

MINUTES



OF THE MEETING OF COUNCIL

Held on Tuesday 15 August 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 Jaara country
of which the members and elders of the Jaara Jaara community and their
forebears have been custodians for many centuries
and have performed age old ceremonies of celebration, initiation and renewal.
We acknowledge their living culture and their unique role in the life of this region.**

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

1. PRESENT

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

Officers: Chief Executive Officer (Darren Fuzzard), Director Corporate and Community Services (Lisa Knight), Director Infrastructure and Development (Michael Annear) and Governance Coordinator (Augustine Sheppard).

2. APOLOGIES/LEAVE OF ABSENCE

Councillors Gardner and McClure are on approved leave of absences.

3. DECLARATIONS OF INTEREST AND CONFLICTS OF INTEREST

Nil.

4. CONFIRMATION OF MINUTES

4.1. Meeting of Council - 18 July 2023

The unconfirmed minutes of the Meeting of the Mount Alexander Shire Council held at 6.30 pm on 18 July 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 18 July 2023 be confirmed with the following amendments to the Legislation in Item 9.2.1. - Building Asset Management Plan:

- **Environment Protection Act 1970 amended to Environment Protection Act 2017.**
- **Occupational Health and Safety Regulations 2007 amended to Occupational Health and Safety Regulations 2017.**
- **Heritage Act 1995 amended to Heritage Act 2017.**

The Building Asset Management Plan legislative requirements will also be amended as per above.

MOVED COUNCILLOR DRISCOLL

That the recommendation be adopted.

SECONDED COUNCILLOR MALTBY

CARRIED.

5. ACKNOWLEDGEMENTS

Nil.

6. PUBLIC TIME

Statement read by Councillor Maltby

a. Nicholas Rush

Regarding motion 003/2023 carried at council meeting on 18th of July 2023 "that council advocates for the banning of commercial kangaroo harvesting in Mount Alexander Shire Council to the Victorian Government, relevant Ministers and Departments." Can council confirm the cost to ratepayers for the preparation of the motion and the submissions to the Department of Energy, Environment and Climate Action, Minister for Agriculture and Minister for Outdoor Recreation?

- The Director Infrastructure Development advised that two hours was required for responding to the motion and preparing the submission to the Ministers.

Statement read by Councillor Cordy

b. Travis Bruni

Regarding motion 003/2023 carried at council meeting on the 18th July 2023 that council advocates for the banning of commercial kangaroo harvesting in mount Alexander shire council. Do you still realise that under an authority to control wildlife that more kangaroos will be culled and left in paddocks to rot?

- The Director Infrastructure Development advised Authority to control wildlife permits are issued by the Department of Energy Environment and Climate Action.

Permits include strict conditions to ensure that animals are controlled humanely, individuals operating under an authority to control wildlife permit is required by law to comply with the ATCW conditions.

The National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non- Commercial Purposes before shooting kangaroos is also to be followed.

7. PETITIONS AND LETTERS

Council received a petition with 227 signatories supporting commercial kangaroo harvesting in Mount Alexander Shire. It was requested that Council:

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

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

8. COMMITTEE REPORTS

The North Central Goldfields Regional Library Board Reports are provided for the information of Councillors and relate to the period May and June 2023 and are at Confidential Attachments 8.1.1 and 8.1.2.

RECOMMENDATION

That Council notes the confidential North Central Goldfields Library Corporation reports provided. These documents are provided for information.

MOVED COUNCILLOR HENDERSON

That the recommendation be adopted.

SECONDED COUNCILLOR CORDY

CARRIED.

9. OFFICER REPORTS

9.1. Community

9.1.1. PLANNING APPLICATION - PA211/2022 - 28 DINAH ROAD, CHEWTON

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Senior Statutory Planner, Keith Longridge

Attachments:

1. Layout Plan with Aerial [9.1.1.1 - 1 page]
2. Proposed Plan of Subdivision [9.1.1.2 - 1 page]
3. Proposed Building Envelopes [9.1.1.3 - 1 page]

Executive Summary

The subject land is located at 28 and 42-44 Dinah Road, Chewton. The land is comprised of multiple parcels totalling approximately 1.4ha/14,021sqm and accessed via Fryers Road off the Pyrenees Highway. The land is zoned Township Zone and covered by the Bushfire Management Overlay; all services are available. The proposal is to subdivide the land into nine allotments, ranging in area from 807sqm to over 2,000sqm, and includes native vegetation removal.

The application has been referred to Council for a decision because more than five submissions have been received objecting to the proposal. At the time of writing this report 27 objections have been received.

Issues raised by objectors can be grouped under three main types:

- Neighbourhood character as it relates to the subdivision pattern and lot sizes.
- Amenity issues related to traffic and dust, noise and light pollution; fencing.
- Environmental issues related to native vegetation removal and loss of habitat for native animals including the local kangaroo population.

Many of the amenity issues can be ameliorated by appropriate conditions on a permit, should one be issued. The neighbourhood character objections are not persuasive; and the environmental issues are not considered significant as to make the proposal unacceptable.

Therefore, on balance the proposal is considered acceptable and should be supported.

RECOMMENDATION

That Council issue Notice of Decision to Grant a Planning Permit PA211/2022 for the development of the land for a nine lot subdivision and native vegetation removal at 28, 42-44 Dinah Road, Chewton subject to the following conditions:

AMENDED PLANS

1. Before the certification of the plan of subdivision under the *Subdivision Act 1988*, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application, but further modified to show:
 - a) Bushfire Management Plan as amended to accord with requirements of Country Fire Authority at Condition 26 of this permit.
 - b) Site Plan showing proposed lot layout and a notation specifying the location, style and construction details of the fencing required at Condition 7 of this permit.

COMPLIANCE WITH ENDORSED PLANS

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

NATIVE VEGETATION OFFSETS

3. To offset the removal of 0.400 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
 - a) A general offset of 0.156 general habitat units located within the North Central Catchment:
 - Management Authority boundary or Mount Alexander municipal district;
 - Have a Strategic Biodiversity Value score of at least 0.639;
 - Provide protection for at least no large trees; and
 - Must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).
 - b) Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the Responsible Authority. This evidence must be an established first party offset site. This must include:
 - A security agreement signed by both parties; and
 - A management plan detailing the ten-year management actions and ongoing management of the site to the satisfaction of the Department of Energy, Environment and Climate Action and approved by the Responsible Authority.

Every year, for ten years, after the Responsible Authority has approved the offset management plan, the Applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification;

and/or

- c) Credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.

OBLIGATIONS AND AGREEMENTS

- 4. Before the statement of compliance is issued under the *Subdivision Act 1988* the owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must:
 - a) State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Mount Alexander Planning Scheme.
 - b) Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
 - c) State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.
 - d) Such Section 173 Agreement must be registered on the title of each of the new lots created by this permit.

The landowner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

- 5. Before the statement of compliance is issued under the *Subdivision Act 1988* the owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must:
 - a) State that if a dwelling is constructed on the land, that any and all buildings must be constructed within the confines of the building envelopes shown on the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.

Such Section 173 Agreement must be registered on the title of each of the new lots created by this permit.

- 6. The landowner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement(s).
- 7. Before the statement of compliance is issued under the *Subdivision Act 1988* the owner must enclose each new lot created by this permission by constructing rural style fencing on the title boundaries of the respective lots (Lots 1-9 inclusive), at a minimum height of 1.200m and a maximum height of 1.500m.

ENGINEERING

- 8. Prior to commencement of any construction works associated with the subdivision, detailed access, road and drainage construction plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The engineering plans must accord with the Infrastructure Design Manual. All works constructed or carried out must be in accordance with those approved plans and completed to a standard satisfactory to the Responsible Authority prior to the issuing of Statement of Compliance.**
- 9. The whole of the subject land, including landscaped and paved areas, must be graded and drained to the satisfaction of the council as the responsible drainage authority to prevent the discharge of water from the subject land across any road or onto any adjoining land.**
- 10. The site stormwater discharge is not to be increased by the proposed development. The drainage system shall include provision of a storm water detention system to limit flows downstream from the development to pre-development levels in accordance with the current Australian rainfall and runoff – flood analysis and design for a 20% annual exceedance probability (AEP) event (IDM design standards - section 19.3 requirements).**
- 11. Prior to the issue of statement of compliance, the applicant/owner must enter into an agreement under Section 173 of the *Planning and Environment Act 1987* with council which affects each lot within the subdivision. Such agreement must covenant that:**
 - a) The owner will maintain the on-site detention system and not undertake any modifications without prior written approval from the Council.**
 - b) The owner shall allow duly authorised officers of the Council to inspect the system at mutually agreed times.**
 - c) The owner will pay for all costs associated with the construction and maintenance of the on-site detention system.**
 - d) This requirement will not apply in the event that a stormwater detention system does not form part of the approved drainage design.**
- 12. Provide cut off drains or similar to protect adjoining properties from overland storm water flow. Provision is to be made to divert major rainfall (1 in 100 year) storm events away from the building envelopes of lots within this and adjoining subdivisions.**
- 13. Prior to the issue of a statement of compliance, the owner must formalise/tidy-up the open drain at property boundaries to the satisfaction of the Responsible Authority.**
- 14. Prior to the issue of a statement of compliance, the owner must upgrade a section of Dinah Road from the intersection of Railway Street up to the southern boundary of the subject land to the satisfaction of the Responsible Authority. Road construction is to comply with the requirements of the Infrastructure**

Design Manual to the satisfaction of the Responsible Authority. The plans must include details in relation to pavement and formation width, pavement depth, pavement type and surfacing, drainage details and intersection treatments. Computations are required to support the pavement and drainage design. Council's minimum standards are:

- a) Roads must be designed and constructed to the standard of an access street as defined in Section 12 of the Infrastructure Design Manual.
 - b) Provision of culverts and table drains.
 - c) Pavement depth in accordance with subgrade conditions and latest Austroads publications (a minimum pavement depth of 300mm applies).
 - d) Pavement type to be either approved Natural Gravel or Fine Crushed Rock.
 - e) Wearing course - two coat (14/7 mm) spray seal.
15. All Land Use Activity Agreement (LUAA) negotiations with Dja Dja Wurrung relating to works associated with the aforementioned subdivision **MUST** be undertaken by the developer or the developer's representative. All costs associated with negotiating, undertaking and implementing the negotiated requirements will be at the cost of the developer. Council will be nominated as the decision maker and any and all costs associated with complying with/implementing the negotiated outcome, including legal costs, will be at the cost of the developer. Compliance will not be issued prior to all negotiated outcomes being complete and accepted by Dja Dja Wurrung.

VEHICLE CROSSEVERS

16. Prior to the issue of Statement of Compliance, proposed vehicle crossovers are to be constructed/upgraded to the satisfaction and levels /requirements of the Council. No impending or redirection of existing surface flow is allowed to occur as a result of these works. Council's minimum standards are:
- a) 3.5 m wide.
 - b) Appropriately sized reinforced concrete pipes (min 375mm) 4.8m long centred on the crossover and matching the capacity of the open drain.
 - c) Culvert end-walls to all culvert ends and rock beaching either side of culvert.
 - d) Batters to be re-established either side of culverts to ensure free flow of the drain.
 - e) Crossings must be positioned keeping a minimum of 3m clearance from the council trees located at the property frontages.
 - f) Where two crossovers are in close proximity, pipes are to be extended through to create one wide crossover servicing both properties.
 - g) 100mm minimum compacted thickness of road base gravel from edge of pavement to property line.
17. All existing road reservation assets are to be protected and maintained throughout the works including all utilities and services. Any damage is to be restored prior to issuing of statement of compliance.

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18. The owner must restrict sediment discharges from any construction sites within the land in accordance with construction techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995).
 19. The owner must ensure that all site works conducted during any stages of the proposed development minimises any erosion damages to the surrounding public and private property and assets.
 20. The owner is required to re-instate any erosion damage or sediment build-ups caused by the proposed works to any residential or public assets.
 21. Council is to be paid a fee of 0.75% of the total construction costs for these works for the approval of said plans plus 2.5% for supervision of construction. Said fees to be paid prior to commencement of any road/drainage works. An estimate for the works are to be prepared and submitted to council.
 22. Prior to the commencement of any works on the road reserve the owner/applicant must submit a works in a road reserve application and be issued a permit to occupy the road for works.
 23. Prior to issue of a statement of compliance for the subdivision, road, drainage and driveway works must be completed to satisfaction of Council in accordance with the approved plans.
 24. Before a statement of compliance is issued under the *Subdivision Act 1988* the applicant or owner must provide to the satisfaction of the responsible authority:
 - a) an assets statement for each street.
 - b) full set of 'as constructed', digitised construction plans in PDF and CAD format for landscaping, roads and drainage (CD or other format as appropriate);
 - c) a certified plan showing the extent and depth of fill in excess of 300 mm placed on any of the allotments;
 - d) a valuation for land within each road reserve;
 - e) issue of Preliminary Acceptance by Council for all works.
 25. If the applicant / property owner requires removing or trimming of trees in the road reserve as part of the works permitted by this planning permit or as part of future works, all cost of such removal must be borne by the applicant / property owner. Applicant / property owner must obtain consent and necessary work permits from the council for such future tree trimmings/removals prior to commencement of the works.

COUNTRY FIRE AUTHORITY

26. A Bushfire Management Plan is required prior to certification under the *Subdivision Act 1988*. An amended Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the Bushfire Management Plan must be included as an annexure to the Section 173

agreement prepared to give effect to Clause 44.06-5 of the Planning Scheme and not be altered unless agreed to in writing by CFA and the Responsible Authority.

The plan must be generally in accordance with the Bushfire Management Plan prepared by Kevin Hazell Bushfire Planning (Version 2.0 pages 1 to 3, dated 19 April 2023), but the diagram is to be amended to show the access to each Lot and delete the comment “vehicle access within each lot must meet the written requirements on Page 1” from the legend panel.

27. In addition to the requirements of Clause 44.06-5 of the Scheme, the Section 173 Agreement prepared in accordance with that clause must also:
- a) Note that the subdivision includes areas of shared defensible space. These are areas where a lot owner maintains the defensible space on their land for the benefit of themselves and the owners of other lots.
 - b) Require that the defensible space shown on the endorsed Bushfire Management Plan must be implemented and maintained on an ongoing basis to the satisfaction of the Responsible Authority, regardless of whether there is a dwelling constructed on that land or not.
28. Prior to the issue of a statement of compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:
- Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
 - The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

****Note – CFA’s requirements for identification of hydrants are specified in “Identification of Street Hydrants for Firefighting Purposes” available under publications on the CFA web site (www.cfa.vic.gov.au).**

PUBLIC OPEN SPACE CONTRIBUTION

29. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, the applicant or owner must pay a monetary contribution for public open space of five per cent (5%) in accordance with a decision of the Council made under section 18 of the *Subdivision Act 1988*. The responsible authority may delay the time for payment of the monetary contribution by agreement in writing with the applicant or owner.

COLIBAN WATER

30. The owner is required to provide reticulated water and sewerage services to each of the lots within the subdivision and comply with any requirements arising from any effect of the proposed development on Coliban Water assets. Services are to be provided in accordance with our specifications.

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31. All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation.
 32. If sewer servicing of each of the lots created is to be by pressure sewer rather than provision of traditional gravity sewer, then; New Customer Contributions (NCC's) for pressure sewer will apply to each lot being connected to the reticulated infrastructure required. This NCC is to provide developer funding for the supply, installation, and ongoing maintenance requirements by Coliban Water for the property assets on each lot including tank, pump and control box. The supply and installation will be completed by our approved contractors after an application to connect is received.
 33. Before the issue of a statement of compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must make payment to Coliban Water of New Customer Contributions (NCCs). These contributions are based upon the number of additional allotments connected (or to be connected) to Coliban Water's water, sewer or recycled water networks. A quote will be supplied to the owner on the referral of the certified plan of subdivision.

GOULBURN-MURRAY WATER

34. All works within the subdivision must be done in accordance with EPA publication 1834 Civil Construction, Building and Demolition Guide (November 2020).
35. Any plan of subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to section 8(1)(a) of the *Subdivision Act 1988*.
36. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
37. All stormwater discharged from the site must meet the urban run-off objectives and standard C25 as specified in clause 56.07-4 of the Victoria Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

DEPARTMENT ENVIRONMENT ENERGY AND CLIMATE ACTION

38. No access is permitted to the subject land via the Crown land.
39. Adjoining Crown land must not be used for truck turning areas, entry points, parking areas or temporary stack sites during the construction of buildings or works.
40. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses on Crown land. Overland flows must be maintained at the same rate post-development as on the undeveloped land.

POWERCOR AUSTRALIA

41. The plan of subdivision submitted for certification under the *Subdivision Act 1988* shall be referred to the Distributor in accordance with Section 8 of that Act.
42. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

43. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

44. The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.
45. Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

- RESERVES established by the applicant in favour of the Distributor.
- SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years.

The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

46. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

EXPIRY

47. This permit will expire if one of the following circumstances applies:
 - a) The subdivision is not started within two years of the date of this permit;
 - b) The subdivision is not completed within five years of the date of starting.
 - c) Council may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

(N.B. The starting of a subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of a plan under Section 6 of the *Subdivision Act 1988*. Completion is regarded as registration of the subdivision).

PERMIT NOTES:

Note 1 (Powercor Australia):

- Existing easements may need to be amended to meet the Distributor's requirements.
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd

MOVED COUNCILLOR CORDY

That the recommendation be adopted.

SECONDED COUNCILLOR MALTBY

CARRIED.

COUNCILLOR MALTBY CALLED FOR A DIVISION.

For: Councillors Cordy, Driscoll and Maltby

Against: Councillors Annear and Henderson

Summary

Application details:	Nine lot subdivision of land and removal of native vegetation
Application No:	PA211/2022
Applicant:	Mr Jackson McMahon
Land:	<p>28 and 42-44 Dinah Road Chewton:</p> <p>On Title Plan TP 960222M, 28 Dinah Road comprises:</p> <p>CA 43 Sec F1 Parish of Chewton</p> <p>CA 44 Sec F1 Parish of Chewton</p> <p>CA 45A Sec F1 Parish of Chewton.</p> <p>On Title Plan TP4562W, 42 Dinah Road comprises:</p> <p>CA 45 Sec F1 Parish of Chewton.</p> <p>On Title Plan 4562W, 44 Dinah Road comprises:</p> <p>CA 46 Sec F1 Parish of Chewton</p>
Zoning:	Township Zone (TZ)
Overlays:	Bushfire Management Overlay (BMO)
Triggers:	<p>Township Zone - Clause 32.05-5 (Subdivision) a permit is required to subdivide land.</p> <p>Bushfire Management Overlay at Clause 44.06-2 (Permit requirement) a permit is required to subdivide land.</p>
Notice:	<p>Notice was given by erecting a notice on site and posting notices to adjoining landowners and occupiers:</p> <p>Original application: 15/02/2023</p> <p>Amended application: 08/06/2023</p>
Referrals:	<p>Coliban Water</p> <p>Goulburn Murray Water</p> <p>North Central Catchment Management Authority</p>

	<p>Country Fire Authority (CFA)</p> <p>Department of Environment Energy and Climate Change</p> <p>Powercor Australia</p> <p>Infrastructure Development (Engineering)</p>
No. of Objections:	27
Consultation Meeting:	N/A
Key Considerations:	<p>The Township Zone is a residential zone and anticipates subdivision to facilitate residential development.</p> <p>Grounds of objections:</p> <p>Neighbourhood character as it relates to the subdivision pattern and lot sizes;</p> <p>Amenity issues related to traffic and dust, noise and light pollution; fencing;</p> <p>Environmental issues related to native vegetation removal and loss of habitat for native animals including the local kangaroo population.</p>
Conclusion:	<p>While some of the lot sizes are indeed smaller than the properties in the surrounding area, the subdivision pattern is not too dissimilar to that in the surrounding area when considered from the perspective at street level.</p> <p>Potential adverse impacts from the identified amenity issues can be ameliorated with appropriate permit conditions, should a permit issue.</p> <p>The potential adverse impacts from the environmental issues identified are not considered so significant as to make the proposal unacceptable.</p> <p>The zone is a residential zone and anticipates subdivision for residential development (among other things); the proposal is considered acceptable.</p>

Context

The purpose of this report is to enable Council to make a determination on an application for a nine lot subdivision and removal of native vegetation at 28 and 42-44 Dinah Road, Chewton. The application has been referred to Council for a decision because more than five submissions have been received objecting to the proposal.

The application was lodged on 30 August 2022 and proposed a 10 Lot subdivision and removal of native vegetation. Subsequently, an application to amend the planning permit application was submitted on 8 May 2023 to amend the proposal to a nine lot subdivision and removal of native vegetation. The amended application was accepted.

Location of subject site

The subject land is located in Chewton, a township located on the outskirts of Castlemaine, towards the south-east of Castlemaine, (see Figure 1). The land is located at 28 and 42-44 Dinah Road Chewton, and is comprised of multiple parcels totalling approximately 1.4ha or 14,021 sqm and accessed via Fryers Road off the Pyrenees Highway.



Figure 1 Aerial image of the subject land

Issues

The principal implications for development are avoiding impacts on native vegetation and providing defensible space as required under the bushfire management overlay.

The land is zoned 'Township Zone', permitting residential development and as such it is not viable for this proposal to completely avoid impacts on native vegetation as part of the subdivision. The proposal has considered the two significant trees located on the Dinah Road reserve and has ensured access does not impact on those trees and the respective tree protection zones.

Achieving defensible space is a requirement of this application. The proposal must also satisfy relevant objectives and standards of Clause 56 (ResCode). The proposed lot layout is illustrated in Figure 2, and the proposed building envelopes in Figure 3 below.



Figure 2 Proposed lot layout



Figure 3 Proposed building envelopes shown in green

The proposed lot sizes of the subdivision are indicated in Table 1 below.

Table 1 Lot sizes

Lot number	Area in square metres
Lot 1	1,937
Lot 2	937
Lot 3	935
Lot 4	2,618
Lot 5	2,021
Lot 6	805
Lot 7	807
Lot 8	806
Lot 9	2,083

The subject land is part of the extensive area of land zoned 'Township Zone' in Chewton that extends in a linear fashion to the north and south of the site. The immediately adjacent land generally to the east and west is Crown land. The allotments to the south range in area between 2,000 sqm and 5,000 sqm or 0.2 ha to 0.5 ha. The majority are developed with a single dwelling and an assortment of outbuildings; Dinah Road at the frontage of the subject land is unsealed, (see Figure 4 below).

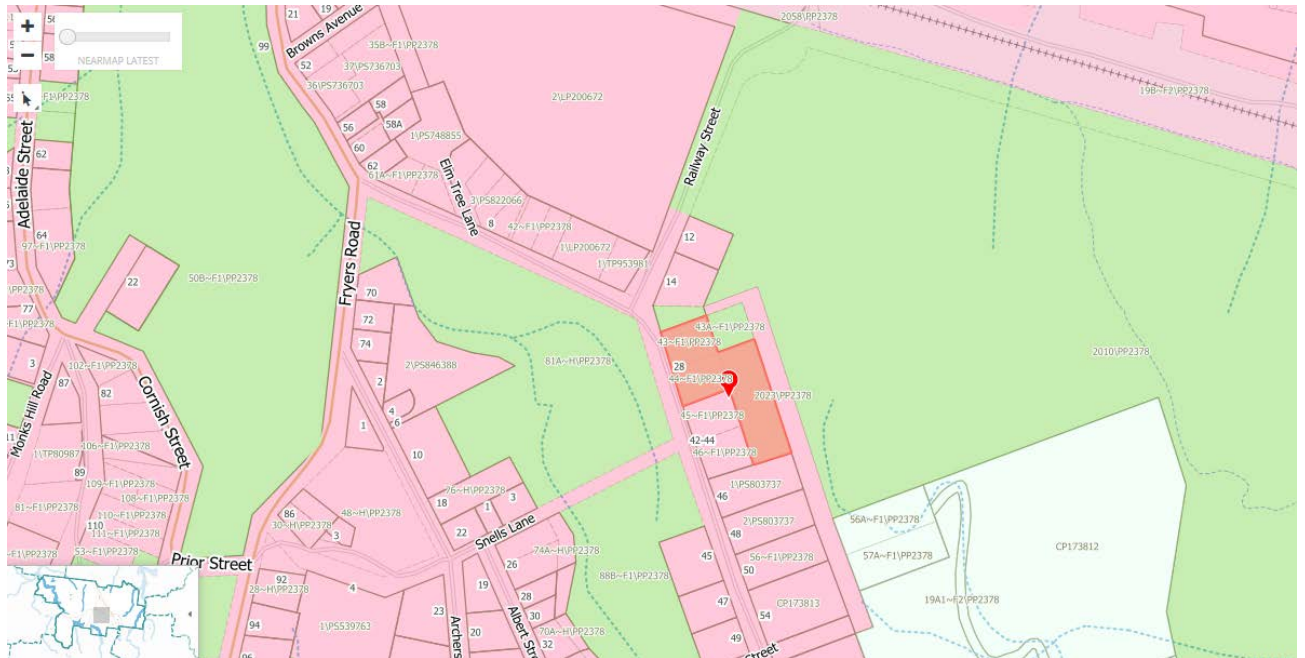


Figure 4 Planning locality and context map of subject land (42-44 not highlighted)

While not immediately apparent, the extension of the reticulated sewer system to service this proposed subdivision may have financial implications for other residents in the area, if they in turn may be required to connect to the sewer.

Finance and Resource Implications

Irrespective of whether Council determined to issue a notice of determination to issue the planning permit, or refuse the issue of a planning permit, the cost of representation at VCAT may become necessary.

Alternate Options

Council could determine to refuse the application for planning permit.

Communication and Consultation

Formal 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. A sign was also placed on-site. At the time of writing this report 27 objections have been received. The following provides a response to the issues raised in the objections, as follows:

Neighbourhood character as it relates to the subdivision pattern and lot sizes.

While some of the lot sizes are indeed smaller than the properties in the surrounding area, the subdivision pattern is not too dissimilar to that in the surrounding area when considered from the perspective at street level. That is to say, the comparatively smaller allotments will be to the foreground and the larger allotments are located to the rear on the rising land. The general impression, when developed, will be that of relatively spacious allotments where the vegetated ridge top, above the proposed building envelopes, will be visible and form the background of the viewshed.

Amenity issues related to traffic and dust, noise and light pollution; fencing.

Potential adverse impacts from the identified amenity issues can be ameliorated with appropriate permit conditions, should a permit issue. In relation to the expected increase in traffic volumes, Council's Engineering department has required a condition be placed on the permit to seal Dinah Road to the extent of the proposed subdivision. It is expected that the requirement will address the potential issues of dust and noise generated by the additional vehicle movements.

In relation to the potential adverse impacts of street lighting being characterised as 'light pollution',

Council must balance that potential impact against the objective to provide for public safety and amenity for residents.

It is acknowledged that the predominant form of fencing in the surrounding area is rural type fencing. Therefore, it is proposed to place a condition on permit, should one issue, that the new lots created be enclosed with rural type fencing.

Environmental issues related to native vegetation removal and loss of habitat for native animals including the local kangaroo population.

The potential adverse impacts from the environmental issues identified are not considered so significant as to make the proposal unacceptable. A comprehensive ecological assessment undertaken by Cumbre Consulting Pty Ltd has been submitted with the application. That report notes the implications for development as noted above:

- The land is zoned for township/residential development and as such it is not viable for this proposal to completely avoid impacts on native vegetation as part of the subdivision.
- The proposal has considered the two trees located on Dinah Road Reserve and has ensured access does not impact on these Trees and their Tree Protection Zone's.
- Achieving defensible space is a requirement of this application.

Further, in relation to the requirement to minimise impacts on native vegetation, the report states:

This site is not subject to any regional strategic planning process that avoids or minimises impacts to native vegetation. Site level decisions have ensured that the trees along Dinah Road Reserve are not impacted. The quality of the vegetation on

site is mixed due to varying levels of high threat, noxious weeds on site. Much of this property falls into the exemption for weed control:

‘Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal or destruction of a weed listed in the schedule to Clause 52.17. The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five-year period must not exceed any of the following:

- *1 hectare of native vegetation which does not include a tree.*
- *15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.’*

No feasible opportunities exist to further avoid removal or minimise impacts without compromising the proposed subdivision.

It is noted that the applicant will purchase a third party offset from the credit register. A search of the Native Vegetation Credit Register shows evidence that the offset is available. The offsets required as per Department of Environment Energy and Climate Change Native Vegetation Removal report are as follows:

- Offset required is 0.156 general habitat units.
- Offset vicinity is within North Central Catchment Management Authority, or
- Mount Alexander Shire Council where the clearing takes place.
- Minimum strategic biodiversity score 0.639.
- 0 Large tree(s).

Finally, the report offers the following conclusion,

The proposal is designated Location 1, it does not cover an endangered Ecological Vegetation Class. The zoning allows for this type of development. The assessment is a basic pathway where less than 0.5ha of impact to native vegetation is not considered to have a significant impact to rare or threatened species. The two trees along Dinah Road reserve have been avoided with this design and much of the study area is densely infested with high threat noxious weeds that require eradication.

The report offers the following recommendation:

Provided the offset is met and other council planning requirements are met, the proposal seems sound.

External Referrals

- Coliban Water

No objection, with standard conditions to connect all lots to reticulated water and sewer.

-
- Goulburn-Murray Water

No objection, with standard conditions including all lots to be connected to reticulated sewer.

- North Central Catchment Management Authority

No objection.

- Country Fire Authority

Conditional consent on condition of specific (minor) amendments to the revised Bushfire Management Plan (v7).

- Department Environment, Energy Climate Action

No objection, subject to standard conditions relating to restrictions on access and encroachment upon the Crown land.

- Powercor Australia

No objection subject to standard conditions

Internal Referrals

- Council's Engineering Department comments:

Dinah Road in the vicinity of the subject land is currently unsealed and is inadequate for the level of traffic that the proposed development will add to the road network. The latest traffic counts identify the road currently averages 103 vehicle movements per day, of which approximately 11% are heavy vehicles. The proposed subdivision is anticipated to increase traffic volumes to approximately 200 vehicles per day and as such the road should be upgraded.

Therefore; no objection subject to standard engineering conditions, including sealing Dinah Road.

Legislation

Planning and Environment Act 1987.

Strategy and Policy Impacts

Council Plan 2021-2025

Strategic Objectives Pillar 2 – An environment for people and nature

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

State Planning Policy Framework (SPPF)

The proposed development is consistent with the general principles and objectives of the State Planning Policy Framework as detailed in the relevant clauses for settlement,

environmental and landscape values, environmental risk, housing and infrastructure. In particular, the proposed development is consistent with Clause 11 (Settlement) and Clause 16 (Housing), where,

- Planning is to prevent environmental, human health and amenity problems created by siting incompatible land uses close together.
- Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

Local Planning Policy Framework (LPPF)

The proposed development is consistent with the Municipal Strategic Statement and the Local Planning Policies for the Mount Alexander Shire Council. The proposed subdivision complies with the requirements of the zone and meets the Council's key land use theme set out under its strategic direction.

Zoning

Township zone

The purpose of the Township zone is stated as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage development that respects the neighbourhood character of the area.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The proposed subdivision must meet a range of objectives and standards under Clause 56, (Residential Subdivision) (ResCode), see below.

Overlays

Bushfire Management Overlay

The purpose of the Bushfire Management Overlay is stated as follows:

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

The proposal satisfies the provisions of Clause 44.06 (Bushfire Management Overlay) and Clause 53.02 (Bushfire Planning), as verified by the Country Fire Authority referral response.

Particular provisions

The proposed subdivision meets all of the objectives and standards of the applicable requirements under Clause 56 (ResCode), of the Mount Alexander Planning Scheme, particularly in relation to;

- Neighbourhood character objective;
- Lot area and building envelopes objective;
- Solar orientation of lots objective;
- Street orientation objective;
- Integrated urban landscape objective;
- Walking and cycling network objectives;
- Neighbourhood street networks detail objectives;
- Lot access objective;
- Integrated water management;
- Site management; and
- Utilities.

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

Nil.

9.3. Economy

9.3.1. ADOPTION OF FEE WAIVER POLICY

This Report is For Decision

Responsible Director: Director Corporate and Community Services, Lisa Knight
Responsible Officer: Executive Manager Corporate Services, Carolyn Ross
Attachments: 1. Draft Fee Waiver Policy [9.3.1.1. - 6 Pages]

Executive Summary

The updated Fee Waiver Policy is presented for adoption.

RECOMMENDATION

That Council adopts the Fee Waiver Policy.

MOVED COUNCILLOR DRISCOLL

That the recommendation be adopted.

SECONDED COUNCILLOR CORDY

CARRIED.

Context

In response to an internal audit finding, the Fee Waiver Policy was adopted at the Ordinary Meeting of Council on 18 August 2020.

Service fees and charges are approved by Council during the annual budget process and are publicly available. Fees and charges may differentiate between full and subsidised rates (where appropriate). The budget also includes statutory fees and charges set by the State Government.

Council regularly receives requests from organisations and individuals to waive fees and charges. This Policy is designed to meet community expectations that Council resources are distributed fairly, procedures are reasonable, and decisions are consistent. This Policy also ensures fee waivers are as clear, fair, financially sustainable, and transparent as possible.

All fees of \$100 or greater that are waived, are to be recognised in the financial statements as both income and expenditure to ensure that the total overall level and effect can be monitored. For fee waivers less than \$100, each Business Unit Manager is responsible for recording the relevant details in an organisational register.

Since the adoption of the Fee Waiver Policy in 2020, regular reporting has been undertaken to the Executive Team and Council to allow oversight of fee waiver decisions.

Issues

This Policy aims to improve consistency in Council process and practice by clearly stating who, when, and how a fee waiver can be applied for.

Changes in this Policy compared to the previous version include:

- Improving overall clarity:
 - On allowing partial or full fee waivers.
 - To remove references to discounts or reductions, which are included in the definition of “fee waivers”.
 - That clearly states applicability to Council-set discretionary fees only.
 - By explaining where another Council policy includes fee waivers, that policy takes priority over this Policy.
 - By removing reference to discounts and refunds.
- Council rates and charges are specifically excluded from this Policy.
- More specific eligibility criteria in which to assess fee waiver applications including having regard to the merits of the application.
- Expanding the definitions listing.

Finance and Resource Implications

The Finance Team record, and subsequently report to the Executive Team and Council, all fee waivers of \$100 or greater. This has enabled the Executive Team to monitor the quantity and value of fee waivers granted in comparison to the budget, as well as the distribution of

fee waivers to community groups. Managers are required to keep a register of fee waivers less than \$100 approved for their business unit.

Risk Analysis

Financial risk:

By not reviewing and updating our adopted Fee Waiver Policy, Council risks inconsistently approving fee waiver requests. With the adoption of this revised Policy, we aim to ensure fee waivers are as clear, fair, financially sustainable, and as transparent as possible.

Climate Impact Statement

The revised Fee Waiver Policy will allow officers to review eligible activities and groups in relation to the community benefit provided; these benefits could include positive impacts related to climate change that Council can support our community to promote and achieve.

Alternate Options

As original development of this Policy arose in response to an internal audit recommendation, an alternate option is to disregard the audit finding. This is not recommended as it is not best practice and does not reflect the internal improvements that such audit programs seek to implement.

Communication and Consultation

Managers were consulted during the review of this Policy and consideration was given to their feedback. Accordingly, aligning processes to ensure community groups that receive a community grant are not seeking fee waivers has been addressed under eligibility principles.

The draft policy was presented to the Audit and Risk Committee at its 26 May 2023 meeting.

Feedback from the committee included:

1. Recording a Conflict of Interest (COI). A reference to COI has been included in the responsibilities section of the Policy and added to both the Fee Waiver Request Form and Register via a yes/no check box/list, and space to record details of the conflict (if one exists).
2. The nature of reporting mechanisms. Fee waivers are already reported to both the Executive and Council via monthly and quarterly reports.
3. Being more specific about the fees that are and are not covered by the Policy. Given the considerable number of fees that Council has in place, it was felt that this suggestion may be too onerous.

An updated draft Policy was presented to the Executive Team on the 22 June 2023.

Feedback from the Executive Team included:

1. The addition of bad debts and reversal of incorrect fees be added to the list of exclusions within the Policy.
2. In consideration of confidentiality, limiting accessibility of the fee waiver register to Council officers employed as Coordinators or above.
3. Documenting the annual cumulative fee waiver threshold per applicant in the Policy, in addition to the individual threshold per fee already listed.
4. Reporting to the Executive Team, those organisations that are nearing the \$1,000 cumulative threshold.
5. Noting in the “responsibilities” section that Coordinators and Managers should only be assessing fee waiver requests relevant to their Business Unit.

Inform:

We will keep our community informed.

The adoption of this revised Policy will inform the community about what fees can be waived and who can request fee waivers.

Legislation

Local Government Act 2020

Section 77 of the Act allows Council, by resolution, to determine a fee, charge, fare or rent in relation to any property, undertaking, good, service, or other act, matter, or thing.

Council sets fees and charges for services having regard to Council's Pricing Policy. When setting fees, considerations include:

- Cost recovery principles and marketplace competition.
- User capacity to pay.
- Equity in the subsidisation of services.
- Community service benefits.
- Statutory or service agreement limitations.
- Results of benchmarking of similar services.
- The impact of striking a fee or charge.

Strategies and Policy Impacts

Council Plan 2021-2025

Principle - We are always improving.

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

Principle - We are delivering together.

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

Principle - We are engaging genuinely with the community.

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

Regular review and updating policies to ensure relevance and the needs of our community are considered.

Ensuring policies are accessible and easy to understand.

Declarations of Conflict of Interest

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

No conflicts of interest

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

9.3.2. REAPPOINTMENT OF AUDIT AND RISK COMMITTEE INDEPENDENT MEMBER

This Report is For Decision

Responsible Director: Chief Executive Officer, Darren Fuzzard

Responsible Officer: Manager Governance and Risk, Leanne Brown

Attachments: Nil.

Executive Summary

The purpose of this report is to reappoint Mr John Watson as an Independent Member of the Audit and Risk Committee.

RECOMMENDATION

That Council, upon recommendation of the Audit and Risk Committee, reappoints Mr John Watson to the Audit and Risk Committee for the period 1 July 2023 to 30 June 2026.

MOVED COUNCILLOR DRISCOLL

That the recommendation be adopted.

SECONDED COUNCILLOR HENDERSON

CARRIED.

Context

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

Financial and Performance Reporting

- At least annually review significant accounting and external reporting issues, including complex or unusual transactions, transactions and balances in areas where judgement is required, changes to accounting policies, recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the annual financial report and the audit thereof.
- At least annually review changes to the Local Government Performance Reporting Framework and understand the impact of those changes on Council's performance indicators.
- Review the annual financial report and annual performance statement and consider whether they are complete, consistent with information known to Committee members, reflect appropriate accounting treatments and adequately disclose Council's financial performance and position.
- Review with management and the external auditors the results of the audit, including any difficulties encountered by the auditors and how they were resolved.
- Recommend the adoption of the annual financial report and annual performance statement to Council.
- Review the appropriateness of the format and content of periodic management financial reports and performance statements to Council as required.

Internal Control Environment

- Review the adequacy and effectiveness of key policies, systems and controls for providing a sound internal control environment. This should be done on a rotational basis over a three-to-four-year period.
- Determine whether systems and controls are reviewed regularly and updated where required.
- Monitor significant changes to systems and controls to assess whether those changes significantly impact Council's risk profile.
- Ensure that a programme is in place to test compliance with systems and controls.
- Assess whether the control environment is consistent with Council's Governance Principles.

Risk Management

- Review annually the effectiveness of Council's risk management framework.
- Review Council's risk appetite statement and the degree of alignment with Council's risk profile.

-
- Review Council's risk profile and the changes occurring in the profile from meeting to meeting.
 - Review Council's treatment plans for significant risks, including the timeliness of mitigating actions and progress against those plans.
 - Review the insurance programme annually prior to renewal.
 - Review the approach to business continuity planning arrangements, including whether business continuity and disaster recovery plans have been regularly updated and tested.

Fraud Prevention Systems and Controls

- Review Council's Fraud Prevention policies and controls, including the Fraud and Corruption Control Plan and fraud awareness programmes at least every two years.
- Receive reports from management about actual or suspected instances of fraud or corruption including analysis of the underlying control failures and action taken to address each event.
- Review reports by management about the actions taken by Council to report such matters to the appropriate integrity bodies.

Internal Audit

- Review the Internal Audit Charter regularly to determine that it provides an appropriate functional and organisational framework to enable Council's internal audit function to operate effectively and without limitations.
- Review and approve the three-year strategic internal audit plan, the annual internal audit plan, and any significant changes to them.
- Review progress on delivery of annual internal audit plan.
- Review and approve proposed scopes for each review in the annual internal audit plan.
- Review reports on internal audit reviews, including recommendations for improvement arising from those reviews.
- Meet with the leader of the internal audit function at least annually in the absence of management.
- Monitor action by management on internal audit findings and recommendations.
- Review the effectiveness of the internal audit function and ensure that it has appropriate authority within Council and has no unjustified limitations on its work.
- Ensure that the Committee is aware of and appropriately represented regarding any proposed changes to the appointment of the internal audit service provider, including being appropriately briefed on the need for any proposed change.
- Recommend to Council, if necessary, the termination of the internal audit contractor.

External Audit

- Annually review and approve the external audit scope and plan proposed by the external auditor.
- Discuss with the external auditor any audit issues encountered in the normal course of audit work, including any restriction on scope of work or access to information.
- Ensure that significant findings and recommendations made by the external auditor, and management's responses to them, are appropriate and are acted upon in a timely manner.
- Review the effectiveness of the external audit function and ensure that the Victorian Auditor General's Office (VAGO) is aware of the Committee's views.
- Consider the findings and recommendations of any relevant performance audits undertaken by VAGO and monitor Council's responses to them.
- Meet with the external auditor at least annually in the absence of management.

Compliance Management

- Review the systems and processes implemented by Council for monitoring compliance with relevant legislation and regulations and the results of management's follow up of any instances of non-compliance.
- Review the processes for communicating Council's Employee Code of Conduct to employees and contractors and for monitoring compliance with the Code.
- Obtain briefings on any significant compliance matters.
- Receive reports from management on the findings of any examinations by regulatory or integrity agencies (whether related to investigations at Council or other agencies), such as the Ombudsman, IBAC, Victoria Government Inspectorate, etc. and monitor Council's responses.

The Charter states "the Committee will consist of six members appointed by Council, four of whom must be Independent Members." The Charter also outlines the terms of appointment for Independent Members as per below:

- Independent members will be appointed for three-year terms.
- Independent members may be reappointed for two additional three-year terms subject to satisfactory performance, that is, a maximum of nine years.
- Independent members must collectively have expertise in financial management and reporting and risk management and also experience in public sector management.
- Independent members' terms of appointment will be set so that as far as possible only one member retires at a time in order to minimise the loss of knowledge of Council's business that may occur on change of membership.
- Remuneration will be paid to independent members as approved by Council from time to time.

Issues

Mr Watson has indicated his desire to be reappointed to the Audit and Risk Committee.

At its meeting on 26 May 2023, the Audit and Risk Committee discussed the reappointment of Mr Watson. Mr Watson did not participate in the discussion. The Committee passed the following recommendation:

That the Audit and Risk Committee recommend to Council the reappointment of Mr Watson for a 3-year appointment as an independent member of the Audit and Risk Committee.

Moved: Nicole Cox

Seconded: Peter Smith

Officers consider that Mr Watson is a valuable contributor to the Audit and Risk Committee membership and brings contemporary insights to the operations of Councils through his work on other audit committees, the Victorian Grants Commission, as a Municipal Monitor, and as an active member of the Mount Alexander Shire community.

Finance and Resource Implications

There are no direct costs associated with this report, as resourcing the Committee is included in the adopted budget.

Risk Analysis

Strategic risk:

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

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

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

Climate Impact Statement

Climate risk is one of the focus strategic risks of the Council.

Alternate Options

Council could decide to not reappoint Mr Watson, which would require the role to be advertised.

Communication and Consultation

Consultation was limited to the Audit and Risk Committee.

Inform:

We will keep our community informed.

The community will be informed of the decision.

Legislation

Local Government Act 2020

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

“An Audit and Risk Committee must—

- 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.”*

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.

There are no strategic or policy impacts that have not already been considered in previous appointments.

Declarations of Conflict of Interest

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

No conflicts of interest

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

9.3.3. AUDIT AND RISK COMMITTEE REMUNERATION REPORT

This Report is For Decision

Responsible Director: Chief Executive Officer, Darren Fuzzard
Responsible Officer: Manager Governance and Risk, Leanne Brown
Attachments: Nil

Executive Summary

The purpose of this report is to seek Council's approval to the remuneration of the Independent Members of the Audit and Risk Committee (ARC) for the 2023/2024 year and to the basis for adjustments thereafter.

The ARC Charter, which was reviewed and adopted by Council on 18 August 2020 (in accordance with the Local Government Act 2020), states:

"Councillor Committee Members are not remunerated for their role on the Audit and Risk Committee. Remuneration will be paid to each Independent Committee Member. The Council sets the remuneration by resolution at a formal Council Meeting. At the Council Meeting held on 19 May 2020, the Council resolved that remuneration for the 2020/21 financial year will be:

- *Chair: \$650 per meeting.*
- *Independent Committee Members: \$450 per meeting.*
- *Travel allowance of 90 cents per kilometre for Independent Committee Members who travel over 50 km in total to attend each meeting.*

All allowances will be subject to annual indexation on 1 July, in accordance with CPI Melbourne Index June to June quarter."

This review has been undertaken at the request of the Independent Members.

RECOMMENDATION

That Council:

- 1. Increases the remuneration paid to the Audit and Risk Committee Independent Member "Chair" position to \$750 (excl. GST) in accordance with the annual CPI Melbourne Index.**
- 2. Approves the proposed increase to the Audit and Risk Committee Independent Members' (excluding position as Chair) remuneration from \$462 (excl. GST) to \$525 (excl. GST) per meeting.**
- 3. Increases the travel allowance to \$1.04 per kilometre in accordance with the annual CPI Melbourne Index for Independent Committee Members who travel over 50 km in total to attend each meeting.**
- 4. Notes, if the increase in payment is approved, it will come into effect from the next ARC meeting scheduled to take place on 25 August 2023.**

MOVED COUNCILLOR DRISCOLL

That the recommendation be adopted.

SECONDED COUNCILLOR HENDERSON

CARRIED.

Context

Council established an Audit and Risk Committee (ARC) pursuant to Section 53 of the Local Government Act 2020 (the Act). The ARC supports Council in discharging its oversight responsibilities related to financial and performance reporting, risk management, fraud prevention systems and control, maintenance of a sound internal control environment, assurance activities including internal and external audit and Council's performance regarding compliance with its policies and legislative and regulatory requirements. It acts in the capacity by monitoring, reviewing, endorsing, and advising on matters as set out in the ARC Charter.

This review has been initiated following a request by the Independent Committee Members to the Chief Executive Officer for such a review to occur.

The following provides a summary of the capabilities that the Independent Members bring to the Committee, each with between 10 and 30 years of experience:

- Governance qualifications and/or experience – Boards, Local Government experience, Governance and Risk Management certified.
- Other relevant qualifications – Certified Practising Accountant (CPA); business degree; Local Government Administration qualified; Graduate Australian Institute of Company Directors (GAICD).
- Legal, Government, Risk Management and Compliance experience.
- Internal and external audit experience within Local Government and across other sectors.
- OHS / Security / Technology Management / Capex / Infrastructure and Asset Management experience - at Executive and Project Management levels.
- Local Government Experience – at Executive or Audit and Risk Committee levels.

Council recognises the important and highly beneficial input that Council has received in response to the work put before the Committee.

As there is no formal guidance on what the right amount is to pay, unlike other positions in Council, this leaves it up to market forces. In reviewing Council's Independent Committee Member recruitment practices and outcomes, Council has successfully recruited high calibre Independent Members on all previous occasions. To date, remuneration has not been the basis for any resignation.

Issues/Discussion

A review of similar sized Councils' ARC Independent Member remuneration provided the following information, based on four (4) meetings per year:

Council (FY 2022/2023)	Chair (excl. GST)		Independent Members (excl. GST)	
	Per meeting [^]	Annual [^]	Per Meeting [^]	Annual [^]
Mount Alexander	\$710.10	\$2,840.40	\$437	\$1,748
Macedon Ranges *	\$500	*\$2,500	\$350	*\$1,750
Loddon	\$681	\$2,725	\$545	\$2,180
Central Goldfields	\$1,250	\$5,000	\$800	\$3,200
Buloke	\$1,000	\$4,000	\$600	\$2,400
Campaspe	\$925	\$3,698	\$925	\$3,698
Bendigo	\$1,125	\$4,500	\$875	\$3,500

[^] These rates do not reflect annual CPI adjustment as of 1 July 2023, as Council specific data was sourced prior to end FY2022/2023. Mount Alexander Shire Council's adjusted data is provided in the table below.

* Macedon Ranges usually have 5 meetings per year rather than 4.

The Consumer Price Index for *All Groups – Melbourne* over the twelve months to the June Quarter to June Quarter seasonally adjusted, is currently used annually to determine increases to ARC members' remuneration. The indexation was sourced from the Australian Bureau of Statistics for June 2022 to June 2023, and the increase was 6%.

The following table details the changes for Mount Alexander Shire Council, based on a CPI 6% increase, that would be effective for meetings throughout the 2023/2024 financial year:

FY 2023/2024 based on annual CPI increase	Chair (excl. GST)		Independent Members (excl. GST)	
	Per meeting	Annual	Per Meeting	Annual
Mount Alexander	*\$750	\$3,000	*\$462	\$1,848

* Note: Rounded up to nearest full dollar.

In accordance with Council's decision in the May 2020 meeting, the adjusted travel reimbursement per km for 2023/24 is \$1.04/km for Independent Committee Members who travel 50 km or more to attend each meeting.

In reviewing remuneration as per the tables herein, the differential between Independent Chair and Independent Member rates falls between 60-80%, due to the nature of the additional activities undertaken by the Chair. Mount Alexander Shire Council's ARC Chair is

supported as required by the Manager Governance and Risk, and the Risk Coordinator to ensure a streamlined and efficient meeting process. With enhanced clarity regarding Agenda items, Meeting preparation/reading time and meeting duration, it is appropriate to increase the Independent Member rate to 70% of the agreed Chair rate. This equates to a Chair rate of \$750 (excl. GST) and Independent Member rate of \$525 (excl. GST), rather than \$462 as per the table above.

Finance and Resource Implications

There is a small financial cost to Council resulting from this report that can be accommodated within Council's budget

Risk Analysis

The Audit and Risk Committee is the Council's assurance oversight, which is known as the third line of defence. The first and second line of defence are:

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

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

Council increases the likelihood of recruiting and retaining appropriately knowledgeable, skilled and experienced ARC members by ensuring that remuneration is reviewed on a regular basis.

Whilst no Independent Members have resigned due to remuneration, if Council does not regularly and objectively review in consideration of current market forces, the Committee may not be able to retain and attract members with the right knowledge and expertise for the role, thus impacting on the quality and outcomes of the Committee.

It is important to note Council will need to recruit two Independent Committee Members prior to March 2024. One Independent Member recently resigned due to other professional/business commitments with a replacement to be recruited prior to November 2023. The current Chair's term finishes 31 March 2024, with a maximum term reached.

Climate Impact Statement

Climate risk is one of the strategic risks of the Council.

Alternate Options

1. Do nothing and continue to pay the ARC Independent Members their current remuneration rates as per annual indexation, including travel reimbursement arrangements.
2. Increase the remuneration for all ARC Independent Members, including travel reimbursement arrangements.

Should Council wish to explore either of these options further, it is recommended that the matter be deferred to a future meeting of Council.

Communication and Consultation

As part of this review, a benchmarking process was undertaken to obtain the remuneration rates of Independent Members and the Chair of ARCs at other Councils. These are outlined in the first table herein.

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

Section 53 of the Local Government Act 2020 states that the Council must establish an Audit and Risk Committee. The Act states several requirements which include the functions of the committee. Section 54(2)(c) states one of the committee's responsibilities as "monitor and provide advice on risk management and fraud prevention systems and controls".

Strategies and Policy Impacts

Audit and Risk Committee Charter

The Committee has the authority to:

- Endorse key documents and reports that must be approved by Council, including annual financial reports, annual performance statements, new or revised policies and other documents that assist in maintaining a strong internal control environment.
- Approve internal and external audit plans, including internal audit plans with an outlook of greater than one year.
- Provide advice and make recommendations to Council on matters within its areas of responsibility.
- Retain counsel of relevant independent experts where it considers that is necessary to execute its responsibilities, subject to prior agreement with the Chief Executive Officer.
- Seek any relevant information it requires from Council, Council Officers (who are expected to cooperate with the Committee's requests) and external parties.
- Meet with Council Officers, internal and external auditors and other parties as required to discharge its responsibilities.

Declarations of Conflict of Interest

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

No conflicts of interest

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

10. DELEGATES REPORTS

Meetings attended by CEO and Mayor from 19 July 2023 to 15 August 2023.

MEETING	CEO	MAYOR
Attended Loddon Campaspe Councils CEOs meeting	✓	
Gold Central Vic radio interview	✓	
Meeting with Gaelle Broad MLC to discuss matters of common interest for Mount Alexander Shire	✓	✓
Presented at Winters Flat Primary School part of the Passions and Pathways program		✓
Onsite meeting with owner of The Mill to discuss development plans	✓	
Attended Rural Councils Victoria meeting as Loddon Campaspe's CEO representative	✓	
Onsite meeting with local farmers from Harcourt North (Cr Tony Cordy also in attendance)	✓	
Attended Goldfields Library Corporation Board meeting		✓
Attended Indigenous Roundtable agenda planning meeting		✓
Gold Central Vic radio interview	✓	
Attended joint State Government and Local Government CEOs monthly forum	✓	
Attended Loddon Campaspe Councils CEOs meeting	✓	
Participated in an interview as part of the Victorian Local Government Association's Local Leaders series		✓
Presented at Campbells Creek Primary School part of the Passions and Pathways program		✓
Onsite meeting with event organiser for Mount Tarrengower Road Hill Climb event	✓	
Meeting with Colin Brooks MP, Minister for Housing and Multicultural Affairs and Maree Edwards MP to discuss matters of common interest for Mount Alexander Shire	✓	✓
Meeting with CEO, Dhelkaya Health and CEO, Bendigo Kangan Institute to discuss matters of common interest for Mount Alexander Shire	✓	
Attended Goldfields Local Learning and Employment Network's viewing of Caravan Fix Me Up project		✓
Attended meeting for the Bulortj Children and Youth Network		✓

MEETING	CEO	MAYOR
Gold Central Vic radio interview	✓	
Meeting with Maree Edwards MP to discuss matters of common interest for Mount Alexander Shire	✓	✓
Meeting with Harriet Shing MLC, Minister for Water, Regional Development and Equality as Loddon Campaspe's CEO representative for Rural Councils Victoria	✓	
Participated in the Passions and Pathways workplace tour of Council with students from Winters Flat Primary School and Campbells Creek Primary School		✓
Attended Chewton traffic and safety community meeting (Cr Christine Henderson and Michael Annear, Director Infrastructure and Planning also in attendance)		✓
Attended official opening by Maree Edwards MP of the Doug Powell Reserve Electronic Scoreboard (Michael Annear, Director Infrastructure and Planning also in attendance)	✓	✓
Attended Loddon Campaspe Councils Mayors and CEOs meeting	✓	✓
Co-Chaired (Mayor Rosie Annear) Indigenous Roundtable	✓	✓
Gold Central Vic radio interview	✓	
Onsite meeting with Pyrenees Quarries (Georgina Johnston, Manager Development Services also in attendance)	✓	
Meeting with Chief Executive Officer and Head of Development, Haven, Home, Safe to discuss affordable housing (Clare Richards, Housing Solutions Broker also in attendance)	✓	
Jirrahlinga onsite visit		✓
Attended Castlemaine Heritage Study's project advisory group meeting		✓

Councillor Henderson noted that she, the Mayor and Director Annear were invited to attend the Chewton and Wesley Hill Traffic Forum. It was noted that it was very well attended. The group is campaigning for greater safety on the Pyrenees Highway and they would like to prevent truck driving through the urban areas. The group would also like to have enforced the legal speed limits and to reduce the speed from Chewton into Castlemaine down to 50kmh. The meeting was also attended by Maree Edwards MP. The group's desired outcome is for better safety in Chewton and to reduce the impact of big trucks on heritage buildings. VicPol have committed to provide more enforcement.

The Mayor noted her recent time off. She further noted that she has been participating in the Passions and Pathways program with Grade 5 and 6 students from Winters Flat and Campbells Creek Primary Schools. This program is facilitated by the Goldfields Local Learning and Employment Network (GLEN).

The Mayor spoke of a community grant funded project called Caravan Fix Me Up, in partnership with the GLEN, Dhelkaya Health, and Castlemaine Secondary College.

The Mayor spoke of the recent meeting and dinner with the CEO and board of Dhelkaya Health. The issues around homelessness were discussed. The Mayor also noted the presentations from Council's Director Knight and Dhelkaya's Executive Director of Community Services and Wellbeing, Kerry James. She noted how beneficial the relationship is between the two organisations and to that both are looking see ways in which working together going forward is possible.

The CEO spoke of housing related matters, including a meeting with Gaelle Broad MLC, which was very positive. He also met with Colin Brooks, Minister of Housing and Multicultural Affairs. It was noted that part of the discussions was about the Templeton Street initiative on Council owned land and the Etty Street Project on State Government land.

The CEO spoke of meeting with Harriet Shing MLC, Minister for Water, Regional Development and Equality as Loddon Campaspe's CEO representative for Rural Councils Victoria . Minister Shing confirmed that funding from the cancelled Commonwealth Games is to be shared equitably across regional and rural Victoria.

The CEO spoke of a meeting with Council's Housing Solutions Broker and the Chief Executive Officer and Head of Development, Haven, Home, Safe to discuss affordable housing, including the Templeton Street initiative.

11. NOTICES OF MOTION

The Mayor left the Chair to speak to the Motion.

In accordance with Clause 7.2. of the Governance Rules 2023, the Chief Executive Officer asked Councillors to move a motion to a nominate a deputy chair for the item.

MOVED COUNCILLOR HENDERSON

That Deputy Mayor Councillor Matthew Driscoll take the Chair.

SECONDED COUNCILLOR MALTBY

CARRIED.

11.1. NOTICE OF MOTION 004/2023 - BANNING OF DOGS ON WESTERN RESERVE, CASTLEMAINE

MOVED MAYOR ANNEAR

That Council Officers:

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

SECONDED COUNCILLOR HENDERSON

CARRIED.

Rationale

At the Meeting of Council on 21 December 2021, Council adopted its Domestic Animal Management Plan (DAMP). An integral part of the DAMP is a review of existing Orders of Council made under section 26(2) of the *Domestic Animals Act 1994* (the Act). Once adopted, new Orders revoke all previous Orders of Council made under the Act relating to the control of dogs in public places.

The current Order was adopted on 15 February 2022, and was developed following broad community engagement in 2020. The engagement consisted of an online survey that attracted 444 electronic and 19 hard copy responses, from both dog and cat owners, and non-pet owners.

The subsequently adopted Order of Council provided a clear framework for the control of dogs and cats in public places across the entire Shire and clarifies the requirements of animal owners in relation to where dogs are permitted and where and when their dog/s must be placed on a lead.

The current Order prohibits dogs from the playing surfaces of the following:

- Camp Reserve Oval Castlemaine,
- Castlemaine War Memorial Stadium,
- Western Reserve Oval Castlemaine,
- Elsie Palmer Field Oval Castlemaine,
- Doug Powell Oval Castlemaine,
- Campbells Creek Recreation Reserve Oval,
- Chewton Soldiers Memorial Park Oval,
- John Powell Recreation Reserve Oval Guildford,
- Harcourt Recreation Reserve and Leisure Centre Oval,
- Cricket Ground and Recreation Reserve Oval Newstead,
- Bill Woodfull Reserve Oval Maldon,
- Public Recreation Reserve Station Oval Taradale; and

At any place where Council has placed signs indicating that dogs are prohibited.

After consistent feedback from the community, I am asking Council to support a further piece of community engagement work to test whether prohibiting dogs from the Western Reserve is having the desired outcome, especially as it relates to the Castlemaine Farmers Market and other events held on the Reserve.

I note that the Western Reserve does not have as defined a playing surface as many of the other locations (apart from seasonal use of the cricket pitch), and hosts a range of events throughout the year, with much more regularity than the space is used for organised sport. I suggest that the Western Reserve is; therefore, a shared or community space, rather than a space reserved for sport alone, and could be excluded from the list of places where dogs are prohibited, if this is the preferred outcome of user groups, event holders, and the community in general.

Officer Comment

If this motion is adopted, Officers consider that the requested report can be completed for presentation at the Meeting of Council 21 November 2023.

The Mayor resumed that Chair at 7.40 pm.

12. URGENT SPECIAL BUSINESS

Nil.

13. CONFIDENTIAL ITEMS

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

RECOMMENDATION

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

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

MOVED COUNCILLOR MALTBY

That the recommendation be adopted.

SECONDED COUNCILLOR CORDY

CARRIED.

The part of the Meeting closed at 7.41 pm.

14. MEETING CLOSE