Castlemaine	YES	\$3,000

Status of grant	Applicant Name	Event Name	Location	Has this event been funded before?	Grant amount
Successful	Arts Open Inc.	Arts Open – Meet the Makers	Castlemaine	YES	\$3,000
Successful	Castlemaine Athletic Club	Castlemaine Gift Athletic Meeting	Castlemaine	YES	\$3,000
Successful	C-Doc Ltd	Castlemaine Documentary Festival	Castlemaine	YES	\$3,000
Successful	The Good Op Shop Castlemaine	Reuse & Repair Workshops	Castlemaine	YES	\$1,000
Successful	Metcalfe Community Association	The Metcalfe Music Bash	Metcalfe	NO	\$1,000
Successful	lot19 creations	Castlemaine Idyll 2024	Castlemaine	YES	\$3,000
Successful	Mr Peter Phillips	Taradale Mineral Springs Festival	Taradale	YES	\$3,000
Successful	Mr Jeremy Moloney	Noise Workshop Vol II	Castlemaine	NO	\$1,000
Successful	ARCANE inc.	Neurokin Womens Writing Workshop	Castlemaine	NO	\$1,000
Successful	Castlemaine Pioneers and Old Residents Association Inc.	The Sporting History of the Shire since 1851	Castlemaine	YES	\$2,000
Successful	Castlemaine Hot Rod Centre Limited	AUTOPIA Women and Wheels	Castlemaine	NO	\$2,000

Status of grant	Applicant Name	Event Name	Location	Has this event been funded before?	Grant amount
Successful	Newstead Live Inc	Newstead Live Music Festival	Newstead	YES	\$2,000
Successful	The Rotary Club of Castlemaine Inc.	Rotary Club of Castlemaine Annual Fundraising Art Show	Castlemaine	YES	\$2,000
Successful	Maldon Easter Fair Committee	Lions Club Maldon Easter Fair	Maldon	NO	\$3,000
Successful	The Wolves Theatre Inc	Marooned an event mostly focused on Men's Health	Castlemaine	NO	\$1,000
Successful	Castlemaine Jazz Festival	Castlemaine Jazz Festival 2024	Castlemaine	YES	\$1,000
<i>Unsuccessful</i>	<i>Maldon Eat Drink Events Inc</i>	<i>Maldon Twilight Festival</i>	<i>Maldon</i>	<i>YES</i>	
<i>Unsuccessful</i>	<i>Guildford Grumpies Car Club Inc</i>	<i>Peter Turner Memorial Show and Shine</i>	<i>Guildford</i>	<i>YES</i>	
<i>Unsuccessful</i>	<i>Bendigo and District Cycling Club</i>	<i>Merv Dean Memorial 3 Day Tour</i>	<i>Harcourt</i>	<i>YES</i>	
<i>Ineligible</i>	<i>Harcourt Valley Heritage & Tourist Centre Inc</i>	<i>Gather Harcourt Festivals</i>	<i>Harcourt</i>	<i>YES</i>	
		TOTAL			\$38,000

Finance and Resource Implications

All grant funding is allocated from an existing operational events budget.

Risk Analysis

Reputation risk - Low

A fair and equitable assessment process was undertaken by three experienced Council Officers, where individual assessments were completed using the online platform SmartyGrants.

Climate Impact Statement

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

Alternate Options

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

Communication and Consultation

Promotions of the opening of this grant round were made via three emails to previous recipients, Council's social media channels and communication with the Events & Venues team's event organiser database.

All current event organisers were notified several times via email in the lead up to and during the opening dates for grant applications.

Consultation was made accessible to all applicants via phone, email, or video calls instead.

A media release was distributed in October announcing the outcome and successful recipients were notified via phone and email prior to this paper being prepared.

Legislation

Local Government Act 2020

Strategies and Policy Impacts

Council Plan 2021-2025

Community - A healthy, connected, and inclusive community.

- Our community is inclusive and connected.
- Our community is physically and mentally healthy.

Economy - A resilient and growing local economy.

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

Environment - A flourishing environment for nature and people.

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

Principle - We are always improving.

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

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.

12.1.3. RESPONSE TO PETITIONS REGARDING COMMERCIAL KANGAROO HARVESTING IN MOUNT ALEXANDER SHIRE

This Report is for Decision

Responsible Director: Director Infrastructure and Development, Michael Annear
Responsible Officer: Director Infrastructure and Development, Michael Annear
Attachments: Nil.

Executive Summary

This report responds to two petitions received in relation to the commercial harvesting of Kangaroos within Mount Alexander Shire.

The first petition was tabled at the 15 August 2023 Council Meeting from a local farming group in support of the commercial harvesting of Eastern Grey Kangaroo within Mount Alexander Shire. The petition specifically requested that Council:

- 1. Investigate the full social and economic impact on farmers, the community and environment of the increasing populations of Eastern Grey Kangaroos in the Shire.*
- 2. Report the findings to our community before making representations to the State Government of Victoria regarding the Kangaroo Harvesting Management Plan.*

The second petition was tabled at the 19 September 2023 Council Meeting from residents and non-residents of Mount Alexander Shire urging Council to take immediate action in advocating against this [Victorian Kangaroo Harvest Management Program] that is negatively impacting the amenity of residents and undermines the environmental and touristic values of the shire.

In response to the two petitions Council Officers recommend that no further representation should be made to the Victorian Government on the implementation of the Kangaroo Harvest Management Program in Mount Alexander Shire.

RECOMMENDATION

That Council advises the lead petitioner for Petition One and Petition Two that:

- 1. No further investigation is planned to be undertaken by Council**
- 2. No further representation will be made to the Victorian Government on the implementation of the Kangaroo Harvest Management Program in Mount Alexander Shire.**

MOVED COUNCILLOR GARDNER

That the recommendation be adopted

SECONDED COUNCILLOR CORDY

CARRIED.

Context

At the Meeting of Council 18 July 2023, a Notice of Motion 003/2003 was carried,

That Council advocates for the banning of commercial kangaroo harvesting in Mount Alexander Shire Council to the Victorian Government, relevant Ministers, and Departments.

Council Officers wrote to the Hon Sonya Kilkeny, Minister for Minister for Outdoor Recreation, and to the Hon Ingrid Stitt Minister for Environment requesting that Mount Alexander Shire be excluded from the Kangaroo Management Harvesting Program.

A petition (referred to as Petition One) was received from a local farming group who support the commercial harvesting of Easter Grey Kangaroos within the Shire. The petition was tabled at the Meeting of Council 15 August 2023. A total of 227 signatures were received in support of the first petition from residents of Mount Alexander Shire

The petition specifically asks for the following:

1. *Investigate the full social and economic impact on farmers, the community and environment of the increasing populations of Eastern Grey Kangaroos in the Shire.*
2. *Report the findings to our community before making representations to the State Government of Victoria regarding the Kangaroo Harvesting Management Plan.*

A separate petition (referred to as Petition Two) was received from residents, ratepayers, and visitors of Mount Alexander Shire, which fully supported Councils decision to write to the Victorian State Government calling for a ban on the commercial killing of kangaroos in the Shire.

That petition was tabled at the Meeting of Council 19 September 2023. A total of 268 signatures were received from residents of Mount Alexander Shire in support of the petition. The petition specifically stated, *'We urge 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.'*

Issues

Petition One

A considerable body of research has been conducted by various organisations into the lifecycle, management, and positive and negative impact of kangaroo populations in Australia. While extensive, publicly available research is not specific to Mount Alexander Shire. As a result, it has not been possible to provide details on the *'impact on farmers, the community and environment of the increasing populations of Eastern Grey Kangaroos in the Shire.'*

In reviewing the request of the first point of the first petition, Council would be required to undertake further specialised research to provide a definitive response to understanding the *'impact on farmers, the community and environment of the increasing populations of Eastern Grey Kangaroos in the Shire.'*

Council does not have the in-house technical competency to conduct the required research, and has sought advice on what would be require from:

-
- Department of Energy, Environment and Climate Action
 - Department of Jobs Skills Industry and Regions
 - Several private consultants

From the advice provided, to undertake the recommended research, it is proposed to engage a consultant in the field of agricultural, environment and social research to undertake a desktop assessment based on the existing research available and relate this to Mount Alexander Shire. Council Officers understand the desktop assessment would take between three to six months (depending on contractor availability) and cost between \$20,000 - \$50,000.

In response to the second point of the Petition One, Council Officers note, it is good practice to base advocacy on research and clear public sentiment. As conducted to date, it is recommended that future representation would be undertaken on this basis.

Petition Two

In response to the Petition Two, Council Officers confirm actions have been taken in response to Notice of Motion 003/2023 requesting representations to be made to the State Government.

The State Government has closed the period for feedback on the implementation of the current Kangaroo Harvest Management Program which runs until the end of 2023. The future of the Kangaroo Harvest Management Program in Victoria is currently under review for 2024 and beyond.

Council Officers recommend if further representation was to be made, this should be based on additional research specific to the potential positive and negative impacts of Kangaroos on the environment, economy, community wellbeing, amenity, and touristic values within Mount Alexander Shire.

Considering the above discussion in relation to petition one and petition two, Council Officers do not recommend undertaking further representation to the State Government on the implementation of the Kangaroo Harvest Management Program in Mount Alexander Shire. As no further representations are recommended, it is also recommended not to engage a consultant to prepare research into the:

- *'impact on farmers, the community and environment of the increasing populations of Eastern Grey Kangaroos in the Shire'* currently.
- amenity of residents, and the environmental and touristic values of the Shire that kangaroos provide.

Finance and Resource Implications

Advice provided by the Department of Energy, Environment and Climate Action, has indicated, to prepare a specific report on the *'impact on farmers, the community and environment of the increasing populations of Eastern Grey Kangaroos in the Shire,'* or the *'amenity of residents, and the environmental and touristic values'* would cost between \$20,000 to \$50,000. In addition, Council Officer resources would be required to manage the consultant.

Risk Analysis

Reputational

The investigation has confirmed that it is not feasible for Council to provide a response to the first point of petition one without significant financial cost. There is reputational risk if Council chooses to ignore the petition's request and advocate further to State Government to ban commercial kangaroo harvesting in the Shire. This risk is mitigated if Council choose not to undertake further representation to the State Government on the implementation of the Kangaroo Harvest Management Program within the Shire.

Equally there is some reputational risk if Council chose not to act as requested by Petition Two. As Council has already made representation to the State Government following the Notice of Motion 003/2023 carried at the July 2023 Council Meeting, it is considered no further action is required.

Climate Impact Statement

Replying to the petitions has no impact on climate.

Alternate Options

An alternative option is to engage a consultant and undertake the research into the impact on farmers, the community, the environment, amenity of residents, and touristic values of the:

- increasing populations of Eastern Grey Kangaroos in the Shire
- implementation of the Kangaroo Harvest Management Program within the Shire.

Given the substantial cost anticipated to be associated with this work, and the lack of response from the State Government to date following Council's previous resolution and letter, this is not recommended as a prudent investment by Council.

Communication and Consultation

No community consultation or engagement has been undertaken in preparing this report. The lead petitioner for Petition One and Petition Two will be advised of the outcome following the Meeting of Council.

Legislation

Environment Protection and Biodiversity Conservation Act (1999)

Regulates the overseas export of Australian native wildlife products.

Wildlife Act (1975)

The purposes of the *Wildlife Act 1975* (the Wildlife Act) are:

- (a) to establish procedures in order to promote-
 - (i) the protection and conservation of wildlife; and
 - (ii) the prevention of taxa of wildlife from becoming extinct; and
 - (iii) the sustainable use of and access to wildlife; and
- (b) to prohibit and regulate the conduct of persons engaged in activities concerning or related to wildlife.

Wildlife Regulations (2013)

The Wildlife Regulations 2013 prescribe a 'Wildlife Processor Licence', issued, and administered by Department of Energy, Environment and Climate Action. Wildlife Processor Licences are subject to conditions and can be issued annually or three-yearly.

Prevention of Cruelty to Animals Act (1986)

Under *the Prevention of Cruelty to Animals Act (1986)* it is an offence if a person does something, or omits to do something, that results in the pain and suffering of any animal – including kangaroos.

Meat Industry Act (1993)

The Meat Industry Act (1993) establishes the legal framework for regulation of meat production for human consumption and pet food. It enables the setting of standards for meat production.

Conservation, Forests and Lands Act (1987)

The appointment of Game Management Authority Officers is made under the Act to carry out the compliance functions described in this Kangaroo Management Plan.

Strategies and Policy Impacts

Council Plan 2021-2025

Pillar 2: A flourishing environment for nature and people

Objective: Our community is growing in harmony with nature

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.

12.1.4. COMMUNITY CONSULTATION RESULTS - BANNING OF DOGS AT WESTERN RESERVE

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Community Safety and Amenity Coordinator, Ron Medler

Attachments: 1. Government Gazette Order of Council on 24 Feb 2022 - Control Order 2022 [12.1.4.1 - 4 pages]
2. Report - Shape Feedback Western Reserve [12.1.4.2 - 2 pages]

Executive Summary

The purpose of this report is to update Council on the action taken in response to Notice of Motion 004/2023 which was carried at the Meeting of Council on 15 August 2023. The Notice of Motion stated:

That Council Officers:

- 1. Undertake a targeted community consultation process to obtain feedback from relevant users and interested parties on the impacts of the current prohibition of dogs on Western Reserve under the Order of Council adopted on 15 February 2022; and**
- 2. Provide a report on the findings, including an opinion on the need for any potential amendment to the Order of Council in relation to Western Reserve, at the November 2023 Meeting of Council.**

In line with the *Local Government Act 2020*, feedback was sought from the community on the existing Order of Council and potential amendments at Western Reserve. In total 474 submissions were received during the feedback period of 33 days.

The number of submissions demonstrates the high levels of community interest in allowing dogs on lead on the oval playing surface at the Western Reserve. The feedback highlighted 73 percent of the respondents were in support of the return of dogs on lead on the oval playing surface at the Western Reserve, 22 percent being opposed, and five percent undecided.

RECOMMENDATION

That Council:

- 1. Notes the community feedback on the potential amendment to the Order of Council dated 15 February 2022.**
- 2. Approves amending the Order of Council to allow dogs on lead on the playing surface at the Western Reserve.**

MOVED COUNCILLOR ANNEAR

That the recommendation be adopted

SECONDED COUNCILLOR HENDERSON

CARRIED.

COUNCILLOR ANNEAR CALLED FOR A DIVISION.

Councillors For: Cordy, Annear, Gardener, Henderson

Councillors Against: McClure, Maltby, Driscoll

Context

At the Meeting of Council on 15 February 2022, Council adopted an Order of Council under Sections 25 and 26 of the *Domestic Animals Act 1994* which banned dogs (except assistance dogs) from the surfaces of all oval playing surfaces within the Mount Alexander Shire. This included the Western Reserve in Castlemaine.

Local Law Officers have monitored and patrolled for compliance of the Order of Council at ovals and reserves. This has included the Western Reserve during the Farmers' Market which has historically been frequented by dog owners accompanied by their dogs on leads.

Upon the introduction of the Order of Council banning dogs from the reserve, Local Law Officers have been met with significant push back from the Mount Alexander Shire community, along with visitors to Castlemaine who are unhappy with this dog ban.

At the Meeting of Council on 15 August 2023, Council carried Notice of Motion 004/2023 requesting Council Officers to:

- 1. Undertake a targeted community consultation process to obtain feedback from relevant users and interested parties on the impacts of the current prohibition of dogs on Western Reserve under the Order of Council adopted on 15 February 2022; and**
- 2. Provide a report on the findings, including an opinion on the need for any potential amendment to the Order of Council in relation to Western Reserve, at the November 2023 meeting of Council.**

In response to the Notice of Motion and in line with the *Local Government Act 2020*, Council Officers undertook targeted public consultation on the SHAPE Mount Alexander platform for a period of 33 days from 31 August to 2 October 2023. In total 474 submissions were received.

Based on the results of the consultation process, the community is supportive of allowing dogs on lead onto the oval playing surface at the Western Reserve.

It is; therefore, recommended that Council approve an amendment to the Order of Council to allow dogs on lead on the oval playing surface at the Western Reserve. If the amendment to the Order is approved by Council, the Order will come into effect upon publication in the Victorian Government Gazette.

Issues

The significant number of submissions demonstrates the high levels of community interest in allowing dogs on lead on the Western Reserve. The feedback highlighted that 73 percent (343) of the respondents were in support of the return of dogs to Western Reserve, 22 percent (107) being opposed, with five percent (24) being undecided.

The feedback from the community, whilst generally supportive, highlighted several key public concerns which are general in nature and not specific to the Western Reserve, but across all parks, gardens, and open space throughout the entire Municipality. Three hundred and twenty-seven (327) contributors answered the question regarding if they had any of the concerns outlined. The concerns fell into the following major themes:

- dog excrement
- dogs running off leads

-
- general dog/owner behaviour.

Beyond the feedback on common dog management issues across the Shire, the community highlighted managing food hygiene as a specific concern to Western Reserve which hosts the Farmers Market.

Each of these themes are covered in further detail below.

Food hygiene

Twenty-eight percent (94 contributions) expressed concerns about dogs being around food during the Market on the first Sunday of every month. Respondents mentioned the number of irresponsible dog owners and that food markets are not for dogs.

“Owners don't know how to control their dogs. Food markets are for people”

“Food is served, people don't control their dogs”

“I do not trust any dog around my small children every market I attend I have a dog being allowed to rush up to them. I have witnessed a dog urinate in a stall before”

Dog owners are responsible to restrict their animals from taking food from stalls and preventing their dogs from urinating or opening their bowels in or around the food stalls. Officers have the powers of Council's General Local Law 2020 to ensure that pet owners carry dog bags and that they pick up after their dogs.

Under Victoria's *Food Act 1984*, dogs are not permitted in any indoor area of a premises where food is handled, including where food is served, such as a dining area. Unless in a designated indoor dining area where food is served, dogs can be on lead within the market.

Dog excrement

Eighty-two percent (268 contributions) of respondents had concerns about dog owners not picking up after their dog.

“I don't appreciate walking in dog poo. Surely people can go to a market and leave their dogs at home.”

“Owners can't be trusted to collect dog poo footy players get tackled in it on occasion”

The issue with dog excrement is that some dog owners are not being responsible and cleaning up after their pets. Council do have rubbish bins at the park, if there is an amendment to the Order of Council, it is recommended to install dog bag dispensers and supply dog bags to encourage dog owners to be responsible. The costs associated with this installation are included in the finance and resource implications section of this report.

Dogs off lead

Sixty-one percent (199 contributions) of respondents had concerns about dogs being off lead.

“History has shown that people will let their dogs off leads in these areas, interfering with people wanting to walk”

“Dog owners are irresponsible and will allow the dogs to run freely”

This concern can be addressed at the Western Reserve, as it is managed across the Shire, through responding to complaints if and as they arise, and through proactively patrolling the area during working hours, after hours and on weekends.

Dog/owner behaviour

Fifty-five percent (180 contributions) of respondents had concerns about the behaviour of the dog and a lack of control from their owners.

“Owners have to be held accountable for a dog not kept under control.”

“Even on lead dogs are not safe in this environment, no matter how well trained they are.”

All dog owners are responsible to control their dogs, whether at the Western Reserve or elsewhere within the Shire as per Council’s General Local Law 2020. Officers regularly patrol markets on weekends to manage parking as well as to check for compliance with the local law in relation to dogs. Local Law Officers can provide ongoing education relevant to responsible pet ownership, this also includes educating children at schools; placing A-frame signs at markets and other relevant events; and being present with the marked Local Laws Animal Management vehicles. Interacting with the public in open spaces is a valuable tool to educate the local and out of town pet owners on responsible pet ownership.

Visitors to Mount Alexander Shire

Many of those who attend the Farmers’ Market reside outside of the Shire, and unless they have checked on Council’s website prior to leaving home with their pet, they are unaware of the ban of dogs on the Western Reserve.

This issue has been mentioned to Council Officers on numerous occasions since the ban of dogs on the Western Reserve was endorsed. This raises issues of animals being left in cars and tied up outside the market unaccompanied, which leads to its own risks.

Council Officers have engaged with the manager of the Farmers’ Market who has advised that they do not want to include the ban of dogs from the Reserve on the Farmers’ Market website.

Beyond communicating on Council’s website, Council could place signs at the entry points to the Shire stating the Order of Council, and specifically the restriction on dogs on the surfaces of all oval playing surfaces within the Shire.

Finance and Resource Implications

If Council were to implement a change to the Order of Council to allow dogs on lead at the Western Reserve, there may initially be an increased requirement on staff to monitor for compliance at events at the Reserve. As mentioned in the Issues section of this report, many of the people that attend at the Farmers’ Market at the Western Reserve are tourists to the area who are hard to reach prior to their attendance if they have not checked Council’s website before setting off with their pets in the car.

There is also a potential impact on resourcing due to increased customer requests relating to dogs being off lead at the Western Reserve, all markets, and open spaces throughout the municipality, if owners do not comply with the on-lead requirement.

The cost of dog bags and dispensers is also a factor to consider. A dispenser costs \$209 including GST; it is recommended that two dispensers be installed at the Western Reserve should Council choose to amend the Order of Council.

It is not easy to quantify the number of dog bags that will be required when estimating the cost. The number of dog bags required and used is obviously controlled by the amount of people attending an area or event with their dogs and not supplying their own bag.

In comparison, currently the Parks and Gardens team fill the four dog bag dispensers in the Castlemaine Botanical Gardens with approximately 12,000 bags every six months at a cost of \$500.

Risk Analysis

Compliance Risk

The main risk of allowing dogs on lead at the Western Reserve is the risk of dog owners not picking up after their dogs and owners allowing their dogs off lead.

As previously mentioned, this can be offset by Officers regularly patrolling the area, dog bag dispensers and bags being provided for dog owners to pick up after their animals. Rubbish bins are already available at the location.

Officers can follow up non-compliance with the relevant fine per offence.

Reputational Risk

There may be negative reputational risk relative to Council as it is reconsidering its position on its recently introduced Order. This would be mitigated by advising that Council continually reviews and assesses all policies, Local Laws and Orders of Council to determine if there are improvements or changes required.

In this case, due to results of the community consultation Council has taken steps to introduce improvements in line with what they have heard from the community. There is also the chance that changes will be requested at other sports grounds; these would need to be considered on a case-by-case basis.

Any negative reputational risk can be offset, if Council chooses to amend the Order of Council to allow dogs on lead at the Western Reserve. This will be showing the community that they have listened to what they want and is taking steps toward the most popular outcome.

Climate Impact Statement

Changes to the Order of Council will have no impact on climate change; however, there is a risk that if dogs are not allowed into the market that dog owners may leave them in vehicles and tied up in the hot sun, putting the animal's life and health at risk.

Alternate Options

There are several alternate options that Council could consider in relation to the amendment to the Order of Council.

Council may decide not to amend the Order of Council and continue the ban of dogs on the oval playing surface on the Western Reserve. Given the level of support to allow dogs on lead on the oval playing surface at the Western Reserve, this alternative is not recommended.

Council may also decide to only ban dogs from the oval playing surface at the Western Reserve during sporting events and/or other events where it would be inappropriate for dogs, other than assistance dogs to attend. While this is an option, this may lead to confusion in the community and make it more difficult to undertake compliance activities. This alternative is not recommended.

Council may decide not to make any changes at present, and to undertake a masterplan for the future of the Western Reserve, which could incorporate the appropriateness of dogs on leads at the Reserve.

Communication and Consultation

Prior to the community consultation on Council's SHAPE Mount Alexander platform the 37 Farmers' Market stall holders were surveyed by Council's Local Law Officers who attended at the Farmers' Market at Western Reserve during the months of August and September 2023. Of those 37 stall holders interviewed, 97 percent were in support of the return of dogs to the Western Reserve, particularly at the Sunday Farmers Market. Additionally, all sports clubs that use the reserve were invited to provide feedback via the SHAPE page.

During the 33-day period from 31 August 2023 to 2 October 2023, of community consultation on the SHAPE Mount Alexander platform, over 474 contributions were received. Of the respondents, 72.3 percent (343) answered yes to the question "should dogs be allowed on-lead at the Western Reserve", 22.6 (107) answered no and five percent (24) answered maybe. A summary of the feedback is provided in Attachment 12.1.4.2.

It is clear from the feedback received the majority of those surveyed were in support of allowing dogs on-lead at the Western Reserve which is in line with the officer recommendation to amend the Order of Council to allow dogs on lead at the Western Reserve.

Legislation

Domestic Animals Act 1994

Local Government Act 2020

Strategies and Policy Impacts

Council Plan 2021-2025

We are engaging genuinely with the community

Declarations of Conflict of Interest

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

No conflicts of interest

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

Councillor Cordy left the Chamber at 8.10 pm.

12.2. Environment

12.2.1. WASTE MANAGEMENT STRATEGY 2023 - 2033

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Waste Management Officer, Michael Scott

Attachments:

1. Waste Management Strategy 2023-2033 [**12.2.1.1** – 32 pages]
2. Waste Strategy Feedback - Plotted Graphs [**12.2.1.2** - 1 page]
3. Waste Management Strategy - 2023/2024 Action Plan - May 2023 [**12.2.1.3** - 3 pages]
4. Waste Strategy Feedback Annexure - Combined - 24 Aug 2023 [**12.2.1.4** - 9 pages]

Executive Summary

This report presents the Waste Management Strategy 2023 – 2033 for adoption, and the first-year Action Plan for noting.

The Waste Management Strategy 2023–2033 sets out the strategic direction of Council's approach to managing waste generated within Mount Alexander Shire. The Strategy has incorporated high-level actions to reduce the amount of material sent to landfill and encourage the reuse and recycling of material as much as possible.

The final Waste Management Strategy 2023–2033 presented for adoption incorporates positive feedback and minor suggestions received from the community and the Community Waste Reference Group.

Council Cordy returned to Council Chamber at 8.12pm

RECOMMENDATION

That Council:

- 1. Adopts the Waste Management Strategy 2023-2033.**
- 2. Notes the proposed first-year action plan.**

MOVED COUNCILLOR HENDERSON

That the recommendation be adopted

SECONDED COUNCILLOR ANNEAR

CARRIED.

Context

The Waste Management Strategy 2023-2033 (the Strategy) builds on the previous Waste Management Strategy 2010-2015, while setting out a strategic pathway that seeks to respond to evolving community expectations, to Federal and State regulatory changes, and to take advantage of advances in technology and community behaviour.

The Waste Management Strategy 2023-2033 (the Strategy, Attachment 12.2.1.1) outlines Council's vision to enhance waste management services and functions with a focus on reducing, reusing, and recycling waste.

The scope of the Strategy covers the collection and processing of four domestic waste streams – general waste, food and garden organics, glass and co-mingled recyclables, and public place waste. The Strategy seeks to take advantage of any opportunities to process reusable material within the Shire, where economically viable. Additionally, opportunities will be explored to expand into commercial and industrial, construction and demolition waste, and new waste streams as they emerge.

Strategy Development

In December 2021, Council Officers established a Community Waste Reference Group as an advisory body to inform the future direction of the organisation's waste management services and to provide input in the development of the Strategy. The Group will continue to provide input through the monitoring of performance against the agreed goals, as well as to inform actions in future annual action plans.

A preliminary draft Strategy was developed with input from a consultant in August 2022. The preliminary draft was shared with the Community Waste Reference Group, who encouraged Council to be more ambitious in its strategic direction. A Councillor workshop was held in November 2022, to explore an over-arching Strategy vision and supporting high level core objectives.

In July 2022, the Strategy was published with feedback requested on the scope, goals and focus areas. The outcome of the four-week consultation period is further explained below.

The key events/milestones for the development of the Strategy are outlined in Table 1.

Table 1: Strategy Development Steps

Date	Event
December 2021	Establishment of a Community Waste Reference Group as an advisory body to inform the future direction of the organisation's waste management services and provided input in the development of the draft Strategy.
August 2022	A preliminary draft Waste Management Strategy was developed with input from a consultant in August 2022. The preliminary draft was shared with the Community Waste Reference Group who encouraged Council to be more ambitious in its strategic direction.

Date	Event
November 2022	A Councillor workshop was held in November 2022, to explore an overarching Waste Management Strategy vision and supporting high level core objectives.
June 2022	Councillor Briefing Session: Councillors were presented with the draft Waste Management Strategy for feedback, together with a request to seek community feedback for a period of one month.
July 2023	Public exhibition of the draft Waste Management Strategy.
August – October 2023	Analysis of feedback / consultation with the Community Waste Reference Group to set out intentions and briefing to Executive Team and Councillors.
November 2023	Waste Management Strategy to be considered for adoption.

Issues

Summary of feedback

The feedback on the draft Strategy was overwhelmingly positive. Seventy-seven percent of respondents thought the Strategy was a good guiding document. Examples of the positive responses received confirmed that:

“The goals are excellent and provide everything required for Mount Alexander Shire Council to become a regional leader in waste management.”

“The document is very well thought out.”

Of the 77 percent of respondents that thought the Strategy was a good guiding document, some offered further constructive feedback. This included the desire for expanded or improved services concerning resale/repair shops, the benefit of working with community groups, the importance of community education and a passion to expand the scope of materials recovered for reuse or recycling.

Changes to Draft based on feedback

In considering the feedback received, a recurring theme emerged and centred on the need for greater clarity throughout the document and a stronger commitment to the actions and goals. This resulted in only minor changes to what is presented as the Strategy, with a summary of the changes including:

- The lexicon used to describe the goals and focus areas were made clearer with plain English.
- The scope of Council’s functions and services have been better explained regarding the changes arising from a focus on a more circular economy and the kerbside bin collection reform, most of which is coming from the State Government.
- Several actions were edited to better define exactly what Council aims to achieve and how it will be measured.

Finance and Resource Implications

The future implementation of actions identified within the Strategy will be achieved through the receipt of external grants as well as budget bids aligned to Annual Plans.

Risk Analysis

Reputation risk:

Community expectations and opinions on waste management are high and varied. The endorsement of a new Strategy will provide the basis to inform the community on Council's direction and how to consider responding to community requests and demands.

Financial Risk

Additional internal and external resources beyond current operational budgets (including the waste levy) will be required to implement the identified actions to support the achievement of the goals and vision. Future requests aligned to annual action plans will be made within Council's annual budget process.

There is limited funding from the State Government that is already committed to support the implementation of the Strategy. For example, the organisation will receive around \$50,000 to implement a waste education program. It is expected that additional funding (yet to be confirmed) will be made available in the next few years as part of the kerbside reform transition package available to all councils in Victoria.

Risks associated with climate change adaptation

A Waste Management Strategy will further help the organisation adapt to climate change and modify our services and functions. Council can promote waste reduction programs and improve services to increase reuse and recycling; however, climate change requires all residents to reconsider how and what they consume and the waste material we generate. As a complement, the Strategy acknowledges that waste reduction is everyone's responsibility.

Compliance Risk

The adoption of a Waste Management Strategy and the implementation of annually planned actions minimises the risk of non-compliance with legislated requirements and will assist in meeting the State mandated services within the required timeframes. An adopted Waste Management Strategy also provides the context and 'political license' to meet Council's environmental objectives.

Climate Impact Statement

The successful implementation of the Strategy is a major contribution towards Council's commitment to reduce greenhouse emissions across the Shire. The organisation's efforts in maximising waste resource recovery and diversion from landfill will improve the impact on the climate.

Removing organic material from the waste stream and applying better processing techniques will ensure much lower levels of methane gas generated through anaerobic digestion. Improved recovery of reusable or recyclable items; such as glass, plastics, e-waste, cardboard, and steel will significantly reduce the demand on manufactured items and therefore, avoid unnecessary use of raw materials, water, and energy.

Alignment with the Climate Change Strategy; specifically Goal 6: *Our Shire is zero waste and has a resilient circular economy*, has been prioritised as part of the development of the goals, focus areas and actions of the Waste Management Strategy.

The Impact of Gender on Council Provided Services

Gender Impact Assessments will be conducted to inform the development of future Annual Action Plans, 2024/2025 and beyond. A Gender Impact Assessment will also be undertaken should any Council or external influencing policy or strategy be modified or updated. Gender Impact Assessments will also be undertaken for any major operational changes or infrastructure upgrades.

Alternate Options

Council could decide not to adopt a Waste Management Strategy. This is not recommended, as the Strategy assists in guiding operational decisions in the organisation's approach to waste management. Furthermore, the Strategy assists in communicating the direction and services provided to residents, setting out the boundaries of community expectations.

The adoption of the Waste Management Strategy also contributes towards achieving the Council Plan 2021-2025.

Communication and Consultation

The draft Waste Management Strategy was on public exhibition for a period of four weeks from 3 July to 31 July 2023. It was promoted via Shape Mount Alexander, an online community engagement platform that supports public participation and surveys. The Strategy was also promoted by posters upon entry at the transfer stations and to stakeholders who were also notified directly and encouraged to provide their views. The following statistics are presented as a summary:

- 420 visits to the Shape Portal page where the draft Waste Management Strategy published along with survey questions and summary information.
- 45 contributions via the Shape Portal.
- Two phone calls - one as follow-up to feedback by email and the other a direct call.
- Three written pieces of feedback separate to Shape (suggested edits to draft document or email).
- Of the 77% of respondents that thought the Strategy was a good guiding document, only one in four provided specific feedback.
- Only three responses were outrightly negative.

Communication

The community will be kept informed about the implementation of the Strategy by reporting against Council's monitoring and evaluation framework. The framework sets out the approach to keep our community informed as well as balancing resource requirements for service delivery.

An Annual Action Plan will govern what specific functions and services outlined in the Strategy will be implemented. The action plan is not intended as a public document, rather it is intended as a live document that will be developed and updated if priorities change.

In saying, this, the annual action plan will be developed in partnership with community groups and specifically the Community Waste Reference Group. The first-year Annual Action Plan is attached.

Legislation

There is no statutory requirement to develop a Waste Management Strategy, nor are there any statutory implications resulting from the development or implementation of a Strategy.

Council does however have a duty to meet the *Environment Protection Act (2017)* and the *Circular Economy (Waste Reduction and Recycling) Act 2021*. The development of a Strategy provides documentation for how the organisation plans to adhere to all required regulations and legislation.

Strategies and Policy Impacts

Council Plan 2021-2025

Pillar 2: A flourishing environment for nature and people

Objective: Our community is growing in harmony with nature

- Strategies: Reduce waste and increase resource recovery

Action: transitioning the Castlemaine Waste Facility to a resource recovery station and implementing Recycling Victoria actions including Food Organic and Garden Organics and glass recycling.

Climate Change Strategy

Aims and Objectives: to respond to climate change and achieve our community vision, together.

Mount Alexander Shire Council, Environmental Strategy 2015-2025

Aims and Objectives: Waste diversion, behaviour change, rehabilitation, and emissions reductions

National Waste Policy (2018), and National Waste Action Plan (2019)

Aims and Objectives: Total reduction in waste across Australia with a big focus on diverting organic waste away from landfills

Recycling Victoria: A New Economy 2020

Aims and Objectives: Divert 80 percent of waste from landfill by providing all Victorians access to a four-stream household waste service by 2030, including provisions for glass and Food Organic and Garden Organics recycling

Mount Alexander Shire Council, Roadmap to Carbon Neutrality 2020-2025

Aims and Objectives: Zero-net emissions waste for Council operations by 2025 and support for community wide waste reduction.

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.

12.2.2. ASSET MANAGEMENT PLAN - INFRASTRUCTURE - PART A - ROADS - 2023

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Manager Engineering, Paul Diss

Attachments:

1. Asset Management Plan - Infrastructure - Part A - Roads - 2023 [12.2.2.1 - 31 pages]
2. Basis of Design - Sealed Roads - Final [12.2.2.2 - 29 pages]
3. Basis of Design - Unsealed Roads - Final [12.2.2.3 - 13 pages]

Executive Summary

The purpose of this report is to present Council's Asset Management Plan – Infrastructure – Part A – Roads 2023 (AMP Roads) for adoption.

The AMP Roads provides guidance, financial modelling and level of service measures to enable Council to track performance of the asset classes over time and guide long term financial planning.

The AMP Roads will be reviewed at a minimum every four years. Several improvements to existing practice are identified, including:

- Revisiting the long-term financial forecasts to better inform allocations of funding across renewal, upgrade and new road assets over the next ten years.
- Developing the levels of service into measurable and practical terminology which is easy for the community to understand.

RECOMMENDATION:

That Council adopts the Asset Management Plan – Infrastructure – Part A – Roads 2023.

MOVED COUNCILLOR ANNEAR

That the recommendation be adopted

SECONDED COUNCILLOR MCCLURE

CARRIED.

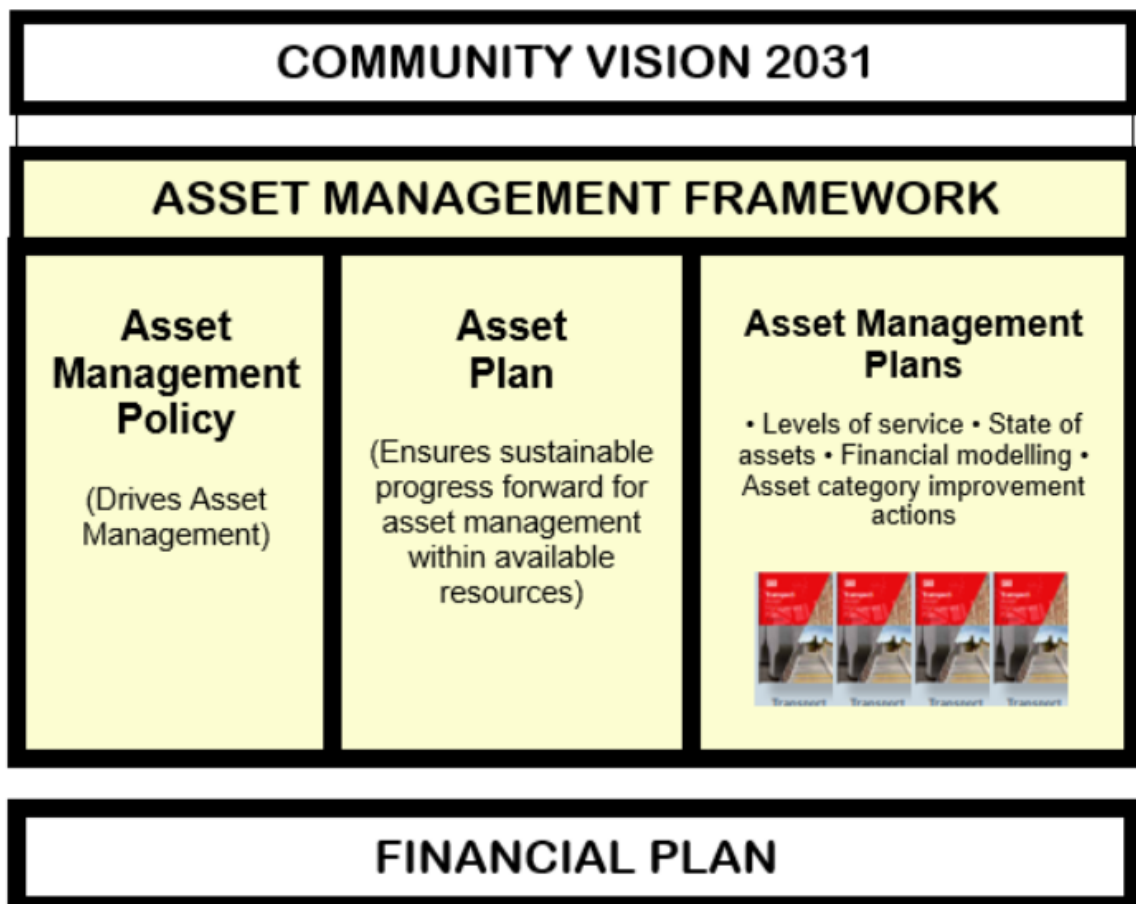
Context

This report responds to the requirement for Council to undertake a scheduled review and revision of the AMP Roads. The AMP Roads was previously adopted by Council in 2016.

- The AMP Roads is consistent with the Local Government Asset Management Better Practice Guide 2015 and includes the key components of an asset management plan as per the Institute of Public Works Engineering Australasia guidelines, including:
- The service levels to be provided.
- Outline future demand.
- Financial implications.
- Issues and risks associated with management of the asset class.
- A future improvement program.

The plan also identifies the processes that support road asset management including asset criticality, condition and performance assessment, as well as Council's Financial Plan 2022/2023 to 2031/2032.

The AMP Roads forms part of the Asset Management Framework as displayed below:



The following documents form the Asset Management Framework:

-
- **Asset Management Policy** - Councils commitment to manage its assets in a sustainable way, to assist in the achievement of Council's vision and meet the service and infrastructure needs of the community.
 - **Asset Plan** – Is a public facing document informing the community on how Council manages infrastructure and other assets to achieve the Council Plan objectives and Community Vision.
 - **Asset Management Plans** - Supports the Asset Plan and the implementation of the Asset Management Policy with the provision of levels of service and overall lifecycle planning for all nominated asset classes. The current asset management plans are listed below:
 - Infrastructure
 - Part A - Roads (Draft August 2023)
 - Part B - Pathways (adopted June 2020)
 - Part C - Bridges (adopted June 2020)
 - Part D - Drainage (Draft August 2023)
 - Open Space (adopted February 2022)
 - Buildings (adopted July 2023)
 - Plant and Equipment (not yet authored)

The development of these asset management plans will build on current prioritisation of renewal works across each asset class. It will also provide the basis for setting the level of service provision to the community.

Issues

Levels of Service

Levels of service are used to balance the management of public infrastructure with community needs and wants, and with what the community can afford. The AMP Roads has defined levels of service in a qualitative manner as well as to provide a reactive approach driven by the customer satisfaction survey and customer complaints.

The levels of service have been informed by AMPs from Councils similar to Mount Alexander Shire Council. Levels of service were also produced with reference to industry standards and guidelines such as the Infrastructure Design Manual, Institute of Public Works Engineering Australasia Practice Notes, and the VicRoads Road Structures inspection manual.

Within the levels of service included in the AMP Roads, there are both community and technical levels of service identified. The setting of the levels of service is influenced by budget provisions for managing each asset class. They have been set at conservative levels, with intervention levels that are achievable given the proposed level of investment.

The levels of service are also limited by our ability to collect data and therefore measure performance against each element and have been tailored to ensure that they are measurable by Council Officers using available systems and resources.

Funding Allocation

The Financial Plan 2022/2023 to 2031/2032 provides the recommended funding for each asset class annually. Currently the Financial Plan provides a single Capital works line item for forecast expenditure for roads ("Total Road Budget" in the Table 1).

Table 1 – Existing Financial Plan forecast budget allocation and budget split.

Year	Renewal Sealed (,000)	Renewal Unsealed (,000)	Upgrade (,000)	New (,000)	Total Road Budget (,000)
2022/2023	\$ 1,685	\$ 647	\$ 638	\$ 649	\$ 3,619
2023/2024	\$ 1,776	\$ 658	\$ 853	\$ 695	\$ 3,982
2024/2025	\$ 1,881	\$ 695	\$ 771	\$ 53	\$ 3,400
2025/2026	\$ 1,843	\$ 682	\$ 741	\$ 134	\$ 3,400
2026/2027	\$ 1,575	\$ 582	\$ 685	\$ 558	\$ 3,400
2027/2028	\$ 1,488	\$ 550	\$ 826	\$ 536	\$ 3,400
2028/2029	\$ 1,584	\$ 586	\$ 943	\$ 287	\$ 3,400
2029/2030	\$ 1,871	\$ 692	\$ 839	\$ 48	\$ 3,450
2030/2031	\$ 1,887	\$ 697	\$ 1,065	\$ 51	\$ 3,700
2031/2032	\$ 1,949	\$ 721	\$ 948	\$ 82	\$ 3,700

Due to the Roads budget line in the Financial Plan not being specifically split between renewal, upgrade and new, the allocation of funding across these areas has been calculated based on previous financial year expenditure. The split is presented in Table 1 and was utilised to undertake financial modelling in the AMP Roads.

The AMP Roads has explored the following renewal funding scenarios for both sealed and unsealed roads:

- **Scenario 1:** Current Funding based on Council Financial Plan (Table 1).
- **Scenario 2:** Yearly depreciation value.
- **Scenario 3:** Optimised funding to provide a desired Technical Level of Service, renewing assets as they reach intervention.

Unsealed Roads: The modelling recommends increasing the yearly renewal budget to match depreciation levels (Scenario 2) or typically \$1,080,000 per year, an increase of approximately \$400,000 to \$500,000 per year.

Sealed Roads: The model suggests greater investment in resealing and major patching programs and to limit expenditure on upgrades and new works.

The modelling also highlights significant backlogs in renewal, this backlog is most evident in the low levels of network reseal and major patching. While additional funding would reduce the backlog over time, the modelling indicates that a reorganisation of how the existing Capital Works Roads budget is allocated is the best approach (Scenario 1) in the current financially restrained environment.

Asset Management

Sealed roads

The sealed roads asset is modelled as two components, the sealed surface and the pavement, the sealed surface has a short life while the pavement is much longer. The sealed surface condition however has the greatest impact on the pavement condition.

Figure 1 shows the forecast sealed surface condition based on existing funding levels (Scenario 1) noting the treatment selected is primarily resealing and associated major patching. It is noted there is a decline in surface condition up to year 13, after which the average condition remains steady up to year 25 and beyond.

This decline occurs in all the modelled scenarios and is evidence of the existing backlog and low sensitivity to increased funding levels. Hence, the recommendation for more funding to be allocated to the renewal of road assets, within the forecasted Capital works roads budget in the Financial Plan.

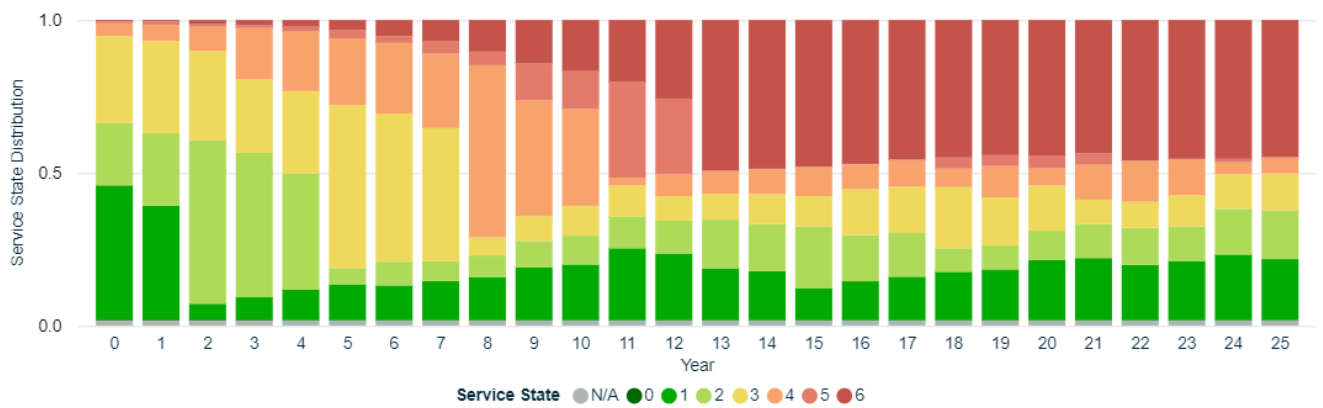


Figure 1 – Seal Condition Under Scenario 1 – Council Financial Plan

Figure 2 shows the forecast sealed pavement condition under existing funding levels. While there is a gradual decline in pavement condition, the pavement asset has a long life and is impacted greatest by the sealed surface condition.

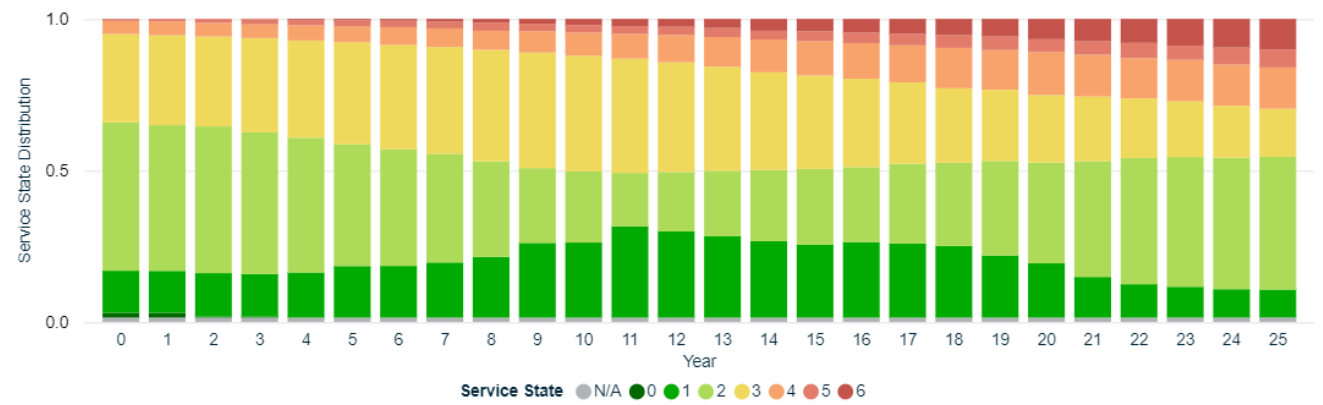


Figure 2 – Sealed Pavement Condition Under Scenario 1 – Council Financial Plan

Unsealed roads

The unsealed road model is presented below. Due to the asset is highly dynamic, and the results modelled can be heavily impacted by climatic events and road use.

Under the current funding levels (Scenario 1) shown in Figure 3, the overall asset condition sees significant decline over the 10 years modelled.

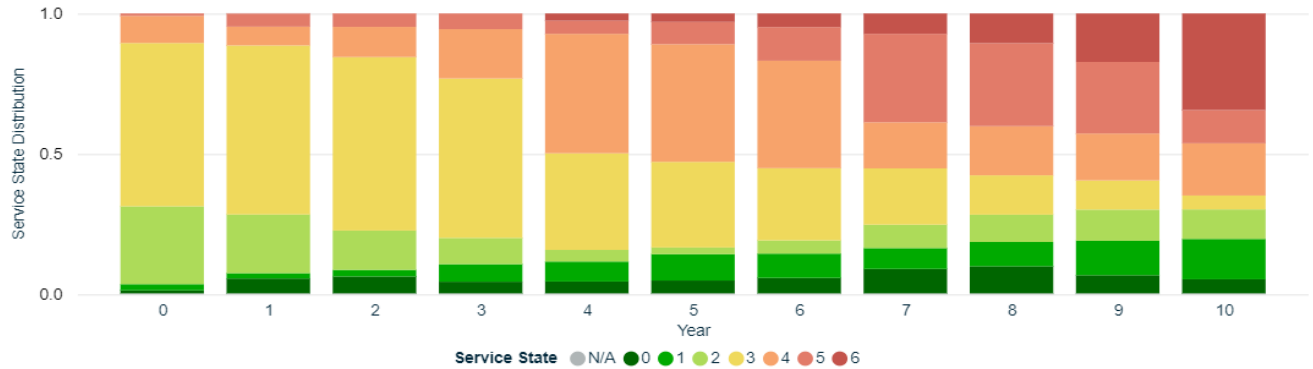


Figure 3 – Unsealed Forecast Condition, Under Scenario 1 – Current Council Financial Plan

The modelling did, however, see significant improvements with small increases in investment as is demonstrated in Figure 4, which shows Scenario 2, where funding levels equal the yearly depreciation level. As such, it is recommended that to adjust allocations within the Financial Plan Capital Works budget for unsealed road renewal to match current depreciation levels (Scenario 2).

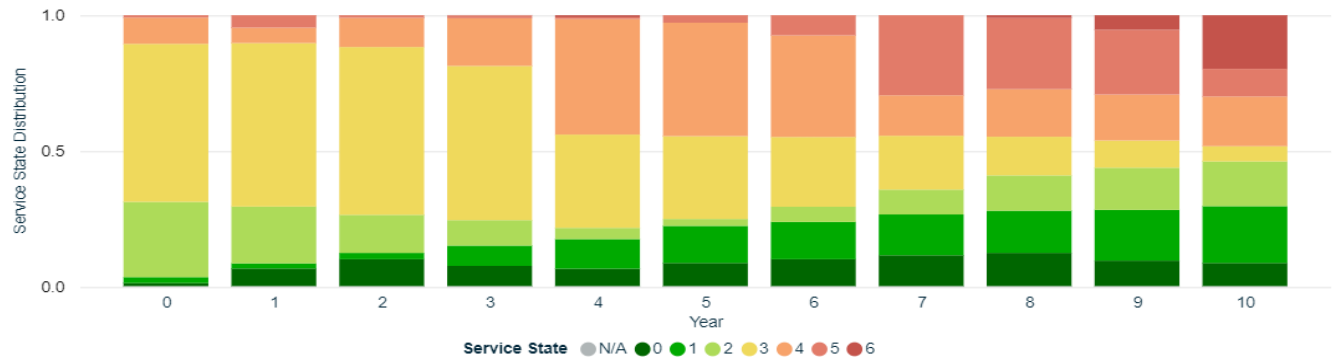


Figure 4 – Unsealed Forecast Condition, Under Scenario 2 – Depreciation

Improvement actions

In total 10 improvement actions have been identified to continually improve the management of Councils Road assets. The actions will be implemented over a five-year period and include actions such as reviewing unsealed maintenance programs, including kerb and channel in condition audits, reviewing levels of service and a review of financial allocations across renewal of sealed and unsealed roads, upgrade and new road categories.

Finance and Resource Implications

The AMP Roads will guide future investment in the renewal and upgrade of the existing road network, and the development of new road infrastructure. This will be revisited every four years when condition audits are repeated. Over time with improved condition knowledge and data, financial modelling will become more accurate.

As previously highlighted, to maintain our existing road network within forecasted financial resources as set in the Financial Plan, it is recommended to increase allocations to unsealed road renewal and, to reseal and major patching for sealed roads.

Table 3 below presents recommended forecasting levels against Council's Financial Plan 2022/2023 to 2031/2032 over the next ten financial years.

Table 3 – Forecast Expenditure versus Recommend Renewal Expenditure

Financial Year	Renewal Sealed Roads Recommended (,000)	Renewal Unsealed Roads Recommended (,000)	Upgrade Sealed and Unsealed Roads (,000)	New Sealed and Unsealed Roads (,000)	Total Roads Budget (,000)
2022/2023	\$1,685	\$ 647	\$638	\$649	\$3,619
2023/2024	\$1,776	\$ 658	\$853	\$695	\$3,982
2024/2025	\$1,880	\$1,080	\$440	\$0	\$3,400
2025/2026	\$1,880	\$1,080	\$440	\$0	\$3,400
2026/2027	\$1,880	\$1,080	\$440	\$0	\$3,400
2027/2028	\$1,900	\$1,080	\$420	\$0	\$3,400
2028/2029	\$1,900	\$1,080	\$420	\$0	\$3,400
2029/2030	\$1,900	\$1,080	\$470	\$0	\$3,450
2030/2031	\$2,000	\$1,080	\$620	\$0	\$3,700
2031/2032	\$2,000	\$1,080	\$620	\$0	\$3,700

Risk Analysis

Asset risk:

Asset management plans help reduce Council's risk by:

- ensuring investment is appropriately allocated
- providing transparency in service levels provided to the community
- reduced levels of road failure across the network
- enabling Council to maximise the life of the asset class.

The AMP Roads has been developed on the information and systems currently available and establishes a baseline for future reviews.

Reputation risk:

AMP's help to focus asset maintenance and capital works effort for the benefit of the community. They enable more transparency with respect to funding allocation as well as performance and will help the community understand the basis of these allocations, as well as the size of the asset class.

The expectations of the community will not necessarily align with affordability and consequently what the community believe levels of service should be.

If the recommendation to reallocate available funds to increasing renewal activities over new or upgrade works is approved, there may be some backlash from the community who expect improvements and upgrades to existing road assets.

Climate Impact Statement

Climate change and asset resilience are considered during the design phase of capital works projects. The cost of climate change on managing assets (such as, the potential need for increased maintenance and renewal) is not currently captured by the modelling undertaken as part of the AMP Roads.

Alternate Options

Council may choose not to adopt the AMP Roads. This is not recommended as the AMP Roads guides the direction for the management of the asset class, providing transparency and clarification on standards to the wider community. In addition, the relationship with other strategic plans such as the ten-year Financial Plan and Council Plan are effectively weakened as clarity on the approach to managing Council's roads assets will not be clear. It is also relevant in that the holistic document library that is the Asset Plan may be considered not complete.

Council may choose to increase the annual financial allocation towards road works to reduce required backlog works to maintain our road network to the established levels of service. This option would involve greater resources over coming years to reduce the required resources over future years. This is not recommended, as the modelling has shown that increasing the allocations to sealed and unsealed road renewal works within the current forecasted annual road budgets would allow Council to target critical assets and maintain appropriate service levels.

Communication and Consultation

We will keep our community informed, listen to and acknowledge concerns and aspirations, and provide feedback on how community input influenced the decision. We will seek community feedback when updating of community levels of service, which will inform future updates to the AMP Roads.

Legislation

Council manages its assets to comply with the following key Legislation, Acts, Standards, Guidelines and Regulations:

- *Local Government Act 1989*
- *Local Government Act 2020*
- *Planning and Environment Act 1987*
- *Occupational Health and Safety Act 2004*
- *Disability Act 2006*
- *The Building Act 1993*
- *Road Management Act 2004*

Strategies and Policy Impacts

Council Plan 2021-25

Pillar 2 – A flourishing environment for nature and people.

Objective: Our community is growing in harmony with nature

Strategy: Review, Maintain, renew, and expand sustainable assets of our community

Relevant policies, strategies and plans

- Asset Plan 2022
- Asset Management Policy 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.

12.2.3. ASSET MANAGEMENT PLAN - INFRASTRUCTURE - PART D - DRAINAGE - 2023

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Manager Engineering, Paul Diss

Attachments: 1. Asset Management Plan - Infrastructure - Part D - Drainage 2023 [12.2.3.1 - 23 pages]

Executive Summary

This purpose of this report is to present the Asset Management Plan - Infrastructure - Part D - Drainage - 2023 (AMP Drainage) for adoption.

The AMP Drainage provides guidance, financial modelling, and level of service measures to enable Council to tracking performance of drainage assets over time.

The AMP Drainage will be reviewed at a minimum every four years, this may be sooner depending on the outcomes of asset condition audits. Several improvements to existing practice are identified, including:

- Updating Council's Financial Plan 2022/23 to 2031/32 to provide a direct funding allocation for drainage renewal works.
- Developing further the levels of service into measurable and practical terminology which is easy for the community to understand.

RECOMMENDATION:

That Council adopts the Asset Management Plan – Infrastructure – Part D – Drainage - 2023.

MOVED COUNCILLOR HENDERSON

That the recommendation be adopted

SECONDED COUNCILLOR CORDY

CARRIED.

Context

This report responds to the Annual Plan Action for Financial Year 2020/2021 to adopt an Asset Management Plan (AMP) for drainage.

Asset management is a systematic process to guide the planning, acquisition, operation and maintenance, renewal, and disposal of assets. Its objective is to maximise asset service delivery potential and manage related risks and costs over their entire lives.

This AMP has been prepared for drainage assets consistent with the Local Government Asset Management Better Practice Guide 2015.

The plan includes key components of an AMP as per the Institute of Public Works Engineering Australasia guidelines. They provide a summary of what each asset class comprises, including:

- the service levels to be provided
- outline future demand
- financial implications
- issues and risks associated with management of the asset class
- a future improvement program.

The components also identify the processes that support asset management including asset criticality, condition and performance, as well as the financial sustainability strategy and financial forecast.

There are several items for improvement identified within the improvement section of the plan. These include implementing levels of service, addressing current knowledge gaps, ensuring the asset register is up to date, and assessing asset functionality and capacity so that treatments other than like-for-like renewal can be programmed.

The AMP Drainage forms part of the Asset Management Framework as displayed below in Figure 1:

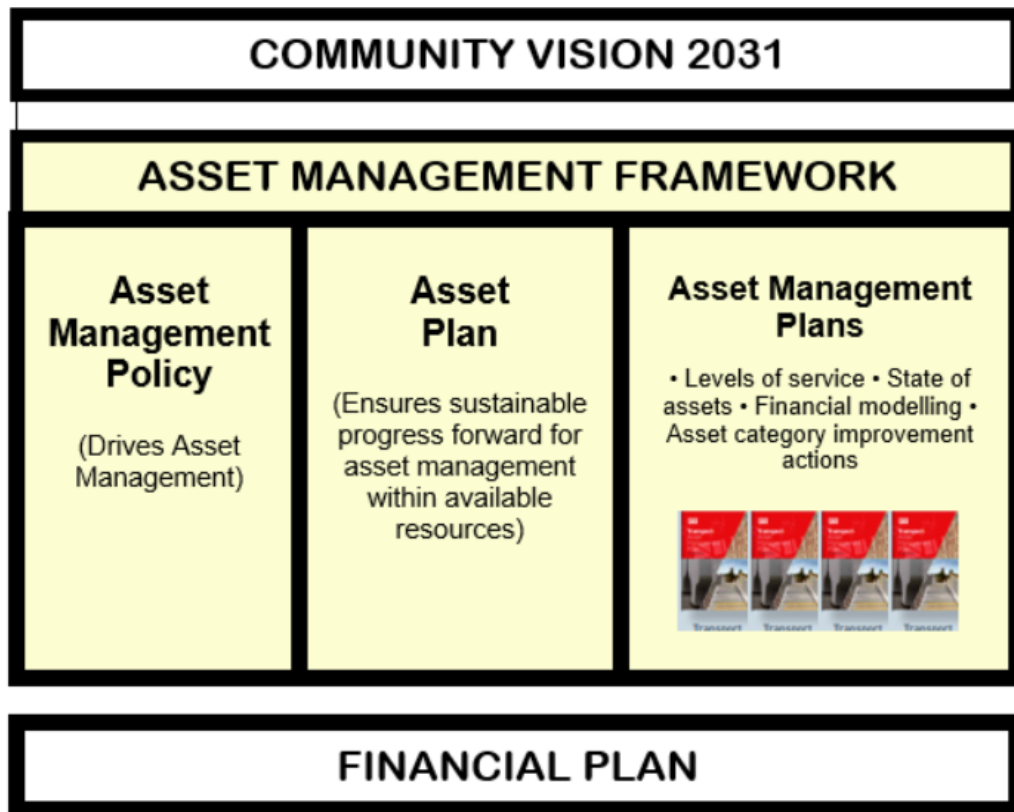


Figure 1 Asset Management Framework

The following documents form the Asset Management Framework:

- **Asset Management Policy** – Council's commitment to manage its assets in a sustainable way, to assist in the achievement of Council's vision and meet the service and infrastructure needs of the community.
- **Asset Plan** – Is a public facing document informing the community on how Council manages infrastructure and other assets to achieve the Council Plan objectives and Community Vision.
- **Asset Management Plans** - Supports the Asset Plan and the implementation of the Asset Management Policy with the provision of levels of service and overall lifecycle planning for all nominated asset classes. The current asset management plans are listed below:
 - Infrastructure
 - Part A - Roads (draft October 2023)
 - Part B - Pathways (adopted June 2020)
 - Part C - Bridges (adopted June 2020)
 - Part D - Drainage (draft August 2023)
 - Open Space (adopted February 2022)
 - Buildings (adopted July 2023)
 - Plant and Equipment (not yet authored)

The development of the AMP Drainage will build on current prioritisation of renewal works across each asset class. It will also provide the basis for setting the level of service provision to the community.

Issues

Levels of Service

Levels of service are used to balance the management of public infrastructure with community needs and wants, and with what the community can afford. The AMP Drainage has attempted to define levels of service in a qualitative manner as well as provide a reactive approach driven by the customer satisfaction survey and customer complaints.

The levels of service have been informed by AMPs from Councils similar to Mount Alexander Shire Council. Levels of service were also produced with reference to industry standards and guidelines such as the Infrastructure Design Manual, Institute of Public Works Engineering Australasia Practice Notes, and the VicRoads Road Structures inspection manual.

Within the levels of service included in the AMP Drainage, there are both community and technical levels of service identified. The setting of the levels of service is influenced by budget provisions for managing each asset class. They have been set at conservative levels (with intervention levels that are achievable given the proposed level of investment).

The levels of service are also limited by our ability to collect data and therefore measure performance against each element and have been tailored to ensure that they are measurable by Council officers using available systems and resources.

The levels of service derived within this plan will be a test case in measuring affordability and deliverability within the drainage asset class.

Funding Allocation

The Financial Plan 2022/2023 to 2031/2032 (the Financial Plan) provides the recommended funding for each asset class annually. Currently the Financial Plan provides a single forecast budget allocation for drainage which includes renewal, upgrade, and new assets, this forecast budget is shown in Table 1 below.

Table 1 – Financial Plan forecast budget allocation

Item	Financial Year (,000)									
	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33
Drainage	\$910	\$796	\$818	\$800	\$877	\$992	\$1,038	\$945	\$930	\$930

Currently, there is no allocated drainage renewal budget or forward renewal program with drainage renewal works undertaken on a reactive basis when the asset fails. The AMP Drainage has explored the following renewal funding scenarios:

- **Scenario 1:** Funding based on \$50,000 per year plus 4% CPI each year.
- **Scenario 2:** Funding based on \$100,000 per year plus 4% CPI each year.
- **Scenario 3:** Unbound Funding to achieve condition service level objectives.
- **Scenario 4:** Zero funding reactive only (current situation).

All scenarios show a renewal backlog steadily for the 14 years, before rapidly increasing beyond this. The magnitude of the backlog each year varies based on the scenario. The AMP Drainage recommends a dedicated funding allocation for drainage asset renewal based on Scenario 2 \$100,000 (plus 4% CPI) annually, to enable proactive renewal works and implementation of associated service levels. The AMP Drainage also recommends maintaining the annual drainage asset maintenance budget of approximately \$400,000.

Further details of the propose funding scenario and associated renewal backlog are provided in the “Finance and Resource” section below.

Asset Management

The modelling undertaken has indicated that asset condition has low sensitivity to funding levels except at the extremes. This is primarily influenced by the long drainage asset life and the high intervention criteria (condition 5) set in the model.

Under the current renewal process where works are undertaken on a reactive basis (zero annual funding), the resulting forecast asset condition is represented by Figure 1.

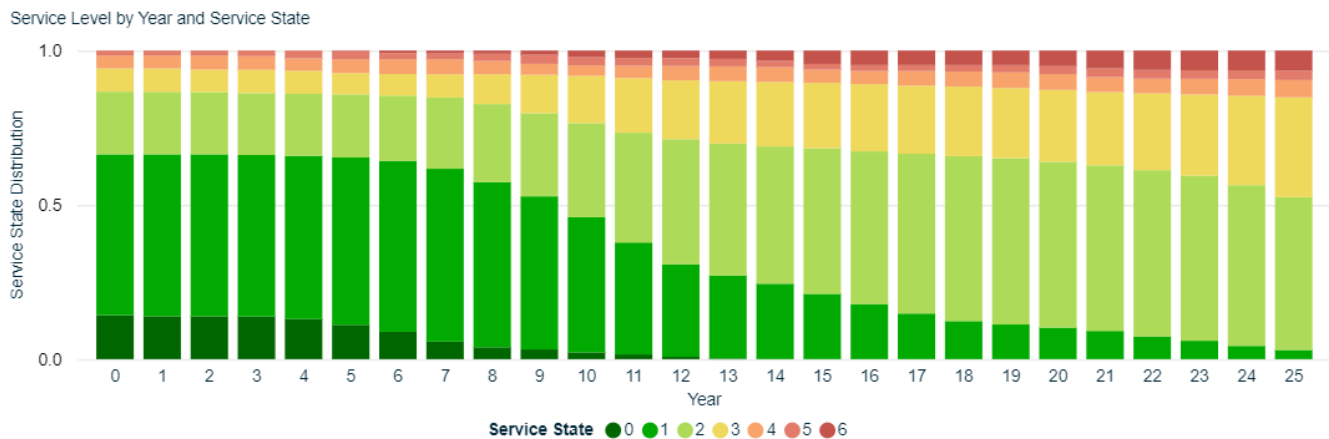


Figure 1 – Forecast drainage asset condition based on zero funding allocation (by % of Network)

Note that assets begin to reach condition 6 (or end of life) from year 10 onwards with continual increase out to year 25.

Under the proposed funding Scenario 2 where there is a programmed renewal and yearly allocated funding the forecast asset condition is represented by Figure 2.

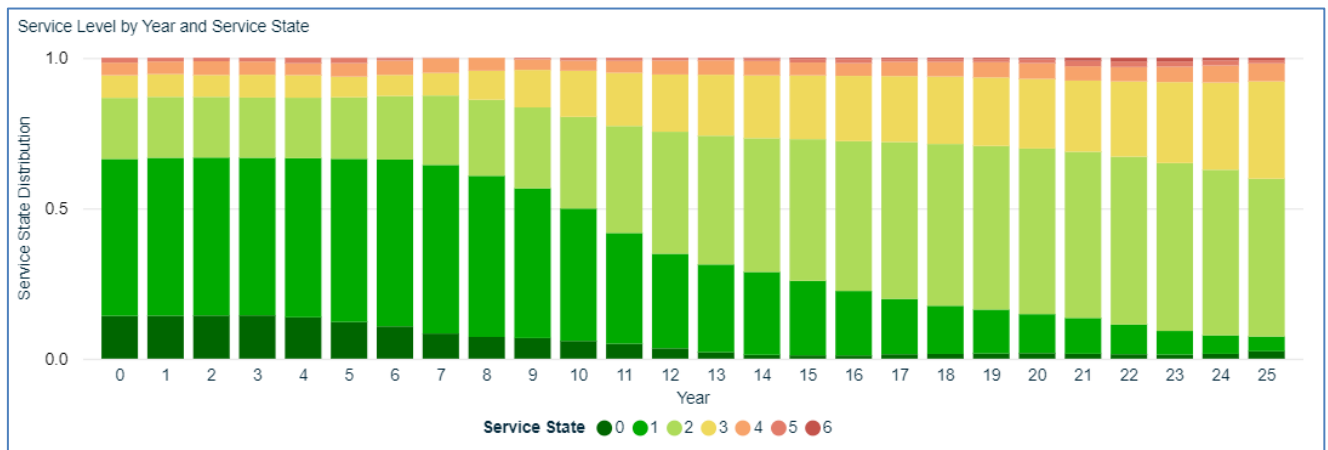


Figure 2 – Forecast drainage asset condition based on proposed funding allocation (by % of Network)

While there is continued gradual decline in the asset condition, no assets reach Condition 6 and very few reach Condition 5 over the 25-year period.

The proposed funding Scenario 2 provides clear evidence of significant asset condition benefits over the 25-year forecast duration while being financially sustainable and reducing the likelihood of reactive maintenance.

Improvement plan

During the development of the AMP Drainage several improvements were identified, these have been captured within an improvement plan under Section 8 of the AMP. Some of the key improvements identified were:

- Further development of the Levels of Service proposed.
- Review of outstanding data gaps.
- Establishing a dedicated drainage renewal budget line item and allocation.

These improvements will be ongoing hopefully most can be completed within the four-year period before the next AMP Drainage review.

Finance and Resource Implications

The AMP Drainage will guide future investment in renewal of drainage infrastructure. This will be revisited at a minimum every four years when conditions audits are repeated. Overtime with improved condition knowledge and data, asset condition and financial modelling will become more accurate.

The AMP Drainage recommends defining annual maintenance, renewal, and upgrade/new funding allocations for the drainage asset class in the Financial Plan represented in Table 1. The AMP Drainage recommends maintaining the annual maintenance allocation of approximately \$400,000 and providing a dedicated renewal funding allocation of \$100,000 plus 4% CPI each year (Scenario 2).

The recommended funding level represents a strong balance between Council's service level aspirations and financial sustainability. Under the proposed funding scenario, the renewal backlog shows improvements for the first 10 years with jumps at year 15 and 20, the backlog is provided in Figure 3 below.

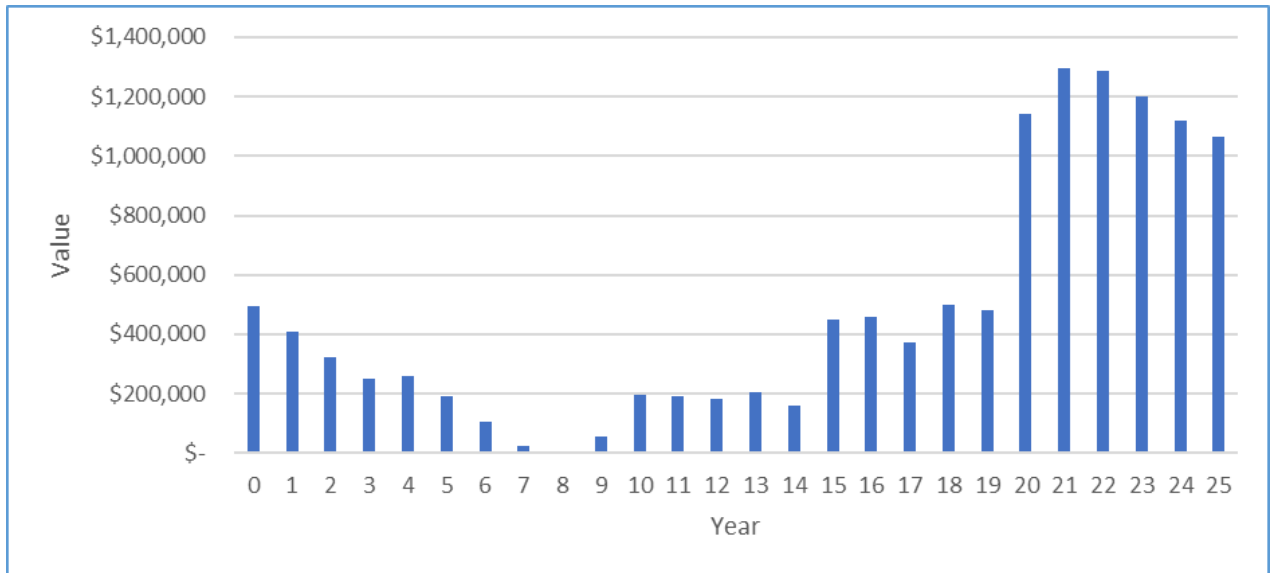


Figure 3 – Renewal backlog based on proposed funding profile

As previously highlighted current allocations in Financial Plan do not provide a dedicated renewal budget to achieve the identified levels of service for drainage. The proposed funding levels while being sustainable will mitigate the likelihood of catastrophic failures (reactive maintenance) in the future.

Risk Analysis

Asset risk:

The AMP Drainage helps to reduce Council's risk by:

- Ensuring sustainable investment that is appropriately allocated.
- Providing transparency in service levels provided to the community.
- Preventing catastrophic asset failures.
- Enabling Council to maximise the life of the asset class.

The AMP Drainage will enable Council Officers to commence the tracking of performance of drainage assets against the agreed levels of service, thereby providing a level of transparency to Councillors and the community. This performance has not historically been tracked.

Reputation risk:

The AMP Drainage will help focus drainage asset maintenance and capital works effort for the benefit of the community. It will enable more transparency with respect to funding allocation as well as performance and will help the community understand the basis of these allocations, as well as the size of the asset portfolios in each asset class.

The expectations of the community will not necessarily align with affordability and consequently what the community believe levels of service should be.

Climate Impact Statement

Climate change and asset resilience are considered during the design phase of capital works projects. The cost of climate change on managing assets (such as, the potential need for

increased maintenance and renewal) is not currently captured by the modelling undertaken as part of this AMP Drainage.

Future reviews are likely to be able to provide improvements in this area as condition modelling improves.

Alternate Options

Council may choose not to adopt an AMP Drainage. This is not recommended as the AMP Drainage, informs the accuracy of strategic plans such as the Financial Plan and Council Plan.

It is also relevant in that the holistic document library that is the Asset Plan may be considered not complete.

Communication and Consultation

We will keep our community informed, listen to and acknowledge concerns and aspirations, and provide feedback on how community input influenced the decision. We will seek community feedback on the updating of community levels of service, which will inform future updates to the AMP Drainage.

Legislation

Council manages its assets to comply with the following key Legislation, Acts, Standards, Guidelines and Regulations:

- *Local Government Act 1989*
- *Local Government Act 2020*
- *Planning and Environment Act 1987*
- *Occupational Health and Safety Act 2004*
- *Disability Act 2006*
- *The Building Act 1993*
- *Road Management Act 2004*

Strategies and Policy Impacts

Council Plan 2021-25

Pillar 2 – A flourishing environment for nature and people.

Objective: Our community is growing in harmony with nature

Strategy: Review, Maintain, renew, and expand sustainable assets of our community

Relevant policies, strategies and plans

- Asset Plan 2022
- Asset Management Policy 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 Officer's involved in reviewing this report, having made enquiries with the relevant members of staff, reports that there are no conflicts of interest to be disclosed.

12.3. Economy

12.3.1. PLANNING PERMIT APPLICATION PA177/2022 - 393 SIMMONS ROAD BARINGHUP

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Senior Planner, Daniel Spark

Attachments:

1. Site context plan [12.3.1.1 - 1 page]
2. Plan of subdivision [12.3.1.2 - 1 page]
3. Planning submission [12.3.1.3 - 16 pages]
4. Farm Management Plan [12.3.1.4 - 17 pages]
5. Business and Analysis report [12.3.1.5 - 7 pages]
6. Strategic Planning - Response to P A 177 2022 [12.3.1.6 - 3 pages]
7. Agriculture Victoria - Response to Mount Alexander P A 177 2022-08092022 [12.3.1.7 - 9 pages]

Executive Summary

The purpose of this report is to enable Council to make a determination on an application that seeks a two-lot subdivision (dwelling excision) at 393 Simmons Road, Baringhup. The application has been referred to Council for a decision as the Council officer recommendation is to refuse the application.

The subject site is located within the Farming Zone and is partly affected by an Erosion Management Overlay and an Environmental Significance Overlay pursuant to the Mount Alexander Planning Scheme.

The application has been assessed and considered to be contrary to the relevant sections of the Planning Policy Framework and the Farming Zone in relation to the retention of agricultural land. Therefore, Council officers recommend that Council form a position to refuse this application.

RECOMMENDATION

That Council resolves to issue Notice of Refusal PA177/2022 for a two-lot subdivision (dwelling excision) at 393 Simmons Road, Baringhup on the following grounds:

- 1. The proposed two lot subdivision (dwelling excision) is contrary to the purpose and decision guidelines of the Farming Zone at Clause 35.07-6 as it:**
 - a) does not provide for the use of land for agriculture or encourage the retention of productive agricultural land,**
 - b) may facilitate the construction of non-agricultural uses (dwellings) which will adversely affect the use of land for agriculture,**
 - c) will limit the operation and expansion of adjoining and nearby agricultural uses.**

- 2. The proposed subdivision is contrary with the Planning Policy Framework, including to Clause 02.03-4 (Natural resource management Agriculture), Clause 14.01-1S (Protection of agricultural land) and Clause 14.01-1L (Protection of agricultural land) as the subdivision does not:**
 - a) promote agriculture and horticulture as the primary land uses in the Mount Alexander Shire.**
 - b) encourage the consolidation of existing titles to maintain the viability of farming uses.**
 - c) discourage boundary re-alignment except if they are minor adjustments to take account of physical, human made or topographical features on the site.**
 - d) discourage subdivision that will lead to a concentration of lots and change the general land use and character of the rural area.**
 - e) discourage subdivision within potable water supply catchment areas in the Farming Zone in order to protect water quantity and quality.**
 - f) avoid the fragmentation of productive agricultural land through the development of dwellings and subdivision (including dwelling excisions) to maintain the productive capacity of the land.**

- 3. The subject land is not considered to be suitable for subdivision and does not represent an orderly planning outcome which is contrary to the decision guidelines of Clause 65.02 (Approval of an Application to Subdivide Land) of the Mount Alexander Planning Scheme.**

MOVED COUNCILLOR HENDERSON

That the recommendation be adopted

SECONDED COUNCILLOR MCCLURE

CARRIED.

Councillor Cordy called a Point of Order that the applicant has a right to build an additional dwelling on the property due to the property being over 100 acres in size.

The Director Infrastructure and Development took this on notice.

COUNCILLOR MALTBY CALLED FOR A DIVISION.

Councillors for: Cordy, Annear, McClure And Henderson.

Councillors against: Gardner, Maltby And Driscoll.

In accordance with clause 11.2.1 of the Governance Rules 2023, the Mayor adjourned the proceedings for 10 minutes at 8.50 pm.

All Councillors returned and the meeting resumed at 9.01 pm.

Summary

Application details:	Two lot subdivision (dwelling excision)
Application No:	PA177/2022
Applicant:	Musgrave-Evans & Gilbert Consulting P/L
Land:	393 Simmons Road Baringhup VIC 3463
Relevant Provisions of the Planning Policy Framework:	Clause 2.03-4: Natural Resource Management Clause 12.01-1S: Protection of Biodiversity Clause 12.03-1S: River corridors, waterways, lakes, and wetlands Clause 12.05-2S: Landscapes Clause 14.01-1S: Protection of Agricultural Land Clause 14.01-1L: Protection of Agricultural Land Clause 14.02-1S: Catchment Planning and Management
Zoning:	Farming Zone
Overlays:	Erosion Management Overlay (EMO) Environmental Significance Overlay Schedule 5 (ESO5)
Particular / General Provisions	Clause 65.02: Approval of an Application to Subdivide Land.
Permit Triggers:	Clause 35.07-3 of the Farming Zone – A permit is required to subdivide land. Clause 44.01-5 of the Erosion Management Overlay – A permit is required to subdivide land. Clause 42.01-2 of the Environmental Significance Overlay – A permit is required to subdivide land.
Notice:	Application was advertised on 29 November 2022 by means of two signs on site and mail to adjoining owners and occupiers.
Referrals:	<ul style="list-style-type: none">• Goulburn Murray Water• Coliban Water• Council's Environmental Health Unit• Council's Infrastructure Unit• Agriculture Victoria (advisory service only)• Public and Environmental Health Unit
No. of Objections:	No objections
Consultation Meeting:	None
Key Considerations:	<ul style="list-style-type: none">- Appropriateness of the subdivision within the Farming Zone- Compliance with the Planning Policy Framework- Compliance with Clause 65.02 (Approval of an Application to Subdivide Land)

Context

Site and Surrounds

The subject site is in Baringhup and straddles Simmons Road. This property constitutes all the land in Certificate of Title - Volume 10929 Folio 242, being all the land in Plan of Consolidation PC369300S. The parcel of land is currently used for farming purposes and consists of two non-separately transferrable parts with the total area of the site being 183.8 hectares. The part on the eastern side of Simmons Road currently accommodates a dwelling and is 80.31 hectares in area and is the subject of this application.

No restrictive covenants are registered on the title. The site contains an existing dwelling located immediately to the north of the Baringhup Township.

The surrounding properties are made up of similar agricultural properties, also in the Farming Zone. More broadly, the land to the southwest is zoned Township Zone.



Figure 1. Existing Lot Layout.

Proposal

The details of the proposal are as follows. The existing lots are approximately as follows (Figure 1 above):

- PL369300 – 183.8ha.

The proposal is seeking to create the following allotments (Figure 2):

- Lot 1 – 1.50 ha
- Lot 2 – 182.3 ha



Figure 2. Proposed Subdivision Layout

A copy of the submitted site context plan forms Attachment 12.3.1.1 of this report.

A copy of the submitted proposed plan of subdivision forms Attachment 12.3.1.2 of this report.

A copy of the submitted planning report forms Attachment 12.3.13 of this report.

A copy of the submitted Farm Management Plan Attachment 12.3.1.4 of this report.

A copy of the submitted Business and Analysis report Attachment 12.3.1.5 of this report.

Cultural Heritage Sensitivity

A known waterway and subject to Cultural Heritage Sensitivity area is located within the subject site. Aboriginal Heritage Regulations 2018. A Cultural Heritage Management Plan is not required Subject to Regulation 49 of the as the subdivision is not considered a High Impact Activity under Reg 49(1)(b) and located approximately 700 metres from the sensitive area.

Issues

In this instance, the key issues for consideration relate to the appropriateness of the proposed subdivision in the farming zone.

Farming Zone

The subject site is located within a Farming Zone where the purpose of the zoning includes:

- 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.

Pursuant to the Farming Zone, a permit is required to subdivide land. The schedule to the Farming Zone contemplates a minimum lot size of 40 hectares. However; smaller lots may be created where the subdivision is a re-subdivision of existing lots, the lots contain an existing house, or the number of lots is not increased.

Pursuant to the schedule of the Farming Zone, the use of the land for a dwelling is “as of right” where a property is greater than 40 hectares. The proposed subdivision subdivides an existing allotment to excise a dwelling on a lot significantly smaller than the desired 40 hectares.

The applicant has provided a Farm Management Plan at the request of Council on 7 March 2023 during a briefing. This Farm Management Plan was additionally assessed by Officers and does not justify the need for a subdivision to support agricultural activities on the land. The Farm Management Plan was also referred to Agriculture Victoria and Council’s Strategic Planning Department who agree with the Officer’s opinion.

The submitted Farm Management Plan explains the land is currently used as mixed cropping and livestock enterprise, and currently has a dwelling used as a holiday rental on the property as an additional income stream. Furthermore; it explains that the dwelling excision is required to support the ongoing farm operation. The Plan provides that in practical and financial terms, the subdivision makes it possible to keep the farm intact and ongoing. The Plan also states there is no intention to undertake continued new buildings or dwelling excisions, and as the proposed excision supports a retirement and succession plan and that the permit would ensure the continuation of the farm and the property for another generation.

The above points are in contradiction with what the planning scheme allows and prove there is no guarantee the farm will not be sold off and further developed or subdivided. Thus, if subdivided would allow an additional dwelling and ongoing amenity issues between residential and agricultural uses. The proposed subdivision is considered to be contrary to the purpose and decision guidelines of the Farming Zone as the proposed subdivision:

- does not prioritise the use of land for agriculture and support and enhance meaningful agricultural production

-
- may facilitate the construction of dwellings on the allotments where it is policy to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture
 - has the potential to limit the operation and expansion of adjoining and nearby agricultural uses

Local and State Policy Direction

The proposed subdivision has been assessed against and is considered to be contrary to the relevant sections of the Planning Policy Framework. The Mount Alexander Planning Scheme contains extensive policy addressing the importance of agricultural land in the shire as follows.

Clause 02.03-4 (Natural resource management Agriculture) states:

“Agriculture is the main rural land use by area across most rural areas of the Shire. The dominant agricultural use is broad acre grazing of cattle and sheep. Extensive cereal cropping occurs on large holdings of alluvial land and gently sloping sedimentary land in the south-west of the Shire.

There is a concern that productive agricultural land is being lost to non-agricultural uses, especially to rural living and low-density residential development. Dwellings in rural areas can also lead to amenity conflicts with existing agricultural activities and potentially impede their operation.

Council’s strategic directions to protect agriculture are:

- *Protecting agricultural land of local and regional strategic significance.*
- *Promoting agriculture and horticulture as the primary land uses in the Shire.*
- *Avoiding the fragmentation of productive agricultural land through the development of dwellings and subdivision (including dwelling excisions) to maintain the productive capacity of the land.*
- *Discouraging the use and development of land that could create conflict with existing agricultural activities.*
- *Controlling the unplanned loss of agricultural land to rural living and residential uses.*
- *Protecting the irrigation and groundwater resources that support intensive agriculture and horticulture.*
- *Restructuring old and inappropriate subdivisions.*
- *Discouraging new dwellings and subdivisions that excise a dwelling that adversely impact the agricultural activities carried out on the land and neighbouring sites.”*

In addition, Clause 14.01-1S (Protection of agricultural land) states it is an objective of the Planning Scheme to *protect the state’s agricultural base by preserving productive farmland.*

In order to achieve this objective, Council must:

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.

-
- 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.
 - Protect productive farmland that is of strategic significance in the local or regional context.
 - Protect productive agricultural land from unplanned loss due to permanent changes in land use.
 - Prevent inappropriately dispersed urban activities in rural areas.
 - Protect strategically important agricultural and primary production land from incompatible uses.
 - Limit new housing development in rural areas by:
 - Directing housing growth into existing settlements.
 - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
 - Encouraging consolidation of existing isolated small lots in rural zones.
 - Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.
 - In considering a proposal to use, subdivide or develop agricultural land, consider the:
 - Desirability and impacts of removing the land from primary production, given its agricultural productivity.
 - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
 - Compatibility between the proposed or likely development and the existing use of the surrounding land.
 - The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
 - Land capability.
 - Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.
 - Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.
 - Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

Lastly, Clause 14.01-1L (Protection of agricultural land) provides the following policy direction:

- Encourage the consolidation of existing titles to maintain the viability of farming uses.

-
- Discourage boundary re-alignments except if they are minor adjustments to take account of physical, human made or topographical features on the site.
 - Discourage subdivision that will lead to a concentration of lots and change the general land use and character of the rural area.
 - Discourage subdivision within potable water supply catchment areas in the Farming Zone in order to protect water quantity and quality.

The subject site is currently made up of one large parcel of land in one ownership which is considered to be valuable agricultural land.

No soil report has been provided with the application.

The Mount Alexander Shire Rural Land Strategy (2014) indicates that the site is considered to be of low to moderate agricultural diversity as it is located in the southern areas of the granitic uplands which prove difficult due to rocky soils to effectively farm certain types of agriculture, such as irrigation type produce. As per the Rural Land Study (2014), this encourages agricultural uses such as grazing, cropping or hay to be the primary land use, and thus would encourage larger lot sizes for productive functioning.

The Rural Land Strategy suggests that a Low Agricultural Quality rating is not a reason to prevent agriculture from occurring, for example, this does not mean the land is incapable of or must not be farmed. The rating system is specifically designed to highlight the level of diversity capable of the land to support different types of agriculture. As highlighted in the study, the subject site is located in the Land Management Units: Granite Rolling landscape. The characteristics of this area are undulating plains to low hills (slopes 2% to 15%) with up to 10-20% rock cover. The type of agriculture capable within this site includes sheep and cattle grazing of larger holdings, with cropping and orcharding on smaller holdings.

The surrounding land can be considered in the same regard as the existing site. The landforms are typically grazing lots or vacant allotments with scattered mid-level density vegetation and established grasslands. The elevations of surrounding land match that of the proposal property with significant valleys in creek lines and undulating upland granitic land.

It is; therefore, considered that approval of a dwelling excision would facilitate the individual sale and residential development of the properties, which would then jeopardise the agricultural viability of the land which is likely to rely on large scale agricultural use.

The proposed subdivision does not protect agricultural land from unplanned loss and fragmentation and will result in permanent changes in land use. These changes will allow for an additional dwelling to become an 'as of right' use.

Lastly, the proposed subdivision does not encourage new housing development in rural areas by directing housing growth into existing settlements and encouraging the consolidation of existing isolated small lots in the rural zone.

It is therefore considered that the proposed subdivision is contrary to the Planning Policy Framework and should be refused by Council.

Compliance with Clause 65.02 (Approval of an Application to Subdivide Land)

Clause 65 – Decision Guidelines of the Mount Alexander Planning Scheme sets out general provisions to be considered in relation to applications to subdivide land, including:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

Consistent with the previous discussion, the proposed subdivision is considered to be contrary to the provision of Clause 65 of the Mount Alexander Planning Scheme noting:

- The subject land is not considered to be suitable for subdivision. Council's policy encourages consolidation of agricultural land.
- The Planning Policy Framework identifies townships to accommodate future housing needs. The subject site is not located within an area identified for growth.

Finance and Resource Implications

The costs associated with representation of a Tribunal Hearing.

Alternate Options

Council could issue a Notice of Decision to Grant a Planning Permit, although the proposal is not considered to represent an orderly planning outcome and does not contribute to net community benefit.

Should the application be supported, Council officers recommend the inclusion of conditions requiring the provision of detailed individual Land Management Plans to ensure the environmental values of the property are protected and that the land is appropriately managed into the future without detrimentally impacting adjoining agricultural land.

Communication and Consultation

Advertising of the application was undertaken by means of letters to adjoining owners and occupiers, in addition, a sign was placed of the property. No objections were received.

Legislation

Planning and Environment Act 1989

Strategy and Policy Impacts

Council Plan 2021-2025

Relevant Planning Policy implications have been discussed above.

Declarations of Conflict of Interest

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

No conflicts of interest

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

12.3.2. PLANNING SCHEME AMENDMENT C99MALX - ADOPTION, AUTHORISATION, EXHIBITION

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Coordinator Strategic Planning, Lauren Watt

Attachments: 1. Authorisation documentation combined for Council meeting - Amendment C 99 malx - August 2023 [12.3.2.1 - 12 pages]

Executive Summary

The purpose of this paper is to seek Council support to request authorisation from the Minister for Planning to prepare an amendment to the Mount Alexander Planning Scheme (Amendment C99malx).

This amendment seeks to correct inconsistencies in the Mount Alexander Planning Scheme (the Planning Scheme) associated with the Heritage Overlay and the Operational Provisions.

These inconsistencies were identified following the implementation of previous Amendment C97malx (an amendment which sought to correct errors and anomalies within the Planning Scheme).

RECOMMENDATION

That Council:

- 1. Approves to seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C99malx to the Mount Alexander Planning Scheme to correct inconsistencies, in line with the supporting documents attached to this Briefing paper.**
- 2. Approves to exhibit the Planning Scheme Amendment following authorisation from the Minister for Planning to prepare the Amendment.**

MOVED COUNCILLOR GARDNER

That the recommendation be adopted

SECONDED COUNCILLOR MALTBY

CARRIED.

Context

Following the gazettal of Amendment C97malx (4 May 2023), there were several inconsistencies identified which arose out of this amendment.

Amendment C99malx addresses these inconsistencies, which are associated with the Heritage Overlay and Operational Provisions of the Planning Scheme.

Issues

The specific changes proposed to be made to the Planning Scheme through Amendment C99malx includes:

- Amend the Schedule to Clause 74.02 (Further Strategic Work) to remove the dot point relating to the rezoning of the Calder Freeway area, given this rezoning was completed as part of Amendment C97malx. The dot point currently reads: “Engaging with VicRoads to ensure that the reservation of the Calder Freeway is appropriately zoned.”
- Correct Planning Scheme Maps for places in the Heritage Overlay (see maps in Attachment 1) to ensure that the correct Heritage Overlay is applied to the property.

The Heritage Overlay mapping changes proposed as part of this amendment affects ten properties within the Shire (see Appendix 1 – ‘Mapping reference table’ in Attachment 12.3.2.1) This provides a list of these properties and the associated changes, including the background to the Heritage Overlay mapping inconsistencies).

Of these properties, two are owned publicly by Council (42 High Street, Maldon), and the Country Fire Authority (85 High Street, Maldon). There are also some areas affected which are contained within Council road reserve areas. The remaining properties are privately owned.

Finance and Resource Implications

Amendment C99malx is likely to assist in reducing the resource and administrative costs to Council, given it will create a more accurate planning scheme.

The preparation of the amendment documentation has been carried out by the Regional Planning Hub, with support and assistance provided by current Strategic Planning staff resources.

The next steps in the amendment process will be carried out by the Strategic Planning unit utilising current staff resources. These steps include:

- Seek authorisation from the Minister for Planning to prepare the Amendment.
- Public notification (exhibition) of the Amendment.

The Strategic Planning unit will have the capacity to progress these next steps given the administrative nature of the Planning Scheme Amendment.

Any amendment fees are to be funded by the Strategic Planning operating budget in 2023/2024.

Risk Analysis

In broad terms, the Planning Scheme Amendment is considered to be low risk, given its policy-neutral and administrative nature.

Strategic risk:

Given all property owners directly affected by the Amendment will be notified, this provides the opportunity for these landowners to make a submission to the Amendment. If a submission to the Amendment seeks a change to the amendment documentation, it may need to be referred to an independent planning panel for review.

However, this is not likely to occur given the proposed changes are administrative in nature, addressing clear inconsistencies in the Planning Scheme which arose out of a previous amendment (Amendment C97malx).

Reputational risk:

As the Amendment seeks to fix errors that were a result of a recent, previous Planning Scheme Amendment, there is some reputational risk. This is to be managed by providing clear information about how the errors came about and ensuring that the errors are fixed by following through with this subsequent Amendment.

Climate Impact Statement

Mount Alexander Shire is vulnerable to weather events that will be magnified by a changing climate. Given the policy-neutral nature of this Amendment, it is not expected that there will be any detrimental impacts on the land and broader environment.

Alternate Options

The alternative option is to not seek authorisation from the Minister for Planning to proceed with the proposed Planning Scheme Amendment. This is not recommended as the Amendment will ensure that the Planning Scheme is administered correctly and the Planning Scheme mapping accurately reflects land use and built form.

Further, progressing the Amendment will ensure that places are not left vulnerable and have the appropriate planning controls (specifically, the correct Heritage Overlay) applied.

Communication and Consultation

Given the administrative nature of the amendment, a 'reduced' exhibition process will occur (under Section 19 of the *Planning and Environment Act 1987*). This exhibition period will ensure that only those parties directly affected by the amendment will be notified, in addition to other relevant notification requirements as set out in Section 19 of the *Planning and Environment Act 1987*.

This will include directly notifying:

- Relevant agencies and authorities including Heritage Victoria, the Department of Transport and Planning, the Country Fire Authority, Council's Property Portfolio Coordinator, and prescribed Ministers.
- Property owners whose land the Amendment directly affects.
- Dja Dja Wurrung Clans Aboriginal Corporation, given the proposed Amendment affects land within a Recognition and Settlement Agreement Area.

Legislation

Planning and Environment Act 1987

Section 4(1) of the *Planning and Environment Act 1987* sets out the objectives of planning in Victoria, the first of which is to provide for the fair, orderly, economic and sustainable use, and development of land. Correcting inconsistencies associated with the Planning Scheme ensures that use and development of land is appropriate.

Section 8A(2) of the *Planning and Environment Act 1987* stipulates that a municipal council may only prepare an amendment to a planning scheme if it is authorised to do so by the Minister for Planning. This report seeks a resolution to request authorisation from the Minister for Planning.

Section 12 of the *Planning and Environment Act 1987* requires planning authorities to (among other things) provide sound, strategic and coordinated planning of the use and development of land in its area, regularly review the provisions of the planning scheme for which it is a planning authority and prepare amendments to a planning scheme. The Amendment will assist in the efficiency of the Mount Alexander Planning Scheme by addressing inconsistencies associated with the Heritage Overlay.

Section 19 of the *Planning and Environment Act 1987* sets out what notice a planning authority must give. Relevant authorities and agencies, in addition to landowners directly affected by the proposed changes as part of this Amendment, will be notified of the Amendment.

Strategies and Policy Impacts

Council Plan 2021-2025

Environment - A flourishing environment for nature and people.

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

By addressing inconsistencies associated with the Heritage Overlay as part of this Amendment, this will ensure that these places are appropriately protected for their heritage values and not left vulnerable to inappropriate development.

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.

12.3.3. OUTDOOR TRADING POLICY

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Manager Development Services, Georgina Johnston

Attachments: 1. Policy Outdoor Trading November 2023 Draft [**12.3.3.1** - 6 pages]

Executive Summary

The purpose of this report is to present the Outdoor Trading Policy for adoption. The policy has been developed considering the balance between universal pedestrian access, carparking and trading activities, and sets out the allowable trading on Council managed land including footpaths and other parts of the road reserve.

Outdoor dining arrangements were expanded during COVID-19. These arrangements are expiring, and the Outdoor Trading Policy sets out how Council manages these activities into the future, including new fees which offset administration and enforcement costs.

The Outdoor Trading Policy allows a range of trading on Council managed land supported by procedures which define specific requirements that will determine the appropriateness of each application. New fees will offset administration and enforcement costs.

RECOMMENDATION

That Council:

- 1. Adopts the Outdoor Trading Policy.**
- 2. Adopts the establishment of an annual parklet fee at \$535.00 for one car space; and \$375.00 for each additional car space.**

MOVED COUNCILLOR MALTBY

That the recommendation be adopted

SECONDED COUNCILLOR MCCLURE

CARRIED.

COUNCILLOR GARDNER CALLED FOR A DIVISION.

Councillors for: Cordy, McClure, Henderson, Annear, Maltby and Driscoll

Councillor against: Gardner

Context

Council's General Local Law September 2020 requires a permit for use of public land and allows for conditions to be included to protect the amenity of the area. The Outdoor Trading Policy (the Policy) will allow footpaths and other parts of the road reserve, such as car parks and laneways, to continue being used for trading and outdoor dining. These changes will apply to the whole Shire, with the main changes relating to parklet inclusion and the provision of a continuous accessible path of travel for pedestrians.

Currently under Council's General Local Law 2020, a Footpath Trading permit is required for businesses wanting to place signage, goods, chairs and tables or other items on footpaths, roads, or Council land. This proposed Outdoor Trading Policy and associated guidelines provide clarity for business owners around how and when this can occur to ensure universal access.

The term universal pedestrian access is consistent with the terminology used within the draft Disability Inclusion Action Plan (scheduled for adoption September 2023) and the federal *Disability and Discrimination Act 1992* ('the Act') and means in this context, creating adequate access for people.

On 6 October 2023, the State Government extended the COVID19 exemptions by 12 months, showing that businesses are still in an economic recovery period from the COVID19 pandemic. The use of the parklets provides further outdoor dining opportunities which not only provides extra economic benefit, but also allows for customers to be seated outdoors, some of whom prefer to be outside rather than inside to reduce the possibility of infection.

Council has a legal responsibility under the Federal *Disability and Discrimination Act 1992* and the Victorian *Disability Act 2006* to ensure the development and maintenance of a continuous accessible path of travel along the footpath. The Human Rights and Equal Opportunity Commission advises that the continuous accessible path of travel (pedestrian zone) should extend from the property or building line, and not from the kerb area. There should be no obstructions within this pedestrian zone to provide the best possible guidance line for all users. The Commission encourages local governments, with responsibility for footpaths, to develop policies that reflect this best practice.

To achieve best practice, Council will ensure where practicable compliance with the Australian Standard 1428 Design for Access and Mobility (AS1428 Part 1 and 2) as required in the Act. Pedestrian zones along footpaths need to provide a safe, clear, and consistent pathway to meet the statutory requirements. Any street furniture, signage, trader activities, or displays are encouraged to be placed in the trading activity zone where practicable, this creates the pedestrian zone as illustrated below:

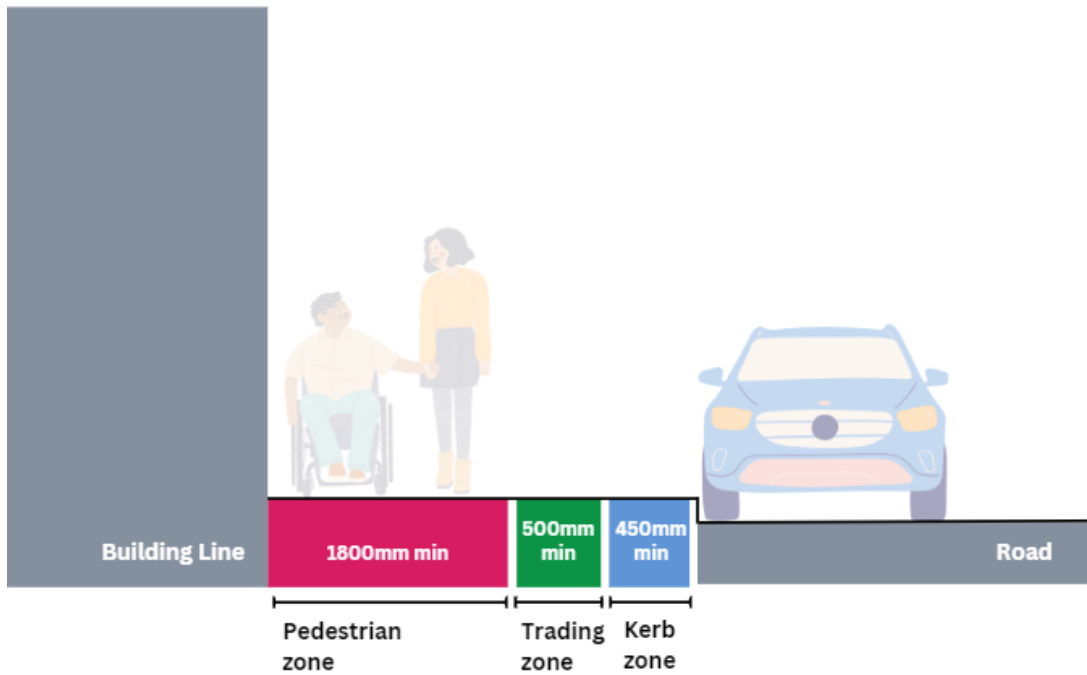


Figure 1: Pedestrian Zone from the draft outdoor trading guidelines.

Issues

Universal access

The Trader and Council are vulnerable to complaints and fines under anti-discrimination legislation for failing to provide a clear and safe passage if we neglect to ensure a clear pedestrian zone.

In instances where applicant businesses are not able to provide a 1.8 metre clear pedestrian zone, officers will work with them to find a solution that offers a minimal impact on pedestrian access. This allows flexibility where a pedestrian zone along the building line poses more of a safety risk due to heritage features e.g., grilles along the building line.

The enforcement of the pedestrian and trading zones will be undertaken as per existing procedures for enforcement of footpath trading permits.

Parklets

The existing parklets established within the Castlemaine Central Business District have been embraced by the community and traders and continue to be used daily.

To create revenue for Council to assist with the preservation of our existing parklets to ensure we can enforce maintenance to ensure amenity, it is recommended Council include the parklets in the proposed footpath trading permit process and to charge an annual fee.

In determining an appropriate fee for the ongoing provision of parklets and infrastructure, Council officers have consulted the pricing structures for the use of Council land. Current fees for using a car space under the works on council land permit are:

- \$33.10 (per space, per day)
- \$151.10 (per space, per week)
- \$310.50 (per space, per month)

Considering these fees are based on a short-term duration, applying the existing fees was thought to be too prohibitive for businesses, and not reflective of the cost to Council. A more moderate pricing structure is proposed which considers the annual timeframe and the social and economic benefit that parklets provide to the community and traders.

It is proposed that a new annual fee for parklets is adopted at the proposed rate of:

- \$535.00 for one car space; and
- \$375.00 for each additional car space

In considering the proposed rates, Council Officers undertook benchmarking with other local governments who follow a similar approach as set in Table 1 below. Many neighbouring rural councils including Hepburn and Macedon Ranges were still developing their own policies to deal with parklets, so a more local comparison was not available.

Table 1: Benchmarking of Parklet charges 2023

Local Government Area	Annual Parklet fees	Notes
Kingston City Council	\$3,249.65 one car space \$5,150.00 two car spaces	Application fee: \$226.60 Additional 6-month options
Merri-bek City Council	\$530.45 one car space \$371.30 each additional car space	Application fee: \$212.20 Additional 6-month options
City of Geelong	Charged annually per table and chairs	No charge for use of car space
City of Bendigo	Removal of parklets	Return to pre-COVID outdoor dining conditions

The Officer recommendation is in line with that of Merri-Bek City Council, and as outlined above, this is recommended because the rate strikes the balance between acknowledging the value of a car space to motorists and surrounding businesses, but also the value of ongoing access to the space for traders who have existing parklets. The fees charged by Kingston City Council are deemed cost prohibitive for our municipality.

Council Officers are not recommending an application fee, in order to minimise costs to businesses.

The impact of the policy on operations will be reviewed internally by the Community Safety and Amenity team in 12 months, while the policy itself will be reviewed in three years if no changes are required. The inclusion of an application fee will be considered at that time.

The parklet fee charge will be in addition to charges for footpath trading which are currently determined by the number of chairs and tables a business has. Once adopted, this fee will be endorsed annually through the budget process.

New Parklet demand

The demand for new parklets is unlikely to be great due to the lack of suitable sites and the cost to businesses in setting up these spaces.

Council will continue to exclude certain sites if they do not meet safety requirements and other considerations including the provision of adequate parking to serve a business area.

Council will no longer provide traffic management plans and risk assessments, infrastructure, or removal, all of which will need to be funded by the applicant businesses.

Car Parking demand

A small number of community members (7% or eight respondents surveyed through Making Space consultation) were keen to reduce the number of parklets due to concern about the availability of parking spaces. However, the provision of parking was investigated in The Castlemaine Streetscape Plan and Design Standards 2021, and there is no evidence to show that current parking is insufficient if time limits are enforced. This enforcement is carried out by regular routine parking patrols, marking up of vehicles in timed areas and ticketing those that overstay or are parked illegally.

Any new parklets would require traffic management plans and risk assessments at the applicant's cost. As a result, Council does not expect any more applications for the establishment of new parklets. Many of those businesses who have expressed interest in parklets through previous expressions of interest found that their sites were not suitable, and other options were explored. These individual discussions with businesses will continue on a case-by-case basis as required.

Finance and Resource Implications

Universal Access

Local Laws are currently well resourced to enforce this matter within their existing processes and procedures for Footpath Trading permits.

There will be a hiatus on enforcement (e.g. fines) for a six-month period to allow for community education in this space. Efforts will be made to work with businesses to understand any barriers to achieving compliance.

Community education through clear communications will be shared across multiple teams including Communications, Local Laws and Economy and Culture. It is anticipated that direct engagement with relevant traders in the central business districts will provide the necessary education required for traders to understand requirements and to assist compliance.

Parklets

If all current businesses with existing parklet spaces retain the parklets, Council will stand to increase revenue by \$3960.00 per annum as outlined in Table 2 below.

Table 2 – Fees for existing Parklets

Parklet	Car spaces	Annual Cost
Theatre Royal	3	\$1285
Wild	1	\$535
Saint Florian	1	\$535
Tortoise	1	\$535
Moxies	1	\$535
Run rabbit Run	1	\$535
	Total	\$3960

These fees will assist in the administration and enforcement of the Policy.

The infrastructure relevant to the existing parklets is covered by Council's insurance as per the endorsement of Council on 13 December 2022. Much of the infrastructure could be sold or donated to community groups if a parklet was no longer wanted by the business, or if Council determines that all parklets should be removed.

Risk Analysis

Universal Access

While moving items away from the building line and closer to the kerb, where practicable, will have implications for some business operations, the risk of not prioritising universal access for the public and customers would be damaging for a business' reputation. Good access is good business, and the Community Partnership and Economic Development teams will continue to share resources and guidance to businesses around this.

Not working to implement the approach advised by the Human Rights and Equal Opportunity Commission around a continuous path of travel would go against the commitments Council has made in the Disability Inclusion Action Plan (adopted at the Meeting of Council 19 September 2023). This could be damaging to Council's reputation.

The potential for business pushback can be mitigated through clear communications building on those for the development of the draft Disability Inclusion Action Plan and leaning on established trust and relationships through Economic Development.

The risk of moving trade goods closer to traffic is mitigated by strict enforcement of the kerbside zone which has been designed specifically to minimise this safety risk.

Parklets

The parklets continue to provide many businesses with income. Council acknowledges that although the pandemic is declared over, businesses continue to rely on these spaces. As previously mentioned in this report, the State Government by its Amendment VC247 acknowledges that business are still recovering from the COVID19 pandemic. Removing the option to use these spaces for customers could have a flow on effect economically for businesses that rely on increased patrons for their income. Having a vibrant and welcoming public space in the Castlemaine central business district brings more people into town and parklets help create this space. Council does not anticipate any additional risk if it decided to retain the parklets.

There is also the added health benefit of increased outdoor dining spaces for many in our community including those that are immunocompromised and/or neurodivergent and prefer to eat outdoors.

Climate Impact Statement

Environmental impact was a key consideration in the original design of parklet spaces. Not only were the elements thoughtfully sourced, the lifecycle of the infrastructure was also designed for longevity and reuse.

Good public spaces and vibrant streets generate positive environmental outcomes, including encouraging active transport. The repurposing of car parks as public spaces reduces reliance on cars and encourages alternative transport modes, contributing to the atmosphere, vitality, and sense of place of the street. Increased social activity also impacts the area's safety.

The Policy is impacted by climate as it increases the opportunity for traders to trade outside. Outdoor dining creates spaces for customers that do not need to be heated or cooled, which has a positive climate benefit in certain periods of the year.

Due to the recommended trading zone being closer to the road and weather, climate will impact traders, including potentially exposing goods to the weather. These effects can be mitigated by traders individually.

Gender Impact Statement

Mount Alexander Shire Council is committed to promoting, encouraging and facilitating the achievement of gender equality and improvement. Council recognises its legal and moral responsibilities in reflecting, analysing and assessing how proposed policies, programs and services might be experienced, or affect women, men and gender-diverse people differently. It is considered that this policy has an indirect and low impact on the community as identified in the *Victorian Gender Equality Act 2020*.

Alternate Options

Council may choose to:

- Not adopt the Outdoor Trading Policy nor to charge a parklet fee. This option is not recommended because the existing guidelines do not meet best practice required by the *Disability and Discrimination Act 1992*; or
- Return car spaces utilised as parklets to motorists. This option is not recommended due to the positive public sentiment and the clear social and economic impacts to businesses and the community; or

-
- Charge reduced or increased fees for parklets. This option is also not recommended as the rate proposed strikes a balance between the issue of keeping the parklets affordable for businesses, whilst also acknowledging the administrative and enforcement obligations of Council.

Communication and Consultation

The development of this policy and guidelines could not have taken place without:

- The support and assistance of the Economy and Culture team.
- The work of Community Partnerships in developing the draft Disability Inclusion Action Plan and associated consultation.
- The Making Space project which allowed us to develop parklets for local businesses and conduct community consultation evidencing both business and community support for retaining them.
- Input from Community Wellbeing in reviewing and providing comments on the draft document.
- Generous conversation with community groups including Mount Alexander Shire Disability Advocacy Group.

Council Officers encouraged businesses with current footpath trading registrations to contribute to community engagement for the Disability Inclusion Action Plan. Further feedback received from both the Mount Alexander Shire Disability Action Group and the wider community engagement of the Disability Inclusion Action Plan indicated that many businesses still have access issues at the entryway of their premises, this could be further improved with the introduction of a continuous path of travel for pedestrians.

The changes proposed in this new policy build upon previous consultations conducted by Council Officers showing strong community support for retaining our parklets. Two rounds of consultation took place in 2021 and 2022 following the Making Space project with overwhelming and ongoing support being evidenced.

Community engagement through the development of the Disability Inclusion Action Plan indicated that there was clear support for and recognition of the need for business access to be addressed.

Council Officers have already started talking to businesses about what these changes may mean for them to better understand potential barriers to compliance. Most businesses consulted have been understanding and supportive of the proposed changes as they see the benefit in being more inclusive.

Legislation

Commonwealth Charter of Human Rights and Responsibilities Act 2006

Food Act 1984

Liquor Control Reform Act 1998

Local Government Act 2020

Mount Alexander Planning Scheme

Mount Alexander Shire Council General Local Law 2020

Planning and Environment Act 1987

Tobacco Act 1987

Road Safety Road Rules 2016

Road Safety Act 1986

Road Management Act 2004

Strategies and Policy Impacts

Council Plan 2021-2025

The proposed Policy and Guideline contribute clearly to the Council Plan 2021-2025 with clear action supporting the following pillars:

A healthy, connected, and inclusive community:

- This includes having good infrastructure such as footpaths, walkable and useable by all, and ensuring services are readily accessible and inclusive for all.

A resilient and growing local economy:

- Partner with local businesses to build a regional, circular economy
- Promote an accessible range of services for all, including children, young people, and families
- Helping businesses make their work simpler and more sustainable
- Support innovative industries and individuals

Municipal Public Health and Wellbeing Plan 2021-2025

Increase Active Living: Supporting the community to take action to get more people physically active.

- Support sustainable clubs and organisations with a focus on providing programming and services for individuals of all abilities.

Reducing Injury: Improve the design of physical environments to ensure accessibility in navigating the Shire

- Design play and open spaces in line with 'universal design' principles

Disability Inclusion Action Plan

- Key Area 1: Equal, respectful, and dignified access
- Key Area 2: Opportunities and access to employment, volunteering, education, and economic participation
- Key Area 3: Promote inclusion and participation in civic life
- Key Area 4: Change the attitudes and practices that lead to discrimination of people with disability.
- Key Area 5: Wellbeing and safety

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.

12.3.4. APPOINTMENT OF NEW AUDIT AND RISK COMMITTEE INDEPENDENT MEMBER

This Report is For Decision

Responsible Director: Chief Executive Officer, Darren Fuzzard

Responsible Officer: Manager Governance and Risk, Leanne Brown

Attachments: Nil

Executive Summary

This report follows the resignation of Ms Linda Scott (McNeill) who was a long-standing member of the Audit and Risk Committee.

RECOMMENDATION

That Council, upon recommendation of the Audit and Risk Committee Interview Panel, appoints Ms Pip Murphy to the Audit and Risk Committee for the period 22 November 2023 to 21 November 2026.

MOVED COUNCILLOR ANNEAR

That the recommendation be adopted

SECONDED COUNCILLOR CORDY

CARRIED.

Context

The Audit and Risk Committee is created under section 53 of the *Local Government Act 2020*. The Committee's Charter governs its activities which includes assisting Council in discharging its oversight responsibilities in relation to the following matters:

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

The Committee's Charter also outlines the membership requirements, which are two Councillors and at least three Independent Committee Members. Currently, the committee has four Independent Committee Members.

Due to the resignation of Ms Linda Scott (McNeill), there is now a vacancy for an independent member.

The Charter outlines the terms of appointment as per below:

"Independent members of the committee shall be appointed for an initial term of up to three years and are eligible to be reappointed after the expiry of their terms to a maximum of three terms or nine years. The members have a right of reappointment after the first term, with a second term to be by application."

Therefore, the Committee was required to undertake a recruitment process for a new Independent Committee Member.

Issues

On 27 September 2023, Council publicly invited applicants for a new Audit and Risk Committee Independent Member.

At the time of closing, 16 October 2023, 12 applications were received.

An interview panel consisting of Mayor Annear, Councillor Driscoll, Audit and Risk Committee Chair, Nicole Cox, and Manager Governance and Risk, Leanne Brown, was established. The interview panel agreed on a short list of four candidates, three of whom were interviewed on 6 November 2023.

The panel unanimously agreed that Ms Pip Murphy was the 'preferred candidate'.

Ms Murphy was the most experienced and credentialed candidate across all areas of the key selection criteria. Ms Murphy is a lawyer with board experience including extensive experience in governance, risk and compliance.

This report was prepared at the direction of the interview panel for Council's consideration and it is understood that Ms Murphy will accept the appointment if offered.

Finance and Resource Implications

Operation of the Audit and Risk Committee and the payment of its four Independent Members is included in the adopted annual budget.

Risk Analysis

Strategic risk:

The Audit and Risk Committee is the Council's assurance oversight, which has been termed by Council as the 'third line of defense'. The first and second lines of defense are:

1. Management controls and internal control measures (own and manage the risks).
2. Financial controls, risk management processes, quality controls, security (such as delegations), inspection and compliance (oversee risks).

The three lines of defense are designed to improve the risk management process in the organisation, and the Committee's work is integral to achieving that.

The reinstatement of a fourth Independent Member of the Committee provides a greater level of assurance that a quorum can be achieved. In turn, this assures business continuity for the Committee's work program and offers additional independent perspective to be gained in the management of strategic risk.

Climate Impact Statement

Climate risk is included as a strategic risk for Council. The new Independent Committee Member will contribute to consideration and management of this risk.

Alternate Options

The Council could choose not to support the recommendation of the recruitment panel and approve other candidates.

The Council could also choose not to approve any member, as the Charter states the membership is *up to six members.....two councillors, and at least three independent members.....*, which the committee currently has without the additional appointment.

Neither of these options are recommended as maintaining a Committee of four Independent Members enables the committee to better assure business continuity of the committee and offers wider perspectives to be contributed to the matters considered. Council's reputation may also be damaged should an appointment not be made following the recruitment process.

Communication and Consultation

In accordance with the Committee's Charter, consultation was limited to the recruitment panel.

Inform:

We will keep our community informed.

Should the recommendation be adopted, the new member of the Committee will be recorded in relevant future reports to Council.

Legislation

Local Government Act 2020

Section 53 of the Local Government Act states that "*Council must establish an Audit and Risk Committee*". It further states:

An Audit and Risk Committee must—

- 1. include members who are Councillors of the Council; and*
- 2. consist of a majority of members who are not Councillors of the Council and who collectively have -*
 - a. expertise in financial management and risk; and*
 - b. experience in public sector management; and*
- 3. not include any person who is a member of Council staff of the Council.*

Strategies and Policy Impacts

Council Plan 2021-2025

The proposed appointment assists in assuring the appropriate delivery of the Council 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.

13. DELEGATES REPORTS

Meetings Attended by CEO and Mayor from 18 October 2023 to 21 November 2023.

MEETING	CEO	MAYOR
Meeting with Program Director, Wellbeing Government Initiative, Centre for Policy Development to discuss opportunities for MASC in relation to long-term planning and policy development	✓	
Attended Loddon Campaspe Regional Partnership meeting	✓	
Attended MASC open day	✓	✓
Gold Central Vic radio interview	✓	
Meeting with Deputy Chief Executive Officer, Wintringham Housing to discuss potential opportunities for affordable housing developments within Mount Alexander Shire (Clare Richards, Housing Solutions Broker also in attendance)	✓	
Attended Loddon Campaspe Councils CEOs meeting	✓	
Meeting with Maree Edwards MP to discuss matters of common interest for Mount Alexander Shire	✓	✓
Meeting with representatives from Autoplex regarding ETTY Street, Castlemaine site (Maree Edwards MP and Merryn Tinkler, Manager Economy and Culture also in attendance)	✓	
Attended Goldfields Library Corporation Board meeting (Lisa Knight, Director Corporate and Community Services also in attendance)		✓
Attended Community Christmas Lunch meeting		✓
Meeting with local residents regarding planning application		✓
Gold Central Vic radio interview	✓	
Attended joint State–Local Government CEO forum	✓	
Meeting with local resident regarding matters of local interest		✓
Attended community consultation session regarding potential opportunities for affordable housing developments (Clare Richards, Housing Solutions Broker also in attendance)		✓
Gold Central Vic radio interview	✓	
Attended meeting (as Rural Council Victoria’s CEO representative) with Hon. Harriet Shing MP, Minister for Housing to discuss affordable housing	✓	
Attended Loddon Campaspe Councils CEOs meeting	✓	

MEETING	CEO	MAYOR
Chaired Community Reference Group meeting for the Housing and Neighbourhood Character Strategy for Castlemaine, Campbells Creek and Chewton		✓
Chaired session hosted by LawSense regarding Law for Local Government – Difficult Ratepayers and Community Members	✓	
Attended MAV Human Services Committee meeting		✓
Meeting with Gaelle Broad MP to discuss matters of common interest for Mount Alexander Shire	✓	✓
Attended RSL Remembrance Day service		✓
Attended Solomon Islander community thank you event		✓
Presented Rural Councils Victoria's Housing Plan at Regional Planners forum	✓	
Co-chaired the Indigenous Roundtable		✓
Gold Central Vic radio interview	✓	
Attended site visit for upcoming planning matter (Cr Driscoll and Cr Henderson also in attendance)		✓
Attended Mount Alexander Business Awards	✓	✓
Attended Municipal Association Victoria's Rural and Regional forum	✓	✓
Attended Loddon Campaspe Shire Councils Mayors and CEOs meeting	✓	✓
Phone call with Hon. Melissa Horne MP, Minister for Local Government to discuss matters of common interest		✓
Attended meeting of Chief Executive Officers from six Loddon Campaspe councils; working group representatives and consultant to discuss proposed Visitor Economy Partnership (Merryn Tinkler, Manager Economy and Culture also in attendance)	✓	
Attended tour of local heritage sites with the Heritage Council of Victoria		✓
Attended Castlemaine Highland Pipe Band's 70 th Celebration		✓
Gold Central Vic radio interview	✓	
Attended Local Government CEOs forum	✓	
Meeting with Chief Executive Officer, Dhelkaya Health to discuss matters of common interest for Mount Alexander Shire	✓	

Councillor Henderson reported that she attended the Taradale Ball.

Mayor Driscoll reported that he attended the Mount Alexander Shire Council Business Awards in Castlemaine, as well as Council's Open Day. He noted that he participated in a podcast on tiny homes, and conducted a television interview about Council's decision on Aged Care Services. The Mayor advised that he attended the Muckleford Tractor Pull and participated in a meeting with local composting group, YIMBY. He furthering advised that he held a listening post in Newstead with the main topic of concern being affordable housing in the area.

14. NOTICES OF MOTION

Nil.

15. URGENT SPECIAL BUSINESS

Nil.

16. CONFIDENTIAL ITEMS

These reports are confidential in accordance with Section 66(2)(a) of the *Local Government Act 2020*, which permits the meeting to be closed to consider confidential information.

RECOMMENDATION

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

- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.**

MOVED COUNCILLOR MALTBY

That the recommendation be adopted

SECONDED COUNCILLOR ANNEAR

CARRIED.

17. MEETING CLOSE

This meeting closed at 9.38 pm.