
MINUTES



OF THE MEETING OF COUNCIL

On Tuesday 20 February 2024

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

TABLE OF CONTENTS

1. PRESENT	4
2. APOLOGIES/LEAVE OF ABSENCE.....	4
3. DECLARATIONS OF INTEREST AND CONFLICTS OF INTEREST	4
4. CONFIRMATION OF MINUTES.....	4
4.1. Meeting Of Council - 19 December 2023.....	4
5. ACKNOWLEDGEMENTS	5
6. PUBLIC TIME.....	5
7. PETITIONS AND LETTERS.....	10
8. COMMITTEE REPORTS.....	10
9. OFFICER REPORTS.....	11
9.1. COMMUNITY	11
9.1.1. Establishing Formal Positions Of Council Policy	11
9.1.2. Community Asset Committee Membership Appointment.....	17
9.2. ENVIRONMENT	22
9.3. ECONOMY	23
9.3.1. Planning Application PA261/2022 - 6 Watson Street, Castlemaine	23
9.3.2. Contract M1653-2023 – Tender Evaluation – Kerbside Waste Collection, Transport And Processing – Contract M1653-2023.....	43
9.3.3. Adoption Of Financial Reserves Policy.....	52
10. DELEGATES REPORTS	56
11. NOTICES OF MOTION.....	57
12. URGENT SPECIAL BUSINESS.....	57
13. CONFIDENTIAL ITEMS.....	58
14. MEETING CLOSE	58

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 (online), Gary McClure, Bill Maltby and Rosie Annear.

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

2. APOLOGIES/LEAVE OF ABSENCE

Nil.

3. DECLARATIONS OF INTEREST AND CONFLICTS OF INTEREST

Director Annear declared a general conflict of interest with Item 9.1.2 in the Agenda.

Councillor Annear declared a general conflict of interest with Item 9.3.1 of the Agenda.

4. CONFIRMATION OF MINUTES

4.1. Meeting of Council - 19 December 2023

The unconfirmed minutes of the Meeting of the Mount Alexander Shire Council held at 6.30 pm on 19 December 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 19 December 2023 be confirmed, subject to the following amendment:

- **Replace the following sentence in Director Annear's response to graffiti matters during Public Time:**

"The Officer will coordinate across Council teams the removal of graffiti on Council assets as required."

with

"As mentioned on previous occasions, Council has limited authority beyond Council assets to action the removal of graffiti, it needs to work with others to achieve that outcome. As such, the Officer will coordinate across Council teams the removal of graffiti on Council assets only. We only have the authority to remove graffiti on Council assets. We need to work with private property owners, other public authorities and other asset owners to remove graffiti on other assets."

MOVED COUNCILLOR ANNEAR

That the recommendation be adopted

SECONDED COUNCILLOR HENDERSON

CARRIED.

5. ACKNOWLEDGEMENTS

Nil.

6. PUBLIC TIME

MOVED COUNCILLOR MALTBY

That standing orders be suspended at 6.34 pm

SECONDED COUNCILLOR MCCLURE

CARRIED.

a. Laura Levetan

Response: Mayor Driscoll

This question is exempt on the grounds that it contravenes the Governance Rules (2023), specifically:

12.1.6 Questions and statements to Council may be on any matter except if it:

(a) relates to a matter outside the duties, functions and powers of the Council;

But I do note that dialogue has occurred between Free Palestine Central Victoria and members of the Jewish community and responses to these queries have previously been advised to both parties by the Director Corporate and Community Services.

b. Antoinette Birkenbeil – read by Councillor Henderson

Has there been an inspection determining whether reinforcement of any sections of the upper part of Dishpan Gully Road in the Chewton Bushlands may be required? I live on Dishpan Gully Road and I am a volunteer with the Red Cross. Emergency services workers, including the police, will access the roads which will bring them as quickly as possible to the emergency and there are only 3 major access and exit roads into and out of the Chewton Bushlands.

There are now two cancer patients on this road and others in the Bushland area. The police have come through a number of times chasing drivers who may have entered the Bushlands by accident via Kennedys Lane.

I have reported the problem of the dangerous condition the road is now in after the rain events to the Council and Vic Roads. One half the road was graded from Goldspeck Gully Road but not the emergency half which goes to Lookout Ridge Road. An incident has already occurred leaving car debris in the drainage channels and the road is worsening on a daily basis. Erosion is shifting road surface, uncovering big stones, creating rivulets, damaging the function of the culverts.

Emergency workers are being exposed to an unconscionable risk especially as fire season approaches and the Council does not seem to have grasped the significance of this issue - and unstable road surface on a narrow turn in steep terrain which could result in a vehicle falling into the gully.

This part of the road may need resurfacing or reinforcing of some kind.

Thank you for your time and attention to this matter.

Response: Director Annear

Thank you, Antoinette for your question. I am happy to confirm that an inspection of Dishpan Gully Road and the surrounding terrain has been undertaken by Council's Works team.

The terrain within the area informs and determines the road construction that has been referenced to. The general network within the area requires roads to be constructed via cuttings within some relatively steep gullies along the roads.

Many of the cuttings only allow single lane access with passing points where private access meet the roads and where terrain allows them to be wide enough for passing. This is the case along Dishpan Gully Road.

The road surfaces on Dishpan Gully Road and surrounding roads were observed to be of generally good condition, as was the drainage infrastructure. The inspection did not identify any places that were unstable or requiring reinforcement.

The road has been graded in the past few weeks, and some of the roads within the area are under the management of Parks Victoria jurisdiction, and as such Council does not have an authority to grade these roads.

With regard to the concerns raised related to Emergency Services access, as mentioned, above the terrain of the area has defined the road network, which may impact the timeliness of emergency vehicles accessing sites along the road. This is an important consideration when residents develop their own emergency preparedness and evacuation plans so that they are well prepared in the instance where unfortunately an emergency happens.

c. Tony Dobbin – read by Councillor Cordy

Why is this Council wishing to close the business of Sandy creek Clydesdale? When this Beautiful couple, Matt & Jaimie have put their heart & Soul into this Business where there are willing to show people how to look after horses, how horseshoes are made, Blacksmithing, fitting horseshoes, how to care for harness & how to fit harness. Sandy creek Clydesdale's only a few weeks ago were awarded two awards for their business by the Council & now you wish to close them down. Why? They both have Exceptional Equine knowledge which they wish to share. The Clydesdales and carriage bring Maldon

alive again and puts Maldon on the tourist map for visiting by Family and friends. So, I think that the Council should reconsider their decision & allow this Small Business to continue.

Response: Director Annear

Thank you for your question. Council Officers have been corresponding with Jamie and Matthew since April 2022 to work through their request to hold a number of different events and activities at their property.

As part of the previous discussions, Council Officers have provided advice on the steps and information required to make an application for a permit in order to safely hold their proposed public events and activities and minimise any risk to the environment or other negative impact.

These requests and advice have been based on the requirements under the State Government legislation as well as the Mount Alexander Planning Scheme.

Jamie and Matthew have recently provided updated information to amend their application, which is currently being assessed. Officers will continue to support the business through the planning permit application process.

d. Lawrence Abou Khater

Response: Mayor Driscoll

This statement is exempt on the grounds that it contravenes the Governance Rules (2023), specifically:

12.1.6 Questions and statements to Council may be on any matter except if it:

(b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance; and

(c) is aimed at embarrassing a Councillor or a member of Council staff.

However, Lawrence has raised two questions that may be responded to:

1. Does council have a Racial Diversity policy; and
2. If not, do you need help in formulating one.

Response: Director Knight

Thank you for your very much for your question, Lawrence.

Council does not have a policy specific to racial diversity – noting also that the question that you have posed tonight does relate to addressing international racial diversity.

The second question that you have noted there though was, is there any assistance required in formulating a policy? We can take that on notice and then consider what the formulation or collation of that policy would look like, and then consider if any support is required.

The collation of such a policy will be taken on notice for consideration and determination if any support is required.

The Mayor provided to Mr Abou Khater advice on what his question could relate to.

Mr Abou Khater:

Mr Abou Khater advised that he had perused Council's website and could not find any policy on racial diversity or inclusion. He advised that he had lived in the region for six years and that he believed that he was one of the only people of Arab descent in Castlemaine. He noted that there is a great history of Chinese people in Castlemaine and noted that there was also a number of African people. He stated that he was wondering whether it was time to start thinking about racial diversity or inclusion. Mr Abou Khater stated that he was in no way looking to disfavour any of the officers and felt they were very helpful in the questions that he asked. He advised that as an Arab and as Semite who has particular political views is accused of antisemitism and it's all over the media by people who will not divulge their names, he felt threatened by that.

Mayor Driscoll:

Mayor Driscoll asked if Mr Abou Khater had a question.

Mr Abou Khater:

Mr Abou Khater asked if it was ok that people of other descents other than the dominant background grouping, if they were attacked by people who do not reveal themselves?

Mayor Driscoll:

The Mayor stated that if Mr Abou Khater felt he was being attacked, then he should speak with the Police.

The Mayor advised that Mr Abou Khater's question had been answered in terms of that Council does not have a policy specific to racial diversity. Also noting that the question related to international racial diversity and the matter will be taken on notice.

e. Rebecca Hamilton

Ms Hamilton advised that she was a merino farmer in the Mount Alexander Shire.

She advised that she has increasing concerns about the number of stray stock within not only the Mount Alexander Shire but also City of Greater Bendigo and noted that farming is becoming harder.

She confirmed that she had a phone call from the Manager Development Services and it was expressed that the Local Laws Unit is lacking resources to deal with the level of stray stock on roadsides and that this is occurring more frequently and in larger numbers. Ms Hamilton confirmed that this is an increasing challenge for farmers.

She advised that her farm has 16,000 breeding ewes and it is a very large farm for the Shire and that it only takes one sheep with a disease to contaminate the entire flock. It was also noted that during lambing there can be up to 40,000 sheep on the farm, and the cost is enormous.

Ms Hamilton asked if there was a policy document relating to stray sheep and what the Council do to manage stray livestock. She advised that Local Laws attended where a stray animal caught, its ear tag was not read and it was popped over the nearest fence,

with the sheep not belonging to that particular farmer and potentially causing contamination. Ms Hamilton advised that it's a matter of policy and education and it's about educating people within all Shires about how difficult agriculture is becoming and the need for bio-security and bio-security awareness for everyone.

Ms Hamilton suggested options for managing stray livestock, such as a GPS tracker and liaising with the local farmers. She again asked for a copy of the Policy document.

Response: Director Annear

Thank you, Rebecca, as you say in a conversation with Georgina, it was identified that an error was made and the officer was extremely remorseful for the error they've made. And I believe that it was also shared at that time that the policy – that this experience will be able to contribute to the review of the policy that is in place as well as we've taken steps to ensure that all Local Laws Officers are aware and have been reminded of their responsibilities with that. So that is a process that happens with regard to induction and briefing.

In this case there was an error that was made. We also are looking for further opportunities the team can have to use, the example of the GPS tag or marker that goes in the ear is currently under investigation and review to see how that could help out the team as we go ahead. We thank you for that piece of advice, it was news to the team which has been well received. Thank you for that.

I will follow up with the team regarding the document and we'll take that on notice and we'll come back, and communicate with you about opportunities for sharing information and feeding in. Thank you for your understanding of the error on this occasion.

Mayor Driscoll:

Mayor Driscoll advised that before moving onto questions from the floor that he wanted to make a statement – *“There's no doubt that the events in Gaza and Israel and indeed, the world are difficult for many. We acknowledge the pain being felt by many across our communities. The events happening in and around Gaza are a complex global situation that needs to be negotiated by world leaders rather than the Mount Alexander Council.”*

f. Peter Watts

Mr Watts advised with the start of a new year, UNESCO World Heritage bids and applications are being considered within the first quarter of 2024 which will kick start the community's conservation process. He asked can Council please assist this incredible opportunity as was highlighted at last year's Meeting, with the removal of the unsightly graffiti tagging appearing around our beautiful town. Mr Watts noted that there has been much discussion over the months and years but the residents and ratepayers humbly request affirmative action about this situation.

Response: Director Annear

Thanks for your concern with the amenity of our Shire. I have shared at previous Council Meetings that we are undertaking action. If you might have visited Western Reserve today you would have seen that the tagging on the corrugated iron fence was cleaned as with a number of other locations around the Shire, footpaths et cetera. We continue to do that

work in line with the resources that we have available to undertake that. It may not be as timely as is hoped by some residents but we do endeavour to respond as quickly as possible. As we do at looking at alternative options to manage graffiti, where we are looking at exploring other options beyond just painting. Looking at different techniques and materials, looking at installing CCTV cameras et cetera. All these items have been shared in the past, I don't have a new update for you today.

The Graffiti Officer that was appointed in November is continuing to work through the best approach for that, which includes engaging with the community as we go ahead, and also includes engaging with other asset managers around the Shire. While it might not be as timely as hoped and while we might not be able to put as much resources to these efforts as would be hoped, we are acting continuously. I hope that some of that is noted and seen which has been done in the past.

MOVED COUNCILLOR HENDERSON

That standing orders be resumed at: 6.56 pm.

SECONDED COUNCILLOR MALTBY

CARRIED.

7. PETITIONS AND LETTERS

Nil.

8. COMMITTEE REPORTS

Nil.

9. OFFICER REPORTS

9.1. COMMUNITY

9.1.1. Establishing Formal Positions of Council Policy

This Report is For Decision

Responsible Director: Chief Executive Officer, Darren Fuzzard
Responsible Officer: Chief Executive Officer, Darren Fuzzard
Attachments: 1. Establishing Formal Positions of Council Policy [9.1.1.1 - 4 pages]

Executive Summary

The purpose of this report is to adopt a policy that formalises how Council responds to requests for a statement of position and/or advocacy on specific matters where it has no existing position.

The policy is in response to a request by Councillors to document Council's current approach of not adopting a position on matters that are the subject of a referendum at a State or Federal level or are international matters over which Council has no authority or responsibility.

The policy also formalises the process for responding to a rising number of requests being received from other Australian Local Government Authorities. Many of these requests relate to matters which are of little direct relevance to the Mount Alexander Shire community and/or are a relatively low priority to Mount Alexander Shire Council.

In instances where there may be merit in Council establishing a position on a specific matter, the policy sets out the basis on which such a decision (that is, whether to form a position or not) would be made.

RECOMMENDATION

That Council adopts the Establishing Formal Positions of Council Policy.

MOVED COUNCILLOR MALTBY

That the recommendation be adopted

SECONDED COUNCILLOR HENDERSON

CARRIED.

Context

In recent years, Council has been requested to state its position on specific matters that are being raised at a State, National and International political level. In each instance, Councillors have been clear they consider that the Mount Alexander Shire Council taking a position on such matters is not appropriate.

Council is also receiving an increasing number of requests for support from other Councils within Victoria (most notably metropolitan Councils) and interstate. Many ask Council to undertake lobbying activities to State or Federal Governments on matters that are of little relevance to Mount Alexander Shire's community. To date, these have been responded to following discussions between the Mayor and CEO, with reference to Councillors where it has been unclear on the likely view of Council.

A lack of adopted policy on how such matters will, or will not, be considered by Council has meant responses can appear (at least to those making the request) that Council does not support their cause. Whereas, Councillors have consistently advised that going beyond their agreed remit is what is not supported.

The lack of policy can also appear to suggest that Council's consideration of such requests is open to negotiation. This latter point has had considerable resource implications in recent times and has caused concerns about the occupational health and safety of Councillors and staff involved.

Equally, Council's involvement in highly emotive and complex matters over which it has no authority, or ability to determine the result of, has the potential to cause greater divides and negative impacts within the community rather than enabling a more accepted outcome.

Issues

The *Local Government Act 2020* - Part 2, Division 1, Clause 8 provides that:

- (1) The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.
- (2) *A Council provides good governance if—*
 - (a) *it performs its role in accordance with section 9;*
 - (b) *the Councillors of the Council perform their roles in accordance with section 28.*
- (3) *In performing its role, a Council may—*
 - (a) *perform any duties or functions or exercise any powers conferred on a Council by or under this Act or any other Act; and*
 - (b) *perform any other functions that the Council determines are necessary to enable the Council to perform its role.*
- (4) *If it is necessary to do so for the purpose of performing its role, a Council may perform a function outside its municipal district.*

Councils throughout Victoria have adopted a variety of interpretations about how these provisions should be enacted. Broadly however, it appears that the larger metropolitan Councils, and to an extent some of the regional cities, consider it more appropriate to engage in State, Federal and International political matters than do rural Councils. This is likely due, in part, to their greater levels of available resource, a stronger tendency to be aligned with

political parties and the greater levels of diversity within their communities when compared to rural Councils.

For its part, Mount Alexander Shire Council has consistently maintained that its primary focus is on ensuring that the decisions over which it has responsibility and authority are as well-informed as possible.

As a small and highly resource-constrained Council, the ability to equally understand and analyse the complexities of national and international political matters is very limited. A further challenge associated with such requests, is the highly disruptive impact that they can have on 'business as usual' activities of Councillors and staff. Recently, there have been extensive demands placed on the Mayor and senior staff to urgently respond to matters over which Council has no control or authority. This has led to frustration for those asking for assistance and exhaustion for, already very busy, Councillors and staff.

Adding to the resource challenge is the extensive and ongoing range of legislative changes being pursued at both State and Federal Government levels. These changes, often due to their direct and potentially significant implications for Council and/or its community, demand that higher priority is given to such matters.

As previously noted, Councils demonstrate a range of views about the extent to which their role in community leadership should extend to holding positions on matters such as those that a referendum poses in the broader community.

Notwithstanding the philosophical question of whether it should do this or not, recent examples suggest that a Council taking a position on a matter in such circumstances does not necessarily assure achievement of the desired result. In Mount Alexander Shire though, if such an approach was adopted, then this would usually follow an extensive community consultation process. Hence, it would most likely result in Council establishing a position that is reflective of the views already held by most of the community. Again, particularly in a highly resource-constrained Council, this does not appear to represent a useful or valuable return on effort.

Another important factor in Council's decision on whether to invest in establishing a position and undertaking advocacy on a specific matter, must be a pragmatic assessment of the extent to which the ultimate decision-makers will be influenced by *this* Council's view. It is suggested that the more remote the matter from Mount Alexander Shire, the less impactful this Council's opinion will be and therefore, the less value there is in investing time and effort to form a view.

It is also often the case that overarching bodies, such as Municipal Association of Victoria, the Australian Local Government Authority, Rural Councils Victoria or the Victorian Local Government Association, are undertaking the necessary research and analysis to form and advocate a well-developed view on matters that impact this Council. In such instances, it is suggested that Council again consider the extent to which its own work to develop a position, or to undertake advocacy, is warranted.

Including provision in the policy to reflect these considerations is therefore proposed.

Finance and Resource Implications

This policy has been developed using in-house resources and is funded from the normal operating budget for wages.

A key reason for establishing this policy, is to formalise the existing approach being taken by Council to manage its resources in the most efficient and impactful way when requests on

specific matters are raised. Adoption of the policy is expected to allow greater efficiency in this process as it will provide clear direction on what specific matters Council may, and will not, involve itself in.

Risk Analysis

Council's Risk Appetite Statement:

Council's adopted Risk Appetite Statement includes having:

- A low appetite for not actively managing Council's financial position.
- No appetite for deliberate violation of laws or regulatory requirements.
- A low appetite for actions that may harm Council's reputation – including with governments at other levels.
- A high appetite for respecting the diverse opinions of individual community members and other stakeholders and for engagement, input and feedback into decision-making.
- The safety and wellbeing of Councillors, staff and the community as its highest priority.

Financial Risk:

This policy aims to manage Council's financial (and resource) risk by establishing clear boundaries on what matters it will become involved in. It also requires that, for those matters where Council may consider becoming involved, the decision-making process will include information about the financial and resource implications of doing so.

Compliance with Regulatory Obligations:

The Council's strong focus on ensuring that it complies with laws and regulations is important in this matter, as it influences the amount of effort that goes into responding to regulatory changes proposed by the State and Federal governments. Attempting to ensure that the implications of legislative changes for Mount Alexander Shire are understood by governments is therefore often given a high priority when allocating organisational resources. The limitations proposed by this policy on the Council's involvement in other matters are reflective of this priority.

Reputation Risk:

This policy seeks to deal with reputational risk in many ways.

First, it establishes at a structural level what matters Council will not involve itself in; that is, in matters of foreign policy and those that are being prosecuted with the Australian public through State or Federal referendums. It is intended that this will help avoid community expectations for Council to become involved in such matters and remove any surprises should a request be made.

Second, it seeks to maintain a positive and respected reputation with State and Federal Governments. It does so by limiting the Council's development of positions to those that have clear and strong connection to the Mount Alexander Shire, and to those that are not the subject of processes such as referendums.

Third, it sets out a review process to determine the merits of establishing a position on a new, specific matter; including the associated resource implications for Council and the likely impacts on other decision-makers if pursued. Should a decision be made to proceed to form a position, it also responds to the Council's commitment to appropriately engage with the community and other stakeholders.

Health and Safety Risk:

Matters being debated or negotiated at an international and national level are quite often highly complex and deeply heart-felt by those who are directly impacted, or those with friends or family who are impacted. As previously noted, the adoption of this policy is intended to make clear that Council will not get involved in such matters and therefore reduce the expectations, and consequent frustration, that might otherwise be felt. In doing so, it is anticipated that this will better support the health and wellbeing of the community members, Councillors and staff involved in such requests by giving a clear and timely response.

The potential for Council's involvement in such matters to, of itself, raise the level of emotion felt and expressed within the community is also important to recognise when considering the health and safety impacts of this policy. In addition to feelings of frustration that Council is going beyond its remit, those in the community who feel aggrieved by Council for other reasons may feel compelled to express their views on a matter much more forthrightly than if the Council were not involved. Hence, this polarising effect may be more negative for those directly impacted by the matter than the potential positive impacts of feeling Council's support.

Climate Impact Statement

This policy does not of itself respond to climate change. However, requests for support from other Council areas across Australia are often climate-related and adopting this policy will enable more efficient responses to such requests from Council's part-time climate change officer. In turn, this enables more time to focus on matters within the Shire that have a climate impact.

Alternate Options

There is no legislative requirement for Council to adopt this policy. It has been developed to provide greater certainty about Council's role in a variety of situations and in doing so, to support better use of Council's limited resources for the Mount Alexander Shire community.

Council may choose to not adopt the policy and continue responding to requests for support and advocacy based on current informal practices or on an ad hoc basis.

Council may also choose to alter the policy before considering its adoption.

Communication and Consultation

This policy has been developed to reflect the approach that Council has informally had in place for some time and is therefore considered to reflect the role that this Council believes is appropriate and possible for it to play in such matters. Accordingly, it is not proposed to seek community feedback on the policy at this time.

As noted in the policy, however, it is proposed that it be reviewed in the year following the election of each new Council, with the first review being in early 2025. Council may consider it more appropriate to conduct community consultation on the policy at that time.

Inform:

We will keep our community informed.

As above, it is proposed that the community be informed of the policy once adopted initially by the Council.

Legislation

Local Government Act 2020

This policy attempts to directly respond to the Council's role as defined in the *Local Government Act 2020*.

Strategies and Policy Impacts

Council Plan 2021-2025

Principle - We are delivering together.

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

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.

Adoption of this policy is intended to make clear what matters Council will, and will not, involve itself in when asked. When the Council does deem it appropriate to involve itself, the policy clarifies how the community may also be involved in that process.

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.

Director Annear left the Chamber at 7.07 pm.

9.1.2. Community Asset Committee Membership Appointment

This Report is For Decision

Responsible Director: Chief Executive Officer, Darren Fuzzard
Responsible Officer: Governance Coordinator, Augustine Sheppard
Attachments: Nil

Executive Summary

In accordance with the *Local Government Act 2020*, at the Special Meeting of Council on 1 September 2020, Council established Community Asset Committees and appointed members to these committees.

In line with the current Instruments of Delegation from the Chief Executive Officer to the Community Asset Committees, members are appointed for two years. The term of membership for all Committee members have common start and end dates. Any member appointed to fill a casual vacancy will leave office at the original expiry date of the member they are replacing. The current membership term expires on 20 June 2024.

Campbells Creek Recreation Reserve Community Asset Committee notified Council of changes to their membership, following their annual general meeting held on 7 December 2023. The purpose of this report is for Council to appoint the new nominated members.

RECOMMENDATION

That Council appoints the nominated members to the following Community Asset Committees as listed below:

Campbells Creek Recreation Reserve

Name	Expiry
Heather Grenon	20 June 2024
James Collie	20 June 2024
Joe Miles	20 June 2024

MOVED COUNCILLOR MCCLURE

That the recommendation be adopted

SECONDED COUNCILLOR CORDY

CARRIED.

Context

Council has 20 Community Asset Committees established under section 65 of the *Local Government Act 2020* (the Act). These Committees manage community assets on behalf of Council.

Council may appoint as many members as is considered necessary to enable the Community Asset Committee to achieve its purpose. The current Instruments of Delegation from the Chief Executive Officer to the Community Asset Committees, allows for a minimum of five members and a maximum of 12 members. The nominated memberships listed in the recommendation meet this requirement.

Issues

There are no known issues with appointing these members to the Campbells Creek Recreation Reserve Community Asset Committee.

It should be noted that all members are volunteers who dedicate time and energy to managing these assets on behalf of Council and recruiting new members can be difficult

Finance and Resource Implications

Community Asset Committees provide a valuable voluntary service to Council and the community which has not been quantified. The proposed action in this report does not alter the existing financial implications for Council.

Risk Analysis

Asset Risk:

Community Asset Committees (formerly Special Committees of Council) manage their particular assets on behalf of Council. Committees provide oversight and financial support to the maintenance and upgrade of their assets to a standard acceptable to the community and a standard that reduces the likelihood of liability for incidents.

Reputation Risk:

While the work of these committees can be challenging and requires considerable effort by volunteers, they have long enabled members of the community who have a connection to such assets, or a passion for the services that the assets support, to make a meaningful contribution to the wider community. By recreating these committees under the Act, Council has retained this close link with community and has shown that it wishes to continue to work closely with the community.

Climate Impact Statement

There are no climatic impacts linked to appointing members to Community Asset Committees.

Gender Equity Statement

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

A GIA (Gender Impact Assessment) has not been completed.

Alternate Options

Council may resolve not to appoint the Committee members nominated by the Committee. If Council does so, it is recommended that Council provide a reason why any appointment has not been made.

Communication and Consultation

Collaborate:

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

Legislation

Local Government Act 2020

65 Community Asset Committee

1. *A Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable the Community Asset Committee to achieve the purpose specified in subsection (2).*
2. *A Council may only establish a Community Asset Committee for the purpose of managing a community asset in the municipal district.*

Note: *See section 47 for delegation to members of a Community Asset Committee by the Chief Executive Officer.*

47 Delegations by Chief Executive Officer

1. *The Chief Executive Officer may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to—*
 - a. *a member of Council staff; or*
 - b. *the members of a Community Asset Committee.*
2. *The Chief Executive Officer may by instrument of delegation delegate any power, duty or function conferred by this Act or any other Act on the Chief Executive Officer, other than this power of delegation and the power of delegation under subsection (1), to a member of Council staff.*
3. *A delegation under this section to a member of Council staff may be made to—*
 - a. *a person named in the delegation; or*
 - b. *the holder of an office or position specified in the delegation.*
4. *A delegation under this section to the members of a Community Asset Committee is to be exercised subject to the terms and conditions specified by the Chief Executive Officer, which must include the following—*
 - a. *the specified limit on any financial delegation and the specified purpose for which the financial delegation may be used;*
 - b. *compliance with specified governance requirements to ensure appropriate standards of probity are met;*

-
- c. *specified monitoring and reporting of the activities and performance of the Community Asset Committee.*
 5. *A member of a Community Asset Committee to whom a delegation is given under this section can only exercise the delegation while acting as a member of the Community Asset Committee at a meeting of the Community Asset Committee.*
 6. *A Chief Executive Officer must submit an annual report to the Council in relation to the activities and performance of a Community Asset Committee in respect of which the members have been given a delegation under this section.*
 7. *A Chief Executive Officer must keep a register of delegations made under this section.*
 8. *Unless sooner revoked, a delegation made by a Chief Executive Officer under the Local Government Act 1989 continues in force until 1 September 2020.*

Strategies and Policy Impacts

Council Plan 2021-2025

Principle - We are delivering together.

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

Environment – A flourishing environment for nature and people.

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

Child Safe Standards

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

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

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

Declarations of Conflict of Interest

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

General conflict of interest exists

The Officers involved in reviewing this report, having made enquiries with the relevant members of staff, report that under Section 127 of the *Local Government Act 2020* a general conflict of interest exists.

Officer or Consultant Title	Type of conflict	How will the matter be managed to avoid the conflict?
Michael Annear, Director Infrastructure Development	The Director holds an officer bearer position in one of the user groups being represented in the membership nomination.	The Director played no part in the Community Asset Committee's Annual General Meeting and their nomination of new members to be formally appointed by Council.

Director Annear returned to the chamber at 7.10 pm.

9.2. ENVIRONMENT

Nil.

Councillor Annear left the Chamber at 7.11 pm.

9.3. ECONOMY

9.3.1. Planning Application Pa261/2022 - 6 Watson Street, Castlemaine

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear
Responsible Officer: Senior Statutory Planner, Callum Murphy
Attachments: 1. Plans [9.3.1.1 - 5 pages]
2. Farm Management Plan [9.3.1.2 - 11 pages]
3. Planning Permit Conditions 6_ Watson Street Castlemaine [9.3.1.3 - 4 pages]

Executive Summary

The purpose of this report is to enable Council to decide on an application for the use and development of the land at 6 Watson Street, Castlemaine for a dwelling. The application has been referred to Council for a decision because the Council Officer recommendation is to refuse the application.

The matter was tabled at the 19 December 2023 Meeting of Council which resolved: That this matter be deferred until the February 2024 Meeting of Council to allow Officers to prepare recommendations to support the issuing of a permit.

If Council resolve to issue a Planning Permit, Attachment 9.3.1.3 contains suggested conditions for the two-lot subdivision (dwelling excision) at 6 Watson Street, Castlemaine.

The subject site is located within the Farming Zone pursuant to the Mount Alexander Planning Scheme. The site is not affected by any overlays.

The application was referred to the relevant authorities and advertised to neighbouring properties. The development received consent from the authorities and did not receive any objections.

RECOMMENDATION

That Council resolve to issue Notice of Refusal to Grant a Planning Permit PA261/2022 for the use and development of the land for a dwelling at 6 Watson Street, Castlemaine on the following grounds:

- 1) The proposal does not protect agricultural land of local strategic significance, does not promote agriculture as the primary land use, and contributes to unplanned loss of agricultural land to rural living and residential uses contrary to the following Clauses of the Mount Alexander Planning Scheme:**
 - a) Clause 02.03-1: Settlement; and
 - b) Clause 02.03-4: Natural Resource Management.
- 2) The proposal does not meet the following objectives and strategies of the Mount Alexander Planning Scheme which discourage boundary re-alignment except if they are minor adjustments to take account of physical, human made or topographical features on the site. The policy seeks to 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 and**

to limit housing growth in rural contexts. The below policy also encourages the consolidation of existing isolated small lots in rural zones and seeks to protect productive farmland.

- a) Clause 11.01-1S: Settlement;
- b) Clause 14.01-1S: Protection of Agricultural Land;
- c) Clause 14.01-1L: Protection of Agricultural Land;
- d) Clause 15.01-6L: Design for Rural Areas;
- e) Clause 16.01-3S: Rural Residential Development; and
- f) Clause 16.01-3L: Rural Residential Development.

3) The construction of a dwelling on the land is contrary to the purpose and decision guidelines of the Farming Zone at Clause 35.07 of the Mount Alexander Planning Scheme because it:

- a) does not provide for the use of land for agriculture nor encourages the retention of productive agricultural land;
- b) will facilitate the construction of non-agricultural uses (dwellings) which will adversely affect the use of land for agriculture;
- c) may limit the operation and expansion of adjoining and nearby agricultural uses.

4) The proposal has not provided an adequate response to the Application Requirements of Clause 35.07-5. The farm management plan does not explain how the proposed dwelling suitably responds to the decision guidelines of the Farming Zone.

5) The proposal is not consistent with the purpose of the zone and does not represent a fair and orderly planning outcome contrary to the decision guidelines of Clause 65.01 (Approval of an Application or Plan) of the Mount Alexander Planning Scheme.

MOVED COUNCILLOR HENDERSON

That the recommendation be adopted subject to the conditions as printed in the Attachment 9.3.1.3

SECONDED COUNCILLOR GARDNER

NOT CARRIED.

MOVED COUNCILLOR MALTBY

That the recommendation be adopted subject to the conditions as printed in the Attachment 9.3.1.3 with an amendment to Condition 1. a), as follows:

That Council resolve to issue a Planning Permit associated with PA261/2022 for the two-lot subdivision (dwelling excision) at 6 Watson Street, Castlemaine subject to the following conditions:

- 1. Before the development starts, amended plans [and documents] to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans, but further modified to show:
 - a) A Plan of Consolidation including the following titles:
 - i. CA 3 SEC D8 Parish of Castlemaine;**
 - ii. CA 3A SEC D8 Parish of Castlemaine;******

Layout no to be altered

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

General

- 3 The use must be managed so that the amenity of the area is not detrimentally affected though the:
 - a) transport of materials, goods or commodities to or from the land;**
 - b) appearance of any buildings, works or materials;**
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and**
 - d) the presence of vermin,****

to the satisfaction of the Responsible Authority.

- 4 All external materials must be non-reflective and finished in natural colours or shades to the satisfaction of the Responsible Authority.**
- 5 All external materials, finishes and paint colours are to be to the satisfaction of the Responsible Authority.**
- 6 All external lighting provided on the land, including lighting of car parking areas and buildings, must be located, directed, baffled and shielded and of such limited intensity that no nuisance**

or loss of reasonable amenity is caused to any person beyond the site to the satisfaction of the Responsible Authority.

- 7 All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible**

Authority.

Engineering

8. A legal point of discharge must be obtained from Council's Engineering Services Unit before any drainage infrastructure is constructed.
9. The development must be drained to the satisfaction of the Responsible Authority.
10. Before the use starts [building is occupied], the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) fully constructed
 - b) properly formed to such levels that may be used in accordance with the plans
 - c) surfaced with an all-weather surface or seal coat (as appropriate)
 - d) drained and maintained in a continuously usable condition
 - e) line marked to indicate each car space, loading bay and/or access lane
 - f) clearly marked to show the direction of traffic along access lanes and driveways all to the satisfaction of the Responsible Authority.
11. No fewer than two car parking spaces must be provided on the land to the satisfaction of the Responsible Authority.

Goulburn Murray Water

12. All construction and ongoing activities must be in accordance with sediment controls principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
13. All wastewater from the site must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
14. No buildings are to be located within 30m of any waterways (dams on waterways) on any drainage line.

Coliban Water

15. The owner is required to reach agreement with Coliban Water for the provision of a reticulated water supply and sewerage services for the proposed residence located on Lot 3A within this development site and to comply with any requirements arising from any effect of the proposed development on Coliban Water assets.

Services are to be provided and where necessary, amendments to the existing services, will be required in accordance with our specifications.

16. The reticulated sewer main extension required to service the proposed residence located on Lot 3A within the development site, must be designed, constructed and must be finalized in accordance with Coliban Water's Developer Installed Works process. Sewer mains are required to provide full lot control.

-
17. **Application to connect the proposed residence to Coliban Water’s Reticulated water supply and gravity sewerage service network, will need to be made through our consent to connect process, prior to the property service drains (sewerage service), being connected to Coliban Water assets in accordance with our conditions.**

Coliban Water’s approved contractor is required to install the water tapping, meter assembly and digital data device (water meter) which will be located in an accessible location within 2.0 metres but no closer than 600m, inside the title boundary line front the Watson Street.

Evidence is required to be forwarded to Coliban Water verifying the locations of the property service drains once the residence has been constructed.

The evidence required is a letter/statement from a registered and licensed plumbing contractor for the property drains. A detailed as-constructed plan of the drains and a copy of the Victorian Building Authorities Compliance Certificate are required to be forwarded to Coliban Water for record purposes.

18. **The owner of the land would be required to make payment to Coliban Water of a New Customer Contribution (NCC). This contribution is based upon the allotment to be connected to Coliban Water’s water supply and sewerage networks. A Tax Invoice will be supplied to the owner as part of Coliban Water granting its consent to a new application to connect to the water and sewer mains.**

If sewer servicing this development site is to be by pressure sewer rather than provision of traditional gravity sewer then: a New Customer Contributions (NCC) for pressure sewer will apply to this lot being connected to the reticulated infrastructure required. This NCC is to provide developer funding for the supply, installation and ongoing maintenance requirements by Coliban Water for the property assets on this lot including tank, pump and control box. The NCC applied may be higher for larger lots where additional works are required. The supply and installation will be completed by our approved contractors after an application to connect is received.

NCC’s must be paid before Coliban Water will provide consent to connect, as in this the case. Please refer to our Schedule of Fees & Charges accessed via the Coliban Water website for the NCC’s applicable for the current financial year.

19. **All private works for water supply and sanitary drainage must be constructed in accordance with the National Plumbing and Drainage Code of Australia being AS 3500, the MRWA Water Metering & Servicing Guidelines 2022 and or any relevant requirements of Coliban Water.**
20. **Please note under Section 165(5) of the Water Act 1989, Coliban Water is not required to ensure that the water pressure is adequate for firefighting. It is important to note that Coliban Water does not guarantee fire flows.**

North Central Catchment Management Authority

-
21. All buildings must be set back a minimum of 30 metres from the top of bank of the water that runs along and across Watson Street.

Permit Expiry

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

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

SECONDED COUNCILLOR CORDY

CARRIED.

COUNCILLOR HENDERSON CALLED FOR A DIVISION.

Councillors for: Maltby, Cordy and Driscoll.

Councillors against: Henderson, McClure, Gardner

The Mayor used his casting vote in accordance with Clause 13.2.1 of the Governance Rules 2023.

Summary

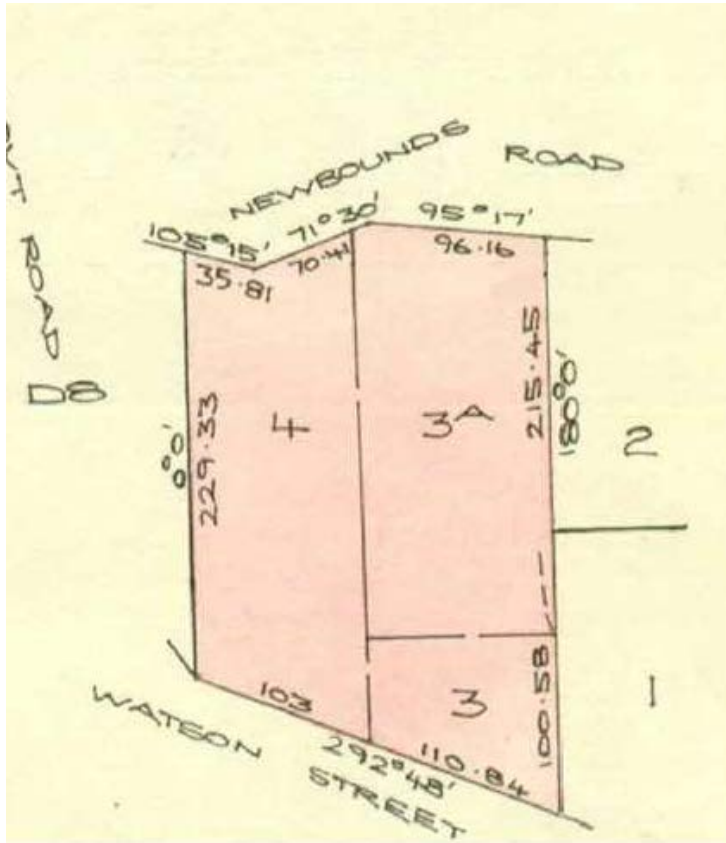
Application details:	Use and development of the land for a dwelling.
Application No:	PA261/2022
Applicant:	Felicity Brown
Land:	6 Watson Street, Castlemaine Crown Allotment 3 Section D8, Parish of Castlemaine Crown Allotment 3A, Section D8, Parish of Castlemaine
Relevant Provisions of the Planning Policy Framework	Clause 02.03-4: Natural Resource Management; Clause 11.01-1S: Settlement; 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. Clause 15.01-6L: Design for Rural Areas; Clause 16.01-3S: Rural Residential Development; Clause 16.01-3L: Rural Residential Development.
Zoning:	Farming Zone
Overlays:	None
Triggers:	A planning permit is required to use the land for a dwelling under Clause 35.07-1 of the Farming Zone. A dwelling is a Section 2 Use where the land is less 40 hectares in area. A permit is required to construct or carry out a building or works associated with a use in Section 2 of Clause 35.07-1 under Clause 35.07-4 of the Farming Zone.
Notice:	Yes, by letters to adjoining owners and occupiers and a sign on the subject land.
Referrals:	Internal <ul style="list-style-type: none"> • Public and Environmental Health Department • Strategic Planning External <ul style="list-style-type: none"> • Agriculture Victoria Planning and Advisory Service • Coliban Region Water Corporation • Goulburn Murray Water

	<ul style="list-style-type: none">• North Central Catchment Management Authority
No. of Objections:	None
Key Considerations:	<ul style="list-style-type: none">• Compliance with the Farming Zone• Compliance with the Planning Policy Framework• Relevant Victorian Civil and Administrative Tribunal (VCAT) Case Law

Context

Subject Site

The subject is made up of two allotments known as Crown Allotment 3 and 3A, Section D8 Parish of Castlemaine. The site has a combined area of approximately 3.12ha. The allotments form part of a larger property currently in one ownership totalling approximately 54 hectares.



Extract of the subject site (lots 3 and 3A only) taken from the submitted plan of subdivision

The southern lot (CA3) has a 110.84 metre frontage to Watson Street, an eastern boundary of 100.58 metres and a western boundary of 57.63 metres. The northern lot (CA3A) has an eastern boundary of 215.45 metres, a western boundary of 222.15 metres and a northern boundary of 102.94 metres. The site is currently vacant with an existing road access to Watson Street.

The site has a southerly slope down to the Watson Street frontage and is void of treed vegetation other than some planted native trees around the perimeter of the site, and small tree patches in the southeast and northeast part of the site.

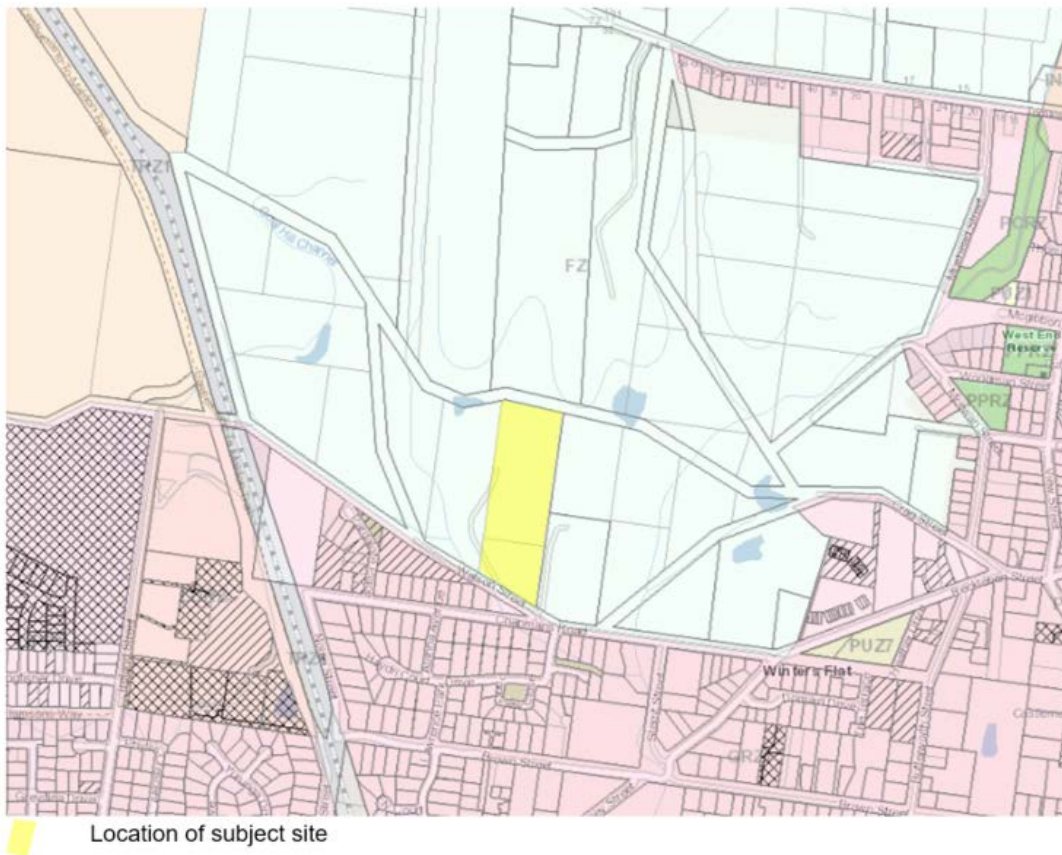
Surrounding Area

The subject site is on the northern side of Watson Street, approximately 1.5 kilometres west of Castlemaine town centre. The site is located within the town boundaries of Castlemaine. Maldon Road is approximately 500 metres south of the subject site.

Surrounding land is also zoned Farming Zone to the north of Watson Street and is made up of large land holdings. The land opposite the site is zoned Township Zone and made up of

small residential allotments. The land further north-west of the site is zoned Rural Living zone and is made up of larger rural residential properties.

The surrounding land to the east and west is covered by grassland, while the land to the north and northwest is heavily treed. The area has an undulating topography.



Proposal

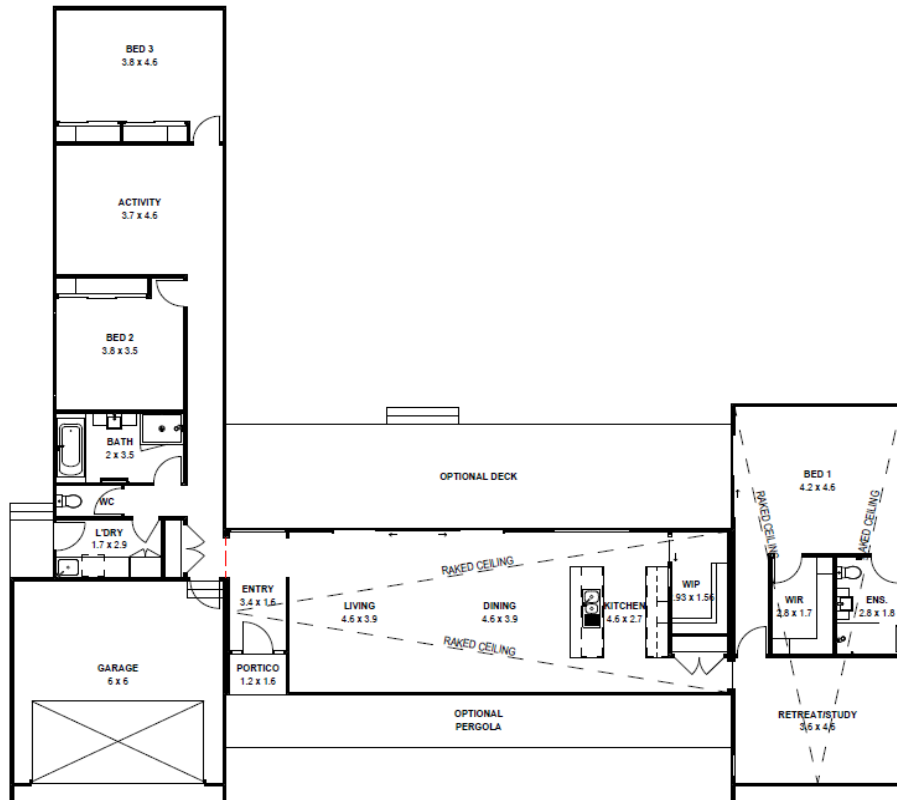
The proposal seeks the use and development of the land for a dwelling. The development entails a single storey three-bedroom dwelling on lot 3A. The dwelling would be in an “L” shape with a floor area of 197.4sqm, containing a master bedroom with ensuite and walk-in-robe, a separate retreat/study, an open plan kitchen/dining/living area, two additional bedrooms, an activity area, a bathroom and a double garage.

The dwelling is proposed to have a maximum building height of 5.42 metres and constructed with metal sheet cladding in galvanised aluminium finish, timber appearance cladding panel in charcoal colour finish.

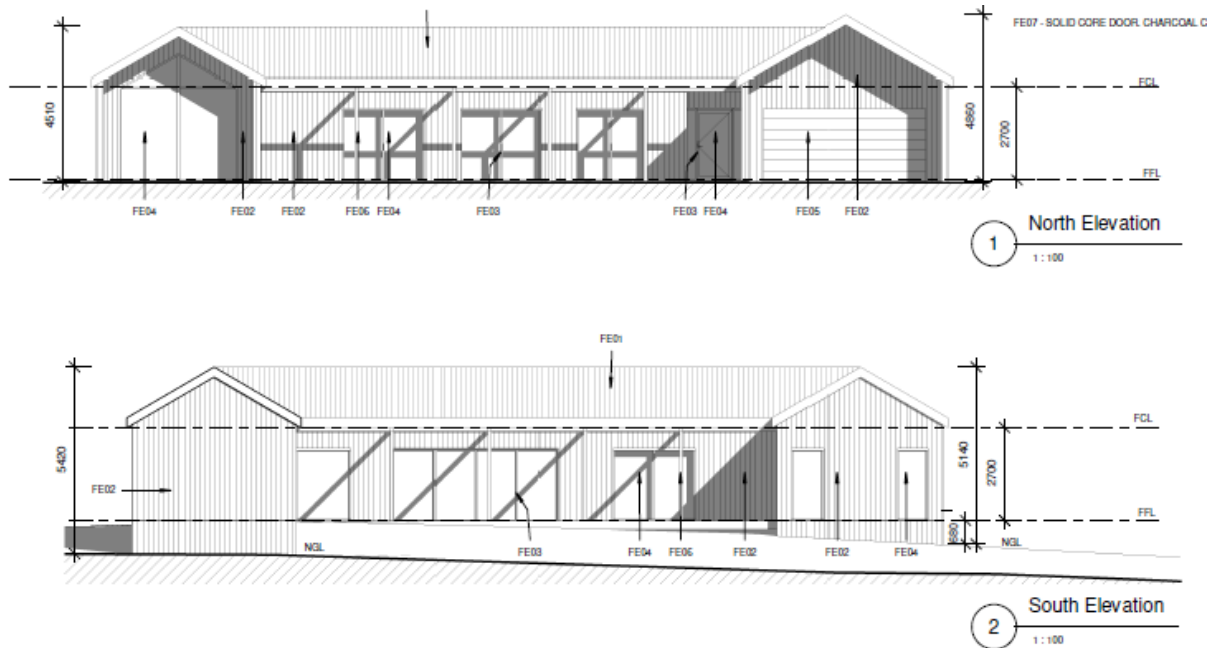
The application included a Farm/Land Management Plan. This plan provides details of the current state of the land and existing agricultural practices. The report provides a table of environmental management actions to be undertaken. This plan has been supplied to justify a dwelling on the property.



Site Plan taken from applicant's submission



Proposed floor plan taken from the applicant's submission



Proposed elevations taken from the applicant's submission

Issues

The key issues for consideration relate to the appropriateness of the proposed dwelling in relation to the Planning Policy Framework and the Farming Zone. The following provides a response to considerations:

Appropriateness of the proposal within the Farming Zone

The purpose of the Farming Zone, is as follows:

- 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 planning permit is required for the use and buildings and works for a dwelling. In support of the application, the applicant has provided a set of development plans and land management plan at the request of Council. The submitted land management plan explains the property:

- Is currently grazed with less than 10 herd of beef cattle used for reducing vegetation (grasses) and fire prevention.
- Contains a number of pest plants, including Gorse, Blackberry, Cape Broom, Sweet Briar, Willow and Hawthorne.
- Existing land management practices include promoting the protection of remnant vegetation and encouraging revegetation including:

-
- Approximately 200m of the waterway has been fenced off to limit grazing pressure to control erosion and prevent grazing;
 - The area along the waterway has been revegetated with native seedlings; approximately 7ha of the land adjoining crown land has been excluded from grazing and revegetated by direct seeding;
 - Shelter belts have been created using native species of eucalypt and acacia.

An application in the Farming Zone must consider the following relevant decision guidelines:

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic, and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

The application has not demonstrated compliance with the requirements or guidelines surrounding agriculture. The above points raised for the Farming Zone have been assessed and the application is contrary to the purpose and guidelines of the zone for the following reasons:

- The proposed dwelling does not prioritise the use of the land for agriculture nor support or enhance meaningful agricultural production noting that the larger agricultural land holding contains an existing dwelling. The submitted Farm Management Plan suggests that no productive agricultural activities are being conducted on the land that require additional housing to be provided on the land;
- The use of the land for a dwelling has not demonstrated how it will support the current agriculture and land management on the site;
- The use of a dwelling can potentially limit the operation and expansion of adjoining and nearby agricultural uses;
- The dwelling will result in the loss and fragmentation of agricultural land; and
- The dwelling has the potential to lead to a concentration or proliferation of dwellings in the farming zone.

It is important that Council seeks to minimise the instances of rural residential development occurring in the Farming Zone and minimises land use conflicts between agricultural activities and the amenity expectations of rural residential dwellings.

This site currently has an interface with residential development located within the Township Zone. The subject site forms part of a larger land holding within the Farming Zone. Approval of the dwelling as proposed would intensify this land use conflict and contribute to the creation of rural residential development within the Farming Zone, where it is priority to conserve land for agriculture.

In forming the above position on the application, Officers sought comment from the Strategic Planning Team whose key conclusions are provided as follows:

- The proposed dwelling does not reflect infill or higher density development, and is located outside of the existing established residential and growth areas of Castlemaine. A definitive edge to existing residential development is created through the existing housing and recent subdivision located south (and west) of Watson Street and

Chapmans Road, within residentially zoned land. While urban expansion is supported in Castlemaine, this is to be located within existing growth areas that are residentially zoned or earmarked for residential development.

- The proposed dwelling reflects a rural lifestyle development, which is located within the township boundary. Its current location within the township boundary signifies that it may be required for urban development in the future. Should this land be required for urban development in the future, it is important that this is approached in a holistic and strategic manner. This could mean the application of a Development Plan Overlay, to ensure that future development is coordinated and planned, as opposed to a piecemeal, dwelling by dwelling development.
- As noted within the Shire's Municipal Planning Strategy (MPS) at Clause 02 of the planning scheme, 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 north-west of the Shire.
- The MPS notes 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.
- While it is acknowledged that a farm management plan has been prepared to support the application, the agricultural use of this land is not considered to be intended as the predominant and primary use of the land. Rather, it is considered that the proposed dwelling is the proposed and intended main use, with the agricultural use to be the secondary and subsidiary use.
- There is concern that a dwelling on this land would lead to the fragmentation of productive agricultural land.
- The proposal does not direct housing to within existing Castlemaine, rather it is located within farming zoned land which is within the existing township boundary. Should this land be required for future urban expansion, approving individual dwelling applications on a case-by-case basis would compromise the ability for this land to be future developed in a planned and coordinated manner.
- A Settlement Planning Assessment was completed in February 2023, following targeted consultation in 2022. The assessment provides crucial information to future strategic planning settlement and housing projects, based on current and future demographic changes within the context of housing and settlement planning, and the findings of the associated land supply and demand analysis.
- The assessment reviews the current strategic directions relating to settlement (at Clause 2.03-1 of the planning scheme, some of which are listed above within this document) and confirms these are still relevant.
- Council is required to have sufficient residential land supply for a 15-year period in line with state planning policy. The Land Supply and Demand Analysis completed as part of the Settlement Planning Assessment concluded that Council currently has sufficient residential land.
- The Strategic Planning unit are currently preparing a Housing and Neighbourhood Character Strategy for Castlemaine, Campbells Creek and Chewton. The purpose of this project is to:
 - Understand the changing housing needs in the community
 - Identify potential sites for housing within urban areas and designate appropriate areas for future development

-
- Take into account neighbourhood character, heritage values and environmental factors to designate areas for substantial, incremental and minimal change
 - Prepare design guidelines for clearer guidance and certainty for future development
 - Inform changes to planning policy, zoning and overlays in the Mount Alexander Planning Scheme
 - A draft strategy is to go out for consultation in late 2023. At this stage, given there is sufficient residential land, it is not proposed to be rezoning Farming Zone land to residentially zoned land. Rather, the strategy seeks to direct growth to existing established residential areas, and support and strongly encourage infill development.
 - As part of the planning scheme amendment to implement this strategy, an updated Castlemaine Land Use Framework Plan will be prepared. However, it is not expected that the updated framework plan will be reducing the township boundary within this particular area, nor is it expected to be directing residential growth to these locations.
 - One of the proposed changes identified within a previous round of consultation on this project included updating state planning policy to ensure that all agricultural land is protected.

Compliance with the Planning Policy Framework

The proposal has been assessed against and considered to be contrary to the relevant clauses of the Planning Policy Framework as follows.

Clause 02.03-4 (Natural Resource Management) states:

- 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 dwelling and subdivision (including dwelling excision) 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
- Restructuring old and inappropriate subdivisions
- Discouraging new dwellings and subdivisions that excise a dwelling that adversely impact the agricultural activities and carried out on the land and neighbouring sites.

Clause 14.01-1S (Protection of Agricultural Land) states:

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture
- 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
- 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
 - Give priority to the re-structure of inappropriate subdivision where they exist of on productive land.

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 new dwellings on existing small lots in the Farming Zone where any of the following apply:
 - The lot was created prior to the introduction of planning controls.
 - The development will inhibit the operation of existing farming operations.
 - The lot is in an area of 'moderate' agricultural quality.
 - The lot is in a 'groundwater management area' or an 'irrigation area'.

Clause 16.01-3S (Rural Residential Developments) states:

- Discourage development of small lots in rural zones for residential use or other incompatible uses.
- Encourage consolidation of existing isolated small lots in rural zones.

Lastly, Clause 16.01-3L (Rural Residential Developments) states:

- Discourage rural living development within the Farming Zone and outside areas already zoned for rural living.

In addition, the *Mount Alexander Shire Council Rural Land Study (EnPlan, 2014)*, which is a background document listed in the Mount Alexander Planning Scheme, suggests the land is of Low Agricultural Quality. The rating system of the strategy does not determine the viability of agriculture, but it does determine that diversity of agriculture can occur. The land has not been determined in the report as unviable agricultural potential.

In relation to the above policy, the following assessment has been made;

- The development of a dwelling does not protect agriculture.
- The development of a dwelling will lead to fragmentation of farming zone land.
- The use and development of a dwelling can potentially conflict with future agricultural proposes on adjoining properties.
- The dwelling may result in a housing excision.
- The proposal is a dwelling on a small rural zone lot.
- The proposal does not propose consolidation of small rural zoned allotments.

For the above-mentioned reasons, it is considered the application has not reasonably responded to the objectives and strategies of the Planning Policy Framework.

Relevant Victorian Civil and Administrative Tribunal Case Law

Officers have considered the following VCAT decisions relating to the application. VCAT case *Kennedy v Baw Baw SC* [2022] VCAT 787 considered the justification of a dwelling on a 3.9-hectare property in the Farming Zone. In this matter Member Wickramasinghe stated the following:

47. The applicant says the proposal that includes a dwelling, an agricultural shed to house farm machinery, 60 chickens, paddock fencing to preserve wetland areas and allow rotational grazing of 10 sheep meets the requirement of the zone.

52. The scale of the agricultural is said to be more akin to a hobby farm and as such any dwelling would perform the function of supporting a rural lifestyle rather than being a necessity in the operation of a commercially viable business.

53. I am not persuaded the use of the land for a dwelling on a 3.9-hectare site is consistent with the provisions of the FZ and is necessary having regard to the nature of the farming use. The decision guidelines of the FZ require consideration of whether the dwelling will result in loss or fragmentation of productive agricultural land and the potential for the proposed to lead to a concentration or proliferation of dwellings.

54. I am not satisfied that any management requirements have been identified to substantiate a continual presence on the site in the form of a dwelling. I agree with Council the 15 hours of work per week associated to the agricultural use of tending 10 sheep, 60 chickens and market garden do not require a 24 hour a day, 7 day a week presence on the site.

56. It therefore follows that I am not persuaded by submissions that the size of the site and use of other land in this area must result in the site being developed with a dwelling. The site can still be put to some productive use whether on its own or by incorporation into a larger property holding. The size of the site should not raise expectations that it is suitable only for a rural lifestyle dwelling.

In VCAT decision *Strachan v Latrobe CC* [2022] VCAT 35 the need for a dwelling in association with agriculture in the Farming Zone relating to the scale of production was considered by the member. In this matter Member Halliday stated the following:

32. A proposal to develop and use the land for a dwelling was the subject of an application to the Tribunal for review of a grant of a permit in 2012. It was put to the Tribunal in that matter that the permit applicant intended to run a beef herd with 10 weaner cattle being fattened on the site at any one time. The Tribunal set aside the Council's decision and a permit was not granted. The Tribunal found that the proposal was an attempt to have a rural living arrangement masked as an agricultural use within a Farming Zone.

58. I have not been persuaded that if the hobby farm operation is started, it will sustainably persist in the long term. The FMP makes no provision for what is to occur if the hobby farm operation ceases, after the dwelling is constructed. In my view, once the dwelling is constructed, there is real risk that if the proposed hobby farming activity commences, it will not be sustained.

In VCAT decision *Webster v Golden Plains SC* [2020] VCAT 71 the need for a dwelling in association with agriculture in the Farming Zone relating animal husbandry was considered by the member. In this matter Member Blackburn stated the following:

25. While the applicant submitted that the proposed dwelling is necessary for the site to be utilised for agriculture, based on the material before me I am not satisfied that this is the

case. Rather, on my site inspection I noted that the site was already being used for horse keeping, with a number of horses in the two recently created paddocks on the land. This has occurred without any dwelling being established on the site, presumably in connection with adjoining land holdings. There is nothing preventing the ongoing use of this lot in a similar way; indeed it is common for agricultural businesses to operate over a number of land titles of varying sizes.

26 The applicant also suggested that allowing a dwelling on the site would ensure that the site is better maintained, including by better control of weeds. While this may well arise in practice, I do not consider it to justify approving a dwelling in this instance, noting that there are already obligations on landowners to maintain their land.

In VCAT decision *Morabito v Macedon Ranges SC* [2018] VCAT 1313 the need for a dwelling in association with agriculture in the Farming Zone relating to the scale of production was considered by the member. In this matter Member Rundell stated the following:

21. The reasons behind the policies include not having agricultural land removed from production because it would be used as a dwelling. The policies also aim to prevent smaller agricultural lots being used as rural lifestyle lots because such use fragments, or prevents the consolidation of smaller lots into larger agricultural holdings that can be used as viable agricultural business. Ad hoc incremental development of small lots for dwellings can encourage land values to rise, thereby making consolidation of agricultural lots more difficult. Dwellings may also be incompatible with agricultural activities on adjoining and nearby land. At the core of the above strategies is the proposition that agricultural land (particularly land with good quality soils) is a rare and valuable resource that needs to be preserved for agriculture in the long term.

32. Finally I agree with the responsible authority that approval of this dwelling would be likely to contribute to increasing land values that would make it more difficult for farmers to consolidate properties into larger more viable holdings through leases or purchase

57. Farming is a robust activity. Families on small lots within a farming area may feel the amenity of their rural lifestyle property is prejudiced by nearby rural activities, including odours from fertilizers, dust, and noise from machinery and trucks operating at all hours. They may try to constrain the farming activities to preserve their amenity. The better approach is to minimise the prospect for conflict by giving priority to agriculture and minimising the intrusion of sensitive uses into an agricultural area.

In summary, the above case law supports the following conclusions in relation to the proposal:

- The use of the land for grazing animal production (beef) and ecological improvement can continue to be carried out without the presence of the proposed dwelling.
- The land is Farming Zone. The pattern of small allotments does not negate the purpose of the zone, or the clauses related to protecting against the potential loss of agricultural land.
- The proposal has the potential to result in a permanent loss of agricultural land in the Farming Zone.
- The approval of a dwelling on the lot would permanently remove the ability of the land to be incorporated into surrounding agricultural enterprises and has the potential to limit the operation and expansion of adjoining agricultural uses.
- There is no guarantee that the dwelling will not be sold to another owner and land fragmented.

Finance and Resource Implications

Cost of appeal to the Victorian Civil and Administrative Tribunal.

Alternate Options

The Council could issue a Planning Permit.

Communication and Consultation

Advertising

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

Applicant-Objector Consultation

The application was advertised, and no objections were received.

<i>External Referrals</i>	
Coliban Region Water Corporation	Conditional consent was provided where connection to reticulated sewerage was agreed.
Goulburn Murray Water	Conditional consent was provided where connection to reticulated sewerage was agreed.
North Central Catchment Management Authority	Conditional consent.
<i>Internal Referrals</i>	
Public and Environmental Health Department	Conditional consent.
Strategic Planning	Objection. The strategic department acknowledged the proposed dwelling location is within the township boundary; however, this did not signify that it is an appropriate development. Should the Farming Zone be required for urban expansion in the future, it is identified this should be approached in a holistic and co-ordinated manner, such as through the application of a Development Plan Overlay.

Applicant Consultation

8 August 2023	The Officer received an email with a draft plan proposing a re-subdivision of three allotments and construction of a second dwelling on the total property. The second dwelling being situated on a separate allotment to which the subdivision would have granted the lot its own individual legal access as the allotment is currently exclave from the road reserve. A formal request to amend the application was not received.
18 August 2023	Officers attended a meeting with the Applicant and family members to discuss planning concerns. The applicant provided evidence of

	existing land management and grazing on the property. This initial meeting resulted in requiring further discussions.
4 September 2023	Officers provided the applicant the opportunity to consolidate the property and have a restrictive building envelope to further justify the dwelling as being ancillary to the existing land management and farming practices. The applicant sought to continue their current proposal.

Legislation

Planning and Environment Act 1987

Strategy and Policy Impacts

Council Plan 2017-2021

Environment – A flourishing environment for nature and people.

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

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.

Councillor Annear returned to the Chamber at 7.32 pm.

9.3.2. Contract M1653-2023 – Tender Evaluation – Kerbside Waste Collection, Transport and Processing – Contract M1653-2023

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Waste and Recycling Coordinator, Michael Scott

Attachments:

1. Confidential – Tender Evaluation Report ~ Kerbside Collection Contract M 1653-2023 [9.3.2.1 – 23 pages]
2. Confidential – Probity Letter – M1653-2023 [9.3.2.2 – 1 page]

Executive Summary

This report seeks approval to award a contract for kerbside collection, bulk transport and processing of general waste and commingled recyclables.

A public tender commenced on 22 August 2023 and closed on 4 October 2023. Five tenders were received, and these tenders were evaluated against predetermined criteria.

RECOMMENDATION

That Council:

- 1. Awards Contract M1653-2023 to Cleanaway Pty Ltd for the provision of kerbside collection, bulk transport and processing of general waste and commingled recyclables. The contract is for an initial seven-year period with the option for a three-year extension, for a total estimated contract value of \$36 million, of which:**
 - a. the value of the first year of the contract is estimated at \$3 million.**
 - b. the value of the first seven years of the contract is estimated at \$23.5 million.**
 - c. the value of the optional three-year extension is estimated at \$12.5 million.**
- 2. Notes the contract provides for annual price rate reviews in accordance with an agreed rise and fall formula.**
- 3. Authorises the Chief Executive Officer to sign and affix the Common Seal to the contract documentation for Contract M1653-2023 for the provision of kerbside collection, transport and processing of general waste and commingled recyclables.**
- 4. Authorises the Chief Executive Officer to approve the extension of Contract M1653-2023 for a further three-year term, should that option be exercised.**
- 6. Approves the governance structure outlined within the attached Confidential Tender Evaluation Report.**
- 7. Approves the allocation of \$200,000 from the Waste Reserve to explore and integrate TechOne with Cleanaway’s ECHO – End-to-end Logistics Software, for enhanced customer relationship management.**

-
- 8. Notes that a recommendation on the introduction of a waste recycling system for food organics and garden organics, and glass will be presented at a future Council Meeting.**

MOVED COUNCILLOR MCCLURE

That the recommendation be adopted

SECONDED COUNCILLOR MALTBY

CARRIED.

Context

Council has undertaken a public tender process for the provision of kerbside collection, bulk transport and processing of general waste and commingled recyclables services from 1 October 2024. The timing of the tender aligns with the completion of the current contract with Veolia Environmental expiring on 30 September 2024.

The tender process requested proposals for two new services, Glass, and Food Organics and Garden Organics (FOGO) as options available to Council. This request was driven by the scheduled and mandated introduction of a separated glass and organic collection and recycling service as dictated by the State Government; the introduction of a separate glass recycling service by 2027 and an organic waste recycling service by 2030.

Table 1 outlines the services requested, the frequency and the dates they are expected to commence. The services included in the contract under consideration are for General Waste and Commingled Recycling, with an initial contract period of seven years and an extension option of three years.

Table 1: Request for services – commencement dates

Waste Stream	Services from 1 Oct 2024
General Waste	Weekly
Commingled Recycling	Fortnightly

It should be noted, the service frequency of general waste and commingled recycling collection may be adjusted at a future date, this will be informed by the introduction of Glass, and Food Organics and Garden Organics waste services. The introduction of these services is the subject of a future Council decision and are not included in the contract proposed for award.

Tender Responses

Council received five tender submissions from the following contractors:

- Cleanaway
- Four Seasons Waste
- JJ's Waste & Recycling
- Veolia Environmental
- Solo Resource Recovery

Three out of the five tender respondents provided pricing for the complete array of waste services requested (such as bin collection from households, bulk transport, disposal, processing and bin supply, repair, etc.), whilst two provided pricing for kerbside collection only.

The total Year One costs for services relating to general waste and commingled recyclables from the five tenderers ranged from \$2.2 million to \$3.1 million. The range of pricing reflects the differing services offered across the submissions.

Following the initial evaluation of each submission against pre-set evaluation criteria, Cleanaway, JJ's Waste and Recycling, and Veolia Environmental were shortlisted for interview. Interviews with the three shortlisted tenderers were based on several pre-issued clarification questions and provided an opportunity for further questions of clarity on the submissions.

Following reference checks, further requests for clarification and legal advice on contract clauses; the Evaluation Panel recommends Cleanaway as the preferred tenderer.

Based on waste data as of August 2023 (publication of tender date), the total Year One cost for the provision of kerbside collection, bulk transport and processing of general waste and commingled recyclables services (commencing 1 October 2024) is estimated to be \$3 million.

Detailed analysis of each submission is presented in the Tender Evaluation Report (Confidential Attachment 9.3.2.1).

AFS Bendigo was engaged as probity advisor throughout the procurement process. AFS Bendigo was involved in all pre-tender meetings and discussions and attended the mandatory briefing session with prospective tenderers, evaluation meetings and interviews with the shortlisted tenderers. A probity plan was developed, and a final probity report (Confidential Attachment 9.3.2.2) summarises the process undertaken and how it meets the common standards of procurement, most notably Council's own Procurement Policy.

The option to introduce new services for the collection and recycling of FOGO and glass are under review and will be explored in a separate report, with a separate recommendation at a future Meeting of Council.

Issues

Future considerations

Goal 3 of the Waste Management Strategy is to support a local circular economy. This includes investigating Council's capacity and the establishment of partnerships with local businesses and community groups for the processing and reuse of glass and FOGO recycled material locally. As such, the option for the collection and recycling of glass and FOGO waste streams was included as part of the tender process.

If it was determined to introduce a four-stream kerbside waste service in the future, the proposed frequency for service collection is presented in Table 2. Specific recommendations regarding the introduction of separated glass and FOGO waste services, including collection and processing approaches, will be presented to Council for consideration at a future Councillor Briefing, and Meeting of Council.

Table 2: proposed future services frequencies

Waste Stream	Proposed future frequency
General Waste	Change to Fortnightly
Commingled Recycling	Fortnightly
FOGO (optional)	Weekly
Glass (optional)	Monthly

Enhanced Customer Service

As part of the tender offer from Cleanaway, end-to-end Logistics Software is included which enables almost-real time transmission of data to monitor the service delivery by Cleanaway. This includes visibility over all trucks, job status, and crew lift rate performances. The system further provides for the monitoring of bin contamination at collection point, allowing for targeted education and awareness actions to be undertaken.

The software can be integrated into Council's Customer Service system, automating the process of informing the Contractor of customer requests for items such as missed bins, replacement bins, and other complaints that are received by Council. The integration of the systems would enable the Contractor to respond to requests as early as possible, including on the same day where relevant. The automation of the connection between Council and Contractor systems is anticipated to resolve customer requests in a shorter timeframe, and allow Council staff to focus greater time on monitoring the overall service delivery, and other waste management tasks.

It is recommended to allocate up to \$200,000 from the Waste Reserve to explore the integration requirements and undertake the integration of the Contractor and Council systems. This will importantly assess cyber security risks to council.

Finance and Resource Implications

Financial

Based on the provided schedule of rates and cost modelling, costs that would be payable to the preferred tenderer is estimated at \$3 million per year, and would not exceed the costs estimated in the 2023/2024 financial year for the same services. This equates to an estimated cost of \$23.5 million for the initial seven year contract term, an estimated \$12.5 million for the value of the three-year extension, totalling an estimated contract value for the maximum 10 year contract term of \$36 million.

This projection takes into consideration the significantly higher EPA landfill levy cost with the use of the metropolitan landfill.

In addition to the contract, \$200,000 is recommended to be allocated from the Waste Reserve to integrate Contractor and Council software systems to enhance customer request management.

The most significant impact on the cost of waste service provision will occur when glass and FOGO services are introduced. Work is currently underway to model any change to the Waste Charge cost for households; how a change if necessary, will be applied, and the overall management of the waste reserve for future capital works.

Risk Analysis

Contract Management

Performance expectations will be managed through the establishment of a Performance Management Committee made up of members from the organisation and Cleanaway as set out in the contract. The role of the Committee will be to review recent operations and to consider future improvements to services. The Committee will meet monthly leading up to contract commencement and then three months following commencement. The meeting frequency will be reviewed after three months, dependent on the achievement of the contract performance criteria.

Non-recyclable items placed in the commingled recycling stream (contamination) and acceptable levels of contamination is not something new to this contract. However; contamination thresholds have been tightened because of changes within the recycling industry 2017/2018. This issue has been mitigated by the inclusion of a contamination rate of 25 percent, which is higher than our current contract contamination rate of 15 percent. The contractor will also be responsible for developing, implementing, monitoring, and reviewing a contamination management strategy and associated procedures.

Financial Capacity

A financial assessment was undertaken to ascertain if Cleanaway has the capacity to deliver the contract. The independent assessment identified no issues of concern. In summary, Cleanaway has a strong network of resources throughout the state and the risk of financial issues to meet capacity are considered low.

Business Continuity / Transition of Contract

Transition of the contract from Veolia Environmental to Cleanaway will require a focussed commitment to coordinate the process and to ensure a smooth transition; however, based on Cleanaway's proposal and subsequent clarifications, a transition plan, regular meetings, and contingences will be in place to ensure there are minimal issues.

Cleanaway's proposal instilled confidence in their ability to mitigate potential risks, ensure services will not be disrupted, and inevitable issues with contract transition will be minor and kept to a minimum.

Cleanaway's customer service capability was also tested, with clarification on their procedures and process, and a requirement for a single point of contact within a dedicated Bendigo-based customer service team assigned to this contract that will be highly responsive to our needs.

Reputation risk:

Reputational risk is more of an issue regarding when and how the new waste services are introduced. A separate Councillor Briefing will make recommendations on the introduction of FOGO and glass waste streams. Importantly the effectiveness of the behaviour change program that accompanies such change will be paramount to maintaining Council's reputation. The program will focus on preparing residents for change and seek their participation in ways that encourage recycling.

Regulatory risk:

Recycling Victoria, a new State Government body under the auspice of the Department of Energy, Environment and Climate Action is currently developing service standards for the delivery of waste and recycling services to households by councils and alpine resorts. The service standards fall under the *Circular Economy (Waste Reduction and Recycling) Act 2021*.

It is understood the service standards will require councils to provide a kerbside waste collection service for general waste and commingled recyclables. The current tender recommendation enables Council to meet this requirement.

Details regarding the service standard for glass and FOGO are yet to be confirmed and will be communicated by Recycling Victoria in early 2024. The decision to provide a future recommendation on how Council will collect, and process glass and FOGO waste streams has been made considering the timing of the release of the service standards by Recycling Victoria.

Change of service

Following a future decision of Council on the service provision of FOGO and glass waste streams, adjustments to the contract under consideration in this report for general waste and commingled recyclables may be required. This may include the need to revise the pricing schedule for the collection and bulk transport of the two waste streams. All potential changes

will be informed by the proposal for collection, bulk transport and processing of the four waste streams, and potential kerbside collection frequency changes.

The impact of the potential changes has been mitigated in part through the tender process, where tenderers were invited to provide alternative pricing for general waste and commingled recyclable collection, transport and processing alongside the introduction of FOGO and glass services. The recommended tender provided alternative pricing within their submission.

Climate Impact Statement

Goal 4 of Council's Waste Management Strategy 2023-2033 seeks to minimise the environmental impact of waste management, this includes where possible minimising greenhouse gas emissions (Focus Area 4.1). The evaluation of tender submissions considered the impact on the environment and sustainability.

One criteria of the tender evaluation focused on the environment and sustainability. Issues considered in submissions included the fuel efficiency of vehicles, the distance to proposed landfill and recycling processing facilities.

Cleanaway proposes to send general waste to the Metropolitan Regional Landfill in Ravenhall / Deer Park and commingled recyclables to the Material Recovery Facility in Laverton and Coolaroo. Both are closer to the Shire than the current facilities for general waste in Patho and commingled recyclables in Echuca. The reduction in transportation distance will result in lower carbon emissions for the transportation of waste for processing.

Gender Equity Statement

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

A GIA (Gender Impact Assessment) has not been completed; however, gender equity principles have been considered in the development of tender specifications.

Alternate Options

An alternative option for Council could be to in-source the provision of kerbside collection and bulk haulage of general waste and commingled recycling instead of engaging an external contractor. This option is not recommended for the provision of general waste and commingled recyclables based on an internal assessment that identified the cost to purchase and maintain kerbside collection and bulk haul vehicles, and the employment and training of staff outweighing the cost to engage a contractor to perform these services.

Furthermore, Council does not have an active landfill to dispose general waste, or a council owned recycling facility to process commingled recyclables.

Communication and Consultation

Inform:

We will keep our community informed

The community will be informed about the change in service provider through our website, print and social media. This will include potential changes to bin collection days following the approval of collection routes proposed by Cleanaway. If changes are required, a localised communication and engagement plan would be developed.

All tenderers will be notified of the outcome of their tender submission. Unsuccessful tenderers will be encouraged to seek feedback on their submission's strengths and weaknesses to highlight opportunities for improvements when participating in future tender processes

Legislation

Environment Protection Act (2017)

Circular Economy (Waste Reduction and Recycling) Act 2021.

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 FOGO recycling

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 FOGO and glass recycling.

Mount Alexander Shire Council, Environmental Strategy 2015-2025

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

Waste Management Strategy 2023-2033

The Waste Management Strategy sets out the strategic direction of Council's approach to managing waste generated within Mount Alexander Shire for the near future. The Strategy has incorporated high-level actions to reduce the amount of material sent to landfill and where possible, reuse and recycle as much as possible. The Strategy specifically mentions the four-waste stream service and the process for implementation.

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.

Climate Change Strategy

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

Statutory powers and implications

Council is required to adhere to strict legislation and conditions concerning the collection, management, and disposal of waste. Regulation and enforcement of this legislation falls to the Environment Protection Authority. In addition to this, Council also has mandatory reporting and participation roles with Sustainability Victoria and the Department of Environment, Energy and Climate Action.

Child Safe Standards

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

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

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

Declarations of Conflict of Interest

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

No conflicts of interest

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

9.3.3. ADOPTION OF FINANCIAL RESERVES POLICY

This Report is For Decision

Responsible Director: Director Corporate and Community Services, Lisa Knight

Responsible Officer: Executive Manager Corporate Services, Carolyn Ross

Attachments: 1. Financial Reserves Policy [9.3.3.1 – 6 pages]

Executive Summary

The Financial Reserves Policy was last adopted in 2020. The purpose of the policy is to establish requirements relating to the creation of reserves, transfer of funds to reserves, expenditure of funds from reserves, and ensuring that sufficient cash is available to fund reserve projects.

To simplify the language used, as part of this review, the name of the policy has been changed from 'Statutory and Discretionary Reserves Policy' to 'Financial Reserves Policy.'

RECOMMENDATION

That Council adopts the Financial Reserves Policy.

MOVED COUNCILLOR HENDERSON

That the recommendation be adopted

SECONDED COUNCILLOR CORDY

CARRIED.

Context

The Financial Reserves Policy was last adopted by Council in February 2020 and addresses the requirements relating to the creation of reserves, transfer of funds to and from reserves, and ensuring that sufficient cash is available to fund reserve projects.

This policy is applicable to financial reserves for both discretionary and statutory purposes. The policy excludes the non-cash asset revaluation reserve used to record changes to the value of assets.

This policy has a review period of three years.

As at 30 June 2023, Council held \$25,989,352 in the following reserves:

Statutory	
Campbells Creek South	\$83,134
Diamond Gully	\$439,631
General Developer	\$83,080
McKenzie Hill	\$144,867
Open Space	\$721,756
Tree Planting and Maintenance	\$40,852
Total Statutory	\$1,513,320
Discretionary	
Energy and Water Saving	\$267,262
Swimming Pool	\$3,060,520
Gravel Pit	\$39,000
Uncompleted Works	\$9,875,032
Unspent Grants	\$6,314,971
Waste	\$4,919,247
Total Discretionary	\$24,476,032

Issues

Updates to this version of the policy include the following:

- Explanatory paragraphs for both statutory and discretionary reserves, including examples of types of reserves.
- Increasing the value of when a discretionary financial reserve should be created, from \$25,000 to \$250,000.

-
- Explanation of requirements around information to be provided to Council for approval of the creation of a new discretionary reserve.
 - Where transfer of funds from a reserve greater than budget occurs, and it is approved by a director or the CEO, the details are to be reported to Council in the quarterly finance report.
 - Where transfer of funds from a reserve was approved by the CEO but was not approved as part of the budget process (up to \$20,000), the details are to be reported to Council in the quarterly finance report.
 - References to Environmental Upgrade Agreements were removed.

The Gravel Pit Reserve was set up for the future costs of rehabilitation works at Council's gravel pit in Tarilta. The fund was established in 2003/2004, when \$1,500 was first transferred as indicated in the annual budget, and further annual transfers occurred until 2009 when the balance of the fund reached \$9,000. One additional transfer of \$30,000 occurred in 2013/2014 to bring the reserve to its current balance of \$39,000.

Over the years, Officers may have lost sight of the intent of this reserve and the requirements set down by Council when the fund was initially established. Staff from the Infrastructure and Development Directorate will review the history and intent of the reserve, as well as future rehabilitation requirements and costs, and advise Council of future options concerning this reserve.

Finance and Resource Implications

As at 30 June each year, the recorded cash balances should, at a minimum, be equivalent to the total of the balance of Statutory and Discretionary Financial Reserves.

Risk Analysis

Financial risk:

This policy enables Council to segregate income received from specific sources from the general operating surplus and sets this aside for a future application.

Climate Impact Statement

Financial Reserves that directly support Council's climate initiatives include the energy and water savings reserve. Indirect support can be made through, for example, the waste Management reserve or the gravel reserve.

Alternate Options

Council could choose not to endorse a Reserves Policy, however, the absence of guidance to staff and Councillors may result in funds not being used as intended or as legally required. Council could consider allocating interest on reserve balances at 1 July each year to recognise that these funds are not set aside in a separate interest earning bank account.

Interest could be calculated based on the most recent term deposit rate obtained on investments held. Excluding the reserves for uncompleted works and unspent grants, if calculated as at 1 July 2023, this would equate to \$534,064 (based on reserve balances of \$9,799,349 and an interest rate of 5.45%). If interest was only allocated to discretionary reserves (with the same exclusions as earlier), then interest would change to \$451,589 (\$8,286,029 at 5.45%). If interest were only allocated to reserve balances greater than \$500,000 (\$7,979,766) then interest would be \$434,897.

In considering the above, any such interest allocation would reduce cash available for operating and capital purposes in the current time and reallocate it to a future time. For context, when considering interest allocation, Council's total interest income in 2022/2023 was \$883,208.

It is recommended in the policy that discretionary financial reserves not be created where it is expected that the balance of the reserve will not reach \$250,000. Council could consider leaving this threshold at its current value of \$25,000 or nominating a different threshold altogether. Regardless of which threshold is adopted, the administrative burden of reserves and the need for sound budgeting practices should be considered.

Communication and Consultation

Inform:

We will keep our community informed.

Reserve balances, and transfers to and from, are communicated through quarterly Financial Management Reports.

Legislation

Local Government Act 2020

Section 102 (1) of the *Local Government Act 2020* requires Council to "prepare and adopt financial policies that give effect to the financial management principles."

While a policy to manage reserves is not a requirement of the above section, in the spirit of a principles-based Act, Local Government Victoria does encourage councils to consider their policy position around the management of financial reserves.

Strategies and Policy Impacts

Council Plan 2021-2025

Principle – We are delivering together.

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

Declarations of Conflict of Interest

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

No conflicts of interest

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

10. DELEGATES REPORTS

MEETINGS ATTENDED BY CEO AND MAYOR FROM 20 DECEMBER 2023 TO 20 FEBRUARY 2024

MEETING	CEO	MAYOR
Attended Local Government Reforms 2024 information session for CEOs	✓	
Meeting with CEO of Bendigo Kangan TAFE to discuss matters of common interest	✓	
Attended Loddon Campaspe Councils CEOs meeting	✓	
Meeting with CEO of Goldfields Regional Library to sign new service contract	✓	
Gold Central Vic radio interview	✓	
Meeting with Rapid Relief Team (RRT) regarding implementing their plan		✓
Gold Central Vic radio interview	✓	
Attended Indigenous Roundtable agenda planning meeting		✓
Attended Loddon Campaspe Councils CEOs meeting	✓	
Gold Central Vic radio interview	✓	
Attended Australia Day – Survival Day event and Citizenship ceremony	✓	✓
Meeting with Maree Edwards MP to discuss matters of common interest for Mount Alexander Shire	✓	
Gold Central Vic radio interview	✓	
Attended Loddon Campaspe Councils CEOs meeting	✓	
Tour of Jirrahlinga Wildlife Park		✓
Gold Central Vic radio interview	✓	
Attended joint State / Local Government CEOs forum	✓	
Presented (Mayor Driscoll) Castlemaine Secondary College's 2023 Dux and Dux Proximus Awards	✓	✓
Onsite inspection with owner and manager of Castlemaine Big 4 Caravan Park to discuss matters of common interest	✓	
Attended Loddon Campaspe Shire Councils Mayors and CEOs meeting	✓	✓
Meeting with Executive Director Loddon Mallee and Hume, Department of Transport and Planning to discuss matters of common interest for Mount Alexander Shire	✓	

MEETING	CEO	MAYOR
Co-Chaired (Mayor Driscoll) Indigenous Roundtable (CEO represented by Director Corporate and Community Services, Lisa Knight)	✓	✓
Gold Central Vic radio interview	✓	
Attended official opening by Maree Edwards MP of the new Workspace Australia Small Business Incubator at ETTY Street (Cr Henderson and Cr McClure also in attendance)	✓	✓
Meeting with Maree Edwards MP and local property owners to discuss planning permit and compliance matters (Michael Annear, Director Infrastructure and Planning also in attendance)	✓	
Meeting with Maree Edwards MP to discuss matters of common interest for Mount Alexander Shire	✓	
Attended Rural Councils Victoria meeting as Loddon Campaspe's CEO representative	✓	
Attended Castlemaine Art Museum function		✓
Gold Central Vic radio interview	✓	
Interview with President, Maldon Inc for Tarrangower Times article	✓	
Chaired Economic Development Strategy project control group meeting		✓
Interview with Castlemaine Mail		✓

Councillor Cordy acknowledged the work undertaken by the contractors and Council Officers involved in the upgrades to Fogartys Gap Road.

Councillor Annear acknowledged the work of volunteers and officers involved in the Community Christmas Lunch, the Australia Day – Survival Day Event as well her participation in the Castlemaine Library's Storytime Workshop, where she made a presentation on her 47 favourite picture story books.

Councillor Henderson acknowledged the Australia Day – Survival Day Event, noting the wonderful atmosphere and significant community participation.

Mayor Driscoll also acknowledged the Australia Day – Survival Day Event, chairing his first Indigenous Roundtable, opening of Workspace Australia with special thanks to Maree Edwards MP, and a function at the Castlemaine Art Museum.

11. NOTICES OF MOTION

Nil.

12. URGENT SPECIAL BUSINESS

Nil.

13. 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 Meeting of Council 20 February 2024, 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**
- (c) Land use planning information, being information that if prematurely released is likely to encourage speculation in land values.**

MOVED COUNCILLOR MALTBY

That the recommendation be adopted

SECONDED COUNCILLOR ANNEAR

CARRIED.

14. MEETING CLOSE

Meeting closed at 8.02 pm.