

MINUTES



OF THE MEETING OF COUNCIL

Held on Tuesday 19 December 2023

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

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ACKNOWLEDGEMENT OF COUNTRY

To start the official proceedings

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

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

1. PRESENT

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

Officers: Chief Executive Officer (Darren Fuzzard), Director Infrastructure Development (Michael Annear), 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

Councillor Annear declared a general conflict of interest with Item 9.3.2 of the Agenda.

4. CONFIRMATION OF MINUTES

4.1. Meeting of Council - 19 November 2023

The unconfirmed minutes of the Meeting of the Mount Alexander Shire Council held at 6.30 pm on 19 November 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 November 2023 be confirmed.

MOVED COUNCILLOR ANNEAR

That the recommendation be adopted

SECONDED COUNCILLOR HENDERSON

CARRIED.

5. ACKNOWLEDGEMENTS

5.1. Acknowledgement - Martyn Shaddick

Acknowledgment of Martyn Shaddick, Manager, Castlemaine Community House.

Martyn Shaddick, manager of Castlemaine Community House, will be finishing in his role tomorrow, 20 December 2023 after 11 years of service.

Council acknowledges and thanks Martyn for the significant support and contribution that he has provided during this time. Martyn has led a range of initiatives and also partnered with Council on projects that have improved outcomes for many individuals and groups within the community.

Martyn has been instrumental in the support and provision of Castlemaine Community Lunches, including the support to Maldon Neighbourhood House and Maldon Community Lunches during this time. Additionally, Martyn has supported and advocated for many initiatives including:

- Successful grant funding for universal access at Castlemaine Community House for the installation of a ramp and chairlift.
- In partnership with Council, supported the running of Mondo Lounge, as a youth program for many of our young people in the Shire.
- Strong supporter of grassroots initiatives and projects that were auspiced by Castlemaine Community House as part of Council's Community Grant applications.
- Support and advocacy to the Mount Alexander Shire Disability Advocacy Group (MASDAG). Particularly his involvement in the collaborative project between Council and MASDAG in preparing people with disability for emergencies.
- Instrumental support provided as a member of the Mount Alexander Shire COVID-19 Relief and Recovery Committee, where the food pantry and similar initiatives were borne - which now forms the Mount Alexander Shire Connectors Program.
- Advocacy and support for people experiencing homelessness.
- Support for the Social Prescribing project and the launch of the Get Connected platform.
- Coordination of Castlemaine Pride, installation of the flagpoles and LGBTQIA+ and Aboriginal flag at Castlemaine Community House, and one of the inaugural members of the LGBTQI RoundTable in 2018.
- Member of the Healthy Mount Alexander and Healthy Heart of Victoria / Healthy Loddon Campaspe working group since its inception in 2018.
- Facilitation and support to Murrnong Mummas.

Martyn's principles of social justice and commitment to community will leave a long-lasting legacy for Council and for the community. The care, compassion and advocacy efforts undertaken by Martyn are very much appreciated. Thank you, Martyn.

The Honourable Maree Edwards MP sent a message which was read by Mayor Driscoll:

Congratulations Martyn on your outstanding contribution to our community as the Manager of the Castlemaine Community House.

You have led the delivery of many extraordinary programs for residents of our Shire at CCH, particularly for those needing extra support.

Your compassion, empathy and ability to bring people together will be deeply missed. It's been a pleasure to work with you.

All the very best as you embark on your next journey.

Mr Shaddick stated:

There are actually so many that I would like to thank, because we don't get to do this a lot, and it's not just people, it's different organisations. Particularly the Mount Alexander Shire Council, and too many people amongst the Council to even begin mentioning, but there are some incredible people – and they know who they are, and I've thanked them over the past few weeks.

Other organisations: Dhelkaya, and CHIRP before that, the library and various schools that we've worked with over the years. We've done some pretty amazing stuff, and I'm actually pretty proud of what we've achieved as a Community House over the last eleven years. It was a pretty amazing Community House when I joined it eleven years ago, and I'd like to thank Ron Moore who was the previous manager, who I think was at the Community House for twenty years – so he lasted longer than I did.

It's an incredible community and it's a fabulous community to work with and I think we've done a lot and I really appreciate the fabulous support we've had along the way. Thank you.

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6. PUBLIC TIME

MOVED COUNCILLOR MALTBY

That standing orders be suspended at 6.39 pm.

SECONDED COUNCILLOR MCCLURE

CARRIED.

a. Bill Wigglesworth

Thanks for letting me speak tonight. Back in September, the last time I spoke, the issue I was concerned about was graffiti. Since September, there has been an explosion of graffiti in the township. The good news is that two weeks ago the police arrested and charged two seventeen-year-olds for their activities, and they've been very active. So, they're out of action for the time being. You may know that earlier this year, there were two people aged in their thirties who were arrested and charged and taken to court in September because of their violence and [indistinguishable]. So that's the good news. We've got four people out of action, but there are still plenty out there who are waiting for another opportunity. I think they'll probably pull their heads in for a while, and keep a low profile. I think it's important to note that the four people who have been arrested and charged, were apprehended entirely because they were caught on security camera. Without the visible evidence, the police could not have caught them and charged them. I've spoken to the police officers in charge of that. The bad news is that the graffiti that they've pushed all over our township is still there. So how are we going to get rid of it? We've got a lovely historic and appreciative town and it's marred by this ugly graffiti. The reason why I've come here tonight is to ask what can Council do to get rid of this graffiti? When I spoke in September I was allowed three questions. I've actually got four questions now, I hope you'll let me use them. My questions relate to one angle of how we can use the \$60,000 which was allocated for the graffiti by the Shire in this financial year.

1. How much of the \$60,000 will be spent on the part time graffiti officer position?
2. Will this officer be empowered to get graffiti removed from the many sites around Castlemaine where it still exists?
3. Will this position extend beyond the remaining six months of the current financial year?
4. Will this anti-graffiti funding be rolled over to the next financial year, considering that MASC still has a long way to go to solve this problem?? If not, why not?

And by the way, if anyone hasn't had the chance to walk the streets and see the graffiti, I've got a huge folio of new graffiti that I can show you, if you want to know the damage that they've done to our township.

b. David Dean

Actually, Bill touched on a few things that I was going to raise, so I'll skip over those. My name is David Dean and I live in Harcourt North. Often when we meet new people down in Melbourne and they ask where I live, I tell them that I live in Harcourt and they say "where is that?" and I say that it's an outer-suburb of Castlemaine. I quite proudly say it, and of

course, everybody knows where beautiful Castlemaine is. Recently I had family over from Canada and we took them for a tour around this place, particularly around this beautiful city. My cousin said to me, she was quite shocked by some of the stuff she saw in terms of graffiti and some of the foul language that she was confronted with. And she said to me “How come your council accepts this? It’s just everywhere.”. I was lost for words quite frankly. I’ve been a CEO and I know that if it isn’t high on the agenda as far as the CEO is concerned then the troops aren’t going to treat it as seriously as you would like them to do so, hence my questions:

1. Please advise exactly what involvement our CEO has in attacking the anti-graffiti effort in our city? The online version of the December shire news does not mention graffiti, suggesting it has a low priority – and that may be unfair, but I read that very carefully to see if there was any mention of this disgraceful graffiti that defaces our beautiful city.
2. We’re halfway through the financial year, and I have no idea how much of the \$60,000 graffiti action fund has been spent so far, and specifically, what has it been spent on?
3. Will Council commit to giving ratepayers regular updates on what is being done to counter the ongoing defacement of our beautiful city. I think ratepayers have a right to transparency. I look forward to more information being made available, and communications to the public.

Statement / Question read by Councillor Henderson

c. Ian Braybrook

Can the Council describe the role that the Mount Alexander Shire Council CEO has had and continues to have in the anti-graffiti effort?

What is the specific role of the Graffiti Officer?

We are halfway through the financial year. How much of the \$60,000 graffiti action fund has been spent to date and what has it been spent on?

Will the Council commit to giving ratepayers regular updates on what is being done to counter the graffiti problem? For example, via the online Shire News email or in the local newspapers.

Ratepayers will appreciate transparency and accountability in the Shire’s allocation of the anti-graffiti funds.

Response: Mayor Driscoll

As Ian, Bill, and David would know, I am sympathetic to their views on the graffiti situation. Council has responded to similar public questions at multiple council meetings this year and will not be responding to similar questions in the future. Having said that though, I would like to move to Director Annear to answer some of the questions that you’ve asked tonight.

Response: Director Annear

Firstly, I would like to highlight that Council takes the issue of graffiti quite seriously as Mayor Driscoll has mentioned. This has been acknowledged through the endorsement of the Graffiti Management Policy throughout this year, as well as making a budget allocation for the current financial year to address some of the issues. So, while the CEO may be the highest authority with regard to the Officers, the Council is the highest authority and Council has made that decision in acknowledgment of that issue.

The Graffiti Officer will coordinate graffiti reporting, removal and prevention activities undertaken by Council teams. Liaise with private property owners, community groups, volunteers, and other Public Authorities to collectively address incidents of graffiti within Mount Alexander Shire.

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

The possible extension of the role will be determined based on operational needs and budget availability.

Council will report on the achievements made in this area through its annual reporting platforms as relevant.

Statement/question read by Councillor Gardner. Councillor Gardner summarised the question, it is included in full below.

d. Laurel Kanost

I refer to my request of some eight months ago regarding the street lighting and Powercor's attendance upon the corner of Myring and Barker Street lights. No changes or alterations have been made to the levels of light or the exposure of the arc of the light falling within Private Open Spaces, nor have I been contacted about the matter, which now puts the issue back to Council.

OHS review of LED lighting risks to human and animal health

I give notice to the Council of the Occupational Health & Safety matter created by inappropriate LED lights and request that this be tabled as a review issue for the council to consider at the next council meeting.

Please request full detail of the upgraded lighting installed by Powercor including the colour of the LED settings on the main thoroughfares in Castlemaine and the Mount Alexander Shire as part of this review and the purposes of that model of light installation (in this regard the extreme brightness appears to be on a par with photograph/facial recognition lighting used in photograph booths).

I note that the OHS understanding of the issues around LED lighting has been known since 2010, and in 2016 the American Medical Association issued a warning about the human health and environmental impacts of LEDs that emit excessive blue light [backing six-year-old findings of the International Dark-Sky Association (IDA) about the negative consequences of the global movement to LEDs as the preferred outdoor lighting technology], causing some cities to protect their councils from personal liability by removal and replacement with more appropriate lighting.

Endocrine disruption, obesity, depression/mental health harms, harm to animals are some of the outcomes from inappropriate lighting in recent studies, some of which are cited below.

The tools to eliminate or reduce an OHS harm from inappropriate LED street lights subject of my unresolved complaint are obvious in this case, and easy to apply to Mount Alexander Shire.

1. ELMINATE If the council review with Powercor results in the lighting having been inappropriately selected or programmed or fitted, the LED lighting can be removed as some

US cities have done and replaced with appropriate lighting which does not pose harm (<https://edition.cnn.com/2016/09/29/health/streetlights-improve-health/index.html>): In response to recent guidance by the American Medical Association against the use of powerful LED lights, cities such as Phoenix; Lake Worth, Florida; and 25 towns in Connecticut are now opting for street lamps with lower colour temperatures, meaning less blue light emission. The association's policy statement, released in June, suggested that LED lights with colour temperatures higher than 3000 Kelvin had adverse effects on health, including eye damage and disrupted sleep patterns. The warning was aimed at large cities, where the standard colour temperature for LED street lights is 5000K to 6000K.

Removal by some US towns was based upon the Australian Medical Association report which had recommended that when converting to LED fixtures, engineers should pay attention to design features such as proper shielding and adaptive controls that can dim or extinguish light. The correlated colour temperature (CCT), a measure of the spectral content of light, should be limited to 3000 K or lower, the report says; higher CCT indicates a greater amount of blue light. The IDA issued an identical CCT guideline in 2014. "Electric light has great attributes, but we now realize, when poorly used and abused, there are also many problems," said University of Connecticut epidemiologist Richard Stevens in the IDA statement. The AMA has previously endorsed the use of shielding for minimizing glare from streetlights and has warned about the detrimental human health effects of night-time lighting in general. The recently released IDA New World Atlas of Artificial Night Sky Brightness warned that street and outdoor lighting retrofits that use 4000 K lamps could cause a 2.5-fold increase in light pollution.

2. REDUCE the risks: by substation, isolation or engineering of risks. As noted above, although shielding may assist to reduce the overflow of street lighting into private open spaces including gardens, bedroom windows, private property, the extent of the issue needs to be scoped so that replacement of the lighting with a more appropriate spectral program or light fittings that are directed below on the footpath and to the road but not beyond the back of the light pole into private properties adjoining these major streets. Engineering may include lowering the light on the pole so that it has more limited reach.
3. Please consider specifically the use of amber LED settings, which allow most of the issues to resolve, while supporting ample street/pedestrian lighting: <https://www.mic-led.com/news/why-cities-are-ying-for-amber-led-street-light-the-futures-orange> [It should go without saying that an amber LED has an awful CRI and would not be suitable for general indoor lighting. Strictly speaking, however, it may be an effective way to limit circadian cycle impacts owing to its very low M/P ratio. Intuitively, we can also confirm this by verifying that very little light energy is produced by the amber LED in the region under the melanopic (blue) curve: <https://www.waveformlighting.com/human-centric/do-high-cri-led-lamps-have-a-lower-m-p-ratio>]

The Mount Alexander Shire is a wildlife corridor, and the negative impacts upon animal life from artificial lighting in particular, nocturnal animals, are also subject of many scientific papers.

I encourage Council members to take an evening walk to observe the issues for themselves.

Response: Director Annear

Council has engaged with Powercor on behalf of Laurel in June this year.

Powercor reported to Council in September that they attended the site in question and spoke with Laurel regarding the concerns raised and no action was identified to be undertaken.

If Laurel has ongoing concerns, it is recommended to contact Powercor.

e. Sara Eagle (Free Palestine Central Victoria)

As I am sure you are aware, a number of local councils, both in Victoria and around Australia, have passed motions condemning the relentless violence in Gaza and the occupied Palestinian Territories and called for a permanent ceasefire. Is this something our council would consider, or is considering?

It is definitely an issue that concerns our community. There are ongoing weekly rallies being held on a Sunday, that have run for 7 weeks already, so I am interested to know our Councils position on this situation.

Response: Mayor Driscoll

I find this question 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.

f. Chris Burgess from Taradale

I would like to speak about the proposed reopening of Boundary Road in Taradale. I've spoken to Councillor Henderson about this matter and I've also spoken with a number of families from the school, who live in both Taradale and Malmsbury, and all the families I spoke with all in support of the reopening of that road. Reasons they expressed for that support were similar to what's listed in the Agenda; being able to travel, by walking or riding on bikes or horses on that road as well as other roads, as well as being able to travel by car, as a more scenic option than travelling down the Old Calder Highway, so more of a tourism option, although it could also be used for travelling to and from school, as some families live in that part of Taradale.

g. Jim Norris

I'm here representing myself as long-term resident of Taradale, who ironically has moved to Castlemaine, the big smoke, three weeks ago.

Item 9.2.1 regarding Boundary Road opening. I just wanted to address a few issues that were raised in the Officer report in the Agenda. Perhaps the first thing that I would say is that at 7:05 pm tonight, it will be six years exactly to the time and the day that the big storm came through Taradale, destroying a couple of houses, unroofing several houses, unroofing the Church of England Sunday School building and generally creating a huge amount of damage. I was quite concerned by that, I had about \$200,000 worth of damage, as I had tree come through the side of my house. The reason that I'm raising this is that on that day the roof came off 16 Metcalfe-Taradale Road, which is the start of Spring Creek Road, the road that joins on to Boundary Road. The roof lifted off an almost brand-new house and landed across Spring Creek Road. It meant that anybody further on from there could not get out. It was just lucky that Lenny Girvan, a local earthmoving contractor, had some heavy lifting equipment and in the dark, at night, moved that roof off the road. If somebody had had a medical emergency, the gates were locked at Boundary Road and the road was blocked by a roof on the road. Council Officers refer to flood and fire, but other things happen. These days with our weather patterns as they are, things

are happening more often. It's just ironic that you're seeing this report tonight six years exactly after the storm.

A couple of items that I'd like to address out of the Officer report. There was a risk of it becoming a short-cut between Taradale and Malmsbury, but in fact, it's a longer route between Taradale and Malmsbury if you go through Boundary/Spring Creek Road and Post Office Road than it is if you're travelling simply down the highway, which of course you can do at 100km/h. So, the question of a shortcut is perhaps not that relevant.

The reference to a sharp right-hand bend, I don't know how many 90-degree bends there are in the Shire, but there would be thousands of them, so it's not unusual.

Heavy vehicles using the road, there would be some heavy vehicles using the road at the moment to do deliveries to farms, stock deliveries and the like. It would be impossible to get a B-double down that road and there are bridge load limits at the Malmsbury end. So, this becoming a thoroughfare for trucks is just not relevant.

The suggestion that gates might be left in place and not be locked, I'd just like to say that the precedent has been set, the gates have been locked even though the rules of the lease did say that they should be unlocked.

I would commend the officer Recommendation as suggested by Council Officers to Councillors.

h. Max Lesser (dressed as Santa)

My name is Santa and I got an SMS, Santa's Message Service and I was told to come here. I don't know why, but I'm here with some presents because I've heard that you've done a good job this year. Is that so, have you really been working hard?

Mayor Driscoll: Yes, we have.

Mr Lesser: We'll I've got some presents for you. This is all about Local Government and this about zips, and zips are open to new ideas. It talks here about Local Government and how it works for you.

Clips, trainee paper clips for better connections. This is what the staff needs, and the Councillors.

Here we have one on pegs, train for a rewarding career in Local Government.

This is a nice one – do you know about crossings? Is Council involved in school crossings, are they? I think they are. Here's a jigsaw about school crossings. What else have I got here – a nice poster, you can have that.

Sport! Local Government provides sporting and playing surfaces for your wellbeing. Well, here's another poster, here's the cricket one, and this is about aiming for the pegs if you know your cricket terminology. There's a poster for you and there's two cards games, a cricket one and here's a netball one as well. All about Local Government. Gee, I'm good to you tonight. What else have I got? Look at this. This is a Local Government activity box, anything could be in here. I don't know.

Look, kindergartens, there are a lot of kindergartens in the Shire. Now this a true story about kindergarten, fantastic – and there's a card game that goes with it called 'Kinder Snap' and I think I recognise a logo on that.

Mayor Driscoll: I'm going to have to wind you up.

Mr Lesser: I helped write the rules, you can extend it. Santa doesn't come often to the Shire.

Tourism, working with Parks Victoria. Thousands going into jigsaws and card games. I hear you're doing something with older people, so here's a jigsaw of the older residents – that's for you, Bill.

Trains, more things about Local Government – this about 1914. I understand that there's some people around here that could have relations going back to 1914. Yes, yes, don't look at me like that. It says look through my window I could see the Mayor and Councillors from our local Castlemaine borough. I don't about this, but there's a sort of a town clerk called Puzzle Conundrum – is that any relative to someone around here? Not too sure.

It says 'Start your own small business? Got a business idea? Get involved in your local community grants, contact your local Council office to facilitate small business ideas.

MOVED COUNCILLOR MALTBY

That standing orders be resumed at 7.05 pm.

SECONDED COUNCILLOR GARDNER

CARRIED.

7. PETITIONS AND LETTERS

Nil.

8. COMMITTEE REPORTS

The confirmed Minutes of the Audit and Risk Committee meeting held on 24 November 2023 are at Confidential Attachment 8.1.1

RECOMMENDATION

That the confirmed Minutes of the Audit and Risk Committee be noted.

MOVED COUNCILLOR MALTBY

That the recommendation be adopted

SECONDED COUNCILLOR CORDY

CARRIED.

9. OFFICER REPORTS

9.1. Community

9.1.1. NORTH CENTRAL GOLDFIELDS REGIONAL LIBRARY AGREEMENT 2024

This Report is For Decision

Responsible Director: Director Corporate and Community Services, Lisa Knight

Responsible Officer: Director Corporate and Community Services, Lisa Knight

Attachments: 1. North Central Goldfields Regional Library Agreement 2024
[9.1.1.1 - 12 pages]

Executive Summary

The purpose of this report is for Council to resolve to enter into a revised Library Corporation agreement for 2024 with the North Central Goldfields Library Corporation.

RECOMMENDATION

That Council:

- 1. Notes that the North Central Goldfields Regional Library Agreement 2024 has been reviewed and approved by the North Central Goldfields Library Corporation Board.**
- 2. Approves the Goldfields Library Regional Library Agreement 2024 for the North Central Goldfields Regional Library Corporation.**
- 3. Authorises the Chief Executive Officer to affix the common seal of the Shire and sign the Regional Library Agreement 2024.**

MOVED COUNCILLOR ANNEAR

That the recommendation be adopted

SECONDED COUNCILLOR CORDY

CARRIED.

Context

The North Central Goldfields Regional Library Corporation (NCGRL Corporation) has involved four Councils since its inception in 1996. The NCGRL Corporation consists of members from the City of Greater Bendigo, and the Shires of Mount Alexander, Loddon and Macedon Ranges. The NCGRL Corporation provides library services to the member Municipalities.

The NCGRL Corporation is designated a body corporate with perpetual succession under the Local Government Act (1989) Section 196, insofar as the NCGRL Corporation remains in place for perpetuity until such time as there is a voluntary winding up of the Regional Library Corporation.

The Regional Library Agreement (the Agreement) provides the terms under which the NCGRL Corporation and member Councils act and contribute to the library services, and the Regional Library Agreement is approved by the Minister for Local Government.

The Agreement was approved by the Minister for Local Government in 2019, and this report represents a review of that current agreement.

It should be noted that the Agreement proposed for Ministerial approval in 2024, is expected to be the final agreement before the voluntary winding up of the NCGRL Corporation, as per requirements of the Local Government Act 2020. The Local Government Act 2020 Section 330 states that all Regional Library Corporations must either be voluntarily wound up before 2030, or they will be wound up by the Minister for Local Government in 2030.

Issues

Review of the Regional Library Agreement

The current Agreement, approved by the Minister for Local Government in 2019, has been reviewed by the NCGRL Corporation Chief Executive Officer (CEO) and the Goldfields Library Corporation Board. There are no proposed changes to the Agreement. The Agreement outlines:

- the role of the Corporation
- membership of the Corporation
- meeting procedures
- requirements for strategic planning, budgeting and financial contributions
- entry, exit and dissolution provisions as per section 196 and 197 of the Local Government Act 1989.

With no amendments proposed to the conditions of the current Agreement, the NCGRL Corporation CEO and Board believe clarity for all member Councils will be provided by signing and sealing a 2024 Agreement. Effectively, this provides continuation of the arrangement for shared library services for the four member Councils that will remain, as Councils move toward the voluntary winding up of the NCGRL Corporation.

Public exhibition of the Regional Library Agreement

Section 197 of the Local Government Act (1989) requires that Council advertises its intention to sign and seal a Regional Library Agreement.

Advertising this intent to sign the Regional Library Agreement 2024, allows any person to make a submission and be heard in respect to their submission. The exhibition period for the proposed Agreement is 28 days.

Public exhibition was undertaken from 8 November to 4 December 2023 via Council's online community engagement platform, *Shape Mount Alexander*. There were no formal submissions received during this timeframe. One query was received via Council's customer service team, asking if Maldon is included in the geographical scope of the Agreement. There were also no requests received during the public exhibition period for the hearing of public submissions by Council.

Process for review and adoption of a new Regional Library Agreement

The Agreement has been reviewed by the NCGRL CEO and NCGRL Board and is attached. There are no changes to the Agreement other than the change of dates to 2024 given the expectation of approval of the new agreement by the Minister in 2024.

The process of review and adoption of a new Agreement involves the following steps:

1. Review and approval by the Board (completed).
2. Review by member Councils of the Agreement with Council resolutions to advertise the new Regional Library Agreement (this report).
3. Advertising for 28 days that invites public submissions on Council's intention to sign and seal the Agreement (completed).
4. If there are no submissions, Council proceeds to sign the new Agreement.
5. If submissions are made, there will be a hearing of submissions (not applicable).
6. NCGRL Corporation will set meeting times with each Council to apply the Council Seal and signatures on the Agreement from the member Councils.
7. NCGRL Corporation will submit the Agreement to the Minister for Local Government for approval and gazettal.

Finance and Resource Implications

Funding for the NCGRL Corporation is provided for in the current budget and each year, agreement is reached on an equal per capita contribution, based on an annual budget and 10-year financial plan developed by the NCGRL Corporation.

Risk Analysis

Reputation risk:

Library Services are a valued service provided to the Mount Alexander Shire community. The Castlemaine Library boasts 53% of the Shire as members, and visitation to the library in person or online continues to be strong. Council continues to collaborate and partner with the NCGRL Corporation and Castlemaine Library on many matters, including the review of the 2024 Regional Library Agreement, to ensure continuity of support and services to community. This action minimises the potential for reputational risk.

Compliance to the Local Government Act

The NCGRL Corporation and its member Councils are required to review and renew their Regional Library Agreement, as per Section 196 of the Local Government Act (1989). The last NCGRL Library Agreement was approved by the Minister for Local Government in 2019, and this report represents a review of that current agreement. Failure to undertake this review would result in non-compliance to these requirements.

It should be noted that the agreement proposed for Ministerial approval in 2024 is expected to be the final agreement before the voluntary winding up of the NCGRL Corporation, as per requirements of the Local Government Act 2020. The Local Government Act 2020 Section 330 states that all Regional Library Corporations must either be voluntarily wound up before 2030, or they will be wound up by the Minister for Local Government in 2030.

Climate Impact Statement

This report does not directly impact climate change; however, libraries disseminate objective knowledge about climate change, embody social responsibility by incorporating sustainable practices into library operations.

Alternate Options

There are no alternate options. The Regional Library Agreement aligns with the current practice of the NCGRL Corporation and represents good governance through the provision of an Agreement that clearly specifies the responsibilities of all parties.

The current Agreement has been reviewed and no conditions have been changed in any way.

This process represents a continuation of current services utilising existing arrangements.

The intent is that this Agreement will be the final agreement between member Councils before a new service model is proposed and the Goldfields Library Corporation is voluntarily wound up, in line with the requirements of the Local Government Act 2020.

Communication and Consultation

Communication and Consultation has been undertaken by NCGRL Corporation with its Board and member municipalities; Mount Alexander Shire, City of Greater Bendigo, Shires of Loddon and Macedon Ranges.

Public exhibition of the Regional Library Agreement 2024 was undertaken from 8 November to 4 December 2023 via Council's online community engagement platform, *Shape Mount Alexander*. There were no formal submissions received during this timeframe. One query was received via Council's customer service team, asking if Maldon is included in the geographical scope of the Regional Library Agreement. There were also no requests received during the public exhibition period for the hearing of public submissions by Council.

Involve:

We will work with our community to ensure concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.

Legislation

Local Government Act 1989

Local Government Act (2020)

Strategies and Policy Impacts

Council Plan 2021-2025

- Principle - We are delivering together.

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

Declarations of Conflict of Interest

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

No conflicts of interest

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

9.1.2. ALLOCATION OF LAND AT MALDON AND NEWSTEAD FOR AFFORDABLE HOUSING TO WINTRINGHAM HOUSING LIMITED

This Report is For Decision

Responsible Director: Chief Executive Officer, Darren Fuzzard

Responsible Officer: Housing Solutions Broker, Clare Richards

- Attachments:
1. Lyttleton Terrace Cottages [9.1.2.1 - 1 page]
 2. Newstead Echo October 2023 [9.1.2.2 - 5 pages]
 3. ALL individual comments Newstead - Maldon Consultation [9.1.2.3 - 8 pages]
 4. Delkhaya Letter of Support Newstead - Maldon 15 November 2023 [9.1.2.4 - 2 pages]
 5. Tarrangower Village Support Letter - Affordable Housing MASC [9.1.2.5 - 1 page]
 6. Newstead Cricket Club Submission [9.1.2.6 - 1 page]
 7. Newstead Historical Society Submission Affordable Housing [9.1.2.7 - 1 page]
 8. Newstead Netball Football Club Submission [9.1.2.8 - 1 page]
 9. Newstead Recreation Reserve Committee Submission [9.1.2.9 - 2 pages]
 10. Newstead Petition [9.1.2.10 - 1 page]

Executive Summary

The purpose of this report is to seek Council's approval to allocate two, 49-year ground leases over 10 Steele Street, Maldon and 2A Canrobert Street, Newstead to Wintringham Housing Limited, for the purpose of building and operating affordable rental housing for local people over 50 years old.

Wintringham Housing Limited has committed to design, build, operate, maintain and manage affordable rental housing on those sites if grant funding or other financial support is secured for the construction works on both sites.

Approval of the ground leases would enable Wintringham Housing Limited to commence the preparation of finance and funding applications to construct affordable rental housing at 10 Steele Street, Maldon and 2A Canrobert Street, Newstead. The outcomes of the community consultation on this matter are also presented in this report.

RECOMMENDATION

That Council:

- 1. Approves allocating 49-year ground leases at peppercorn rent over both 10 Steele Street, Maldon and 2A Canrobert Street, Newstead to Wintringham Housing Limited, in accordance with the relevant provisions of the Local Government Act 2020, subject to Wintringham Housing Limited obtaining funding to build affordable rental housing on both sites.**
- 2. Notes that allocation of tenancies by Wintringham Housing Limited will prioritise local people aged 50 and over who meet funding eligibility requirements.**
- 3. Notes the outcomes of the community consultation in this report.**
- 4. Notes if funding is obtained, the resulting buildings and developments on each site will become the sole property of Council on termination or expiration of the lease.**
- 5. Notes that the operation, maintenance, and management of the buildings and grounds will be the responsibility of Wintringham Housing Limited for the duration of the leases.**
- 6. Notes that this decision does not require any financial commitment from Council to the proposed developments on 10 Steele Street, Maldon and 2A Canrobert Street, Newstead.**

MOVED COUNCILLOR GARDNER

That the recommendation be adopted

SECONDED COUNCILLOR MCCLURE

CARRIED.

Context

The current housing crisis has been described as the most significant since the Great Depression 100 years ago. It will not improve at a local or national level until there is an increase in the supply of affordable rental homes.

The opportunity for Council to allocate 49-year ground leases over 10 Steele Street, Maldon and 2A Canrobert Street, Newstead to Wintringham Housing Limited (Wintringham) to deliver affordable housing, has arisen due to recent funding announcements by the State Government and a strong working relationship between Wintringham and Council Officers.

Aligning the availability of low to no-cost land, appropriate funding or finance, build and development partners, and ongoing management partners suited to our local community's needs, is very challenging to achieve. Often, at any point in time, one or more significant parts of the equation are not available.

Right now, there is an alignment opportunity. There is uncommitted Council land suitable for housing, an appropriate funding source that enables housing for people most in need, and a trusted partner in Wintringham, that is willing to deliver small scale projects in a manner sensitive to neighbourhood character.

Issues

Funding Opportunity

The challenges of securing appropriate housing for people across Victorian and Australia has led the Victorian State Government and the Federal Government to create new funding opportunities for housing providers to access.

Most recently, the Victorian State Government has announced new funding through Homes Victoria and it is anticipated that the grants process will open for application in the coming months. Although the terms of the grant rounds are not available at the time of writing, capital grants for delivery of affordable rental housing usually only cover the costs of developing the land and building the housing, and not the purchase of land. By committing the use of the sites at 10 Steele Street, Maldon and 2A Canrobert Street, Newstead, it is anticipated that the likely success of any such application will be substantially improved.

Independent applications would likely be required for each site in line with the anticipated grant procedures, however, Wintringham has indicated that the development of both sites is needed to create the scale required for the support services that would follow. Should funding of both sites not be obtained through this opportunity, Officers would work with Wintringham to assist in securing other grants or external funding.

Wintringham estimates that the cost of developing applications for this imminent funding opportunity is in the order of \$50,000.

Wintringham Housing Limited

Wintringham is a Housing Association and provides housing and related support services exclusively for people over 50 years of age, who meet the priority need criteria of the Victorian Housing Register (the State-wide housing waitlist managed by the Victorian State Government).

Wintringham owns or manages over 850 units, including 271 in regional Victoria. Units are designed to allow older residents to age-in-place, provide 7 star Environmentally Sustainable Design outcomes, and no less than 'silver' status when assessed against the Liveable

Housing Design Guidelines. Wintringham also provides in-home support to residents of their properties.

Wintringham is an established Community Housing Provider in the Shire. Wintringham built and operates the social housing tenancies that run along Lyttleton Street and down Lyttleton Avenue, Castlemaine. The design of these properties, the tenancies and management of the properties are all well regarded in the community.

Prior to investing in the application process for funding, Wintringham has requested a formal commitment from Council to allocate 10 Steele Street, Maldon and 2A Canrobert Street, Newstead to it for the purpose of delivering affordable housing on these sites.

Wintringham has acknowledged the importance of designing and developing affordable housing that is sensitive to the neighbourhood character of both sites. The existing housing in Castlemaine is testimony to the sensitivity of their design work (see photo at Attachment 9.1.2.1).

Need for Affordable Housing in Maldon and Newstead

Recent consultation by Council's Strategic Planning team was undertaken in Maldon and Newstead to inform Council's Housing and Neighbourhood Character Strategy for these towns.

Key themes expressed by participants in the consultation included:

- More small-scale housing is needed for older residents and single and couple households.
- New housing should be close to services and facilities to encourage healthy lifestyles and to reduce impacts on the natural environment.
- Housing affordability is a challenge.

The population of the Shire is ageing, with the median age in the Shire increasing from 47 in 2011 to 51 in 2021. The proportion of people aged over 60 has increased since 2011, while the proportion of young people aged between 0 and 24 has reduced since 2011. Maldon is home to the oldest population in the Shire, with a median age of 60 years.

As at the 2021 Census in the Shire, the most common household type was 'Lone persons' (32.4%). From 2016 to 2021, 'Lone persons' households increased by 16.4% from 2,325 to 2,706 (REMPLAN Housing, 2023).

Meanwhile; almost half (47%) of all private dwellings in the Shire have 3 bedrooms, with a further quarter (24.6%) being 4-bedroom houses. Thus, there is a mismatch between typical household size (1-2 persons) and the size of homes (3-4 bedrooms), with insufficient 1-2-bedroom housing stock to match the number of 1-2 person households. This is particularly significant for lone person households on low, fixed income (such as the Aged Pension) as it is exceedingly difficult to obtain smaller affordable rental homes in the Shire due to their scarcity.

Council's Community Wellbeing team has reported a significant increase in clients with very complex needs beyond domestic assistance or delivered meals. Rising financial pressures are impacting on their ability to purchase sufficient food, to utilise heating and cooling, and to obtain more than the entry level of services that Council provides. A key part of this challenge relates to not having the right housing in the right location for their current needs. One example given is as follows:

The couple live in a very remote part of the Shire. They bought acreage 30 years ago when they were young with a view to moving into town in later years. They now cannot afford property in Castlemaine, so are quite isolated and soon will not be able to drive themselves into town. Like a lot of existing housing stock in the shire, their home is very old and difficult to maintain in their older years.

Intersection with other Council housing initiatives

This proposal does not replace or preclude the negotiations already occurring with a potential philanthropic funder for delivery of affordable housing on sites in our Shire.

Given that grant funding for one or both sites is not guaranteed, discussions with the philanthropic funder will continue.

Preparing for a possible grant funding round and resolving to allocate the 49-year ground leases for the two sites to Wintringham, will not preclude the option of transferring these land parcels into a charitable housing trust (should it be established), if the project with Wintringham does not proceed.

Current and planned uses of proposed sites

Neither 10 Steele Street, Maldon nor 2A Canrobert Street, Newstead have been identified for a specific future use in current Council strategies or plans.

That said, 10 Steele Street, Maldon currently hosts a shed which stores Maldon Folk Festival assets. It is understood; however, that Folk Festival organisers see the assets being better stored in the museum precinct. The primary barrier to this occurring is understood to be the cost of laying a slab to accommodate the shed.

2A Canrobert Street, Newstead includes the remains of old tennis courts which are not used by the Newstead community, following the construction of new courts in the adjacent recreation reserve.

Advice from Council's Active Communities team indicates that 2A Canrobert Street, Newstead is not required for competitive sports, as the provision of 3 tennis courts / 1 netball court on the recreation reserve is adequate for the current and forecast formal sporting uses. Further, there is no apparent need for more court space for informal recreation.

The most recent community consultation undertaken with regards to open space and recreation facilities took place in 2016 and 2018. Outcomes from this consultation were as follows:

Recreation Services and Infrastructure Plan - Issues and Opportunities Paper (February 2018)

The Newstead Recreation Reserve Committee was consulted for the 2018 paper that helped to inform development of Resourcing Recreation, which is a framework developed by Council to guide investment into recreation infrastructure.

Relevant outcomes and recommendations presented in the 2018 paper include:

- Shire-wide, there is an adequate number of netball courts to meet future demand; it is the condition and compliance of the courts that needs addressing over time.
- Shire-wide, there is an oversupply of tennis courts to meet current and future needs. Most of the unused facilities are on DELWP land.

Upgrade, renewal or re-purpose of 2A Canrobert Street, Newstead was not identified as a priority of the Newstead Recreation Reserve Committee during the 2018 consultation.

Public Open Space Strategy (2016) – Council endorsed document:

The following key points apply to 2A Canrobert Street, Newstead:

- Overall Provision: The Shire has a substantial level of open space provision in terms of individual sites and total land area.
- Newstead Specific: Focus on improving the appeal, functionality and access to existing open space sites.
- Continue the staged implementation of improvement works at the Newstead Recreation Reserve.

In addition to the above Council consultations, papers and strategies, the Newstead community conducted a community visioning activity in September 2023 (see Attachment 5.6.2).

The top three projects noted from the visioning day were:

- Cycling/walking trails linking the Newstead Arts Hub (old railway station) to the centre of town.
- An urban forest strategy to keep Newstead's streets cool and inviting to walk through.
- New public toilets in Panmure Street, Newstead (near the swimming pool).

Two of the additional important themes noted relate to older residents and housing:

- Health and Older Residents: Compassionate Community Model to help people stay in their own homes and for end of life and after death care; safe accessible walking paths.
- More small-scale, medium density housing for retirees.

Site Suitability

10 Steele Street, Maldon and 2A Canrobert Street, Newstead were assessed for delivery of affordable housing in the report *Mount Alexander Social and Affordable Housing Feasibility Study Final Report* of April 2021 by SGS Economics. The feasibility study found there was an opportunity to provide up to 4 two-bedroom units on the 10 Steele Street, Maldon site and up to 8 two-bedroom units on the 2A Canrobert Street, Newstead site.

The Newstead site is in the Township Zone and the Maldon site is in the General Residential Zone. Notwithstanding that; the outcome of a planning permit process cannot be pre-empted, there does not appear to be any planning considerations that would prohibit the proposed developments from occurring.

The final number of dwellings developed on each site would be subject to Wintringham's detailed design and service modelling, and the planning permit process.

Council currently has no other uncommitted landholdings in Newstead or Maldon that are suitable for housing development.

Community Consultation

The question put to the community during a one-month consultation period was:

Do you support Mount Alexander Shire Council providing 49-year leases at peppercorn rates to Wintringham Housing Limited to deliver affordable housing on 10 Steele Street, Maldon and 2A Canrobert Street, Newstead?

Community consultation occurred via two face-to-face sessions in Maldon, three face-to-face sessions in Newstead, the Shape online platform, distribution of a paper survey, email correspondences and phone conversations.

An offer to conduct more face-to-face sessions was made to objecting members of the community but was not taken up. The consultation was promoted via Council's existing Shape contact databases, local email networks, social media channels, newspapers and local posters. Specifically; consultation information was posted to the Newstead Community Forum Facebook group page, the Maldon Notice Board Facebook group page and the Maldon (VIC) Community Hub Facebook group page. Media coverage occurred in the Bendigo Advertiser, Midland Express and Tarrangower Times.

Paper surveys were sent out to in-home aged care clients in the Maldon and Newstead areas. Paper surveys were also distributed in Newstead to older community members by the Newstead Community Centre and community members. Paper survey responses are therefore considered to be reflective of the views of the age group that this project would serve.

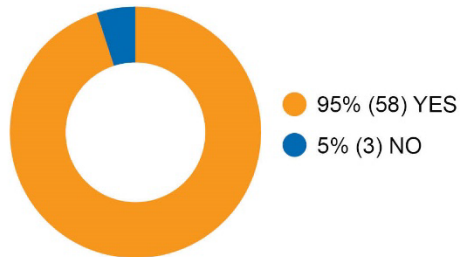
Responses: Summary

In total, 189 individuals responded via the Shape online platform (98), paper survey completions (61), in-person sessions (25), via email (4) and phone (1). Comments are listed at Attachment 9.1.2.3 and feedback in face-to-face sessions is discussed in the following section.

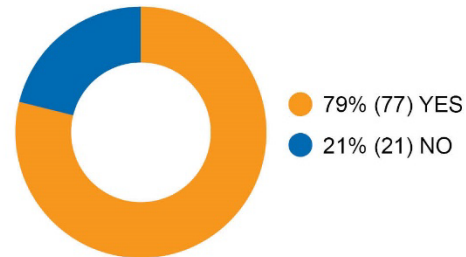
Across all 189 individual responses (paper, online, in-person, email and phone), 85% (161) were in favour of Council allocating the land as proposed in the question, and 15% (28) were against.

Do you support Mount Alexander Shire Council providing 49 year leases at peppercorn rates to Wintringham Housing Limited to deliver affordable housing on 10 Steele Street, Maldon and 2A Canrobert Street, Newstead?

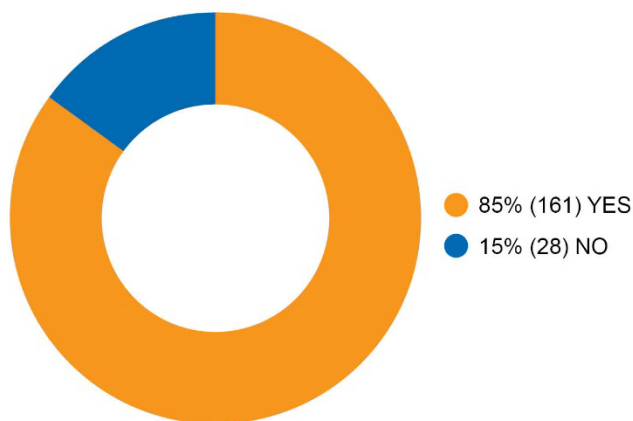
Paper survey responses:
older community members



Shape survey responses



Total individual responses



The following discussion of survey responses and consultation feedback is grouped into responses supporting the proposal, and responses against the proposal.

Support from community groups and stakeholder organisations

In Newstead, a discussion occurred with members of the Newstead Men’s Shed. The project proposal was described and a conversation ensued where members described their perspective on the current housing crisis in the local community. The outcome of that engagement was that the group stated their support for the proposed allocation of land for affordable rental housing.

Both Tarrangower Village in Maldon and Dhelkaya Health as the local provider of housing and homelessness services, support the proposal. Letters of support from each are attached at 9.1.2.4 and 9.1.2.5.

Support from community members in face-to-face sessions

In the two face-to-face sessions held in Maldon, feedback from the 12 attendees was in support of the proposal; although two individuals wanted the opportunity for organisations other than registered housing providers to submit a proposal. Note, this is not possible in the current proposal as the grants are only provided to registered housing providers.

Issues raised and discussed included the cost of housing and how that impacts on older people on fixed and reduced incomes. Tarrangower Village committee members noted the significant need, as expressed via enquiries for their units, for affordable rentals for older people in the Shire. They noted that while their market-entry units could take time to fill, any rental units that become available fill immediately. As their units are only available to local people, their waiting list and level of enquiry provides another validator of the level of need that exists in the Shire, for affordable rental units for older residents (see Attachment 9.1.2.5).

In the three face-to-face sessions held in Newstead, 10 of the 13 attendees were supportive of the proposal.

Deputy CEO of Wintringham, Michael Deschepper, attended one session each at Maldon and Newstead and was able to respond to attendee's questions, including regarding design and climate performance of their buildings. The proximity of the Newstead site to amenities was raised as a positive of the proposal. The aspiration for communal elements to be included in the design was raised with the intention to support development of community across the residences and with the wider community.

Across both Maldon and Newstead, participants were keen to understand how residents would be supported through the design and function of the homes, wraparound supports, transport and active transport accessibility, and connectedness to the wider community.

Some attendees also shared personal stories of their own needs and those of friends and family, which affirmed the lack of affordable and appropriate housing for older people living on their own, or as couples and the impact this housing precarity has on individual's wellbeing.

Paper survey completions for Newstead and Maldon

A paper copy of the survey went out to all in-home aged care recipients in the Maldon and Newstead communities, to ensure that older community members with minimal or no use of electronic media had an opportunity to respond. Of the 61 surveys returned, 95% supported the proposal, with only 3 respondents (5%) contributing a 'No'. Of the 61 'Yes' respondents many provided additional comments (see Attachment 5.6.3) of which the following are indicative:

It is important for older local residents to be able to live in their own area with access to services. The Newstead Shire Council had flats for this purpose years ago.

Many of those under housing stress are elderly women homeless at my age. This has become noticeable from the number of ads I have seen on the Maldon and Castlemaine noticeboards - for rental properties in the lower rental market. A lot of women have found themselves partnerless and on their own homeless later in life through no fault of their own - but don't have any means of support, having not forged a career for themselves being devoted wives and mothers - but their husbands have moved on. I feel so sorry for these women met with poverty unprepared - non-house owners. Some with pets dumped by greedy landlords. We must help these women. This affordable housing plan sounds like a very practical and compassionate solution.

SHAPE survey completions for Newstead and Maldon

The breakdown of the Shape data is 79% of respondents in favour of the proposal and 21% against.

Indicative comments from those in support of the proposal are (see Attachment 9.1.2.3 for further comments):

I know there is some concern about losing this as a green area, I think that we need to balance that with the need for housing. I think being able to keep our elderly population in Newstead is really important.

A number of older residents, especially females, spent their lives performing home duties following marriage and never entered the workforce, therefore they have no superannuation with which to supplement the aged pension. Some who never married and worked in low paid jobs before superannuation became compulsory have no family to help them. Rental properties are as scarce as hen's teeth in today's economic climate since many younger people are priced out of the homeowners market. Living on the aged pension and having to pay around \$450 per week rent, running a car because public transport is scanty, paying high energy costs because rentals rarely have adequate insulation, draught proofing etc leaves very little for food and personal necessities not to mention medications. Our old folk deserve better than having to live with constant anxiety in case there's an unexpected expense or the next energy bill is very high. Anything that can assist with providing them with secure housing is desirable. What safeguards would Council be able to impose to ensure Wintringham keeps its side of the bargain? Would rents be pegged to a certain percentage of income?

The 79% in favour, 21% against breakdown remained very constant over the consultation period. There was no spike of 'No' responses on Shape when the 'No' petition was posted on Newstead social media. This indicates that people who added their name to the petition, did not seek out further information on Shape and contribute to the consultation in any proportion greater than the number of people contributing a 'Yes'.

Of the 'No' respondents on Shape, the following are indicative comments:

I acknowledge the need for more social and low-income housing, especially in small rural communities but giving up public open space is incredibly shortsighted. More homes should not come at the expense of public open space that will be irretrievably lost. And no one needs public open space more than residents of affordable low-income housing.

I support affordable housing just not at that site at Newstead. The town is growing rapidly and so is the population of our children! The rec reserve is already too small for purpose. That land is prime position to extend on recreational activities available to our youth to keep them entertained.

There were also comments which did not go to the question posed but suggested that Council should instead buy land to provide affordable rental housing. This suggestion is addressed in the section titled Alternate Option.

Objections to the use of 2A Canrobert Street, Newstead

Of the 13 individual engagements in Newstead, 3 expressed concerns about loss of open space and proximity to the Courthouse. All objectors are involved in local community organisations, and lodgements from the Historical Society and sporting clubs formed the majority of those against the proposed Newstead site (see Attachments 9.1.2.6 to 9.1.2.9). The principal themes of objection were loss of public open space, and objection to housing being located adjacent to the heritage-listed Newstead Courthouse.

Objections were responded to during the consultation process. The time-sensitive nature of the opportunity was explained, the heritage overlay requirements on 2A Canrobert Street, Newstead were noted, and Wintringham Deputy CEO, Michael Deschepper, discussed at length how they engage in neighbourhood-sensitive design in their work, including the highly regarded Castlemaine site on the corner of Hargreaves Street and Lyttleton Street.

The Newstead Recreation Reserve Committee of Management posted a petition on the local Newstead Facebook page and obtained 150 signatures (see Attachment 9.1.2.9 and 9.1.2.10). The submission of the petition has been recognised as an organisational submission on behalf of the Newstead Recreational Reserve Committee, and not as a series of individual responses.

Alternate Option

During the consultation process, it was suggested that, rather than using the land at 2A Canrobert Street, Newstead, Council should purchase immediately adjacent land that is currently for sale.

This proposal has merit to the extent that the suggested site is also appropriately zoned and should offer the potential for a higher yield of dwellings than 2A Canrobert Street. However, for such a proposal to be beneficial to the imminent grant opportunity it must, in effect, be treated as a 'donation' by Council to the project. That is; if Council were to purchase the land (estimated cost \$580,000), the nature of the proposed low rental tenure model would mean that Council could not expect to receive any financial return for its investment thereafter.

Given Council's own financial pressures, and the apparent availability and suitability of the land already owned by Council that can be contributed 'without cost' to the current opportunity, the proposal to purchase additional land to achieve a similar outcome is not considered prudent.

If Council was to consider purchasing the land currently available adjacent to 2A Canrobert Street, Newstead, it is recommended that Officers first undertake research to verify whether this is the best site within the Shire for such an investment, and that Council concurrently determines the basis on which any such investment decisions would be made.

Finance and Resource Implications

Council is not required to make a financial contribution towards the preparation of the grant applications. Officer's time to progress the project to this stage has been covered by the existing operating budget.

If the two sites are developed as proposed, use of the land and ownership of the improvements on the land would revert to Council on cessation of the leases. At that point, Council would be asked to decide how these improvements would be managed. For example, whether a lease is renewed with Wintringham or other housing provider, another use is made of the improvements, or the improvements are removed in favour of some other use.

Risk Analysis

Risk Appetite

The recommendations included in this report strongly align with Council's adopted Risk Appetite Statement. Specifically, Council's high appetite for shared services and joint ventures, innovation, environmental sustainability and climate change action are directly responded to and supported.

Council's appetite to ensure prudent management of its finances and reputation are dealt with in more detail as follows:

Financial and Project Delivery Risk

Registered Housing Agencies are highly regulated organisations. Central to that regulation are stringent requirements upon them regarding financial probity and sustainability. Wintringham has a long history of successfully delivering affordable housing projects in rural and regional Victoria.

Wintringham works on a capital grant funding model and does not leverage debt funding. Wintringham therefore does not have debt on the balance sheet and thus risk of insolvency is low.

In the event Wintringham failed to complete the redevelopments, or became insolvent once operating the housing, Council's rights to the assets developed on the Council land at 10 Steele Street, Maldon and 2A Canrobert Street, Newstead, would be subordinate to the rights of the Director of Housing, who would likely allocate the project to another Registered Housing Agency or directly manage it under Housing Victoria.

Reputation Risk

This project is an opportunity for Council to deliver on the commitment in the Council Plan 2021-2025 to progress affordable housing. It has the potential to demonstrate a substantial commitment from Council to directly alleviating housing pressures in the Shire.

Equally, it is an opportunity to build community goodwill amongst the many people concerned about the impacts of declining affordability and availability of housing on the wellbeing and structure of the community.

This project can also send a strong message to other levels of government and other stakeholders in the housing sector, that Council is active and innovative in its response to this common challenge.

There is a risk that some members of the community may be concerned with the allocation of the use of Council land for affordable housing, as this has not recently been an activity of Local Government. However; across many recent community consultations, affordable housing is being raised as a major issue of concern by community members and regardless of whether this has been a focus or question within the consultation.

The nationwide housing crisis is requiring the reconsideration of the role of every level of government in relation to planning, facilitating and delivering affordable housing. Mount Alexander Shire Council is one of many Councils across Victoria and the nation reversioning its role in the delivery of affordable housing. This reorientation is in recognition of the crippling impact that the lack of available and affordable housing is having on local economies, communities, families, and individuals. Addressing these issues requires concerted and coordinated efforts across all three levels of government and progressing this project as proposed will likely enhance Council's wider reputation.

Submissions from members of the Newstead community regarding the unacceptable long-term loss of open space, is both an important point to acknowledge and represents a reputational risk to Council from those who support this view. While it is agreed that the land would effectively be unavailable for use as open space, given the lack of strategic support for this argument in relevant Council documents and the priorities recently developed within, and by, the wider Newstead community, on balance it is suggested that this reputational risk should not override the other significant positive risk opportunities that the proposal offers.

Legislation

Heritage Act 2017

Heritage considerations apply to 2A Canrobert Street, Newstead which is adjacent to the Newstead Courthouse building. There is no Heritage overlay on 10 Steele Street, Maldon.

Housing Act 1983

If pursued, the Homes Victoria funding opportunity referred to in this report is for the provision of social housing. This means that all residents in the buildings would be drawn from the Victorian Housing Register (the 'waiting list' for social housing), who nominate a preference to live in the Shire.

Local Government Act 2020

Direct appointment of Wintringham as the preferred provider and partner for this project occurs under the provisions of sections 114 to 116 of the *Local Government Act 2020*. The rationale for the direct appointment follows other precedents (such as the direct appointment of Haven Home Safe for the 30A and 65 Templeton Street, Castlemaine development, and by Yarriambiack Shire Council).

Planning and Environment Act 1987

The impacts of the State government's recent changes to the Planning Act, and delivery of the Housing Statement are not yet fully clear. However, their intention is to facilitate faster and increased delivery of affordable housing. There is capacity within the changes for the Minister to call in projects if they face barriers at the local government level in community acceptance and/or planning approval. It is therefore anticipated that these recent changes will facilitate rather than hinder delivery of projects such as that proposed at 2A Canrobert Street, Newstead and 10 Steele Street, Maldon.

Strategies and Policy Impacts

Council Plan 2021-2025

Pillar - Environment - A flourishing environment for nature and people.

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

The allocation of 49-year leases over 2A Canrobert Street, Newstead and 10 Steele Street, Maldon would directly action the above objective of the Council Plan.

Declarations of Conflict of Interest

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

No conflicts of interest

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

9.1.3. APPOINTMENT OF NEW COMMUNITY ASSET COMMITTEE MEMBERS - NOVEMBER 2023

This Report is For Decision

Responsible Director: Chief Executive Officer, Darren Fuzzard
Responsible Officers: Governance Coordinator, Augustine Sheppard
Governance Support Officer, Tim Webb
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.

Community Asset Committees have notified Council of changes to their membership, following their annual general meetings and the purpose of this report is for Council to appoint the new nominated members and revoke the membership of those who have retired.

RECOMMENDATION

That Council appoints the nominated members to the following Community Asset Committees and revokes the memberships of retiring members as listed below:

Taradale Hall

Name	Expiry
Jane Braszell	20 June 2024
Russell Nunn	20 June 2024
Gavin Coffey	Retired

Wesley Hill Facility

Name	Expiry
Yvonne Welch	20 June 2024
Jason Staples	20 June 2024
Chris McKenzie	Retired

John Powell Reserve

Name	Expiry
Annie Wiltshire	Retired

Elphinstone Community Facilities

Name	Expiry
Gillian Maskell	20 June 2024
Keiran Hughes	20 June 2024
Nikki Lens	20 June 2024
Adrian Hills	Retired

Newstead Community Centre

Name	Expiry
Alex Whitlock	Retired

Camp Reserve

Name	Expiry
Leigh Tonkin	20 June 2024

Muckleford Community Centre

Name	Expiry
Peter Joseph	20 June 2024

Sutton Grange Hall

Name	Expiry
Adrian Byrne	20 June 2024
Jackson Davis	20 June 2024
Zane Tronson	Retired
Andrew Hampton	Retired
Noel Davis	Retired
Jenny Alexander	Retired
Natalie McCarthy	Retired
Mark Collison	Retired

Metcalfe Hall

Name	Expiry
Alice Bleby	20 June 2024
Max Lomas	20 June 2024
Linda Rowe	Retired

Barfold Hall

Name	Expiry
Sarah Brook	20 June 2024
Jane Holcombe	20 June 2024
Matthew Shea	Retired
Richard Higginbottom	Retired
Lyal Metcalf	Retired

MOVED COUNCILLOR HENDERSON

That the recommendation be adopted

SECONDED COUNCILLOR GARDNER

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 Council's Community Asset Committees.

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.

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

Environment – A flourishing environment for nature and people.

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

Declarations of Conflict of Interest

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

No conflicts of interest

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

9.1.4. APPOINTMENT OF COUNCILLORS AS REPRESENTATIVES TO COMMITTEES 2024

This Report is For Decision

Responsible Director: Chief Executive Officer, Darren Fuzzard

Responsible Officer: Governance Coordinator, Augustine Sheppard

Attachments: Nil

Executive Summary

The purpose of this report is for Council to consider and determine who it wishes to appoint to various internal and external committees for the coming 12 months.

RECOMMENDATION

That Council:

- 1. Appoints Mount Alexander Shire Council representatives to the committees as recommended in Table 1: External and Internal Committees.**
- 2. Notes the opportunity to attend the meetings of the Community Asset Committees as shown in Table 2.**
- 3. Notes that the committees will be formally advised of their representative and details of the appointments will be made available on Council's website.**

MOVED COUNCILLOR MALTBY

That the recommendation be adopted

SECONDED COUNCILLOR MCCLURE

CARRIED.

Context

Council annually considers and appoints delegates and representatives to various committees.

There are three types of committees:

External	Committees formed by other organisations or bodies	These committees require representation by Mount Alexander Shire Council (Mayor, Councillor/s, officers)
Internal	Committees formed by Council	The terms of reference or charter require the Mayor and/or Councillor/s as members.
Community Asset	Community Asset Committees	Council establishes and appoints to Community Asset Committees under Section 65 of the Local Government Act 2020 (the Act).

The representation requirements and the proposed representative(s) are outlined in the table below.

Table 1: External and Internal Committees

Type	Committee	Representation Requirements	Proposed Representative
External	A House of my Own Committee	One Council representative	Councillor McClure Substitute: Councillor Henderson
External	Buda Historic Home and Garden	One Council representative	Councillor Cordy Substitute: Mayor Driscoll
External	Calder Highway Improvement Committee	One Council representative	Councillor Cordy Substitute: Councillor McClure
External	Central Victorian Greenhouse Alliance	One representative (CEO, Councillor or staff member)	Director Infrastructure and Development
External	Friends of Lolotoe Friendship Group	One Council representative	Councillor Henderson Substitute: Councillor Annear
External	Goldfields Regional Library Corporation	One Council representative plus	Councillor Annear Substitute:

Type	Committee	Representation Requirements	Proposed Representative
		one substitute	Councillor Cordy
External	Health Hub Alliance	Mayor and CEO	Mayor Driscoll Chief Executive Officer
External	Municipal Association of Victoria	One Council representative plus one substitute	Councillor Cordy Substitutes: Councillor Maltby and Mayor Driscoll
External	Northern Victorian Integrated Municipal Emergency Management Planning Committee	One Council representative	Councillor Maltby Substitute: Councillor Cordy
External	Victorian Local Governance Association	One Council representative	Mayor Driscoll Substitute: Councillor McClure
Internal	Camp Reserve Community Consultation Committee	One Council representative	Councillor McClure Substitutes: Councillor Annear / Councillor Maltby
Internal	Climate Change Community Reference Group	One Council representative	Councillor Henderson Substitute: Councillor Annear
Internal	Clinical Governance Committee	One Council representative	Councillor Maltby Substitute: Councillor Gardner
Internal	Community Waste Reference Group	One Council representative	Councillor McClure Substitute: Councillor Cordy
Internal	Disability Inclusion Action Plan Working Group	One Council representative	Councillor Annear Substitute: Councillor Maltby
Internal	Early Years Steering Committee	One Council representative	Councillor Annear Substitute:

Type	Committee	Representation Requirements	Proposed Representative
			Councillor Henderson
Internal	Housing and Neighbourhood Character Strategy: Castlemaine, Campbells Creek and Chewton Community Reference Group	One Council representative	Councillor Annear Substitute: Councillor McClure
Internal	Indigenous Roundtable	Mayor and CEO	Mayor Driscoll and Chief Executive Officer Substitute: Councillor Annear
Internal	LGBTIQ Steering Committee	One Council representative	Councillor Maltby Substitute: Mayor Driscoll
Internal	Middle Years Steering Committee	One Council representative	Councillor Annear Substitute: Councillor McClure
Internal	Mount Alexander Shire Audit and Risk Committee	Two Council representatives	Mayor Driscoll Councillor Maltby Substitute Councillor Cordy
Internal	Municipal Fire Management Planning Committee	One Council representative	Councillor Henderson Substitute Councillor Maltby
Internal	Public Art Advisory Panel	One Council representative	Councillor Maltby Substitute Councillor Henderson

There is no requirement under the *Local Government Act 2020* (the Act) for Councillors to be appointed to the Community Asset Committees shown in Table 2; however, Councillors can request for the proposed schedule of meetings for any Community Asset Committee.

The powers, duties and functions of Community Asset Committees is delegated to its members by the Chief Executive Officer (CEO) under section 47 of the Act and the CEO must submit an annual report to 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.

Table 2: Community Asset Committees

Type	Committee
Community Asset	Barfold Hall
Community Asset	Baringhup Community Association
Community Asset	Bill Woodfull Recreation Reserve
Community Asset	Camp Reserve
Community Asset	Campbells Creek Community Centre
Community Asset	Campbells Creek Recreation Reserve
Community Asset	Castlemaine War Memorial Stadium
Community Asset	Elphinstone Community Facilities
Community Asset	Guildford Hall
Community Asset	Guildford Recreation Reserve
Community Asset	John Powell Reserve
Community Asset	Maldon Community Centre
Community Asset	Metcalfe Hall
Community Asset	Muckleford Community Centre
Community Asset	Newstead Community Centre
Community Asset	Sutton Grange Hall
Community Asset	Taradale Hall
Community Asset	Taradale Recreation Reserve
Community Asset	Wattle Flat Reserve
Community Asset	Wesley Hill Facility

Issues

The committees listed all make critical contributions to the Mount Alexander Shire community. Councillor and/or senior executive representation enables Council's strategic direction to be heard and for Council to obtain important feedback on what is occurring within the committees and how Council may support them.

Finance and Resource Implications

Councillor and senior executive attendance at each of these committees is included in the normal operating budget.

Risk Analysis

Reputational Risk:

There is a potential reputational risk to Council should representatives not be appointed to Committees.

Climate Impact Statement

There are no climate impacts arising from the appointment of Council representatives to Committees.

Alternate Options

Councillors may wish to change the recommended representative or delegates to some or all the Committees.

Communication and Consultation

Inform:

We will keep our community informed.

Committees will be formally advised of their representative and details of the appointments will be available on Council's website.

Legislation

Local Government Act 2020

Strategies and Policy Impacts

Council Plan 2021-2025

Community

- A healthy, connected and inclusive community.

Nature

- An environment for people and nature.

Economy

- A resilient and growing economy.

Appointing Councillors and representatives to internal and external committees addresses all three pillars of the Council Plan 2021 – 2025.

Declarations of Conflict of Interest

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

No conflicts of interest

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

9.2. Environment

9.2.1. BOUNDARY ROAD UPDATE

This Report is for a decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Manager Engineering, Paul Diss

Attachments: 1. CONFIDENTIAL ATTACHMENT – Objections [9.2.1.1 - 15 pages]

Executive Summary

The purpose of this report is to provide an update and recommendation on the potential reopening of Boundary Road Taradale for public use.

At the Meeting of Council held 16 August 2022, Council adopted Notice of Motion 2022/003:

That Council Officers commence the process to re-open Boundary Road Taradale for public use and provide a further report to Council at the completion of the process.

This report details the correspondence received from the impacted property owners, and the perspective of the community. From a broad community perspective, the re-opening of Boundary Road would reduce uncertainty for users regarding its status, the concerns regarding potential for locked gates and stock interaction.

RECOMMENDATION

That Council:

- 1. Notes the information and feedback from current license holders, adjacent property owners and the community.**
- 2. Requests the Department of Energy, Environment and Climate Action to undertake the process required to re-open Boundary Road for public use.**

MOVED COUNCILLOR HENDERSON

That the recommendation be adopted

SECONDED COUNCILLOR GARDNER

CARRIED.

Context

Council adopted Notice of Motion 2022/003: *That Council officers commence the process to re-open Boundary Road Taradale for public use and provide a further report to Council at the completion of the process, on the 16th of August 2022 Meeting of Council.*

The Officer comment for Notice of Motion 2022/003 noted:

- Council officers will notify the current license holders and adjacent property owners of the proposal to cancel the existing licence seeking comments.
- Council officers will report to Council if there is support or objection to the existing license being cancelled.

This report provides a summary of the consultation undertaken in relation to the reopening of Boundary Road Taradale for public use.

Summary of actions undertaken

The proposed cancellation of the existing unused road licenses impacts on two property owners as shown in Figure 1 below.



Figure 1 – Existing unused road reserve licenses and property owners

Letters setting out the proposal and rationale for the opening of Boundary Road were sent to property owners in September 2022. Following these letters, written objections were received

from property owners. Copies of these objections are provided in Confidential Attachment 9.2.1.1.

In August 2022, Owner 1, held ownership of property L2 PS749540 V11884 F538 (highlighted tan in Figure 1) for sale. The sale of the property went through in February 2023. Council Officers contacted the real-estate agent managing the sale of the property in October 2022 to inform them of the Notice of Motion, so that they could inform prospective purchasers.

Property L2 PS749540 V11884 F538 is now owned by Owner 2. It is understood Owner 2 was informed of the Notice of Motion through their legal representative at the time of purchase.

Owner 2 has raised concern that there has been no further correspondence from Council prior to receiving the notice from the Department of Energy, Environment and Climate Action for the cancellation of the license. This is correct, Council has asked the Department of Energy, Environment and Climate Action to pause the license cancellation application, awaiting a decision of Council on reopening the road reserve.

Owner 2 has been subsequently given the opportunity to comment on the proposed cancellation of the unused road license. A copy of their objection is provided in Attachment 9.2.1.1.

Separate to the current process, it is noted a request was made to the Department of Environment, Land, Water and Planning in 2016 to have the road reopened to through traffic. At that time, Council staff did not support the cancellation of the license and reopening of the road reserve.

Further to the engagement with the direct and neighbouring property owners, Council has received requests from residents within the Taradale area to have access to the road reserve for walking, bicycle riding, and vehicular traffic, and for access in times of an emergency. This reflects the customer requests and correspondence from community members which has related to the licensee's (previous) failure to maintain unlocked gates at either end of the road reserve.

The issue of unrestricted access to the road reserve was also raised during General Business at the Taradale Community Forum meeting on 13 November 2023 when seeking wider community opinion on the management of the road in relation to access and need. During the meeting, the local Country Fire Authority Captain raised concerns regarding safe vehicular evacuation in times of an emergency, particularly a concern regarding traffic management of vehicles evacuating and being required to unlock and lock gates.

The Principal of the Taradale Primary School has consulted with staff and parents, and both groups have expressed concern in not being able to access the road reserve for students and families to travel to school safely. The concern is related to the interface between students and animals when traversing the road. There have been further concerns raised by adult members of the community on this same issue.

Issues

A summary of the objections/comments received is provided below;

Owner 1 (prior to selling), property L2 PS749540 V11884 F538

- Believes there would be impacts to his brother's cattle business who use the reserve to graze stock.

-
- Believes that they should be compensated for loss of income from the land for the remainder of the lease (71 years).
 - Raised concerns of increased criminal activity in the area, due to the use of the route as a shortcut between the Malmsbury Youth Detention Justice Centre and Taradale.
 - Objects to the cost to Council to re-open and maintain the road.
 - Noise and dust pollution from the re-opened road impacting the environment.

Owner 2, property L2 PS749540 V11884 F538

- States the leased land is important to maintain the viability of their cattle farm for drought management and movement of animals.
- Believes Council has not undertaken adequate consultation with the affected property owners about the impacts.
- Believes Council has not adequately conveyed or justified why the road reserve should be reopened.
- Access can be maintained by leaving the existing gates unlocked as per the license arrangement, to satisfy concerns related to emergency evacuation.
- Does not understand the justification for reopening given the impacts to property owners.
- Has raised concerns regarding the cost to Council to re-open and maintain the road and safety concerns with the sharp right-hand bend.

Owner 3 property L3 PS525673 V11085 F736

- Claims to have held the lease for three generations within their family.
- Believes the road needed to be closed due to the volume of heavy vehicles using the road as a shortcut along with the road safety issue of the sharp righthand bend.
- Believes there are several cultural heritage sites along the route that would be impacted if the road were reopened.
- Objects to the cost to Council to re-open and maintain the road would be significant when traffic already use alternatives routes.

In summary, there was no support from impacted property owners for the re-opening of the road reserve.

Council Officers note, the reopening of the road reserve would provide a southern egress point for vehicular traffic for those living north along Spring Creek Road, as well as for cyclists and pedestrians.

The Notice of Motion highlighted that emergency access, cyclists, and tourists as a prime driver for reopening the route. These issues have been raised by the community including the Country Fire Authority and the local primary school. It is difficult to gauge the level of use by cyclists and tourists currently.

If the road were to be reopened, it would continue to be an unformed minor track with limited yearly maintenance. As an unformed minor track, in the event of an emergency such as fire

or flood the road may become impassable quickly, negating any benefit as an emergency route. If the road is reopened, there is the potential that the road may become a short cut for motorists travelling between Taradale and Malmsbury. The exact increased volumes are difficult to quantify; however, it will likely increase the maintenance requirements on adjacent roads.

The license holders are required to maintain unlocked gates at the entry/exit to the road reserve. While there has been history of the previous licensee not observing this requirement, Council Officers have received written confirmation from the current owners and licensee these gates will remain unlocked.

From a broad community perspective, opening the road would reduce uncertainty regarding the status of the road. It would also eliminate the concerns related to the interface between cattle and pedestrians and cyclists. It would also remove any doubt regarding the roads function as a route to evacuate in times of an emergency.

Finance and Resource Implications

The cost to cancel the licenses is minimal, the cost to bring the closed road reserve and track back to a standard suitable for vehicles is unknown at this stage. It will need a maintenance grade, but without knowing the condition of the existing track it is difficult to assess at this stage.

Expanding our road network will also have a negative impact on current road maintenance and inspection programs which are already stretched for funds and resources.

Risk Analysis

Reputational

There is some reputational risk if Council chooses to continue with cancellation of the licenses and reopening of the road reserve. There is a possibility that the impacted property owners will approach the media or local member to escalate their objections further.

Financial

There is limited financial risk associated with the proposal other than those highlighted under the financial section above. There are costs associated with bringing the road back up to a standard suitable for the public and then continuing to maintain it into the future.

Asset Management Responsibility

Currently, the asset is not on Council's "Public Road Register", as such it is not subject to the requirements of the Road Management Act. Once the road is re-opened, it will require periodic inspection and maintenance to ensure Council is complying with its Road Management Plan.

There are also questions about the safety of the road alignment given the sharp 90-degree bend and nearby vegetation along the route. These conditions are not dissimilar to other roads within the Shire, but still present a safety risk or liability to Council.

Climate Impact Statement

Expanding our road network will require more effort in maintenance and inspections. This will result in an overall increase of carbon emissions for the Shire.

Alternate Options

The alternative option is to maintain the status quo and keep the licenses as they exist, with the road reserve essentially closed to the public.

There is some history that previous property owners and license holders have maintained locked gates at either end of the road reserve preventing unauthorised access. This is not allowed under the terms of the license agreement.

Owner 2 has indicated they intend to maintain the gates unlocked for emergency access in line with the requirements of the license. Their preference is for pedestrian and cyclist use, and emergency vehicular access.

Another option is to open the road and install cattle grids so grazing can continue on the land. This would also ensure continued access for public and emergency services. This is not recommended due to the risk of public striking cattle, and the concerns raised regarding the public interface with cattle.

Communication and Consultation

As outlined in the Issues section, the impacted property owners have been contacted directly. The wider community has also been engaged through the Taradale Community Forum.

The Department of Energy, Environment and Climate Action who manage the license undertake all other communication associated with the cancellation process.

Legislation

Road Management Act 2004

Mount Alexander Shire Council is the Road Authority for Boundary Road, and the road infrastructure is therefore the responsibility of Council to operate, maintain and replace.

Strategies and Policy Impacts

Council Plan 2021-2025

Principle - We are engaging genuinely with the community.

- Our community feels heard and can influence and participate in the decisions that impact them.

Declarations of Conflict of Interest

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

No conflicts of interest

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

9.2.2. PUBLIC ART ADVISORY PANEL

This Report is For Decision

Responsible Director: Chief Executive Officer, Darren Fuzzard

Responsible Officer: Creative Industries Officer, Madeleine McClelland

Attachments:

1. Public Art Policy - Mount Alexander Shire Council [9.2.2.1 - 5 pages]
2. Public Art Advisory Panel - Terms of Reference [9.2.2.2 - 2 pages]

Executive Summary

Council is establishing an independent expert Public Art Advisory Panel (the Panel), to provide key advice on all stages of development and planning for public art. Following a robust selection process, in line with the Panel Terms of Reference, six community members are recommended for appointment based on their skills and experience in public art.

In accordance with the adopted policy, this Panel will be chaired by a Councillor.

RECOMMENDATION

That Council appoints:

- **Dan Mitchell**
- **Lisa Merkesteyn**
- **Gretchen Hillhouse**
- **Forest Keegel**
- **Nathan Edwards**
- **Laura Jade**

to Council's Public Art Advisory Panel for an initial two-year period, as per the Public Art Policy.

MOVED COUNCILLOR MALTBY

That the recommendation be adopted

SECONDED COUNCILLOR CORDY

CARRIED.

Context

Council endorsed its Public Art Policy in December 2022, with the goal to guide best practice in commissioning, management and de-commissioning of public art. This included a commitment to establish an independent, expert Public Art Advisory Panel to provide key advice on all stages of development and planning for public art, including facilitating acquisition processes and assessing the merit of strategic opportunities and proposals.

The Panel Terms of Reference outlines that members will have professional public art skills and knowledge, and where possible, will consist of seven members as follows:

- one Councillor (Chair)
- two local artists
- two local architects and/or art curators
- two community representatives

Council's Manager Economy and Culture and Creative Industries Officer will support the panel as non-voting members, and the Creative Industries Officer will provide the Secretariat for meetings.

The recommended Panel members have been selected through an Expression of Interest process which attracted 18 applicants. Applications were reviewed and scored by a panel of four Council Officers against key selection criteria, focused on experience, knowledge, skills and interest in Public Art management, curating, development, commissioning or creation. The recommended Panel members were then selected based on their ability to meet key selection criteria, alongside the requirement to meet the mix of skills required by the Terms of Reference (as above).

Members of the Panel will be appointed for a term of two years up to a maximum of six consecutive years for any one Panel member.

Issues

The Public Art Advisory Panel will guide collection management and maintenance, community consultation, assessment of selected sites and the suitability of the artwork concept and materials, engineering and heritage compliance, and maintenance requirements.

To do this effectively, it is important that Panel members represent a cross-section of backgrounds and experience. The Expression of Interest process attracted a high number of applicants with managerial experience (curators, arts managers and architects) and a lower number of artists with strong experience in public art. For this reason, the selection panel was not able to select all of the highly rated curators or architects who applied. The focus was on meeting the Terms of Reference requirements, that the panel included the appropriate balance of applicants under the categories of 'Artist', 'Curator / Architect', and 'Community Member'.

Finance and Resource Implications

The facilitation of the Public Art Advisory Panel will require minimal budget contributions towards catering for meetings and minor administration costs associated with preparation of meeting materials.

Risk Analysis

Reputation Risk:

The Expression of Interest process attracted 18 applicants to apply for six positions on the Public Art Advisory Panel. To minimise risk of dispute and to ensure transparency in the shortlisting of six successful applicants, a selection panel of four Council Officers undertook a rigorous two-step scoring and review process, which ensured that all applicants were assessed firstly based on merit and secondly according to specific category requirements in the Terms of Reference.

Once appointed, the Public Art Advisory Panel will ensure rigorous assessment of public art proposals to ensure that commissioning of artworks is in line with community expectations and delivered to a high standard, including appropriate measures for public safety. This minimises the risk of not meeting community expectations and reduces risks to public safety.

Strategic Risk:

Appointing the recommended Public Art Advisory Panel members will ensure that expert advisors and community members, have the opportunity to directly inform strategic development of the public art program and support best practice in public art commissioned by Council and the community.

Climate Impact Statement

All public art will be managed and commissioned in line with Council's Climate Change Strategy.

Alternate Options

No alternate options are relevant for this report, as a rigorous assessment process has been undertaken.

Communication and Consultation

Inform:

We will keep our community informed.

Following Council endorsement, there will be a formal community announcement of selected panel members via media release, web listings, social media and Arts eNews.

Legislation

Heritage Act 2017

All public art will be commissioned in line with the *Heritage Act 2017*.

Local Government Act 2020

All public art will be managed and commissioned in line with the *Local Government Act 2020*.

Planning and Environment Act 1987

All public art will be commissioned in line with the *Planning and Environment Act 1987*.

Strategies and Policy Impacts

Council Plan 2021-2025

Economy - A resilient and growing local economy

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

Environment - A flourishing environment for nature and people

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

The Public Art Advisory Panel will play an important part in implementing the Public Art Policy and guiding the development of public art in the Shire. By working with experts from a range of backgrounds, Council is increasing its capacity to scope and develop investment opportunities for public art. Commissioning creates opportunities for partnership with community organisations, corporations or other government entities. Public art outcomes then create destinations and visitor experiences which enhance tourism, as well as improvements to civic spaces which adds to liveability for residents.

Public art greatly enhances places in our Shire, contributing aesthetically appealing visual elements to streetscapes that are both meaningful and relevant to the 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.

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?
Creative Programs Officer	General – Officer knew one of the applicants to the Public Art Advisory Panel personally	The Creative Programs Officer was on the selection panel which made recommendations of Public Art Advisory Panel members to Council and abstained from recommendations related to one of the applicants. The Creative Programs Officer is not on the Secretariat for the Public Art Advisory Panel and will remain separate from any dealings with the Panel going forward.

9.2.3. CASTLEMAINE RAILWAY PRECINCT MASTERPLAN

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Strategic Planner, Nathan Lord

Attachments:

1. Castlemaine Railway Station Precinct FINAL Conservation Management Plan 28 August 2023 [9.2.3.1 - 191 pages]
2. (GIA) Gender Impact Assessment Toolkit - Castlemaine Railway Precinct Draft Masterplan - July 2023 [9.2.3.2 - 16 pages]

Executive Summary

The purpose of this report is to present the Castlemaine Railway Precinct Masterplan (the Masterplan) to Council for adoption. The Masterplan was updated after considering the feedback on the draft Masterplan.

The Masterplan sets an aspirational long-term vision for land activation and improvements in and around the Castlemaine Railway Station precinct.

The Masterplan is based on three guiding principles:

1. stitching the precinct together
2. creating and enhancing destinations
3. rediscovering Barkers Creek.

The Masterplan sets out a series of recommended 'projects' relating to each of these principles. As the Precinct is not owned by Council, but by VicTrack, and managed by the Department of Transport and Planning, Council will primarily play a role in advocating to the landowner and land managers to implement the Masterplan's recommended projects over the long-term.

To support Council in advocacy, the Masterplan includes an implementation plan to assist with the next steps in the development of the precinct. This includes further investigations, design and engagement required to deliver these recommendations, lists key stakeholders, and suggested delivery timeframes.

This report also presents the Conservation Management Plan for the Precinct; Council was successful in receiving funding from Heritage Victoria to complete the Plan, with support of the precinct's Landowner, VicTrack.

RECOMMENDATION

That Council:

- 1. Adopts the Castlemaine Railway Precinct Masterplan - 2023.**
- 2. Notes that implementation of the Masterplan's recommended projects will require Council advocacy to State Government departments and agencies.**
- 3. Notes the Castlemaine Railway Precinct Conservation Management Plan (August, 2023).**

MOVED COUNCILLOR ANNEAR

That the recommendation be adopted

SECONDED COUNCILLOR CORDY

CARRIED.

Context

Project background

Over recent years, the Castlemaine Railway Precinct has experienced major changes, including the operations and ongoing opportunities associated with the Victorian Goldfields Railway, the Castlemaine State Festival and Castlemaine Circus. These changes have occurred alongside enhanced opportunities within The Mill precinct, the Old Castlemaine Gaol and Camp Reserve. This has resulted in an evolving role and function of the precinct, and how it is positioned within the context of these elements. The precinct continues to be a pivotal link between the Castlemaine commercial centre to the southeast, The Mill and Castlemaine Botanical Gardens to the north, and Camp Reserve and Gaol to the west.

A Masterplan was completed for the precinct in 2004, which sought to establish its values to devise a framework for its continuing development. The 2004 Masterplan proposed a range of improvements aimed at increasing amenity, safety, business opportunities and environmental quality for residents of the Shire, many of which are still relevant today.

While the precinct is not owned by Council, but by VicTrack and managed by the Department of Transport and Planning, Council worked with the Department of Transport and Planning, and Regional Development Victoria, to secure funding to prepare an updated Masterplan. This is because despite not owning the land, Council recognises the importance of a coordinated plan for the precinct for the community, as well as the role of the community in providing input into the precinct's aspirational future, one that supports existing tenants of the precinct, and leverages what the community tells us they like most about the precinct. Furthermore; in developing this aspirational Masterplan, Council is in a better position to advocate to the landowner, and State Government, to plan for the precinct holistically, and in a way that reflects community and tenants' wishes. Over the coming decade and more, this aspirational Masterplan can play an important role for community groups and Council to advocate for funding opportunities to implement the Masterplan's recommended projects.

In effect, by adopting this aspirational Masterplan, Council is sending the signal to the landowner and State government that it believes this is a 'good plan' for the precinct's long-term future, all the while acknowledging that it is not the landowner itself.

The railway precinct is owned by VicTrack, a statutory corporation that operates as a business entity under the Department of Transport and Planning of the State Government. VicTrack is responsible for managing all of Victoria's railway infrastructure, land, and assets, including Castlemaine's railway precinct.

Broadly the key areas within the precinct include:

- Castlemaine Railway Station building and forecourt, providing train services to Melbourne and Bendigo and coach services on the Bendigo, Echuca, and Swan Hill Lines.
- Victorian Goldfields Railway - a heritage tourist attraction
- The Goods Shed
- The Lions Park
- The Hollow

Several local community organisations lease buildings and/or areas within the precinct, including:

- Castlemaine Lion's Club
- Castlemaine State Festival
- Castlemaine Girl Guides
- The Castlemaine and Maldon Railway Preservation Society which manage the Victorian Goldfields Railway

Near to the precinct, there are The Mill Precinct and the Old Gaol, which are privately owned. Figures 1 and 2 define the study area boundary and key precinct locations.

Figure 1 | The Castlemaine Railway Precinct Boundary and Study Area



(Source: Urban Fold 2022)

Figure 2 | Key Precinct Locations



(Source: Urban Fold 2022)

Project stages

The key stages of the project were:

- research, analysis and preparation of the Opportunities Summary Paper and Draft Masterplan
- community visioning (engagement on the opportunities summary paper and Draft Masterplan)
- preparation of the Masterplan

The Strategic Planning unit briefed Council on the project on 26 April 2022 to note the project scope, and then again on 14 February 2023; the purpose being to present the Opportunities Summary Paper and Draft Functional Masterplan prior to public consultation.

Masterplan

Broadly speaking, the evolution of this project has produced an aspirational Masterplan for the precinct that:

- articulates a future role and function for the precinct
- acknowledges the significant gap in cultural representation in the precinct
- responds to the aspirations of the current leaseholders
- encourages future expansion activities of the Victorian Goldfields Railway and other lease holders within the broader station precinct
- aligns with the proposed plans to update the Goods Shed
- prioritises interventions to improve access to and through the precinct
- considers the wider context, the precinct's heritage significance, key location destinations and strengthened pedestrian connection to the Castlemaine town centre
- supports Council to advocate to the landowner and State Government to implement the Masterplan's recommended projects
- outlines clear and practical steps to realise activation and development opportunities for tenants, potential developers, landowner and State Government.

The Masterplan seeks to achieve this through seven projects as follows:

- **Reconfiguring the Station Forecourt (Project 1)** - Reinstates the grand arrival experience to Castlemaine Railway Station and create a safer and more logical pedestrian environment.
- **Providing a safe and accessible East-West crossing (Project 2)** - Enable pedestrian and cyclist connectivity between the east and western sides of the township.
- **Making it safer to move along Kennedy Street (Project 3)** - Formalise a continuous safe pedestrian and cycling route connecting north to south.

-
- **Upgrading Lions Park (Project 4)** - Make small improvements to the park to support visitors to the Precinct.
 - **Ecological Restoration of the Hollow (Project 5)** - Increase biodiversity and strengthen connection to Country by transforming underutilised land into a planted installation viewed from above.
 - **Creating a Cultural Trail along Barkers Creek (Project 6)** - Strengthen the township's connection to Country by linking important cultural destinations.
 - **Improvements to Gingell Street Park (Project 7)** - Create a lush green riverside destination for picnics, gathering and events.

These above-mentioned identified Projects 1 through to 7, reflect the preferred priorities of the community according to the feedback received, with project 1 being the community's number one priority and Project 7 being considered the lowest.

While the Masterplan identifies these projects, that is not to say that they are funded and can be progressed immediately. None of the identified projects have funding as the Masterplan is a high-level, aspirational plan for the precinct's long-term future only. However; the Masterplan's implementation section recommends initial first steps to progress each project over the next five years, steps that are concerned with early partnership and advocacy tasks. For one example, over the next five years, the Masterplan recommends that Council 'advocate to the State Government for funding to undertake detailed design and delivery of the shared path.'

The implementation section also makes recommendations regarding medium to longer term tasks (5 to 10 plus years), such as those normally involved in design and delivery of capital works. For example, over the next 10 plus years, the Masterplan recommends that Council, VicTrack and VLine collaborate as stakeholders to 'Deliver the approved Station Forecourt arrival experience and car park reconfiguration.'

The seven projects can only be delivered once funding has been sourced and with landowner (VicTrack) permission. Council will play an important role over the coming decade and more in advocating on behalf of itself, or in support of local community groups who lease areas within the Precinct, to seek State Government funding, grant opportunities or permission to implement any of the seven projects. Of course, State government can also take it upon itself to implement any of the identified projects within the Masterplan, given VicTrack own the land.

The nature of the Masterplan document is one that works to provide a shared vision between the landowner, Council, and the community for a well-planned future for the Precinct; one that Council and the community (as non-landowners) have had a say in forming. The Masterplan also lends strategic justification to the landowner and State government agencies when undertaking their own avenues to funding the identified projects. So too does the Masterplan support local community groups who lease areas of the precinct, should they desire to seek funding pathways for delivery of projects independent of Council.

Issues

Conservation Management Plan

Given that the precinct is included in the Victorian Heritage Register (HHR 1664), Heritage Victoria has been a key stakeholder in this project. In fact, Heritage Victoria has for a number of years noted concern that the precinct appears to be developing in a way that does not benefit from a precinct-scale conservation plan.

To that end, Heritage Victoria advised Council early in the development of the Masterplan project that a Conservation Management Plan for the precinct is the best way of achieving appropriate change as it can guide any future development applications. In response, and with the support of the landowner, VicTrack, Council was successful in applying for grant funding to prepare a Conservation Management Plan for the precinct.

The Conservation Management Plan, which is attached to this paper, has helped to inform the Masterplan, including referring to the 'Guiding Change Policies' as outlined in the Conservation Management Plan for the precinct. The consultant who prepared the plan, RBA Architects, worked with government agencies and tenants of the precinct to develop the document.

Into the future, the Conservation Management Plan will act as the principal guiding document for the conservation and management of heritage places within the precinct. It is a tool that allows landowner, managers, and approval authorities to make sound decisions about heritage places within the Precinct.

Feedback on the draft Masterplan and the changes made in response

The draft Masterplan was made available on Council's engagement platform, Shape Mount Alexander, for six weeks over June and July 2023. Key issues raised included lighting, safety and accessibility, drainage, and flooding, maintaining heritage character, car parking, and active transport.

Many comments related to detailed design considerations, and these have been included as added detail in each project's recommendations section, as well as notes in the implementation plan where appropriate, as they are more applicable for detailed design and development phases that occur in the future when projects are being designed and delivered. It is worth mentioning that, while not every piece of feedback could be reflected in the updated Masterplan, all feedback was noted, and good endeavour was made to incorporate as much as was practicable.

The feedback received is summarised below, together with how the feedback has been reflected in the Masterplan.

Lighting

'Lighting' came through as the most raised issue. Improving lighting for a sense of safety, to reduce the 'eerie' night-time feeling under the current lighting situation. Future lighting should consider energy efficiency and ambience plus improve wayfinding and safety.

This feedback is reflected in the Masterplan, where it discusses precinct-wide lighting considerations in the Implementation Plan overview, and that:

- Lighting should consider energy efficiency.

-
- Lighting should be appropriate to context and be in line with International Dark Sky Association recommendations.

Adequate lighting throughout the Precinct is also now specifically referenced in Projects 1 to 4.

Car Parking

Comments were received regarding the need to retain car parking or increase car parking numbers. This has seen Project 1 updated with specific references to improving parking layout to ensure parking numbers are retained or increased.

Accessibility and Safety

Prioritising safety and accessibility in the station forecourt reconfiguration was a key theme raised. Multimodal transport improvements in forecourt reconfiguration are supported across the board, so long as safety is improved. In response to the feedback, precinct-wide accessibility considerations have been summarised and added to the “Implementation Plan” Section of the Masterplan, for example:

- Prioritise safety and accessibility for people of all abilities – ensuring that disability needs are considered in detailed design – such as, appropriate contrast and surface treatments. This is a priority for Project 1.
- Investigating the feasibility of providing parking / storage for mobility aids at the station will be added to Project 1.
- Improving public amenities, such as toilets, with consideration given to the configuration of spaces to cater for users of all abilities.
- Consideration for improvements to the accessible routes to the platforms will be included in Projects 1 and 2.

Flood Risk

The issue of flooding of Barkers Creek was raised often, mostly around ensuring Council is aware of it or questioning whether Council can deal with it effectively in engineering and detailed design across the Precinct.

This feedback is now reflected in the Masterplan by references to the need to consider flooding impacts on the Precinct and appropriate drainage/mitigation strategies in the recommendations for Projects 2, 3, 6 and 7.

Gingell Street Park

Gingell Street Park brought up mixed feelings for many. Some supportive, but some do not consider it a good idea as it may be an ‘over development’ of that natural area. Most would prefer to see the creek regenerated first before any picnic park creation.

The Masterplan now notes to retain the informal character of this area and shifts the focus to creek planting and managing drainage/flooding.

Aesthetic and Historical Values

Aesthetic and historical values are important for many. Ensuring any future works are sympathetic to these values is key. The need to respect and enhance the historic value of the

Railway buildings and infrastructure has been added to the “Implementation Plan” section of the Masterplan and strengthened as recommendations in Project 1 and 4.

Active transport

The active transport connections proposed were well received. There were suggestions for provision of outdoor fitness infrastructure or pet-friendly areas given that many active transport regulars of the Precinct are either exercising or dog walkers. Wayfinding needs to be improved too. In response, the following specific references have been included in the Masterplan:

- Ensure appropriate, clear, and consistent wayfinding and signage to support active transport around precinct – Priority Projects 1, 3 and 6.
- Ensure there is adequate bike parking at key destinations – Priority for Projects 1 and 4.
- Outdoor gym stations around the Precinct could be considered at Gingell Street Park, Lions Park, or Camp Reserve.

Landscaping

Multiple comments supported indigenous/native planting. Several comments noted ‘palm trees’ proposed are not native, and so not ideal. Native planting was noted as one that supports climate adaptation. In terms of Project 5 – Restoring ecology to the Hollow, feedback was generally in support of this project, with no recommended changes. It was ranked as a medium priority in the community consultation survey. For Project 7, there was a strong desire to see regenerative planting continued along Barkers Creek which the Masterplan now notes.

Prioritisation of projects

The online Shape survey asked respondents to prioritise the projects they considered most important. ‘Reconfiguring the station forecourt area’ was the number one priority for most, followed by two - providing a safe and accessible east/west crossing and three - making it safer to move along Kennedy Street. These three priority projects stem from the ‘Stitching the Precinct Together’ guiding principle of the Masterplan.

Next steps

As outlined above, the Masterplan includes an implementation plan to guide the next steps in the precinct's development. It provides Council, State government agencies, the landowner of the precinct and potential developers and tenants recommendations on how to implement each project.

The Implementation Plan includes an Implementation Matrix that individually details each of the seven projects, the matrix includes:

- relevant stakeholders
- partnership and advocacy approaches
- capital works required
- estimated time frame to meaningful commencement of tasks

-
- key considerations to detailed design.

Delivery of the identified actions is contingent on the outcomes of stakeholder support, further design work, and the availability of the required funding. Some projects could potentially be commenced earlier if opportunistic grants become available. Some projects may be delayed due to funding or unforeseen constraints. Importantly, implementation on all projects can happen incrementally when resources and funding become available.

In terms of funding opportunities for each project, these are best thought of as a 'joint effort' in future as there are many parties, both public and private, that may have interest in implementing one or more of the Masterplan's identified projects now and into the future. The drafting of the Implementation Plan has kept this view in mind; that multiple interested parties beyond Council may look to utilise this section in future.

For Council's part, the Masterplan acts as a key tool for multiple internal units to utilise in support of seeking funding opportunities, or for advocacy purposes on behalf of itself or community groups. Much like the above-mentioned entities, key Council units have also collaborated on the project's development, in the hope that the Masterplan does not overburden them and can support and complement their upcoming work programs.

So too, for State government agencies and the landowner, VicTrack, the Masterplan provides strategic justification to support funding pathways to deliver the identified projects as part of their own work programs.

A cost plan summary has been prepared by Turner & Townsend. The cost plan summary has not been included in the Masterplan itself, however it can be distributed to internal Council units, as well as interested stakeholders such as the landowners VicTrack, and the Department of Transport, and will be of great use when grant applications for funding are being considered.

A copy of the Masterplan will be provided to the landowner, VicTrack, the Department of Transport and Planning, V/Line, Djaara Corporation, Heritage Victoria, Department of Energy, Environment and Planning, Regional Development Victoria, and tenants of the Precinct.

Finance and Resource Implications

The Project has been funded by the following sources:

- \$20,000 from Council's Strategic Planning operating budget
- \$20,000 from the Department of Transport and Planning 'Bendigo - Echuca Line Business Case' project
- \$20,000 from the Department of Transport and Planning's Flexible Local Transport Solutions Program.

The project was completed to budget.

In terms of resourcing, Directors, Managers, Coordinators and Officers across multiple Business Units within the council gave their time to the successful delivery of the project. Moving forwards, multiple internal units may be required to provide resources to support progressing of the Masterplan's recommendations. This may take the form of preparing budget bids or seeking grant funding.

However; council staff must keep in mind that Council does not own the land. Therefore; future resources must be considered as part of a collaboration with the landowner, VicTrack, and interested State government agencies such as the Department of Transport and Planning, and Regional Development Victoria.

Council should also note that by adopting the Masterplan, interested community groups, such as tenants of the precinct, may seek Council support in advocating for the commencement of the Masterplan's recommendations. This too will take resourcing as well as coordination of multiple Council units delivering together.

Risk Analysis

Strategic risks:

There is a risk that the recommendations within the Masterplan will not be actioned once the Masterplan is adopted by Council, particularly given that it is not the sole responsibility of Council but the landowner, Government agencies and tenants, who lease areas within the Precinct to advocate for a project's commencement.

To date, this risk has been mitigated by the Strategic Planning unit and Urban Fold working closely with the above entities to encourage a shared sense of ownership of the Masterplan. Much of this sense of ownership was developed through numerous meetings with the Project's Steering Committee, comprised of representatives from VicTrack, Department of Transport and Planning and Regional Development Victoria. The Committee has met at key milestones of the project to not only provide advice and input on the project, but to ensure they were comfortable to sign off on the identified projects as they were developed, and the recommendations of the finished document.

Moreover, during community and stakeholder engagement activities over the last 24 months, the project team presented a consistent and transparent message regarding the fact that to take action on the Masterplan's recommendations would be a complex undertaking, given the inherent difficulties of coordinating partnerships that involve Local government, multiple State government agencies, community organisations subject to varied lease arrangements, and of course, the overarching imperative of ensuring that the railway precinct continues to operate safely and optimally from a transport needs perspective.

Finally, there is also the risk that if the Castlemaine Railway Precinct Masterplan 2004 is not reviewed and updated with this 2023 Masterplan, then current opportunities for economic development related to the precinct as it exists today are poorly managed moving forwards. To capitalise on the economic potential of the precinct, particularly as they relate to tourism and business uses, the precinct requires a holistic masterplan vision for the entire area, to ensure its role and function as a destination is maximised, while also protecting its unique heritage characteristics.

While Council does not own the land and cannot implement the Masterplan's recommendations without permission and support of the landowner and State Government, it can use the Masterplan as an advocacy tool to make clear its desired role and function of the Precinct, over the next two decades.

Gender Impact Statement

The Victorian *Gender Equality Act 2020* ('the Act') passed through the passage of Parliament in February 2020. The Act is a founding reform under *Safe and Strong: A Victorian Gender Equality Strategy* and sets out several obligations for the Victorian public sector, local councils, and universities to promote, plan, implement strategies and report on gender equality in the workplace.

There are three requirements under the Act. The purpose of all three requirements together is to encourage defined entities to apply a whole of organisational approach to working towards gender equality, by implementing a gender lens on policy, programs, and services for both internal and external processes for understanding, influencing, and advancing gender equality.

One of these three requirements are gender impact assessments, which seek to understand the external impact of an organisation by applying a comprehensive gender lens to policies, programs or services which may have a direct and significant impact on the public.

Given the nature of the masterplan project, Strategic Planning Officers prepared a Gender Impact Assessment of the Masterplan's seven identified projects (see Attachment 5.3.3) to understand if the project stood up to the objectives of the Gender Equality Act. The Gender Impact Assessment concluded that:

- The identified projects in the Masterplan actively enhance safety and accessibility outcomes across the precinct.
- These projects were developed with input from a diverse range of stakeholders.
- These projects should remain in the Masterplan as it is finalised.

Climate Impact Statement

Mount Alexander Shire is vulnerable to weather events that will be magnified by climate change. Average temperatures will continue to increase in all seasons, with warmer days and fewer frosts projected, and less rainfall during the cool season.

Environmental impact is a key consideration when preparing masterplans. Good public spaces and great streets generate positive environmental outcomes, including encouraging active transport.

The Masterplan addresses the effects of a changing climate by considering climate-resilience throughout the precinct, incorporating water sensitive urban design into landscaping and material choices and more. Specific examples include:

- All future works along the Creek corridor will need to incorporate flood mitigation and climate responsive strategies such as ways in which to slow down water to increase potential for urban greening.
- New creek planting is to consider indigenous/native species appropriate to a changing climate and be regenerative for the Creek.
- Future detail design of car parking areas to consider shading options (sails or structures).
- Incorporate shade pavilions in park areas (Lions Park and Gingell Street).
- New lighting design will consider energy efficiency lighting.

Alternate Options

An alternative option is to not adopt the Masterplan; however, this is discouraged given that the Masterplan sets the strategic framework for land activation and improvements in and

around the station precinct. The Masterplan's identified projects have the potential to tie the town together and offer a whole new experience for residents and visitors. If the Castlemaine Railway Precinct Masterplan 2004 is not reviewed and updated with this 2023 Masterplan, then current opportunities for economic development related to the precinct as it exists today will be poorly managed moving forwards.

The fact that this precinct is already well-used by community organisations, commuters and tourists suggest that there is enormous potential for its future and so should be appropriately planned for. The Masterplan has evolved through collaboration with key stakeholders who support it in the form presented herein. Adopting the Masterplan sends a clear signal to the landowner, VicTrack, and the State Government that it is Council's view that this is a 'good plan' for the Precinct's long-term future.

Communication and Consultation

A Communication and Consultation plan was prepared for the project in consultation with Council's Engagement Coordinator.

Project Governance

Steering Committee

The project's Steering Committee has been the key decision-making body throughout the project to assist the project through key milestones. The Committee comprised of representatives from Council, VicTrack, Department of Transport and Planning, and the Department of Jobs, Skills, Industry and Regions (Regional Development Victoria).

The Committee's final meeting was held on 9 August 2023 where Urban Fold presented on the engagement summary, and the changes they recommended to make to finalise the Masterplan.

Project Reference Group

The project Reference Group consisted of the following groups and persons:

- Mayor Rosie Annear
- Several Council Officers from Development Services
- Mount Alexander Shire Disability Advocacy Group
- Castlemaine Lion's Club
- Castlemaine State Festival
- Castlemaine Girl Guides.
- The Castlemaine & Maldon Railway Preservation Society which manage the Victorian Goldfields Railway
- The Mill Precinct.

At several key stages of the project, workshops were held with this group. The group was integral to developing the project's initial Issues and Opportunities paper, which in effect led

to the development of the Draft Masterplan's seven identified projects. Workshops held during the latest round of consultation with this group were primarily geared towards detailed design issues of the seven projects, which are reflected in the Masterplan's discussions regarding design detail.

Other Key Stakeholder Consultation

Given that the Precinct is included in the Victorian Heritage Register (HHR 1664), Heritage Victoria has been a key stakeholder in this project. Heritage Victoria submitted that they recognise that adaptive reuse of the Precinct can contribute towards the ongoing protection and conservation of the heritage place. They cautioned that the Precinct should not be overdeveloped, and that the open setting should be maintained.

They also advised that a Conservation Management Plan for the Precinct is the best way of achieving appropriate change as it can guide any future development applications. A Conservation Management Plan is the principal guiding document for the conservation and management of a heritage place. It is a tool that allows owners, managers, and approval authorities to make sound decisions about heritage places.

Concurrently to the preparation of the Masterplan, a Conservation Management Plan for the Precinct has been prepared, funded by Heritage Victoria through the Living Heritage Grant program. The Conservation Management Plan has helped to inform the Masterplan, including referring to the 'Guiding Change Policies' as outlined in the Conservation Management Plan for the Precinct.

The Department of Transport and Planning provided the following feedback on the draft Masterplan:

- Include direct reference to movement and place (walking and cycling) categories to assist in setting future priorities.
- Outline how investment in active transport networks is mutually beneficial in activating the station and the broader precinct.
- Outline how optimising access to the station can improve customer safety, experience, and patronage.
- Include an introduction of the project scope and strategic context.

While some aspects of the feedback were already incorporated within the draft Masterplan, such as how the identified projects can improve customer safety, the remaining feedback has been addressed in finalising the Masterplan:

- Inclusion of references to the movement and place framework within the Implementation Plan.
- Inclusion of Appendix 1 – Managed Housing Change Areas to illustrate how activating the railway precinct aligns well with the broader precinct context given it is located within a 'managed change area' as opposed to 'minimal change area'.
- Inclusion of text to the Introduction chapter outlining the strategic context.

Community consultation

When the project first commenced, the Strategic Planning unit commenced early engagement on what the community, Government agencies and key stakeholders consider to be the key issues and opportunities for the precinct.

Some engagement activities undertaken at this early stage included the following:

- The Project Reference Group was created comprising of tenants of the Precinct and owners of The Mill Precinct, as well as other key stakeholders. A workshop and surveys were undertaken with the Reference Group, as were several follow up phone calls and/or emails.
- A letter drop to residents living in proximity to the Railway Precinct raising awareness of the project and inviting them to provide feedback via Council's SHAPE platform.
- Media releases related to the project.
- A dedicated project webpage created on Council's 'Shape Mount Alexander' platform, which asked community members to provide feedback on what they considered to be the issues and opportunities of the Precinct.
- Meetings with key stakeholders and government agencies including Department of Transport and Planning, Heritage Victoria, DJAARA, Djandak, VicTrack, Youth Committee, various internal council units.
- Site visit and walk with Djaara Elder Uncle Rick Nelson.

This first round of initial community consultation closed on 14 October 2022. 348 people visited the Shape page, and 42 people provided feedback via this method, through a drop-in session or submission to Council. Nine further feedback emails were sent to the project manager from community members and organisations such as the Castlemaine Farmers' Market and Whitmore Bus Lines.

During the latest engagement phase on the Draft Masterplan, engagement activities undertaken included:

- a workshop with the Project Reference Group
- letter drop to residents living in proximity to the Precinct raising awareness of the project
- media releases related to the project
- a dedicated project webpage created on Council's 'SHAPE Mount Alexander' platform, which asked community members to provide feedback on the Draft Masterplan's seven identified projects
- meetings with key stakeholders and government agencies including Department of Transport and Planning, and various internal council units
- four pop-up stalls held at Castlemaine Farmer's Market and The Mill Precinct
- guided Precinct tour with Urban Fold leading and discussing the identified Masterplan projects with interested community members.

Legislation

Section 12 of the *Planning and Environment Act 1987* states that a Planning Authority must:

- a. *implement the objectives of planning in Victoria;*
- b. *provide sound, strategic, and co-ordinated planning of the use and development of land in its area;*
- c. *review regularly the provisions of the planning scheme for which it is a planning authority;*
- d. *prepare amendments to a planning scheme for which it is a planning authority.*

Strategies and Policy Impacts

Council Plan 2021-2025

This project aligns with several of the Shire's objectives and strategies detailed in the *Council Plan 2021-2025*. This includes:

Pillar 1: A healthy, connected, and inclusive community

Objective: Our community is supported to be physically and mentally healthy

- Strategy: To increase active transport options.

Pillar 2: A flourishing environment for nature and people

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

- Strategy: Protect and celebrate our Indigenous and European heritage
- Strategy: Foster connection to place
- Strategy: Protect urban and landscape character

Objective: We are facilitating managed growth of our towns while protecting natural assets

- Strategy: Coordinate land use, urban design, and infrastructure planning for towns

Pillar 3: A resilient and growing local economy

Objective: Our local economy is diverse and resilient

- Strategy: Support tourism sector to respond to new opportunities and recover from the COVID pandemic
- Strategy: Develop tourism products that champion our cultural, environmental, and social values

Objective: We are attracting and building investment in our cultural and creative community

- Strategy: Promote and build capacity of creative arts and industries
- Strategy: Support innovative industries and individuals

Municipal Public Health and Wellbeing Plan 2021-2025

Priority area 3. Increasing Active Living

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

Strategy: 3.1.2 - Enhance urban planning and design of the built environment and open spaces to encourage more frequent walking and cycling. This will reduce greenhouse gas emissions and have physical and mental health benefits for the community (including improving the quality, accessibility, and connectivity of existing footpaths, bike lanes and shared trails).

Mount Alexander Shire Council Disability Inclusion Action Plan 2023-2027

Objective 1.3: Our Council is committed to supporting accessible and inclusive projects.

Objective 1.7: Support clear access to businesses.

Active Transport Strategy

Goal 2 - Develop and deliver safe, connected, and sustainable active transport infrastructure.

Goal 3 - Enhance community health and wellbeing outcomes.

Declarations of Conflict of Interest

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

No conflicts of interest

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

9.3. Economy

9.3.1. PLANNING APPLICATION - PA093/2023 - 1E ROALIES PLACE, CAMPBELLS CREEK VIC 3451

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Senior Statutory Planner, Callum Murphy

Attachments:

1. Variation of Restriction [9.3.1.1 - 2 pages]
2. Carport Plans [9.3.1.2 - 3 pages]
3. Swept Path Analysis- Model [9.3.1.3 - 1 page]

Executive Summary

The purpose of this report is to enable Council to make a determination on an application that seeks a variation of a restriction on the title of 1E Roalies Place, Castlemaine. Specifically, the application is seeking to vary a building envelope to allow for the construction of a carport in the front of the existing garage. The carport does not require planning permission but is unable to be constructed due to the restrictive building envelope.

The application has been referred to Council for a decision as the Council Officer recommendation is to refuse the application.

The subject site is located within a Township Zone and is not impacted by any overlays.

The application was advertised, and no objections were received.

The application has been assessed and considered to be contrary to purpose and decision guidelines of Clause 52.02 (Easements, Restrictions and Reserves) of the Mount Alexander Planning Scheme in relation to the safe movement of vehicles in the common property accessway.

The application has been referred to Council's Engineering Team who objected to the application.

It is recommended that the application is refused, and a Notice of Refusal to Grant a Planning Permit is issued in accordance with the following recommendation.

RECOMMENDATION

That Council resolve to issue Notice of Refusal to Grant Planning Permit PA093/2023 for a variation to a restriction (building envelope) at 1E Roalies Place, Castlemaine on the following grounds:

The proposed variation to an existing restriction (building envelope) does not meet the purpose and decision guidelines of Clause 52.02 (Easements, Restrictions and Reserves) and Clause 65.01 (Approval of a Plan) contained within the Mount Alexander Planning Scheme for the following reasons. The variation to the existing building envelope:

- a) will facilitate the construction of a carport that will formalise parking of vehicles that intrude into the vehicle circulation space of the adjoining common property accessway.
- b) will detrimentally affect vehicle manoeuvrability of traffic for the adjoining properties with access to the common property driveway.
- c) does not represent fair and orderly planning of the area.

MOVED COUNCILLOR HENDERSON

That the recommendation be adopted

SECONDED COUNCILLOR MCCLURE

NOT CARRIED.

MOVED COUNCILLOR GARDNER

That Council issue a Planning Permit associated with PA093/2023 for the variation of a restrictive covenant at 1E Roalies Place, Campbells Creek subject to the following conditions:

Compliance with Endorsed Plans

- 1. Once endorsed, the proposed variation to a restriction placed on a plan of subdivision must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.**

Permit Expiry

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

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

SECONDED COUNCILLOR CORDY

CARRIED.

COUNCILLOR CORDY CALLED FOR A DIVISION.

Councillors for: Annear, Cordy, Driscoll, Gardner, and Maltby.

Councillors against: Henderson and McClure.

Summary

Application details:	Variation of Restriction (increase building envelope)
Application No:	PA093/2023
Applicant:	James Walsh
Land:	1E Roalies Place, Campbells Creek. Lot 8, PS814529Q
Zoning:	Township Zone
Overlays:	No overlays
Particular Provisions	Clause 52.02 - Easements, Restrictions and Reserves.
Triggers:	Clause 52.02 – A planning permit is required to vary an existing restriction (in this case a building envelope shown on the plan of subdivision)
No. of Objections:	None
Key Considerations:	The appropriateness of the proposed variation and the implications on road safety and manoeuvrability. Compliance with Clause 52.02 - Easements, Restrictions and Reserves.

Context

Proposal

The application is seeking the variation of an existing building envelope. The subject site affects the recently created allotment Lot 8. The property is now known as 1E Roalies Place, Campbells Creek (Lot 8 on PS814529Q). The current restriction has the dimensions as shown in Figure 1. The proposed variation is shown in Figure 2 below.

In support of the application, the applicant has advised Officers that the purpose of the variation is to allow for the construction of a carport protruding forward of an existing garage located adjacent to the existing common property accessway. Due to the shape of the allotment, the carport will be an irregular shaped structure (see Figures 3 and 4 below).

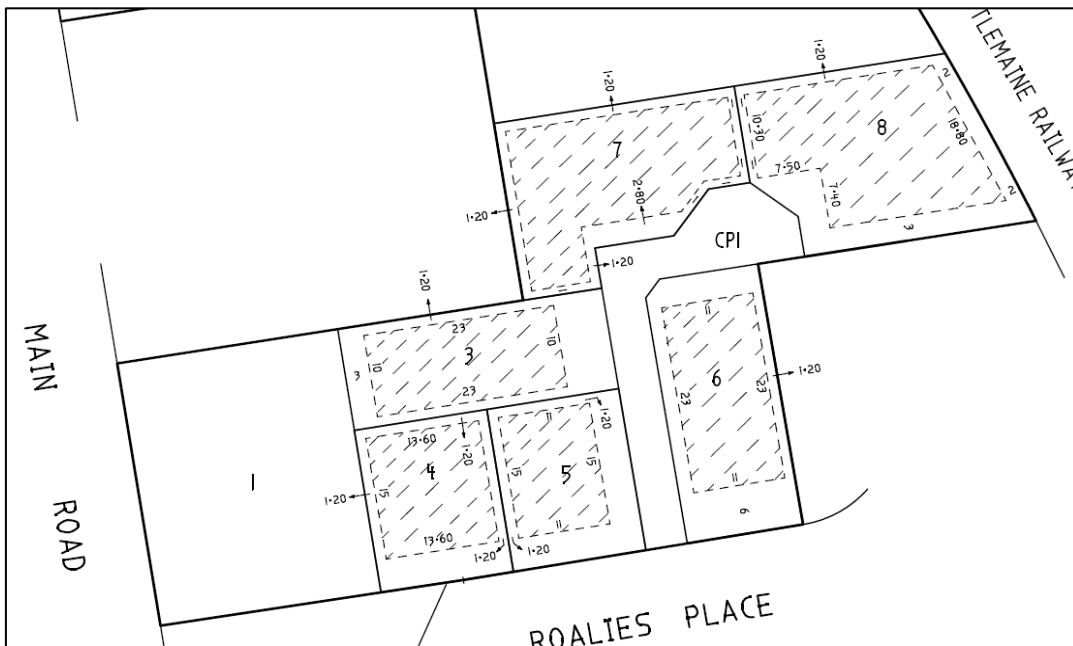


Figure 1 – Current Restriction on Title (Lot 8)

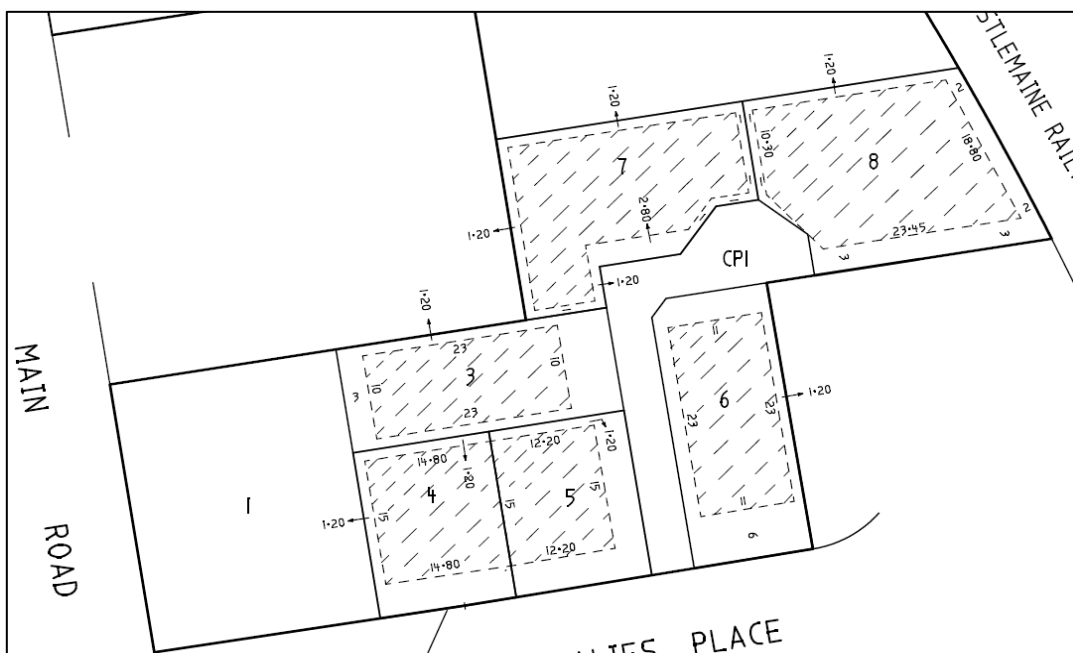


Figure 2. Proposed Restriction on Title (Lot 8)

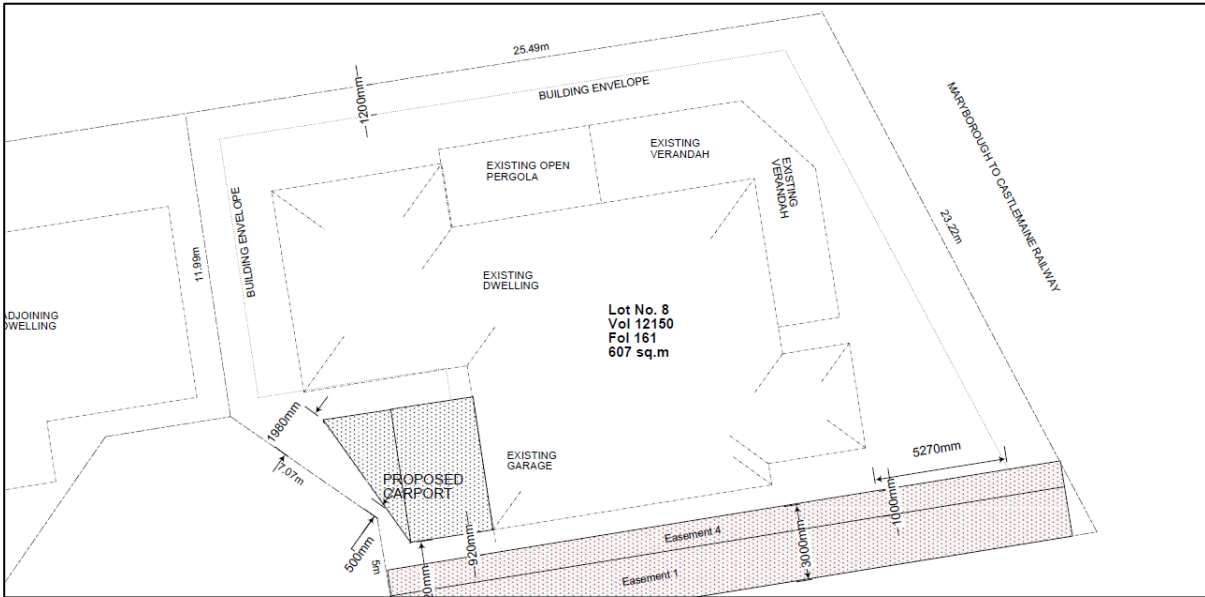


Figure 3 – Carport Design

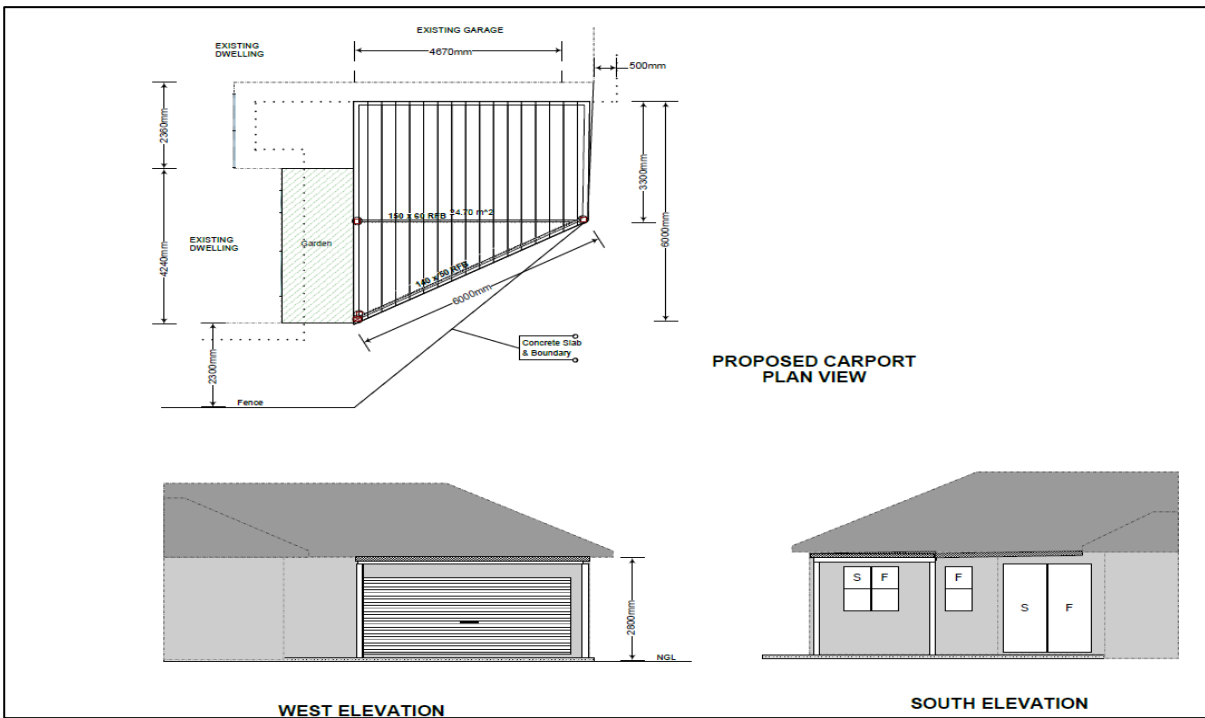


Figure 4 – Carport Design (continued).

Subject Site / Surrounding Area

Planning Permit PA324/2004 was issued on 2nd of November 2004 for a nine-lot subdivision creating Roalies Place as follows:

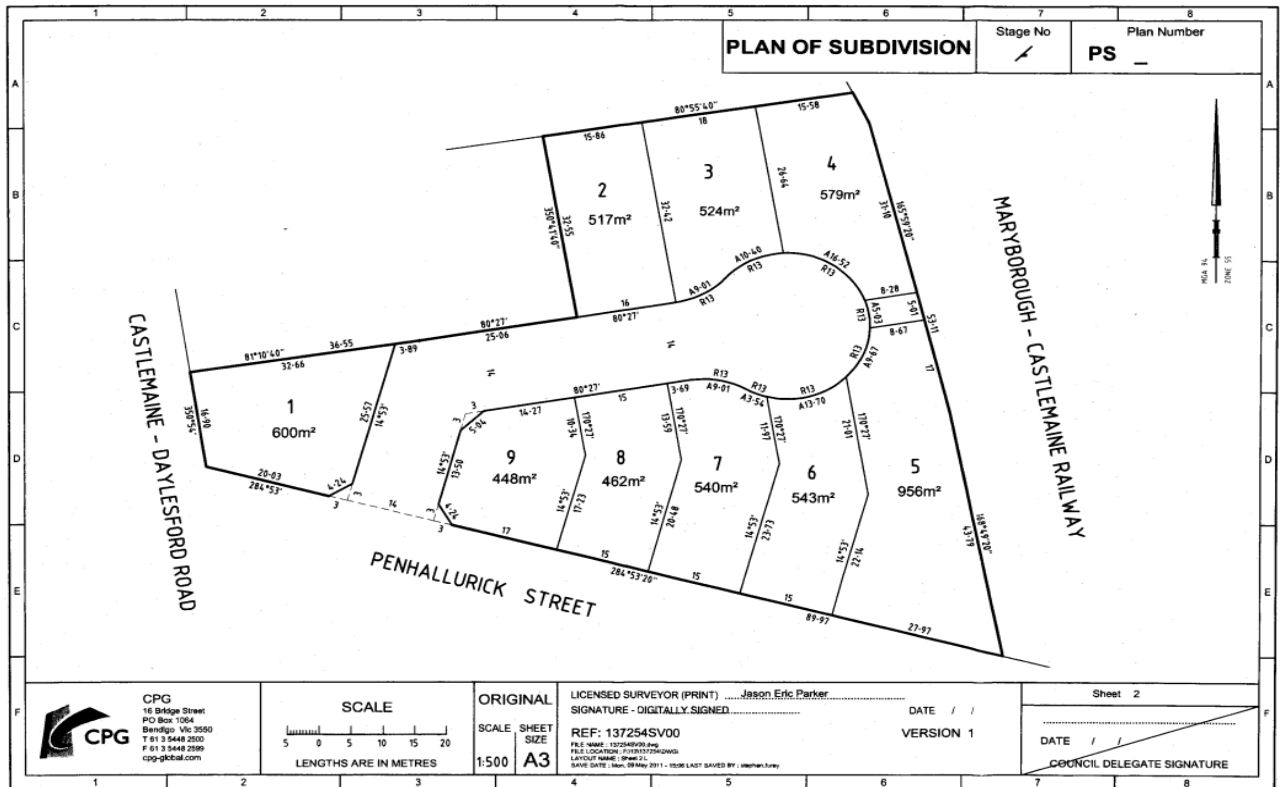


Figure 5 Plan of subdivision created by Planning Permit PA324/2004

Lot 2 of this subdivision in addition to adjoining land was further subdivided by Planning Permit PA111/2017 which was approved by Council on 4 September 2017 which allowed a re-subdivision of four lots into nine lots with common property (see Figure 6 below). The subject site forms Lot 8 of this subdivision.

Planning Permit PA111/2017 required a restriction to be placed on the title of each new allotment in the form of a building envelope which maintained appropriate street frontage setbacks.

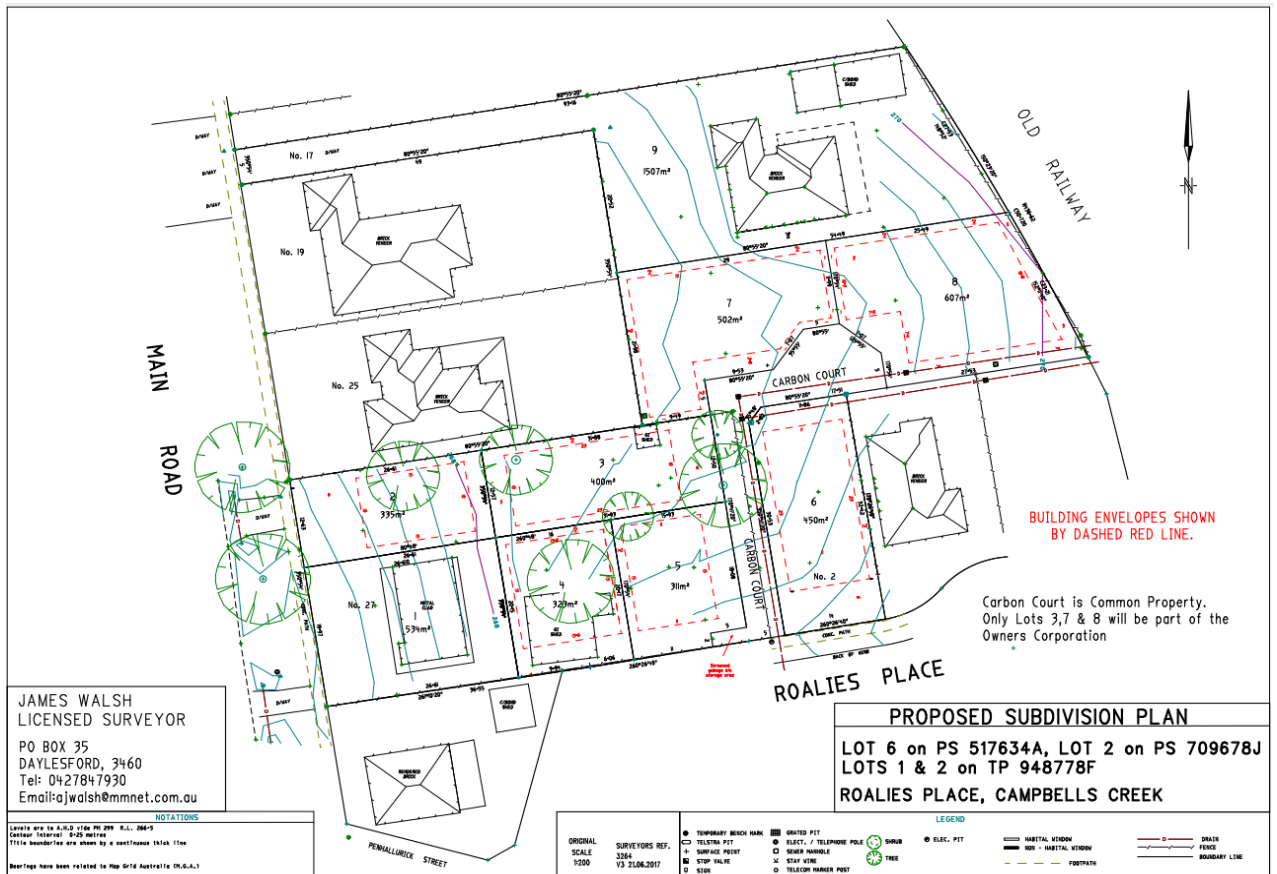


Figure 6. Proposed 9 Lot Re-subdivision. The subject site forms Lot 8 of this subdivision

The subject site is a 607sqm allotment that is irregular in shape. The site contains an existing dwelling with an attached garage on the southern side (see Figure 7 below). Access to the site is via the common property connecting to Roalies Place. This property is located at the end of a common property accessway that connects to Roalies Place. The distance of the public road to the property's boundary is approximately 56 metres in length. The common property is approximately 5m in width with an expanded section at the end of the accessway to allow for vehicle manoeuvrability and vehicles to exit the development in a forward direction.



Figure 7. Aerial photo of the subject site taken from Council's GIS system dated approx. 2022

The land immediately surrounding the property is residential development within the Roalies Place subdivision and new developments developed along the common property of the PA111/2017 subdivision. The land is in the Township Zone with single detached dwellings. To the east is VicTrack railway land.



Figure 8. Aerial photo of the subject site taken from Council's GIS system dated 2022 approx.

Issues

The key issue for consideration relates to the appropriateness of the proposed variation and the implications on road safety, manoeuvrability and compliance with Clause 52.02 (Easements, Restrictions and Reserves) of the Mount Alexander Planning Scheme.

A planning permit is required to create, vary, or remove an easement or restriction pursuant to Clause 52.02 (Easements, Restrictions and Reserves) of the Mount Alexander Planning Scheme. The purpose of this clause is:

“To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.”

The decision guidelines of the provision are to consider the interests of affected people and to consider the decisions guidelines of Clause 65 of the Mount Alexander Planning Scheme.

Clause 65 (Decision Guidelines) of the Mount Alexander Planning Scheme states:

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

The general provisions set out in Clause 65 are relevant to this application:

- *The matters set out in section 60 of the Planning and Environment Act 1987.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the environment, human health, and amenity of the area.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*
- *The impact the use or development will have on the current and future development and operation of the transport system.*

In forming a position on the application, Officers sought advice from Council's Engineering Team who objected to the application. The following comments are of note:

As can be seen in Figure 9 [below], the dimensions of the carport and the setback of the existing building are such that a parking space for a standard B85 design vehicle is unable to be accommodated within the boundaries of the property. Allowing the alteration of the building envelope would facilitate the formalisation of parking in a manner that would intrude into the vehicle circulation space.

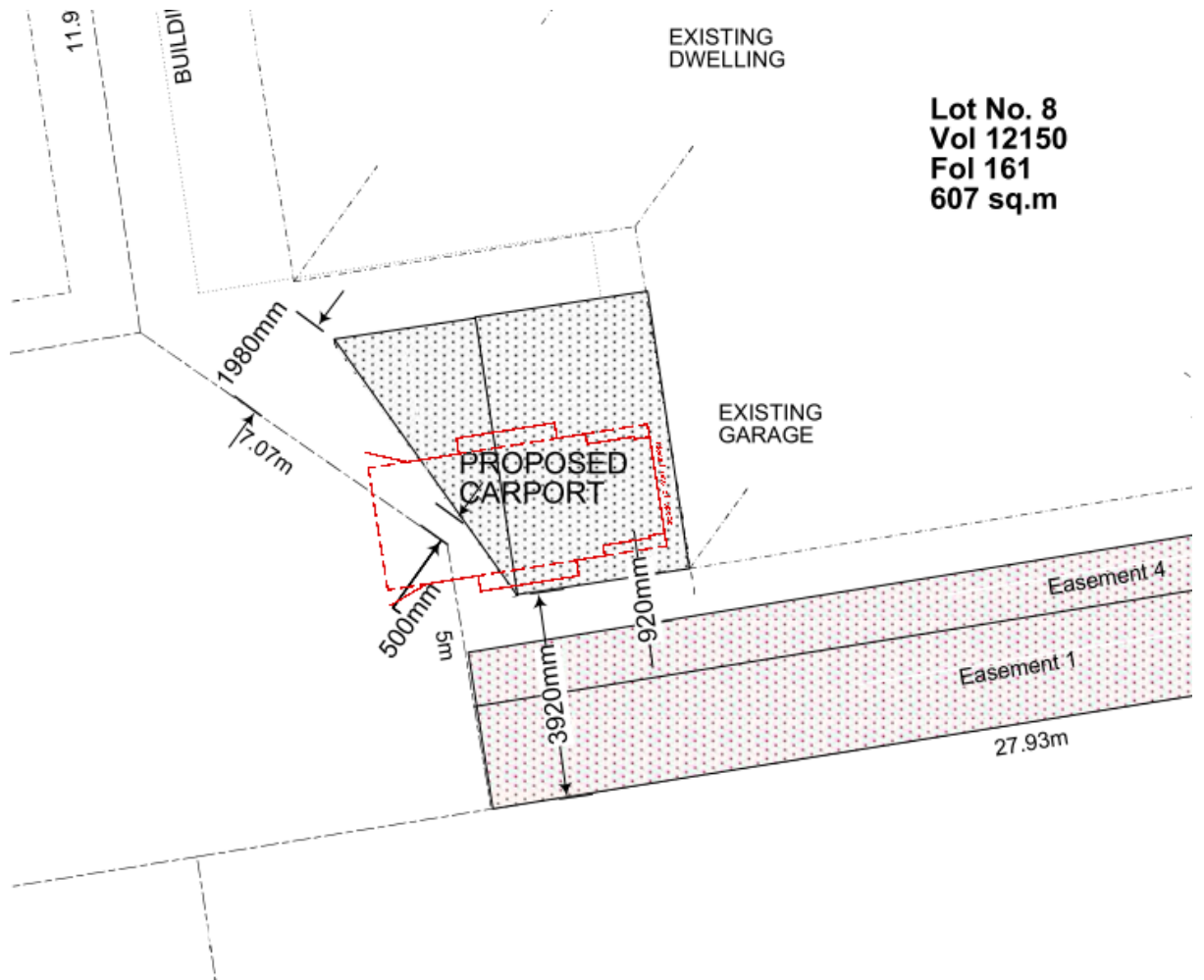


Figure 9 – Design parking space (B85 vehicle)

As can be seen in Figure 10, the common property (concrete area) is utilised for parking. As such, circulation and turning movements are already restricted. Council has no authority to manage parking which remains the responsibility of the body corporate.



Figure 10 – Use of Common Property

During the assessment of the subdivision application that created the parcel and the restriction, it was demonstrated that a B99 design vehicle (5.2 m in length) could execute a three-point turn to enable access and egress in a forward direction. As a result of the usage of the common property for parking, this manoeuvre is no longer possible. This may create issues for emergency vehicle access.

The variation of the restriction would facilitate a situation where any vehicle exiting the garage of 1E would be forced to reverse further into the common property, to avoid the carport post, before commencing a turning movement further exacerbating the already restricted situation.

In considering the above comments and policy considerations, the application as proposed is contrary to the relevant provisions of the Mount Alexander Planning Scheme for the following reasons:

- The variation proposes an increase in the size of the building envelope permitted on the allotment. The intention for the variation is to allow for the development of a carport. The carport will be exempt under the Planning Scheme.
- The restrictive building envelope was implemented by PA111/2017. Subdivision design and building envelopes are informed by siting and engineering requirements to ensure appropriate built form setbacks and vehicle manoeuvrability.
- The application does not adequately demonstrate that the manoeuvrability of vehicles on the common property will not be affected. This in turn will impact on the adjoining allotments who are part owners and rely on safe and efficient use of the common accessway.
- The variation may cause traffic flow and road safety impacts.
- The variation may impact the operation of the transport system.
- The variation to the building envelope does not limit the type of development allowed to occur within the envelope. The responsible authority should ensure that the setback of the garage would not encourage vehicles to be parked in front of the garage in such a way that they will intrude into the public footpath / common property. Where it is not intended to provide for parking of vehicles in front of the designated car parking spaces or garages, ensure that the setback of the garage would not encourage vehicles to be parked in front of the car spaces or garage and overhanging the common property, which is an existing situation (see figures 11 and 12 below).



Figure 11. Aerial Evidence of Parking in the Common Property.



Figure 12. Site inspection photo taken by Callum Murphey

Finance and Resource Implications

The cost of a VCAT appeal.

Alternate Options

Council can support the application and direct that a Planning Permit be issued.

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.

No submissions have been received.

External Referrals

- No external referrals were required.

Internal Referrals

- Council's Engineering Team – Objected to the proposal.

Legislation

Planning and Environment Act 1987

Strategy and Policy Impacts

Council Plan 2017-2021

Community - A healthy, connected, and inclusive community.

- Services in our community are accessible and coordinated.

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 left the Council Chamber due to a declared Conflict of Interest at 7:58 pm

9.3.2. PLANNING APPLICATION PA261/2022 - 6 WATSON STREET CASTLEMAINE VIC 3450

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Senior Statutory Planner, Callum Murphy

Attachments: 1. Plans [9.3.2.1 - 5 pages]
 2. Farm Management Plan [9.3.2.2 - 11 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 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 a 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 MCLURE

That the recommendation be adopted.

SECONDED COUNCILLOR HENDERSON

NOT CARRIED.

COUNCILLOR HENDERSON CALLED FOR A DIVISION.

Councillors for: Gardner, McClure and Henderson.

Councillors against: Maltby, Cordy and Driscoll.

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

MOVED COUNCILLOR MATLBY

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.

SECONDED COUNCILLOR CORDY

MOVED COUNCILLOR GARDNER

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, with the inclusion of a condition that consideration be given to a contribution to Council for any future development required infrastructure.

SECONDED COUNCILLOR MCCLURE

NOT CARRIED.

MOVED COUNCILLOR MATLBY

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.

SECONDED COUNCILLOR CORDY

CARRIED.

COUNCILLOR GARDNER CALLED FOR A DIVISION.

Councillors for: Maltby, Cordy and Driscoll.

Councillors against: Gardner, Henderson and McClure.

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

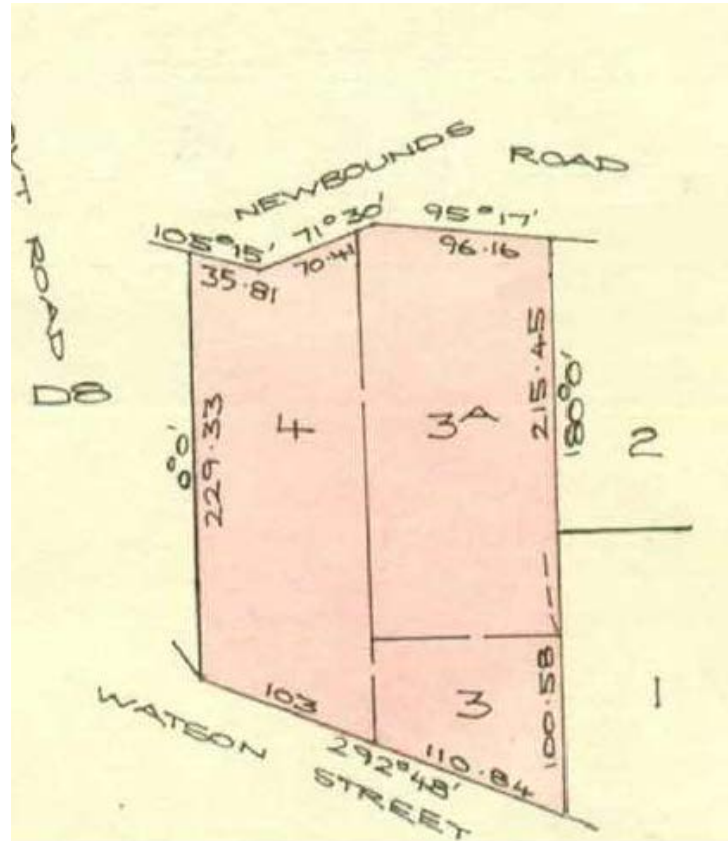
Summary

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 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 3.12 hectares. 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 metre 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.

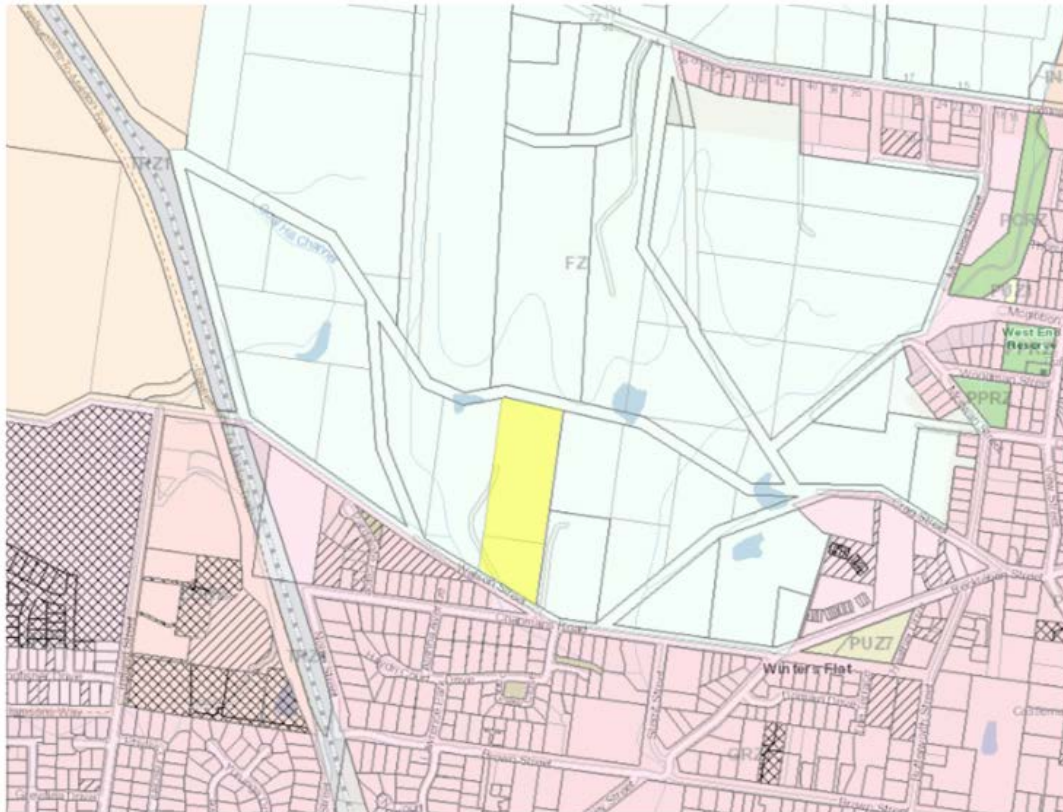
The site has a southerly slope down to the Watson Street frontage and is void of treed vegetation other than some planted native trees around the perimeter of the site, and small tree patches in the southeast and northeast parts of the site.

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 and Maldon Road is approximately 500 metre 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 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.



Location of subject site

Proposal

The proposal seeks the use and development of the land for a dwelling.

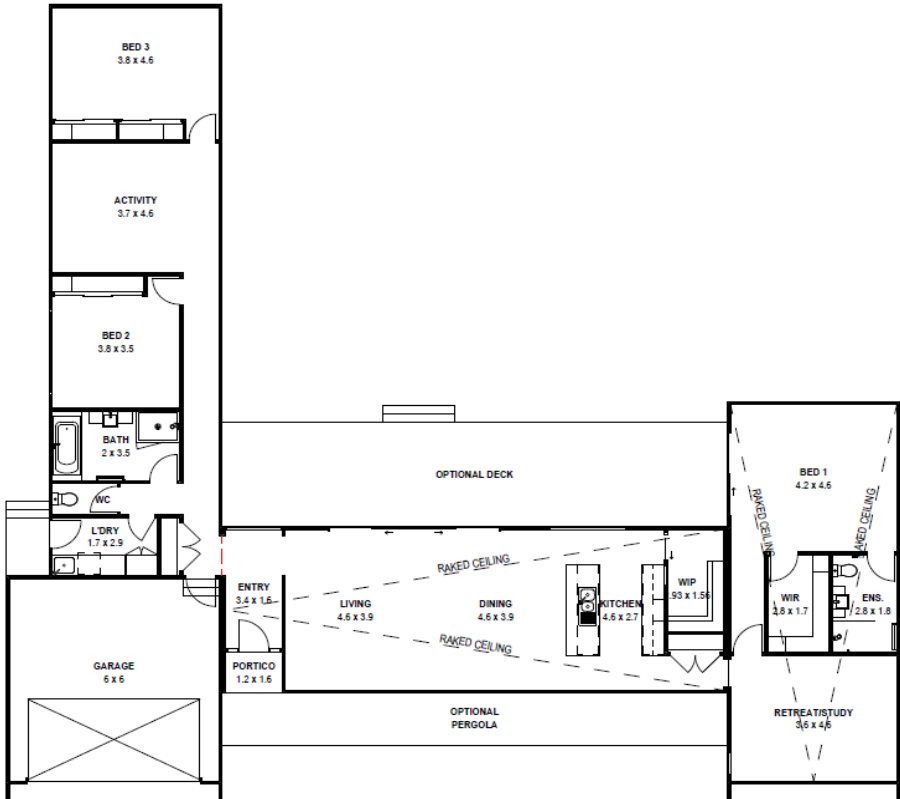
The development entails a single storey three-bedroom dwelling on lot 3A. The dwelling would be in an “L” shape with a floor area of 197.4sqm, containing a master bedroom with ensuite and walk-in-robe, a separate retreat/study, an open plan kitchen/dining/living area, two additional bedrooms, an activity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

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

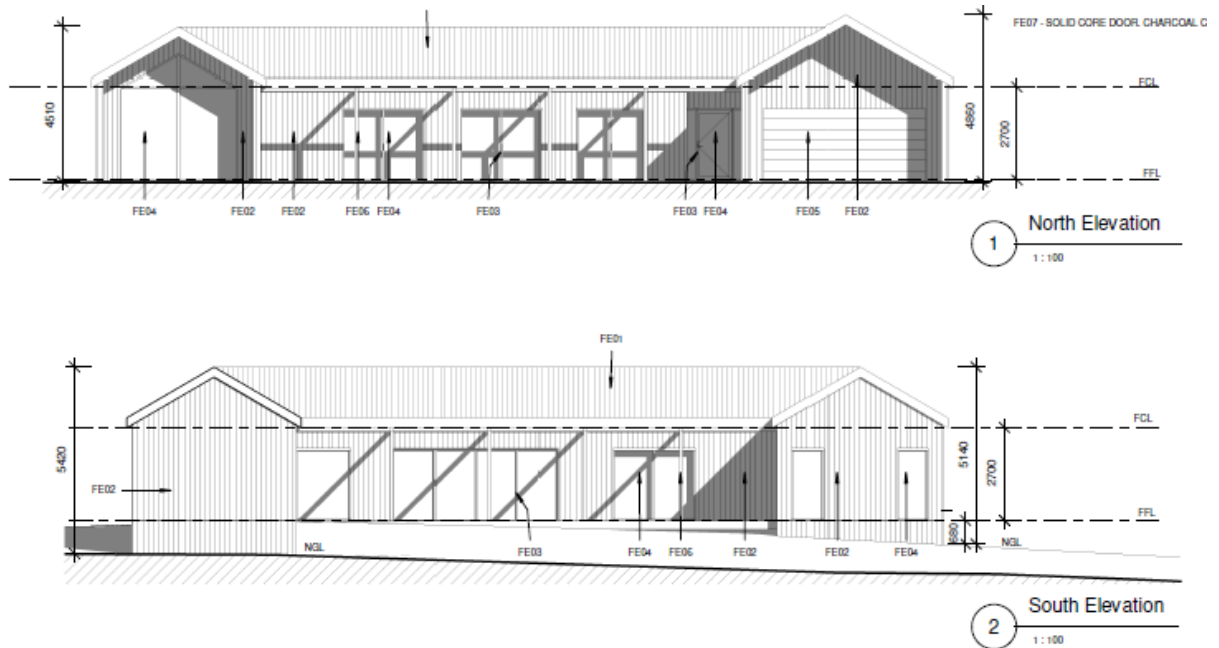
The application included a Farm/Land Management Plan. This plan provides details of the current state of the land and existing agricultural practices. The report provides a table of environmental management actions to be undertaken. This plan has been supplied to justify a dwelling on the property.



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 hawthorn
 - existing land management practices include promoting the protection of remnant vegetation and encourage revegetation including:
 - approximately 200 metres 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 7 hectares 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 a 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 holistically and strategically. 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 co-ordinated 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
 - Consider 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 development) 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 that 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 (sic) 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	<p>Objection.</p> <p>The Strategic Planning department acknowledged the proposed dwelling location is within the township boundary; however, this did not signify that it is an appropriate development.</p> <p>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.</p>

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 8.25 pm.

9.3.3. 2023/2024 FINANCE REPORT - QUARTER 1

This Report is For Information

Responsible Director: Director Corporate and Community Services, Lisa Knight

Responsible Officer: Executive Manager Corporate Services, Carolyn Ross

Attachments: 1. 2023/2024 Finance Report - Quarter 1 [9.3.3.1 - 21 pages]

Executive Summary

The purpose of this report is to present the Finance Report for the quarter ended 30 September 2023. This report was presented to the Audit and Risk Committee at its November 2023 meeting.

RECOMMENDATION

That Council notes the 2023/2024 Finance Report - Quarter 1 for the three-month period to 30 September 2023.

MOVED COUNCILLOR CORDY

That the recommendation be adopted

SECONDED COUNCILLOR MALTBY

CARRIED.

Context

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

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

The Finance Report presented includes the following information:

- income statements
- statement of Capital Works in Progress
- balance sheet
- investments
- financial ratios
- Cash Flow Statement.

Issues

The Finance Report provides a snapshot of the year-to-date financial performance for the 2023/2024 financial year. The current budget includes the adopted carry forwards budgeted for capital projects, special projects, and operating items.

Three errors have been found in carry forward budgets:

- \$224,564 – a carry forward request had been made for the Campbells Creek Recreation Reserve Netball Court Design and Construction project; however, an allocation had already been included in the 2023/2024 budget.
- \$356,718 – a carry forward request had been made for the Bill Woodfull Lighting project, however, an allocation had already been included in the 2023/2024 budget.
- (\$79,200) – an approved carry forward request had been omitted for the Castlemaine Market Building – Stone Restoration Works project.

The net change to the current budget including carry forwards is an additional \$502,082. Given the low amount of unrestricted cash available (detailed in Attachment 9.3.3.1), it is recommended that these funds not be spent and instead be added to the unrestricted cash.

Finance and Resource Implications

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

Financial risk:

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

Climate Impact Statement

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

Alternate Options

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

Communication and Consultation

Inform:

We will keep our community informed.

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

Legislation

Local Government Act 2020

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

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

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

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

Strategies and Policy Impacts

Council Plan 2021-2025

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

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

Declarations of Conflict of Interest

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

No conflicts of interest

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

9.3.4. ANNUAL PLAN PROGRESS REPORT 2023/2024 - QUARTER 1

This Report is For Information

Responsible Director: Director Corporate and Community Services, Lisa Knight

Responsible Officer: Executive Manager Corporate Services, Carolyn Ross

Attachments: 1. Annual Plan Progress Report 2023/2024 - Quarter 1 [9.3.4.1 - 16 pages]

Executive Summary

This report provides an update on the status and progress of projects in the 2023/2024 Annual Plan to the end of September 2023.

RECOMMENDATION

That Council notes the Annual Plan Progress Report 2023/2024 – Quarter 1.

MOVED COUNCILLOR GARDNER

That the recommendation be adopted

SECONDED COUNCILLOR HENDERSON

CARRIED.

Context

The Annual Plan outlines the actions for 2023/2024 that will be implemented as priorities from the Council Plan 2021-2025. The quarterly progress report is prepared to inform Councillors and the community on progress against agreed actions.

Issues

The quarterly report will provide an update on:

- the status of each project
- its progress towards completion
- if completed, the date completed, which can be compared to the target completion date
- an overall comment.

Included in the 2023/2024 Annual Plan are 20 current-year actions and ten prior-year actions. Two of the ten prior-year actions (Fogarty's Gap Road and Camp Reserve Pavilion) were not in the list approved by Council in July 2023. They have been included in this report as their completion rate on 30 June was approximately 50% and they are complex and critical projects that Councillors may wish to have oversight.

Finance and Resource Implications

Projects and initiatives contained in the Annual Plan are fully funded in the 2023/2024 Budget. Many projects are contained within the capital works program or funded as a one-off initiative. Several programs are also funded from an annual operating budget.

Risk Analysis

Financial risk:

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

Climate Impact Statement

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

Alternate Options

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

Communication and Consultation

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

Inform:

We will keep our community informed.

Legislation

Local Government Act 2020

Council has adopted a Council Plan for 2021-2025 in accordance with section 90 of the *Local Government Act 2020* (the Act), together with a budget for 2023/2024, in accordance with section 94 of the Act.

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

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

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

Strategies and Policy Impacts

Council Plan 2021-2025

Attached is a summary as of 30 September 2023 of actions included in the third year of the Council Plan 2021-2025.

Declarations of Conflict of Interest

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

No conflicts of interest

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

9.3.5. SCHEDULE OF MEETINGS OF COUNCIL FOR 2024

This Report is For Decision

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

Executive Summary

At or before the last Meeting of each calendar year, Council must fix the date, time and place of all scheduled Meetings of Council for the following calendar year.

The schedule of Meetings of Council must be posted on the Council website and be available from Council's Customer Service Centres.

RECOMMENDATION

That Council:

- 1. Adopts the following time, dates and location as the schedule for Meetings of Council in 2024:**
 - **6.30 pm, 20 February 2024, Council Chamber, Lyttleton Street, Castlemaine**
 - **6.30 pm, 19 March 2024, Council Chamber, Lyttleton Street, Castlemaine**
 - **6.30 pm, 16 April 2024, Council Chamber, Lyttleton Street, Castlemaine**
 - **6.30 pm, 21 May 2024, Council Chamber, Lyttleton Street, Castlemaine**
 - **6.30 pm, 18 June 2024, Council Chamber, Lyttleton Street, Castlemaine**
 - **6.30 pm, 16 July 2024, Council Chamber, Lyttleton Street, Castlemaine**
 - **6.30 pm, 20 August 2024, Council Chamber, Lyttleton Street, Castlemaine**
 - **6.30 pm, 17 September 2024, Council Chamber, Lyttleton Street, Castlemaine**
 - **6.30 pm, 15 October 2024, Council Chamber, Lyttleton Street, Castlemaine**
 - **6.30 pm, 19 November 2024, Council Chamber, Lyttleton Street, Castlemaine**
 - **6.30 pm, 17 December 2024, Council Chamber, Lyttleton Street, Castlemaine**
- 2. Notes that the schedule will be included in Council's column in the Midland Express and on Council's website and available from the Customer Service Desk.**

MOVED COUNCILLOR CORDY

That the recommendation be adopted

SECONDED COUNCILLOR MCCLURE

CARRIED.

Context

Council's Governance Rules 2023 require that:

8.1 *Scheduled Meetings*

- 8.1.1 *At or before the last Meeting each calendar year, Council must fix the date, time and place of all Council Meetings and any Delegated Committee Meetings for the following calendar year.*
- 8.1.2 *The schedule of Council Meetings must be posted on the Council website and also be available from Council's Customer Service Centres.*
- 8.1.3 *The public must be given at least seven days' notice of all Meetings by notice posted on the Council website.*
- 8.1.4 *The Council, or the CEO, may change the date, time and place of any Council Meeting and must provide as much notice as possible of the change to the public via the Council website, as outlined in the criteria in clause 8.2.1 (b) and (c).*

Clause 8.2.1 (b) and (c) of the Governance Rules 2023 are referred to below.

Council further complies with the Governance Rules by including the adopted meeting schedule in Council's column in the Midland Express and listing the schedule on Council's website. In addition, Council's weekly column in the Midland Express includes the date and time of the next Council Meeting.

Additional Unscheduled Meetings of Council may also be called throughout the year in accordance with Section 8.2 of the Governance Rules 2023.

8.2 *Unscheduled Meetings*

8.2.1 *An unscheduled Meeting of Council may be called by:*

- (a) *resolution of Council*
- (b) *written notice by the Mayor and supported by three Councillors*
- (c) *the CEO following consultation with the Mayor.*

Issues

The meeting frequency for the Scheduled Meetings of Council for the past six years has been monthly and has occurred on the third Tuesday of the month commencing at 6.30 pm within the Council Chamber at Lyttleton Street Castlemaine. The only exception to this being that no meeting has been held in January.

Monthly Scheduled Meetings of Council have proven effective in maintaining the timely transacting of Council business while also enabling Councillors to be thoroughly briefed on matters before they are formally considered.

Council has on occasions conducted meetings in other facilities located throughout the Shire. While this has offered the possibility for new community members to attend meetings, the community response has been limited and all venues, other than the preferred Council Chamber in Castlemaine, have considerable challenges regarding acoustics. Remaining at the Castlemaine Council Chamber also enables live streaming of the Meetings.

Live streaming of Meetings of Council began over four years ago to improve accessibility and transparency around decision making. The Governance and Communications teams are working to improve the audio-visual quality of the live streams as technology has improved vastly since this process begun.

The proposed schedule for 2024 retains the commitment to monthly Meetings of Council commencing in February.

Proposed Scheduled Meetings for 2024 are:

Date	Time
20 February 2024	6.30 pm
19 March 2024	6.30 pm
16 April 2024	6.30 pm
21 May 2024	6.30 pm
18 June 2024	6.30 pm
16 July 2024	6.30 pm
20 August 2024	6.30 pm
17 September 2024	6.30 pm
15 October 2024	6.30 pm
19 November 2024	6.30 pm
17 December 2024	6.30 pm

In order for Councillors to make informed decisions at Meetings of Council, Councillor Briefing Sessions are scheduled on the first, second and fourth Tuesday of the month.

Finance and Resource Implications

All costs associated with the operation of Meetings of Council are included in normal operating budgets.

Risk Analysis

If Council does not adopt a meeting schedule for 2024, it may be non-compliant with section 9(2)(l) of the *Local Government Act 2020 - the transparency of Council decisions, actions and information is to be ensured* and would be non-compliant with section 8.1 of the Governance Rules 2023.

Climate Impact Statement

Nil.

Alternate Options

Councillors may wish to amend the proposed dates, frequency, commencement time and location of Scheduled Meetings of Council in 2024. Should Council wish to do so, it is recommended that a consistent time of day and frequency be adopted to best enable the community to plan for upcoming meetings and to enable staff to plan for briefing Councillors on matters on the agenda.

Communication and Consultation

Nil.

Legislation

Local Government Act 2020

Strategies and Policy Impacts

Council Plan 2021-2025

Community - A healthy, connected and inclusive community

- Services in our community are accessible and coordinated.

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.

9.3.6. ELECTION PERIOD POLICY - DECEMBER 2023

This Report is For Decision

Responsible Director: Chief Executive Officer, Darren Fuzzard

Responsible Officer: Coordinator Governance, Augustine Sheppard

Attachments: 1. Election Period Policy - December 2023 [9.3.6.1 - 15 pages]

Executive Summary

The purpose of this report is to recommend adoption of the Election Period Policy – December 2023. The *Local Government Act 2020* requires Councils to adopt an Election Period Policy, which is included in its Governance Rules.

RECOMMENDATION

That Council adopts the Election Period Policy – December 2023.

MOVED COUNCILLOR ANNEAR

That the recommendation be adopted

SECONDED COUNCILLOR HENDERSON

CARRIED.

Context

Local Council elections are held on the fourth Saturday of October every 4 years and are run by the Victorian Electoral Commission (VEC). The election period (or caretaker period) for the General Election 2024 commences at midday Tuesday 24 September 2024 and continues until 6.00 pm Saturday 26 October 2024, a period of 32 days.

There is no requirement under the *Local Government Act 2020* (the Act) to review the Election Period Policy; however, it is good practice for it to be reviewed at least once in each Council term and preferably not later than 12 months prior to the commencement of an election period.

The draft Election Period Policy - December 2023 meets the requirements of the Act and includes sections on:

- public consultation
- scheduling of events
- Council decision making
- provision of information to candidates

The draft Policy also responds to the recommendations from an Election Period Policy review conducted by the Local Government Inspectorate (the Inspectorate) during the 2016 General Elections, including:

- Election period policies must be displayed on Council websites with clear advice to website visitors that these policies are also available for public access through Council offices.
- Councils should include provisions in their policies which prohibit the use of any council resource to be utilised for the purposes of electioneering, by either Councillors or Council staff. These include telephones, office equipment, council email addresses and social media handles.
- While Councillors are permitted to attend public events where necessary, policies must provide clear instructions stating that Councillors are not to use appearances at public events for the purposes of electioneering and are not to speak at these events unless expressly authorised by the CEO. Any speeches must be written for them by Council staff under the direction of the CEO.
- A public register of information requests should be maintained by Councils and accessible on Council websites so that each request for Council information is recorded and the information is available to all candidates in the election.
- Council policies must state that no electoral material would be placed on council websites or social media during the election period. Councils are advised to place an election period statement on their website and social media accounts advising they will not be updating or adding new information to those channels, other than necessary operational information.

The Act no longer requires the CEO to undertake a certification process; however, the Inspectorate encourages councils to cover in their election period policies how documents and other communications intended for release during the election period will be managed. This will ensure they comply with section 304 of the Act which makes it an offence to misuse

resources to affect an election or intentionally produce election material during an election period.

By adopting this Policy, Council is providing strong guidance about the legislative requirements required by the Councillors and Officers during the election period.

In addition to the Policy, the Governance Team will provide guidelines for quick reference by Officers.

Issues

Under the *Local Government Act 2020*, Council must include an Election Period in its Governance Rules. The Act states the following:

- 2) *An election period policy must prohibit any Council decision during the election period for a general election that:*
 - a. *relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or*
 - b. *commits the Council to expenditure exceeding one per cent* of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or*
 - c. *the Council considers could be reasonably deferred until the next Council is in place; or*
 - d. *the Council considers should not be made during an election period.*
- 3) *An election period policy must prohibit any Council decision during the election period for a general election or a by- election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.*
- 4) *A Council decision made in contravention of subsection (2)(a) or (b) is invalid.*
- 5) *Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of subsection (4) is entitled to compensation from the Council for that loss or damage.*

*One per cent of the Council's income from general rates, municipal charges and service rates and charges for the 2023/2024 financial year is estimated to be \$274,430.

Finance and Resource Implications

There are no financial implications of this Policy. Resource implications are Officer time during the election period.

Risk Analysis

Reputation risk:

This policy provides Council's position in relation to ensuring the election process is open, accountable, and transparent, and that all candidates have the same opportunities during the election period.

Climate Impact Statement

No impact to the climate is expected to arise because of adoption of this Policy.

Alternate Options

There are no alternate options proposed. Council must have a current Election Period Policy in place prior to the General Election in October 2024.

Communication and Consultation

Inform:

We will keep our community informed.

Council's Governance Rules were reviewed and adopted by Council in February 2023, as required by the Regulatory Legislation Amendment (Reform) Act 2022. Public consultation was undertaken at this time. This review of the Election Period Policy makes administrative changes and provides clarification within the wording of the Policy in readiness for the Local Council elections in 2024.

Councillors and Council Officers will be informed on the timeframes and the requirements of the Election Period Policy in early 2024.

Governance Officers referenced the Act and advice from the Local Government Inspectorate (then known as Local Government Investigations and Compliance Inspectorate) in preparing the initial Election Period Policy.

Legislation

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.

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.

9.3.7. AUDIT AND RISK BIENNIAL REPORT 1 JANUARY 2023 TO 30 JUNE 2023

This Report is For Information

Responsible Director: Chief Executive Officer, Darren Fuzzard

Responsible Officer: Manager Governance and Risk, Leanne Brown

Attachments: 1. Audit and Risk Committee Biannual Report - 1 January
2023 to 30 June 2023

Executive Summary

This report provides a summary of the work undertaken by Council's Audit and Risk Committee for the period 1 January 2023 to 30 June 2023.

RECOMMENDATION

That Council notes the contents of this biannual report on the work of the Audit and Risk Committee for the period 1 January 2023 to 30 June 2023.

MOVED COUNCILLOR MALTBY

That the recommendation be adopted

SECONDED COUNCILLOR CORDY

CARRIED.

Context

In accordance with section 53 of the *Local Government Act 2020* (the Act):

- (1) Council must establish an Audit and Risk Committee.
- (2) An Audit and Risk Committee is not a delegated committee.
- (3) An Audit and Risk Committee must -
 - (a) include members who are Councillors of the Council; and
 - (b) consist of a majority of members who are not Councillors of the Council and who collectively have -
 - (i) expertise in financial management and risk; and
 - (ii) experience in public sector management; and
 - (c) not include any person who is a member of Council staff of the Council.
- (4) The chairperson of an Audit and Risk Committee must not be a Councillor of the Council.
- (5) Sections 123 and 125 and Division 2 of Part 6 apply to a member of the Audit and Risk Committee who is not a Councillor as if the member were a member of a delegated committee.
- (6) A Council may pay a fee to a member of an Audit and Risk Committee who is not a Councillor of the Council.

The Audit and Risk Committee assists Council to discharge its responsibilities under the Act to:

- monitor Council's financial and performance reporting
- monitor Council's internal controls environment
- monitor and provide advice on risk management
- monitor and provide advice on fraud prevention systems and controls
- review and monitor internal audits and the internal audit contractor
- oversee external audit functions
- monitor the compliance of Council policies and procedures with:
 - the overarching governance principles
 - the Act and the regulations and any Ministerial directions; other relevant legislation and regulations

The Audit and Risk Committee Charter as endorsed by Council at the 21 February 2023 Meeting of Council, provides further detail regarding the above-mentioned responsibilities. As per the Charter, the Committee is required to provide biannual reports to Council on the activities and findings of the Committee.

Issues

The attached report has been prepared in accordance with the Committee Charter for review and approval by the Committee at the meeting scheduled for Friday 24 November 2023.

In summary, the number of activities undertaken within the reporting period include:

Reporting Requirement Category	No. of activities completed	No. of activities In Progress	No. of activities not applicable for this reporting period
Financial and Performance Reporting	4	-	2
Internal Control Environment	4	-	1
Risk Management	1	5	-
Fraud Prevention Systems and Controls	2	1	-
Internal Audit	9	-	1
External Audit	5	-	1
Compliance Management	4	1	1
Totals	29	7	6

Finance and Resource Implications

There are no new financial resource implications arising from this report.

Risk Analysis

The Audit and Risk Committee oversees all risks related to the organisation. Under the Act Biannual Reports must be tabled at Meetings of Council. In doing so, Council is meeting its legislative obligation. From a community perspective, this is also a transparency mechanism for the Audit and Risk Committee.

If reports were not tabled, Council would be in breach of its legislative obligation and consequently would experience reputational damage.

Climate Impact Statement

This report does not attempt to address the impacts of Climate Change.

Alternate Options

Provision of biannual reports to Council is a requirement under the Act. Council may choose to:

- maintain the status quo with 2 reports per year
- request quarterly reporting from the Committee in alignment with the frequency of Committee meetings

At this point in time, it is recommended Council maintain the status quo.

Communication and Consultation

The report was tabled at the Audit and Risk Committee meeting on 24 November 2023.

Legislation

Local Government Act 2020

Strategies and Policy Impacts

Council Plan 2021-2025

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No conflicts of interest

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10. DELEGATES REPORTS

Meetings attended by CEO and Mayor from 22 November 2023 to 19 December 2023.

MEETING	CEO	MAYOR
Attended biannual meeting with representatives from Environment Protection Authority – Bendigo Office (Michael Annear, Director Infrastructure and Planning; Acting Director Corporate and Community Services also in attendance)	✓	
Attended Loddon Campaspe Councils CEOs meeting	✓	
Attended meeting with project managers of the Goldfields World Heritage Bid (Michael Annear, Director Infrastructure and Planning; Merryn Tinkler, Manager Economy and Culture also in attendance)	✓	✓
Attended Rural Councils Victoria meeting as Loddon Campaspe's CEO representative	✓	
Gold Central Vic radio interview	✓	
Meeting with Coliban Water Integrated Management Forum's, Chair to discuss the objectives of the forum (Michael Annear, Director Infrastructure and Planning also in attendance)	✓	
Attended presentation from Dr Niki Vincent, Public Sector Gender Equality Commissioner (Lisa Knight, Director Corporate and Community Services also in attendance)	✓	
Meeting with Castlemaine State Festival representatives (Merryn Tinkler, Manager Economy and Culture also in attendance)	✓	
Gold Central Vic radio interview	✓	
Attended Castlemaine Secondary College's Awards Ceremony where Dux Awards were presented by Mayor Driscoll, Deputy Mayor Annear, Cr Henderson, Cr Maltby and Cr McClure	✓	✓
Attended Visitor Information Centre volunteer celebration (Ed Butler, Manager Communications and Customer Service also in attendance)	✓	
Attended Loddon Campaspe Councils CEOs meeting	✓	
Attended Municipal Association Victoria's Mayoral Welcome and Induction		✓
Meeting with Executive Director, Victorian Electoral Commission to discuss 2024 local government elections	✓	
Meeting with Maree Edwards MP to discuss matters of common interest for Mount Alexander Shire	✓	
Gold Central Vic radio interview	✓	

MEETING	CEO	MAYOR
Meeting with Chief Executive Officer and Head of Development, Haven, Home Safe to discuss affordable housing (Clare Richards, Housing Solutions Broker also in attendance)	✓	
Meeting with Regional Director, Regional Development Victoria – Loddon Mallee to discuss recent housing and worker accommodation funding announcements and opportunities for Mount Alexander Shire	✓	
Attended Craig Niemann’s farewell from City of Greater Bendigo	✓	
Attended Goldfields World Heritage Bids information session for Mayors		✓
Attended Mayoral forum hosted by the office of Hon. Melissa Horne, Minister for Local Government to advise of proposed legislative reforms		✓
Interviewed for Podcast on Tiny Homes in the Shire		✓
Attended online session on the economic state of play for the Australian Economy in 2024		✓
WINTV News interview for Aged Care		✓
Attended Australian Institute of Company Directors (AICD) regional forum		✓
Attended Mount Alexander Vintage Engine Club (MAVEC) Tractor Pull		✓
Attended meeting with Yes In My Back Yard (YIMBY) group		✓
Met some Newstead residents on potential affordable housing lease		✓
Held listening post in Newstead		✓
Attended day session on land consultation in Newstead		✓
Attended meeting with Muckleford Hall Committee		✓
Attended Clydesdale, Yandoit and Franklinford Community planning forum		✓
Meeting with a medium sized manufacturing company looking for industrial land in the Shire		✓
Interview for article on mentoring with Financial Services Institute of Australasia (FINSIA)		✓
Visited site with planning applicant (Deputy Mayor Annear and Cr Henderson also in attendance)		✓

MEETING	CEO	MAYOR
Officiated at the Castlemaine Maryborough Rail Trail (CMRT) annual general meeting		✓
Attended special briefing and forum for the United Nations Educational, Scientific and Cultural Organisation (UNESCO) World Heritage Bid		✓
Attended Rotary Truck Show		✓
Attended Corporate Culture-Employee Expectations and Employer Responsibility meeting		✓
Attended My Home Network (MHN) forum		✓
Attended International Day of People with a disability gathering		✓
Attended Newstead Arts Hub eighth birthday party		✓
Officiated at Arcare graduation of nine staff completing their Certificate 4		✓
Attended the Guildford Christmas market		✓
Attended Muckleford Neighbourhood celebrations		✓
Attended Workspace Board meeting		✓

Deputy Mayor Annear read the following delegate report:

“Last Wednesday, I attended the MAV’s Free From Violence Local Government Forum. It’s theme was Celebrating Progress and Empowering Change.

During the Forum, we heard from the Minister for Prevention of Family Violence, Vicki Ward MP, Anotoinette Braybrooke AM, CEO of Djirra, an organisation that works with aboriginal women and children who have experienced family violence, and Serina McDuff from Respect Victoria, who spoke about this Year’s 16 Days of Activism Campaign – and specifically mentioned the hard work of Mount Alexander Shire in this space.

There were also panels, showcasing case studies from selected Councils, and discussions around Safe and Inclusive Communities and Leadership for Primary Prevention.

The keynote speaker was Grace Tame, who was named Australian of the Year in 2021 for her advocacy for survivors of sexual assault, particularly children and young people. Beginning at age 15, she was groomed and raped by her 58-year-old Maths teacher, who was eventually found guilty and imprisoned for his crimes.

Grace spoke openly and fiercely about her experiences. Her story was hard to listen to, at times, especially as the room was mainly full of women, many of whom would have – statistically –experienced sexual assault or gender-based violence themselves. But her story needs to be listened to, and more women’s stories need to be told, until things really start changing.

New data, released by the Australian Bureau of Statistics earlier this year, found that 1 in 5 women have experienced sexual violence (1 in 14 men), and 1 in 3 (2 in 5 in men) have experienced physical violence in their lifetimes. Overwhelmingly, this violence was perpetrated by men (6/7).

1 in 4 women, have experienced violence from an intimate partner (1 in 18 in men) or family member, with many incidents (18%) occurring before the age of 18. First Nations women, women living with a disability, young women, women experiencing financial hardship or housing instability, and women from culturally and linguistically diverse backgrounds are all at higher risk of experiencing violence.

The Forum was sobering, but there was hope, too, and a very clear message that Local Government has an important role to play in preventing gendered violence in our communities. I could not be more on board with this, and hope that Council can continue and grow our work in this space, to help further the goal of a Country, State, and community where everyone has the right to live free from violence.”

The Mayor and CEO spoke to the tabled delegates report of meetings they attended between 22 November 2023 and 19 December 2023.

11. NOTICES OF MOTION

Nil.

12. URGENT SPECIAL BUSINESS

Nil.

13. CONFIDENTIAL ITEMS

Nil.

14. MEETING CLOSE

Meeting closed at 8.57 pm.