

MINUTES

Of the Meeting of Council

Tuesday 17 June 2025



Held 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, Lucas Maddock, Philip Walker, Rosalie Hastwell, Toby Heydon and Rosie Annear.

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

2. APOLOGIES/LEAVE OF ABSENCE

Councillor Bill Maltby.

3. DECLARATIONS OF INTEREST AND CONFLICTS OF INTEREST

Councillor Hastwell declared a general conflict of interest at Item 9.4.1.

4. CONFIRMATION OF MINUTES

4.1. Unscheduled Meeting of Council - 13 May 2025

The unconfirmed minutes of the Unscheduled Meeting of the Mount Alexander Shire Council held at 4.00 pm on 13 May 2025 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 Unscheduled Meeting of the Mount Alexander Shire Council held on 13 May 2025 be confirmed.

MOVED COUNCILLOR DRISCOLL

That the recommendation be adopted.

SECONDED COUNCILLOR HEYDON

CARRIED.

4.2. Meeting of Council - 20 May 2025

The unconfirmed minutes of the Meeting of the Mount Alexander Shire Council held at 6.30 pm on 20 May 2025 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 20 May 2025 be confirmed.

MOVED COUNCILLOR DRISCOLL

That the recommendation be adopted.

SECONDED COUNCILLOR HEYDON

CARRIED.

5. ACKNOWLEDGEMENTS

Nil.

6. PUBLIC TIME

Nil.

7. PETITIONS AND LETTERS

7.1 Fencing and Signage on Campbells Creek Trail

Council has received a petition on 10 June 2025 with 11 signatures in relation to fencing and signage on the Campbells Creek Trail. The petition is shown at Confidential Attachment 7.1.1.

RECOMMENDATION

That Council:

- 1. Acknowledges receipt of the petition.**
- 2. Receives a report on this petition at the Meeting of Council on 19 August 2025.**

MOVED COUNCILLOR HASTWELL

That the recommendation be adopted.

SECONDED COUNCILLOR DRISCOLL

CARRIED.

8. COMMITTEE REPORTS

8.1 North Central Goldfields Regional Library Corporation Board Minutes and Papers

The North Central Goldfields Regional Library Corporation Board minutes and papers for the meeting held on 14 March 2025 are at Confidential Attachment 8.1.1.

RECOMMENDATION

That Council notes the North Central Goldfields Regional Library Corporation Board papers for the meeting held on 14 March 2025.

MOVED COUNCILLOR HEYDON

That the recommendation be adopted.

SECONDED COUNCILLOR CORDY

CARRIED.

9. OFFICER REPORTS

9.1. Economy

9.1.1. Adoption of 2025/2026 Budget

This Report is for Decision

Responsible Director: Director Corporate Services, Julie Landy

Responsible Officer: Manager Finance, Keith Caldwell

Attachments: 1. Budget Report 2025-2026 [9.1.1.1. - 83 pages]

Executive Summary

Having prepared and publicly displayed the Proposed Budget 2025/2026, and having received and heard from submitters and considered all submissions received, Council is now able to consider the formal adoption of the Budget 2025/2026.

RECOMMENDATION

That Council:

1. Adopts the Budget 2025/2026, including the Schedule of Fees and Charges, annexed to this resolution, in accordance with the *Local Government Act 2020* and relevant regulations.
2. Gives public notice of this decision to adopt the Budget 2025/2026.
3. Having received and considered public submissions, and having publicly heard from some of these submitters, acknowledges their contribution to the budget process and thanks them for their contribution.
4. Declares an amount of \$30,014,000 which Council intends to raise by general rates and service charges for the period 1 July 2025 to 30 June 2026. The amount is calculated as follows:

General Rates	\$24,453,000
Service Charges	\$5,231,000
Supplementary Rates and Rate Adjustments	\$ 90,000
Interest on rates and charges	\$240,000
Total	\$30,014,000

5. Notes that the proposed budget released in April 2025 utilised preliminary valuations. Final valuations have now been received from the Valuer General, and minor adjustments have been made to rates income and differential rates to ensure compliance with the Fair Go Rates System.
6. Declares that General Rates be raised by the application of Differential Rates as detailed in Council's Revenue and Rating Plan 2021-2025 and as required under

section 94(2)(i) of the *Local Government Act 2020* and section 161(2) of the *Local Government Act 1989*.

- 7. Furthermore, in declaring a Differential Rate for rateable land, the respective characteristics specified below will form the criteria for each differential rate so declared:**
- a. General Rate – applies to residential properties and home-based businesses that are conducted at residential premises. Vacant land that is not farmland and cannot be developed for residential purposes is also classified as general.**
 - b. Farm Rate – applies to farmland and farmland is any rateable land:**
 - i. That is not less than 2 hectares in area.**
 - ii. That is used primarily for grazing (including agistment), dairying, pig farming, poultry-farming, fish-farming, tree-farming, beekeeping, viticulture, horticulture, fruit-growing, or the growing of crops of any kind or for any combination of those activities.**
 - iii. That is used by a business:**
 - That has a significant and substantial commercial purpose or character.**
 - That seeks to make a profit on a continuous or repetitive basis from its activities on the land.**
 - That is making a profit from its activities on the land, or that has a reasonable prospect of making a profit from its activities on the land, if it continues to operate in the way it is operating.**
 - c. Vacant Land Rate – all vacant rateable residential land that does not have a dwelling, or to vacant commercial or industrial land.**
 - d. Commercial Rate – any land that is occupied for the principal purpose of carrying out the manufacture or production of, or trade in, goods or services, or residential properties that are predominately used for the purposes of short-term rental.**
 - e. Recreational Rate – all rateable land upon which sporting, recreational or cultural activities are conducted, and including buildings that may be ancillary to such activities. These properties have a rate of zero set in accordance with the *Cultural and Recreational Lands Act 1963*.**
- 8. Declares that a Trust for Nature Covenant rebate of 100% applies to the site value of the portion of land covered by the covenant.**

9. Determines each differential rate by multiplying the General Rate by the relevant differential percentage as indicated in the following table:

Differential Rate	Differential %	2025/2026 rate in \$
General	Base	.0025610
Farm	80%	.0020488
Commercial	130%	.0033293
Vacant Land	200%	.0051220
Recreational	0%	.0000000

10. Records that it considers that each Differential Rate will contribute to the equitable and efficient carrying out of Council functions.
11. Confirms that no amount is fixed as the minimum amount payable by way of General Rate in respect of each rateable land within the municipal district.
12. Declares an Annual Service Charge, for the collection and disposal of refuse, in respect of the 2025/2026 financial year. The annual service charges are the sum of, and based on the criteria, set out below:
- The Annual Service Charge (large garbage bin and recycling bin) of \$694 will apply to properties where a garbage collection service is provided, and the capacity of their refuse bin is approximately 140 litres.
 - The Annual Service Charge (small garbage bin and recycling bin) of \$478 will apply to properties where a garbage collection service is provided, and the capacity of their refuse bin is approximately 80 litres.
13. Adopts the following arrangements for interest on rates and charges:
- Declares that interest is to be charged in accordance with Section 172 of the Local Government Act 1989, on any amounts of rates and charges that have not yet been paid by the date fixed by the Minister in accordance with Section 167(2) of the Local Government Act 1989.
 - That the interest to be charged is at the rate, fixed under Section 2 of the Penalty Interest Rates Act 1983, that applied on the first day of July immediately before the due date for payment, calculated from the date on which the instalment was due.
14. Authorises the Director Corporate Services to levy and recover general rates and annual service charges described earlier in this resolution, in accordance with the *Local Government Act 1989*.

MOVED COUNCILLOR HEYDON

That the recommendation be adopted.

SECONDED COUNCILLOR HASTWELL

CARRIED.

Context

The purpose of this report is for Council, having developed a proposed Budget 2025/2026 and considered public submissions, and after declaring differential rates and giving public notice of that declaration, to adopt the attached Budget 2025/2026. The Budget has been prepared having considered Council's priorities and commitments as well as strategic documents such as the Financial Plan, Asset Plan, and Council Plan 2021-2025.

At the Meeting of Council held on 15 April 2025, Council resolved to give public notice that it had prepared a budget for 2025/2026. Public notice was given in the Midland Express, and the Proposed Budget 2025/2026 was made available for inspection on Council's website and at the Civic Centre, with submissions in writing being received until 5.00 pm on Wednesday 30 April 2025. An Unscheduled Meeting of Council was held on 13 May 2025 to hear the submitters who wished to speak to their submissions.

Issues

The Budget 2025/2026 is in line with the constraints identified in Council's 10-year Financial Plan, which supports the community vision and Council Plan 2021-2025 and key strategies. The Budget is a sustainable and strategic plan that seeks to build on existing initiatives to provide important works and services to our community, as well as prioritising significant long-term infrastructure projects that enhance the liveability of our community. The budget features a range of initiatives across diverse sectors including early and middle years, economic development, climate change, sport, and recreation, as well as affordable housing.

By investing in new and existing infrastructure, Council plays a vital role in the local economy by supporting our businesses and residents and enabling confidence in the direction of our community and our economy.

Two rounds of public consultation were conducted to inform development of the 2025/2026 Budget:

- From mid-December 2024 to early-February 2025, where 83 individuals or organisations provided input.
- From 16 April to 30 April 2025, where 25 submissions were received.

(See the Communication and Consultation section of this paper for further information concerning public submissions).

Finance and Resource Implications

To develop the Budget, Council has used the Best Practice Guide 'Model Budget' provided by Local Government Victoria. The Budget details both the operating and capital income and expenditure for Council for the 2025/2026 financial year. The Budget includes detailed information on the operating result, capital expenditure and rating, as well as cash and investments, borrowings, and reserve balances. The Proposed Budget 2025/2026 includes:

- Funding for projects and initiatives included in various Council plans and strategies.
- Sufficient cash to meet upcoming obligations, with further information provided on Council's unrestricted cash balance.
- New borrowings of \$1.4 million to fund intergenerational capital projects.

An operating surplus of \$4.3 million is proposed, inclusive of \$9.8 million of capital grant income. This operating surplus assumes no early receipt of the 2025/2026 financial assistance grant from the Federal Government. Excluding "non-recurrent" capital grants, the underlying operating deficit is \$4.6 million.

Risk Analysis

Financial risk:

While a level of financial uncertainty is always present in our economy, we and our community are currently experiencing a higher-than-normal level of financial uncertainty due to a combination of factors including:

- The impact of natural disasters in Australia over the past twenty-four months and the flow on effect for supply chains for materials and contractors.
- Sustained high inflation rates and, in trying to address this issue, increases to the cash rate by the Reserve Bank of Australia.

The above may not always impact Council directly, but indirectly Council may see their combined effect in, say, higher contract prices, or difficulty in sourcing contractors or employees.

The Budget is based on a 3 per cent increase to average rates income, in line with the Victorian Government's Fair Go Rates System. Around 60 per cent of Budget funding comes from rates.

As in previous years, Council has not applied for a variation to the rate cap, and – conscious of cost-of-living pressures for the community - will absorb increasing costs within current allocations, which limits revenue available to fund new projects and initiatives or reduced the potential scope of projects.

Information risk:

All care and diligence have been taken in preparing the budget, using information and estimates available at the time. Monitoring and reviewing financial results over the 2025/2026 financial year will help manage any unforeseen financial variations.

Reputation risk:

Failure to adopt the Budget by the required statutory date may pose a reputational risk to Council regarding expectations of ratepayers and our relationship with the State Government. It also presents a challenge to staff who require the Budget to be adopted so they can plan and manage the delivery of their works, services, and projects at the commencement of the financial year. By providing our community with two opportunities to provide input or feedback on the budget, and an opportunity to speak directly to Councillors, Council is seeking to manage its reputational risk by being accessible to members of the public, hearing what they have to say, and considering any requests.

Climate Impact Statement

In preparing the Proposed Budget 2025/2026, Council can choose to allocate funds to address the impacts of climate change directly or indirectly. Council is directly addressing the impacts of climate change by:

- Progressing multi-year projects including construction of the Castlemaine and Campbells Creek levees (\$2.17m).
- Continuing to fund its Carbon Net Zero goals.
- In recognising how important trees are to our environment, increasing the budget allocation for tree management and maintenance.

Gender Equity Statement

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

Alternate Options

There are no alternate options as adoption of an annual budget is a legislative requirement as per the *Local Government Act 2020*.

Communication and Consultation

The Communication and Consultation Plan is not attached.

Consult:

We will keep our community informed, listen to and acknowledge concerns and aspirations, and provide feedback on how community input influenced the decision. We will seek community feedback on drafts and proposals.

As in previous years, Council's Budget has been developed in consideration of Council's priorities and commitments as well as Council's Financial Plan, Asset Plan, and 2021-2025 Council Plan.

Community consultation was undertaken by:

- Seeking public feedback on ideas and suggestions for the budget from mid-December 2024 to early-February 2025.
- Placing the Proposed Budget on display for 14 days from 16 April 2024 to seek feedback via public submissions.
- Hearing submitters speak, if they wished, at an Unscheduled Meeting of Council on 13 May 2025. From 25 submissions, 14 community members/organisations also spoke to Councillors about an idea or project that they were seeking support for.
- Considering those submissions and speakers before adopting the Budget.

The early engagement helped to inform Councillors during the Budget development and ensured that community priorities were considered and captured in the budget where possible.

All submissions were reviewed, and recurring themes identified from the feedback included the need for healthy liveable spaces and places, such as investment in walking trails, shared pathways, and improvements to facilities, parks, and open space, as well as care for our environment and climate, including weed control and eradication.

Initiatives within the budget that sought to meet the second round of community feedback and engagement include allocations to:

- Castlemaine Safe Space - \$15,000
- Newstead Live \$6,700
- YIMBY - \$10,000
- Castlemaine Fringe Festival - \$10,000
- Business Mount Alexander - \$10,000

-
- Newstead Arts Precinct - \$10,000
 - Harcourt Community House - \$7,000

Legislation

Local Government (Planning and Reporting) Regulations 2020

Part 3 of the Regulations detail further requirements regarding the provision of information in the budget document.

Local Government Act 1989

Part 8 details the requirements for rates and charges on rateable land.

Local Government Act 2020

Division 2 of the Act details budget processes.

Penalty Interest Rates Act 1983

This legislation details the penalty interest rate applied to overdue rates payments.

In accordance with the *Local Government Act 2020*, Council must:

- Prepare and adopt a budget for each financial year and the subsequent three financial years commencing 1 July by 30 June (Section 94(1)).
- Ensure that the budget gives effect to the Council Plan and contains the information required under Section 94(2).
- Prepare the budget in accordance with:
 - Section 96(1)(a) - The financial management principles.
 - Section 96(1)(a) – Council's Community Engagement Policy.
 - Comply with guidelines established under Section 161, including Ministerial Guidelines for Differential Rating.

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.

Child Safe Standards

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

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

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

Declarations of Conflict of Interest

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

No conflicts of interest

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

9.2. Community

9.2.1. Goldfields Library Corporation - Regional Library Agreement 2025 - 2027

This Report is For Decision

Responsible Director: Director Healthy Communities, Lisa Knight

Responsible Officer: Director Healthy Communities, Lisa Knight

Attachments: 1. GLC Service and Funding Agreement 2025 2027 [**9.2.1.1** - 11 pages]

Executive Summary

The purpose of this report is for Council to resolve to enter into a revised North Central Goldfields Regional Library (NCGRL) Service and Funding Agreement (the Agreement), 1 July 2025 to 30 June 2027. The Agreement provides relevant details on how the service is jointly funded, and the scope of service provision for the next two years. There is an expectation that the North Central Goldfields Regional Library Corporation will be wound up during this time, and library services will be operating under a new constitution and library agreement.

RECOMMENDATION

That Council:

- 1. Notes that the North Central Goldfields Regional Library Service and Funding Agreement 1 July 2025 to 30 June 2027 has been reviewed and approved by the North Central Goldfields Regional Library Corporation Board.**
- 2. Approves the North Central Goldfields Regional Library Service and Funding Agreement 1 July 2025 to 30 June 2027.**
- 3. Notes the financial contribution of \$586, 436 from Mount Alexander Shire Council in 2025/2026.**
- 4. Authorises the Chief Executive Officer to sign the North Central Goldfields Regional Library Service and Funding Agreement 1 July 2025 to 30 June 2027.**

MOVED COUNCILLOR WALKER

That the recommendation be adopted.

SECONDED COUNCILLOR HEYDON

CARRIED.

Context

The NCGRL Corporation has involved four member Councils since its inception in 1996, providing public library services for City of Greater Bendigo, and the Shires of Loddon, Macedon Ranges and Mount Alexander.

The Service and Funding Agreement details the responsibilities and obligations of the NCGRL Corporation and the Member Councils in both delivering and investing in the delivery of the library service. The Service and Funding Agreement is not bound by legislation and is simply an agreement between all Councils and the Corporation. Separate to the Service and Funding Agreement, is the Regional Library Agreement (RLA) which was established in 1996 and provides the framework of the Corporation as a separate legal entity.

A sunset agreement covered under the *Local Government Act 1989* (section 197) allows for the provision of Regional Library Corporations under the *Local Government Act 1989* until 30 June 2031, by which time it is expected that all Councils will have transitioned to another method and structure for service delivery.

All four member Councils have agreed to continue a collective approach to library service delivery utilising the legal structure of a not-for-profit company limited by guarantee. This model has now been implemented by several Regional Library Corporations across Victoria and is successfully working for a range of Councils in delivering a collective approach to public library services. Under this model, a draft Constitution and Library Agreement are nearing completion for consideration by all member Councils of Goldfields Libraries.

The financial contribution from Mount Alexander Shire Council in 2025/2026 is calculated to be \$586, 436 (based on population size of 21,041). Contributions in 2026/2027 are forecast to align at the rate cap (which is 3% in 2025/2026).

The Goldfields Library Plan priorities are aligned to the broad priorities of member Councils and Regional Partnership plans for the region. These are:

- Children and Young People - supporting childhood and adolescent development
- Lifelong Learning - encouraging learning at any age or stage
- Safety and Inclusion - a welcoming and accessible service
- A Sustainable Future - playing our part in action against climate change
- An Informed Community - an engaged, creative, informed community
- Connecting People - providing opportunity for connection both digital and physical
- Respecting First Nations Peoples and Culture - celebrating the nation's first culture
- A Learning Organisation - learning and growing with our community

Issues

Review of the Regional Library Agreement and winding up of the NCGRL Corporation

The Service and Funding Agreement currently in place, expires on 30 June 2025 and a new agreement is proposed that simply provides for the existing conditions of the service and funding to be maintained for up to a further two years.

This provides sufficient time for the current NCGRL Corporation to be wound up, and a change over to a new entity to be approved by member Councils. The conditions of the 2025-2027 Service and Funding Agreement do not vary in any way from the existing Service and

Funding Agreement, and this process represents a continuation of current services utilising the same legal and fee structure whilst the NCGRL Corporation transitions to a new entity and corporate structure.

The 2025-2027 Regional Library Service and Funding Agreement aligns with the current agreement of the Library Corporation and represents good governance by clearly outlining the principles of service provision and funding responsibilities for all parties.

This approach is proposed to provide flexibility for Council members undertaking any review of a new, proposed Constitution and new Library Agreement and allows time to wind up the existing NCGRL Corporation.

Finance and Resource Implications

Funding for the NCGRL Corporation is provided for in current Council budget allocations. Annually, 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 2025-2027 Regional Library Agreement, to ensure continuity of support and services to community. This action minimises the potential for reputational risk.

Compliance with 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 Corporation 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 with these requirements.

It should be noted that this review is planned 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.

Gender Equity Statement

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

A Gender Impact Assessment was not required; however, gender equity principles have been considered in the development of the project / initiative to the advancement of gender equality.

Alternate Options

The alternate option is not to approve a two year extension to the Library Service and Funding Agreement. This is not recommended. 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.

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 NCGRL 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, member municipalities Mount Alexander Shire, City of Greater Bendigo, and Shires of Loddon and Macedon Ranges.

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 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.

Child Safe Standards

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

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

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

Declarations of Conflict of Interest

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

No conflicts of interest

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

9.2.2. Response to Petition: Harcourt Football Netball Club User Agreement

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Team Leader Active Communities, Troy Lyons

Attachments: 1. CONFIDENTIAL - Petition- Harcourt Football Netball Club User Agreement - March 2025 [9.2.2.1 - 35 pages]

Executive Summary

Council received a petition on 31 March 2025 from the President of Harcourt Football Netball Club in relation to their concerns over training and playing access at the Harcourt Recreation Reserve. The petition requests: *to reinstate the Harcourt Football Netball clubs home ground training arrangement and commit to what the club's long standing Harcourt reserve usage agreement.*

The petition was signed by 745 people and was tabled and accepted at the Meeting of Council 15 April 2025.

Following an assessment, Council Officers acknowledge the long-standing historical ties the Harcourt Football Netball Club has at the Reserve. However, there are no long-term agreements in place related to the Harcourt Football Netball Club's use of the facility at specific times and on certain days.

It is recommended to continue to work with all Harcourt Recreation Reserve user groups to maximise use of the oval and facilities and continue to allocate use based on existing Council policies, such as the Fair Access Policy adopted in June 2024.

RECOMMENDATION

That Council:

1. Notes Council Officers will continue to work with the Harcourt Recreation Reserve sporting clubs to manage the facility to its maximum functional capacity and promote gender equity principles as outlined in Council's Fair Access Policy 2024.
2. Notes that Council Officers will advise the lead petitioner of the outcome of the response to their petition.

MOVED COUNCILLOR CORDY

That the recommendation be adopted.

SECONDED COUNCILLOR DRISCOLL

COUNCILLOR MADDOCK PROPOSED AN AMENDMENT TO THE RECOMMENDATION WHICH WAS ACCEPTED.

MOVED COUNCILLOR CORDY

That Council:

- 1. Notes Council Officers will continue to work with the Harcourt Recreation Reserve sporting clubs to manage the facility to its maximum functional capacity and promote gender equity principles as outlined in Council's Fair Access Policy 2024.**
- 2. Notes that Council Officers will advise the lead petitioner of the outcome of the response to their petition.**
- 3. Plans for, resources and manages sporting and recreation facilities to promote equitable access and maximise the usage of its public facilities including on the basis of multi-code and multi-club use.**

SECONDED COUNCILLOR DRISCOLL

CARRIED.

Context

The Harcourt Recreation Reserve (63 Bingham Road, Harcourt) is located on Crown Land, where Council is appointed as the Committee of Management and directly manages bookings for the use of the facilities.

The Active Communities Team are responsible for liaison with all tenant sports clubs for use of the oval, sports courts and pavilions. This includes the negotiation and confirmation of seasonal user agreements for six months.

The Reserve is home to the following sporting Clubs:

- Harcourt Football and Netball Club
- Mount Alexander Women's Sporting Club (known as the Mount Alexander Falcons)
- Harcourt Cricket Club
- Harcourt Tennis Club.
- various other clubs who use the Hall (carpet bowls)

The winter sport pre-season training period (November to March) annually presents challenges with scheduling and meeting all clubs preferred facility use times with three clubs requesting evening use of the oval.

In October 2024, the Mount Alexander Falcons submitted a request to use the oval for Monday evenings throughout December, January, February and March. At the time it was communicated to the Falcons that Officers needed to seek a training request from the Harcourt Football Netball Club and confirm the mid-week Cricket schedule to inform the scheduling of the reserve for November 2024 – March 2025.

In late November 2024, the Harcourt Football Netball Club confirmed their requests for pre-season oval usage. A competing clash for use of the oval on Monday evenings emerged, with Harcourt Football Netball Club and Mount Alexander Falcons requesting similar times on this day.

Council Officers then attempted to resolve this clash by providing a number of options for the use of the facility for pre-season training. This included:

- Suggesting alternative evenings and days the oval was available at Harcourt Recreation Reserve.
- Sharing the oval at Harcourt Recreation Reserve.
- Alternating use by both Football Clubs.
- Proposing other sporting grounds within the Shire that could be available on Monday evening.

Following these discussions, both Clubs still maintained the request for use of Harcourt Recreation Reserve on Monday evenings.

Decision Making framework

Council does not have an overarching Sportsground Allocation Policy that can provide direction to help decide the allocation of use in situations of this nature. However, the following statements are provided within Council's seasonal user agreement:

- Seasonal User Agreements and bookings are taken on a seasonal basis. During the summer season priority use will be given to summer sports and vice versa.
- Council strongly encourages more than one user group to share a facility at any one time if this can be accommodated. This maximises the sport and recreation options available to the community.

In addition, Council adopted a new Fair Access Policy in June 2024. The policy aims to progressively identify and eliminate systemic causes of gender inequality and discrimination in sports policy, programs, communications and services.

As a compromise could not be reached between the two football clubs, the Director of Infrastructure and Development, guided by the seasonal user agreement and Fair Access Policy, allocated the Harcourt Recreation Reserve sports oval on an equal basis to the Harcourt Football Netball Club and Mount Alexander Women's Sports Clubs (Falcons). That being, each club was allocated use of the reserve on Monday evenings for four consecutive weeks during the pre-season training period (January to March 2025). An alternative training oval at Wesley Hill Recreation Reserve was provided to the club that was not using Harcourt Recreation Reserve.

Issues

Harcourt Football Netball Club Position

Council Officers contacted the lead petitioner to clarify the request, specifically the mention of a "long standing agreement" and "previously agreed training and playing times".

The lead Petitioner clarified this referenced the use of the facility for training on Tuesdays/Thursdays in season and Monday/Wednesday pre-season. This arrangement being in place for a considerable period, since 1959, which they understood to signify a contract arrangement.

While it is acknowledged that the Harcourt Football Netball Club has enjoyed the use of the facility for training on Tuesdays/Thursdays in season and Monday/Wednesday pre-season over an extended period of time, these arrangements are confirmed on a six-month seasonal tenancy through a booking system. As such there is no contract in place that preferences the Harcourt Football Netball club for these days and times.

In managing the Harcourt Recreation Reserve, Council Officers seek to maximise the use of the facility for all sporting clubs and residents of the Shire. To achieve this goal, Officers have established a system that seeks requests for the use of the facility from clubs and community members on a six-monthly basis. This system is implemented across the year to accommodate to accommodate the summer and winter seasons sports. The system aims to be open, transparent and facilitates the optimum use of the facility and benefit to the community.

Finance and Resource Implications

There are no financial implications with regards to the recommendations. The regular liaison with sporting clubs can be undertaken within existing operational staff resources.

Risk Analysis

Reputational Risk

If Council were to provide future guaranteed access to the Harcourt Football Netball Club as per this petition request, there is the risk that Council is perceived to not consider access to the facility for multiple users. Furthermore; there is the risk that Council is perceived to have not followed its Fair Access Policy.

This could affect Council's reputation within the community as it could be perceived as not working towards maximising the reserve for the whole community, and also to improve all gender inequality, and not achieving actions outlined in the Gender Equity Action Plan and Disability Inclusion Action Plan.

Climate Impact Statement

There are no climate impacts affecting the recommendation.

Gender Equity Statement

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

A Gender Impact Assessment has not been undertaken for this response to the petition.

Alternate Options

The Harcourt Recreation Reserve is currently managed under a seasonal tenancy arrangement, where each club is required to submit an application for use every six months. This practice has occurred at the reserve since Council took over management in 2013.

An alternative approach to managing the reserve is for Council to issue separate License agreements for an extended period of time to all clubs and user groups. This License Agreement would outline pre-determined days and times a club could use the reserve.

Whilst this would provide certainty to each club on its guaranteed use, this is not recommended as it would limit maximise usage of the reserve during peak periods, such as the pre-season period. The negotiation of the pre-determined dates and times for usage is also likely to be a contentious issue with many clubs competing for the same time and days.

Council Officer's recommended maintaining current practice of reviewing requests and approving usage as an effective way to maximise the usage of the reserve for the entire community.

Communication and Consultation

A communications plan has not been undertaken for this response to the petition. If the recommendation is supported, targeted consultation will continue to be undertaken with the Harcourt Recreation Reserve user groups to continue to maximise use of the reserve and promote gender equity principles as outlined in Council's Fair Access Policy.

Legislation

Equal Opportunity Act (2010)

Victoria's Equal Opportunity Act recognises that discrimination can cause social disadvantage, and access to opportunities is not equitably distributed through society.

The law, therefore, plays a critical role in providing a framework to recognise rights and to eliminate discrimination, sexual harassment and victimisation as much as possible. This includes identifying and eliminating the systemic causes of discrimination and promoting the progressive realisation of equality.

Strategies and Policy Impacts

Council Plan 2021-2025

Pillar 1: A healthy, connected and inclusive community

- Increase access to inclusive and usable spaces for all seasons
- Ensure Council is a leader in equity and gender equality
- Improve the safety and wellbeing for our LGBTIQ+ members of our community

Municipal Health and Wellbeing Plan 2021-2025

Priority 3. Increasing active living

- Supporting the community to take action to get more people physically active
- Provide accessible information and support and promote local sport and recreation opportunities in the community

Priority 6. preventing all forms of violence

- Incorporate gender inclusivity and equity in all decision making
 - Review existing and new Council policies to ensure incorporation of gender equality

Priority 8 Improving mental wellbeing

- Promoting good mental health and wellbeing through prevention strategies
 - Work with key stakeholders to support gender, indigenous and CALD communities

Fair Access Policy 2024

The Fair Access Policy 2024 complies with the Gender Equality Act 2020 and the Disability Act 2006. Council is committed to gender equality, access, and inclusion for all. These commitments are considered and prioritised in current and future planning, policy, service delivery and practice as they relate to community sports infrastructure.

Child Safe Standards

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

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

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

Declarations of Conflict of Interest

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

No conflicts of interest

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

9.2.3. Aged Care Quarterly Progress Update

This Report is For Information

Responsible Director: Director Healthy Communities, Lisa Knight

Responsible Officer: Manager Community Wellbeing, Rosalie Rogers

Attachments:

1. Strengthened Aged Care Quality Standards 2025 [**9.2.3.1** - 2 pages]
2. Provider Registration Categories [**9.2.3.2** - 1 pages]
3. Road map to Support at Home Program [**9.2.3.3** - 1 pages]
4. Summary of Indicative Support at Home Prices 2 [**9.2.3.4** - 5 pages]

Executive Summary

The purpose of this report is to provide an update on the provision of aged care services in line with the resolution from the Confidential Meeting of Council 17 October 2023.

The resolution stated that six-monthly updates were to be provided to Council however, quarterly reports are now provided due to the dynamic nature of the aged care reforms. This report follows on from the presentation provided to Council as part of the Councillor orientation in February 2025. The information provided should only be considered current as of the date of this report.

RECOMMENDATION

That Council notes the Aged Care Services Update May 2025.

MOVED COUNCILLOR DRISCOLL

That the recommendation be adopted.

SECONDED COUNCILLOR CORDY

CARRIED.

Context

Mount Alexander Shire Council (Council) is an established aged care service provider with a trusted reputation in the community. Since the Council resolution to continue the provision of aged care services in October 2023, there has been a significant increase in the client base. Council now provides services to over 1000 clients across the Shire.

Funding is primarily provided through the Commonwealth Home Support Program (for people aged 65 and older). Funding is also received for Veteran Home Care (VHC) and Home and Community Care for Younger People (HACC PYP). In addition, services are provided to Home Care Package (HCP) clients through contract arrangements with several service providers.

Aged Care is experiencing transformational change with the implementation of the Aged Care Reforms that include several key components to be introduced across the sector. The new *Aged Care Act 2024* (the Act) establishes Commonwealth Home Support Program as a registered provider under the Act, ensuring that the program has similar obligations to Home Care Packages and Residential Care to meet the suite of reforms. There is some leeway for Commonwealth Home Support Program providers, as the transition to the new Support at Home program according to the Commonwealth will occur, “no earlier than 2027”. However, as Council has already established itself as a Home Care Package provider, many of the Aged Care Reforms will need to be introduced as of 1 July 2025.

Aged Care Act 2024

The Act was passed by Parliament on 25 November 2024. The importance of providing quality and safe care for individuals accessing or seeking Government-funded aged care services is expressly acknowledged.

The Act:

- outlines the rights of older people who are seeking and accessing aged care services
- creates a single-entry point, with clear eligibility requirements
- includes a fair, culturally safe single assessment framework
- supports the delivery of aged care services
- establishes new system oversight and account ability arrangements
- increases provider accountability through a new regulatory model
- strengthens the aged care regulator

The subordinate legislation (the Rules) provides more detail on how the Support at Home program will operate. These are currently being released in stages for consultation only and are subject to change. The service list has been released as part of the Stage 1 consultations. This outlines the care and services that will be available to older people that may be eligible for funding under the new Act.

Statement of Rights

The Statement of Rights acknowledges the fundamental rights of individuals seeking and receiving funded aged care, ensuring their dignity, privacy, and autonomy. It places an obligation on providers registered in certain registration categories to demonstrate an understanding of the Statement of Rights and have in place practices to ensure that the provider acts in accordance with the Statement of Rights.

Statement of Principles

Complementing the Statement of Rights, the Statement of Principles outlines the foundational values and objectives guiding the aged care system. While specific details are outlined in the Act, the principles emphasise:

Person-Centred Care: Prioritising the individual needs, preferences, and values of older Australians in care planning and delivery.

Empowerment of Workers: Supporting aged care workers to innovate, pursue continuous improvement, and deliver high-quality care.

Governance and Accountability: Encouraging worker participation in governance structures to enhance transparency and accountability within the aged care system.

These principles serve as a framework for the operation and regulation of aged care services, ensuring that the system operates with integrity and a focus on continuous improvement.

The integration of the Statement of Rights and Statement of Principles into the Act reflects a transformative shift towards a more respectful, responsive, and accountable aged care system in Australia.

Supported Decision Maker

The Act places various duties on both supporters and decision-making supporters when carrying out their role, including the requirement to:

- promote the will, preference, and personal, cultural, and social well-being of the individual
- act honestly, diligently, and in good faith
- avoid or manage any conflict of interest and to inform the System Governor if a conflict arises

Notably, the Act also outlines significant penalties for people if they abuse their position as a supporter.

This is significant as it outlines a new level of legal obligation for Supported Decision Makers. Currently in My Aged Care, a client can set up a representative to assist them with decision making and communication with the My Age Care system. As of 1 July, this role will automatically transition to Supported Decision Makers. As with the implementation of the My Health Record, there is only an opt out option. It is uncertain how this will be communicated to current client representatives who may not comprehend their new legal obligations.

Protection for Whistle-blowers

The new regulations significantly expand the scope of which individuals may make disclosures and still be protected. They also impose new conditions on providers of aged care to protect individuals when they make disclosures.

Whistle-blowers will have access to multiple, accessible avenues to voice their concerns effectively including:

- The Aged Care Quality and Safety Commission (ACQSC)
- The Department of Health and Aged Care
- Registered aged care providers
- Police officers
- Independent aged care advocates

Council is obligated to align organisational policies with this new legislative framework. In addition to mandatory training, this will include establishing internal mechanisms for handling whistle-blower reports and fostering an organisational culture that prioritises accountability. Providers must also demonstrate adherence to the enhanced protections to regulatory bodies. Failure to comply with these obligations may lead to significant penalties, including reputational damage and financial sanctions.

Support at Home

From 1 July 2025, the new Support at Home program will replace the Home Care Package Program and the Short-Term Restorative Care (STRC) Program.

Support at Home will provide:

- upfront supports to maintain independence, such as allied health, assistive technology, and home modifications
- new classification and budget levels to better meet a person's aged care needs
- participant contributions set by government
- additional funding for a Restorative Care Pathway and End of Life

The Commonwealth Home Support Program will continue to operate as a separate program for existing clients and new clients with low-level needs until at least July 1, 2027.

Client contributions will be set at a rate per hour (or unit of service) at a set percentage for each service type.

The rate will be based on the type of service received.

Clients will make:

- no contribution for clinical support services (such as nursing and physiotherapy) – the government will fully fund aged care services classed as clinical care
- moderate contributions for independence services (such as personal care) and products and equipment under the Assistive Technology-Home Modifications Scheme – many of these supports help keep participants out of hospital and residential aged care
- the highest contributions for everyday living services (such as domestic assistance and gardening)

Strengthened Standards (Attachment 9.2.3.1)

These standards aim to strengthen accountability and improve care outcomes. They align with other elements of the Aged Care reforms that support a rights-based approach.

Key enhancements across the standards included:

- Consumer, Dignity and Choice, with an emphasis on dignity, respect, and independence. Care must be provided in genuine partnership between consumers and providers. Care must also be provided to tailor individual preferences and acknowledgement of diversity
- Clinical Care, a new standard dedicated to ensuring the delivery of safe high-quality clinical care
- A strong focus on the strengths of organisational governance, leadership, and accountability. Providers must ensure robust quality systems and risk management frameworks are in place
- The building of a skilled competent and caring workforce. Staff must receive appropriate training and demonstrate and understand of individual needs, trauma informed care, including dementia support
- Ensuring ongoing Assessment and care planning occurs with care plans being regularly reviewed and adapted as needs change. Organisations must demonstrate a focus on continuous improvement.

Work is currently occurring to complete a self-assessment and gap analysis against the new standards. This is on track to be completed by 1 July 2025. Recent anecdotal evidence from the sector reveals that the Commission is currently assessing organisations against both standards despite the new standards not being implemented until 1 July 2025.

Code of Conduct

As with other elements of the Aged Care Reforms, the Code of Conduct (the Code) promotes safe, respectful, and quality care. The Code was implemented into Residential Aged Care and Home Care Packages as of December 2022. It sets out clear expectations for behaviour of aged care workers, providers, and governing persons. The Code is enforced by the Aged Care Quality and Safety Commission, with powers to investigate and act if the code has been breached, such as banning staff from working in aged care. The Banning Orders register has already been introduced, which is a public record of those who are prohibited from working in Aged Care either permanently or for a set period of time. It is incumbent on all organisations to check the banning orders when employing staff or ensuring current staff are not included in the register.

Steps are being taken to introduce the Code of Conduct across Council. The Code will apply to anyone working with aged care clients including decision makers, volunteers, and subcontractors. A draft Code of Conduct for Aged Care has been developed in consultation with the People and Culture team and staff are currently receiving training. Code of Conduct and Regulatory breaches, and Banning orders may be subject to Civil proceedings.

New Regulatory Model (Attachment 9.2.3.2)

Under the new model, regulation will be proportionate to risk and support continuous improvement in the sector. The new model's four foundations build an approach that is:

- rights-based
- person-centred
- risk-proportionate
- focused on continuous improvement.

One of the major changes will be to audits against the Quality Standards, including graded assessment against the Strengthened Quality Standards, which the Commission hopes will incentivise providers to continuously improve and strive for excellence.

Incentivising high quality care will include several approaches, such as:

- Publishing performance reporting for greater transparency and motivation to continuously improve.
- Promoting good performance, celebrating success within the sector, and enhancing public trust through commendations, endorsements from other bodies, communities of practice, titling, and promotion on Regulator website and My Aged Care.
- Universal provider registration and re-registration will replace the current 'Approved Provider' arrangements under the existing Act.
- Applicability to all providers delivering Commonwealth subsidised aged care services.
- Allowing non-corporations e.g., sole traders and partnerships, to register to deliver in-home aged care services.
- Establishing six registration categories, grouping services based on common characteristics, the associated service risks, and the provider obligations to address the risks.
- Enabling providers to register into one or more categories, to deliver a subset or all the services within each category.

In the recent Cost Recovery Consultation Paper, the Commonwealth proposes a fee structure to charge fees for Quality Assessment, registration renewals and variations to registration categories. The paper proposes renewal audits be charged at \$18,000 with additional cost for variations to registration categories. Local Government Authorities (LGAs) are no longer considered a tier of government for the purpose of the new Aged Care Act regarding regulatory purposes. Therefore, LGAs will be required to adhere to any outcomes in relation to the cost recovery paper.

Each service provider has a responsibility to manage the risks that come when providing aged care to older people. The Commission will use various risk surveillance tools to monitor a service provider performance and level of risk management. This can include outcomes from quality assessments, complaints management and Serious Incident Response (SIR) notifications. Service providers will be assigned a supervision status based on the level of risk. The Commission will use a case management approach to provide a shared understanding of the causes, assess the ongoing level of risk, and shape the provider's remediation delivery. For the most serious non-compliance, the Commission may issue an infringement notice if they have reasonable grounds to do so with a maximum penalty of \$275,000 to an individual and \$1,375,000 to a provider.

Clinical Governance

The Clinical Governance Committee (the Committee) is now well established within Council. The Committee provides high level oversight of Community Wellbeing services to ensure the organisation is continually focused on improving quality and safeguarding a high standard of care. The Committee has now developed the Clinical Governance Charter and reviewed the Clinical Governance Framework. The team have worked diligently to improve reporting data that shows evidence of compliance within the Incident Management System, Complaints Management, and auditing processes. There will be further work to embed clinical risk into practice as the new strengthened standards are implemented. LGAs are considered a tier of government for the purpose of the new Aged Care Act in regard to Clinical Governance. Council will continue with the Clinical Governance Committee in its current form to demonstrate best practice.

Home Care Packages

The team continues to work towards implementing Home Care Packages which will transition to the Support at Home program as of 1 July. There are several current Commonwealth Home Support Program clients wanting to transition to the new program. The Home Care Package Coordinator has developed the Client Agreement in consultation with Maddocks law firm. The Client Agreement must meet the new Strengthened Standards requirements for transparency, client partnership and outline client needs, goals, and preference. Currently a Supply Panel Tender for Clinical, Allied Health and Ancillary services has been completed, with a report to Council in progress. The team are also working closely with Finance to implement new software to meet financial requirements of the new program.

Technology

A significant investment in upgrading the technology was incorporated into Council's resolution to remain in aged care. The tender is completed and approved by the Chief Executive Officer under delegation. Notably, the Commonwealth Data and Digital Roadmap, which provides details of digital changes required, was not released until the last week in January 2025, with the expectation that organisations would implement the changes by 1 July 2025. All software providers are struggling to keep up with demand for digital upgrades and time frames. Regardless of the tender's outcome, implementation will not occur at this stage until December or early next year. The Commonwealth is aware of sector concerns.

Specialisation Verification

The Commonwealth established a Specialisation Verification Framework that allows aged care providers to better demonstrate how they deliver inclusive services for people who identify with one or more diversity needs as listed in the Aged Care Act. The team is applying for Veterans and LGBTIQIA+ verifications. Significant work has occurred, resulting in the team lodging the LGBTIQIA+ verification application with My Aged Care. Further work is required to provide evidence for the Veteran Verification, and initial training through a Community of Practice has been provided to staff.

Compliance (Attachment 9.2.3.3)

The team has developed an Aged Care Reform Roadmap to track tasks that need to be completed to implement the Aged Care Forms. An external consultant was engaged to complete a Quality Audit to assess readiness against the Aged Care Standards. This highlighted organisational governance as being a significant risk to meeting compliance and the importance of aged care featuring in cross Council policy. Meetings have occurred with the People and Culture, and Governance and Risk Business Units to increase awareness of this issue.

To address clinical risk, all clients are currently being assessed against a Risk and Vulnerability register. This will determine the frequency of client review required. Clinical risk management will be addressed as part of care planning. This process has identified a high level of need in the client group being managed, under the Commonwealth Home Support Program. High risk clients will require 3 monthly reviews. Further work will need to occur to address capacity to complete these reviews.

Client Engagement

To keep clients updated with changes to the Aged Care Reforms, the Newsletter is now published monthly. Each Newsletter will cover a different aspect of the reforms. The team held an information session for clients at the Castlemaine Senior Citizen Centre in early March. The event was well attended with 25 people, a mix of clients, carers, and family members. These sessions will continue over the next few months.

Advocacy

Local Government plays a key role in advocacy. Community Wellbeing team members are invited to attend multiple stakeholder engagement opportunities with the Commonwealth, the State and peak bodies. Often, questions on Aged Care Services are put to the staff through surveys or face to face contacts and/or through parliamentary inquiry or the like.

Advocacy is important to ensure peoples voices are heard. In addition to providing information to government, it is important to engage with residents and seek feedback on a continuous basis to assist in improving service delivery at the local level and to also provide information received to all tiers of Government.

Issues

Challenges

Quantum and Pricing (Attachment 9.2.3.4)

The government is staging the introduction of price caps on services in the new Support at Home program. From 1 July 2026, government set price caps will apply. Pricing should reflect the true cost of care. A Support at Home program pricing survey was completed recently with the Commonwealth indicating it would use the data as a baseline for how organisations would price services. Support at Home Indicative Price Guidance for Providers has been released whilst writing this report. The 10% funding of case management funding has caused concern across the sector as it does not account for episodes of fluctuating needs often associating with ageing. A price for case management is included in the recent guidance but there is still confusion regarding the cost of case management.

Local Government

Local Government has been ignored in the transition to the Aged Care Reforms. The Commonwealth has not recognised the value of council's role in local service planning. Councils have strong networks and play a key role in advocacy and leadership for local population outcomes that would support system stewardship. It is unclear where local government fits into the aged care sector. Council is not recognised as a government entity but as Local Government Authority under the Act. There is no parity with wages with private organisations benefiting from the Fair Work ruling, increases in Social, Community, Home Care, and Disability Services Industry (SCHADS) Award making it difficult to match wages.

However, LGAs are exempt from certain requirements under the strengthened standards such as:

- financial and Prudential management
- consumer Advisory boards

Clinical membership in governing bodies: Regular meetings with the remaining Councils have commenced to drive collaboration and support for LGA's navigating the Age Care Reforms. Out of Victoria's 79 councils, only 28 retain in-house aged care and home services with some contemplating their futures.

Waitlist

Aging baby boomers has meant there is significant impact on waitlists. Currently, Community Wellbeing has 543 services waiting on the My Aged Care Portal. Internal waitlists are not permitted according to the Commonwealth Home Support Program Manual, so clients must wait for services on the portal until there is sufficient budget to provide the service. Effectively this means taking on new services only when a client is deceased or no longer needs the service. Across the state older people are waiting for services. The outsourcing of the assessment program has created a back log assessment with local assessments being provided by Barwon Health, Access Care Network Australia (ACNA) and Department of Health Victoria. Communication with these agencies is poor and clients are still contacting Council asking for support to navigate the system. Nationally, there are 85,000 eligible clients waiting on their home care packages. No one in Government can advise of the number of older adults on the waiting list for entry level Commonwealth Home Support Services.

Workforce

Whilst there remain sector wide staff shortages, the Earn and Learn model has now provided over 90% of the current Direct Care Worker (DCW) workforce. There is still a lack of experienced qualified staff. Despite increased DCW numbers the EFT has increased marginally. Aged care roles can be demanding, the work is often physically and emotionally taxing. The Aged Care Reforms, with increased level of compliance and oversight could deter staff from entering the sector.

The administrative team are also experiencing unprecedented staff shortages with long term staff retiring or taking extended unplanned leave. Recruitment is challenging with the need for quality administrative, allied health and clinical skills. Positions are frequently being readvertised and a lack of skilled staff applying for positions.

Finance and Resource Implications

The new initiative of Home Care Packages was initially budgeted to commence at the beginning of 2024/2025 financial year with budgeted income of \$983,000 and expenditure of \$870,000. Commencement delays have been experienced due to recruitment, set up and

continuous change by the Commonwealth and, the need to implement the supply panel for clinical, allied health and ancillary services before going live.

It is noted in the March quarterly financial report that there are unfavourable income variances of \$565,259 in user fees and \$171,788 in other income, these variances are partially offset by reduced expenditure of \$478,477. The net result for Home Care Packages as of 30 June 2025 is likely to be in the order of a \$230,000 deficit compared to the budgeted surplus of \$112,000 per the Current Budget.

Brokerage was down 31% and the Home and Community Care Program for Younger People, fees are down 31%. Recoupment costs for underutilisation of Home and Community Care Program for Younger People were unspent funds which is also a contributing factor.

Risk Analysis

Financial Risk:

The provision of Aged Care services across Mount Alexander Shire is subsidised. Council funds (in addition to Commonwealth Government funding) are accommodated for and reviewed as part of annual budget allocations. The remaining roles and responsibilities associated with Aged Care service provision are included within the Team's annual base budgets. Until clear direction is provided by the Commonwealth it is difficult to determine the financial viability. The Model presented to Council for the decision in October 2023 is no longer valid with the changes that has occurred since. The team continues to look at efficiencies within the budget to manage financial resources. Further analysis is required to review the impact of the new financial costings. Although funding was reviewed and increased for another major metropolitan council without impacting KPIs, a funding application to address increased demand for services in Mount Alexander Shire was rejected by the Commonwealth. Advice given at that stage was to either remain in budget or increase funding but reduce outputs but cannot disadvantage the clients. We are at capacity.

Regulatory Risk:

Regulatory risk is particularly significant in aged care due to the high level of government oversight and public accountability. Regularity changes can affect funding models, staffing requirements, quality standards, reporting obligations and digital transformation, often requiring rapid adaption by service providers. Failure to comply with evolving regulations can result in penalties or loss of accreditation or registration. It is imperative that Council actively monitors policy developments and has robust compliance systems in place to mitigate regulatory risk to ensure continued delivery of safe, high-quality care.

Reputation Risk:

Aged care services are highly valued by clients, families, carers, and the community. Feedback from the community is incredibly positive with clients very grateful for the services. Failure to provide quality care to high priority cohorts across the Shire, would result in a reputational risk to the organisation. This risk extends to a failure to comply with legislative and regulative requirements, and social principles; particularly in a local government area where thin markets exist. This risk is mitigated by the suite of organisational policies and protocols already implemented, risk assessments and continuous improvement plans.

Climate Impact Statement

As this report provides guidance on aged care service provision, no overall consideration has been given to the impacts of climate change

Gender Equity Statement

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

A Gender Impact Assessment was not required; however, gender equity principles have been considered in the development of the project / initiative to the advancement of gender equality.

Alternate Options

This report aligns with the Confidential Meeting of Council 17 October 2023 resolution and now provides quarterly updates on progress and outcomes. Council could choose to request further information to ensure that necessary considerations are able to be made regarding the future service provision by Council.

Communication and Consultation

The Community Wellbeing team is currently developing a Communications Plan to increase awareness of its obligations within Governance, Finance and People and Culture. The team have been consulted and are involved in the Unit-wide Self-Assessment of Commonwealth Home Support Program services to assess compliance against ACQS. This will contribute to the Continuous Improvement Plan in preparation for any ACQS assessment.

The Team's clients are informed via Community Wellbeing newsletter and website of changes to the ACQS. Feedback is also being sought via Client Satisfaction Surveys and informal one-on-one sessions via a Listening Post.

Regular staff meetings and Communities of Practice are provided to Community Wellbeing staff and will be looked at for ensuring the staff in the relevant Organisational Governance can participate.

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.

Inform:

We will keep our community informed.

Legislation

Age Discrimination Act 2004 (Cth)

Aged Care (Living Longer Living Better) Act 2013 (Cth)

Aged Care (Transitional Provisions) Act 2014 (Cth)

Aged Care Act 2024 (Cth)

Aged Care Amendment Act 2011 (Cth)

Aged Care Legislation. Amendment. (Incident Management and Reporting) Instrument 2022 (Cth)

Aged Care Legislation. Amendment. (Increasing Consumer Choice) Act 2016 (Cth)

Aged Care Amendment (Implementing Care Reform) Act 2022 (Cth)

Aged Care Amendment (Red Tape Reduction in Places Management) Act 2016

Aged Care and Other Legislation Amendment (Royal Commission Response) Act 2022 (Cth)

Aged Care Quality and Safety Commission Act 2018 (Cth)

Aged Care (Subsidy, Fees and Payments) Determination 2014 (Cth)

Australia New Zealand Food Authority Amendment Act 2001 (Cth)

Australian Human Rights Commission Act 1986 (Cth)

Australian Privacy Principles ([Cth] APPs)

Carers Recognition Act 2010 (Cth)

Carers Recognition Act 2012 (Vic)

Charter of Human Rights and Responsibilities Act 2006 (Vic)

Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic)

Children, Youth and Families Act 2005 (Vic)

Children's Services Act 1996 (Vic)

Competition and Consumer Act 2010 (Cth)

Competition Policy Reform Act 1995 (Cth)

Disability Act 2006 (Vic)

Disability Discrimination Act 1992 (Cth)

Disability Service Safeguards Act 2018 (Vic)

Equal Employment Opportunities (Comm. Authorities) Act 1987 (Cth)

Equal Opportunity Act 2010 (Vic)

Food Act 1984 (Vic)

Freedom of Information Act 1982 (Vic)

HACC Act 1984 (Cth-Revised 2017)

Health Privacy Principles ([Vic] HPPs)

Health Records Act 2001 (Vic)

Information Privacy Principles ([Vic] IPPs)

Local Government Act 2020 (Vic)

My Health Records (Strengthening Privacy) Act 2018 (Cth)

My Health Records Act 2012 (Cth)

My Health Records Regulation 2012 (Cth)

Occupational Health and Safety Act 2004 (Cth)

Occupational Health and Safety Regulations 2017 (Cth)

Prices Surveillance Act 1983 (Cth)

Privacy Act 1988 (Cth)

Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)

Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth)

Privacy Amendment (Public Health Contact Info.) Act 2020 (Cth)

Privacy and Data Protection Act 2014 (Vic)

Protected Disclosures Act 2012 (Vic)

Public Administration Act 2004 (Vic)

Racial Discrimination Act 1975 (Cth)

Records Principles 2014 (Cth)

Sex Discrimination Act 1984 (Cth)

Working with Children Act 2005 (Vic)

Workplace Injury, Rehabilitation and Compensation (WIRC) Bill 2013 (Vic)

Strategies and Policy Impacts

Council Plan 2021-2025

Community - A healthy, connected, and inclusive community.

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

Principle - We are always improving.

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

Principle - We are delivering together.

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

Principle - We are engaging genuinely with the community.

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

Child Safe Standards

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

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

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

Declarations of Conflict of Interest

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

No conflicts of interest

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

9.3. Environment

9.3.2. Road Management Plan Adoption

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Works Coordinator, Glenn Deaker

Attachments:

1. Road Management Plan Review - Road Management Plan - June 2025 [9.3.2.1 - 30 pages]
2. Road Management Plan Review - List of Changes (2021 to 2025) [9.3.2.2 - 11 pages]
3. Road Management Plan - Community Feedback - April 2025 [9.3.2.3 - 1 page]

Executive Summary

The purpose of this report is to acknowledge and implement relevant feedback given by the community on the Road Management Plan and to present the updated document for Council adoption.

Council is responsible to establish standards in relation to the inspection, identification and repair of defects on roads and road related infrastructure. The establishment of standards ensure that road infrastructure is safe, efficient and appropriate for use by the community. The draft Road Management Plan presents these standards and establishes the basis for Council to manage and maintain road infrastructure in line with Council's responsibility as a road authority.

The draft Road Management Plan has been updated following discussion at the Councillor Briefing Session on 27 May 2025 regarding the community feedback.

RECOMMENDATION

That Council:

1. **Notes the requirement under the *Road Management Act 2004* to review Council's Road Management Plan before 30 October 2025.**
2. **Notes that community consultation took place between 24 March and 28 April 2025 in line with the requirements of the *Road Management Act 2004* and *Local Government Act 2020* in consideration of the Road Management Plan.**
3. **Notes the updates made to the Road Management Plan following internal and external consultation.**
4. **Adopts the Road Management Plan 2025.**

MOVED COUNCILLOR DRISCOLL

That the recommendation be adopted.

SECONDED COUNCILLOR HEYDON

CARRIED.

Context

Council has an established Road Management Plan (RMP) under the *Road Management Act 2004* (the Act). The RMP is a plan that details the inspection regime, defect intervention levels and defect repair response times for all nominated road related assets under Council management. Compliance with the current RMP limits Council's public liability to legal action from claims for damages for incidents with these assets.

Council is required to review and update the Road Management Plan (RMP) and ensure that its constituents have been given the opportunity to provide feedback for due consideration. The adoption of the reviewed RMP must be completed by 30 October 2025, in line with the requirements of the *Local Government Act 2020*.

The purpose of the review is to ensure that the standards in relation to the inspection, identification and repair of defects on roads and road related infrastructure are current and being met. The review will also ensure that the roads and road-related infrastructure to which the Council's RMP refers to are safe, efficient and appropriate for use by the community served by the Council.

Asset Plans

The Asset Plan and associated asset management plans encompass all the assets under Council's control and connect the investment of community wealth with service outcomes. The Road Asset Management Plan (RAMP) and RMP work together to define condition and maintenance standards for all Council's road assets.

The RAMP aims to enable the provision of agreed levels of service throughout the entire road asset lifecycle within financial, resource and risk constraints. The RAMP focuses on the condition of an asset and enables Council to predict when they may need to be renewed or reconstructed.

The RMP defines Council's responsibilities relating to road assets and sets out inspection and hazard maintenance regimes. It supports and provides direction for Council in the day-to-day operational management and maintenance of a road.

Issues

Review Process

The review of the RMP (2021) commenced in late 2024. The review considered the principle of what was reasonable for Council to achieve, considering the available resources with a focus on inspection cycles, defects and performance standards and response times. The review involved internal and external consultation as well as benchmarking with neighbouring Local Government Areas.

The changes to the RMP (2021) are attached, in summary they have included:

- Council officers have adopted the MAV template for rural Councils and made minor amendments to the content to suit the requirements of Mount Alexander Shire Council.
- Road and Asset Hierarchy:
 - The introduction of a new Pathway asset category to cater for formal gravel footpaths.
 - Kerb and channel has been incorporated into the plan as a separate asset class for inspection. This was considered necessary after discussion and advice from the

MAV that the incidents related to trips and falls from Kerb and Channel have increased across Victoria.

- Asset Inspection Frequencies:
 - The inspection frequencies for all asset classes were reviewed. This resulted minor modifications made to the inspection frequencies for roads and pathways as shown in Table 1. These changes to inspection frequency consider the service needs as well as a consideration of available resources.
 - As part of the review process the inspection frequencies documented were benchmarked against our six neighbouring Councils to ensure that there is consistency.
 - Kerb and Channels have been added into the inspection timetables to be completed at the same time as adjacent roads or pathways.
 - The inspection schedule for bridges, major culverts and pedestrian bridges has been clarified to align with road and pathway inspection schedules.
- Response Times:
 - Modifications were made to response times, primarily focusing on pathways. In the current RMP (2021) the response time for vertical displacement of a Category 1 footpath is three months. This has been reduced to two weeks considering the risk's severity and the consequence if these are not repaired as soon as possible. Category 2 footpaths have been reduced from six months to one month.
 - Some other key changes to response times include a reduction in the response time from potholes in sealed roads. This has changed from one month to two weeks in link roads and two months to one month in collector roads. Response times for bridges including pedestrian bridges have been included within the plan and clarified.

Road Management Plan Compliance

Mount Alexander Shire Council is currently unable to evidence full compliance with the requirements set out in the RMP (2021). Council Officers have completed an analysis of the issues and identified the areas that are impacting Council's ability to meet all the criteria as set out within the RMP (2021). Some of these issues relate to a review of how some activities within the RMP are resourced and the ability of Council's systems to support the recording of completed tasks. Steps are currently being undertaken to focus on RMP compliance in the short term, with a focus on improving systems and managing resources in the longer term.

Format of the draft RMP

In 2022, the Municipal Association of Victoria (MAV) conducted a review of the format and data captured from the 79 Victorian councils regarding Road Management Plans. The review identified some concerns in relation to discrepancies and lack of clarity across the RMP's developed by councils. Based on the outcomes of this review the MAV developed a Road Management Plan Guidance document in 2022. It should be noted that Mount Alexander Shire Council was one of the rural councils that was part of the committee that developed the final template document.

Council Officers have used the MAV template for rural councils to inform the draft RMP presented for adoption.

Asset Group	Asset Category	Reactive Inspection Timeframe	Proactive Inspection Timeframe	Night Inspections
Sealed Roads	Link	5WD	3M	1Y
Unsealed Roads	Collector & Strategic	5WD	4M	1Y
Regulatory, Warning and Hazard Signs	Minor	10WD	12M	NA
	Local	10WD	12M	NA
	Unformed	10WD	Reactive only	NA
Pathways, Shared & Bicycle Pathways	Category 1	5WD	6M	NA
	Category 2	10WD	12M	NA
	Category 3	10WD	12M	NA
Concrete and Stone Kerb and Channel	Link	5WD	Reactive only	NA
	Collector & Strategic	5WD	Reactive only	NA
	Minor	10WD	Reactive only	NA
	Local	NA	NA	NA
	Unformed	NA	NA	NA
Bridges (Vehicular and pedestrian)		5WD	12M	NA

Note 1: Reactive timeframe inspections are not included in the current RMP

Table 1 – Changes to Inspection Frequencies

Finance and Resource Implications

The changes incorporated in the RMP do not require additional financial or non-financial resources to achieve the response times as set out in the RMP. As such, there are no anticipated changes to operational expenditure at this stage.

The document was presented for community feedback and the key theme from the feedback was the need to invest more resources into the management and maintenance of road assets. An increase in road related budget would potentially have an impact on the provision of services and timing and allow tolerances to be adjusted positively within the RMP. Should Council opt to explore increased resourcing for road maintenance, it would need to be determined which activities would be increased and to what limit. The finance and resource implications would be determined by the plant and personnel requirements surrounding the increase.

While appropriate resources have been established for responding to defects against the RMP, there are currently issues in relation to resourcing and the ability to complete the documented inspection cycles. Overall, the proposed changes do not increase the time required to complete inspection cycles. A detailed analysis / review is underway to identify opportunities to ensure compliance for the RMP. There may be future financial impacts upon completion of this review, it is intended that once complete that this will be presented to Council separately.

Risk Analysis

Health and Safety Risk

As outlined in Council's Risk Appetite Statement:

Council will not tolerate: Activities that result in reasonably foreseeable and preventable harm to our Community, Customers, Councillors or Employees.

Key Risk: Risk of failure of assets and infrastructure that will lead to unsafe assets and risk of accidents.

Mitigations: Compliance with the inspection schedules and response times to repair defects.

Residual Risk: Medium

Regulatory Risk

As outlined in Council's Risk Appetite Statement:

Council has no appetite for deliberate violation of laws or regulatory requirements by members of the organisation.

Key Risk: Failure to comply with the Requirements of the *Road Management Act 2004*

Mitigation: Development of an RMP in line with the requirements of the Act and the Regulations.

Residual Risk: Low

Key Risk: Risk of failure of exposure to claims should there be an accident if we cannot demonstrate compliance with the requirements of the RMP.

Mitigation: Compliance with the inspection schedule and response times to repair defects.

Residual Risk: Medium

Climate Impact Statement

The inspection and hazard maintenance regime of road and road infrastructure assets does not impact or affect Council's commitments to climate change.

Gender Equity Statement

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

A Gender Impact Assessment was not required; however, gender equity principles have been considered in the development of the project / initiative to the advancement of gender equality.

Alternate Options

Council could choose not to have a RMP as set out within section 49 of the Act.

This is not recommended as it would expose Council to substantial risk of claims for accidents and injury. It could also lead to exponential rises in insurance premiums due to the low-risk appetite from insurers to potential claims; or not being able to secure insurance coverage.

Communication and Consultation

The draft RMP was published in line with the requirements of the *Local Government Act 2020* from 24 March to 28 April 2025 which exceeded the Act requirements of 28 days.

The 'Shape' platform was promoted through Council's online channels as a convenient method; however, feedback was welcomed through email, written correspondence or direct contact.

Notifications went out via the following channels:

- email notification to Shape Mount Alexander Say members
- Council's website and e-newsletter Council News
- social media i.e. Facebook
- direct emails to key stakeholder groups, such as emergency services
- advertisement in the Government Gazette (Edition No. G 16 Thursday 17 April 2025)
- Feedback was also promoted and received at two Councillor listening posts in Castlemaine on 12 and 14 April 2025.

Hard copies of the draft RMP were made available at the two listening posts as well as being obtainable from the Civic Centre's Customer Service counter throughout the duration of the community consultation period.

Submissions received: There were seven submissions from the community (refer to attachment 4), four of which were anonymous. Responses included:

- the need to invest more in roads, especially unsealed roads
- rectification items and issues in relation to specific roads at certain locations that fall outside the scope of the RMP
- clarification on the relationship between the RMP and the Roadside Conservation Management Plan 2024-2029, and
- Suggestions and concerns regarding internal processes (such as asset inspections and record-keeping) and how complaints are registered and dealt with.

All feedback received was welcomed and is beneficial to gain a deeper understanding and the perspective of the community, however these items were non-directly related to the intervention tolerances or timing of inspections or work timelines. As a result, no changes were made to the inspection or intervention schedules in the draft RMP

Feedback regarding related and relevant policies (e.g., the Roadside Conservation Management Plan and urban design principles) has been incorporated to Part 5 of the draft RMP, including a change to the heading of 'Technical References' which was changed to 'Technical and Guidance References', this section now includes the following adopted Council plans that relate to the RMP:

- MASC – Roadside Conservation Management Plan
- MASC – Municipal Fire Prevention Plan
- MASC – Castlemaine Urban Waterways Management Plan
- MASC – Asset Plan
- MASC – Climate Change Action Plan

Council Officers will provide feedback directly to the three community members who left contact details within two weeks following adoption of the RMP.

Following adoption of the RMP, this plan will be placed on Council's website as a public document.

Legislation

Local Government Act 2020

The *Local Government Act 2020* outlines the process for deliberative engagement for strategies and plans that directly impact the community. The Road Management Act stipulates that the review process of a RMP must be placed on public exhibition to enable the community to provide feedback for a minimum of 28 days.

This process was undertaken, feedback provided, and was presented to Council at a Councillor Briefing session held 27 May 2025, for consideration.

Road Management Act 2004

In accordance with section 54 (5) of the *Road Management Act 2004*, Mount Alexander Shire Council (Council) must conduct a Review of its Road Management Plan (Review). As outlined in section 301 (Note 3) of the Road Management (General) Regulations 2005, an incoming Council must review and update the RMP by 30 October 2025 following a Council election.

Road Safety Act 1986

The *Road Safety Act 1986* outlines the role of Council as a Roads Manager to ensure that Roads are maintained in a safe manner fit for the intended use

The *Road Safety Act 1986* also establishes a legal framework, for road users, for road safety, including rules on speeding, driving under the influence, proper lane usage and other traffic violations. It provides guidance that all road users should use the road network safely and take due care of road and environmental conditions.

Road Management (General) Regulations 2016

Councils that have established a Road Management Plan (RMP) must complete a review of the plan at the same time as preparing their Council Plan.

Strategies and Policy Impacts

Council Plan 2021-2025

Community - A healthy, connected and inclusive community.

- Services in our community are accessible and coordinated.

Environment - A flourishing environment for nature and people.

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

Principle - We are always improving.

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

Child Safe Standards

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

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

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

Declarations of Conflict of Interest

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

No conflicts of interest

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

9.3.3. Asset Management Policy and Asset Plan Adoption

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Manager Engineering, Paul Diss

Attachments:

1. Asset Plan - June 2025 [9.3.3.1 - 27 pages]
2. Asset Management Policy - June 2025 [9.3.3.2 - 6 pages]
3. Asset Management Policy and Asset Plan Review - Communications and Engagement Plan [9.3.3.3 - 12 pages]

Executive Summary

The Asset Management Policy and Asset Plan were approved by Council in May 2022. It is a requirement under the *Local Government Act 2020* for all Council's to maintain an Asset Plan.

The Asset Plan requires review and adoption by the new Council before October 2025. This is in line with the requirements of the *Local Government Act 2020*. The Asset Management Policy has been reviewed in line with the two-year review schedule. Minor changes are proposed to the Asset Management Policy.

The draft Asset Plan was publicly exhibited for four weeks between 24 March and 29 April 2025, the results and feedback from the exhibition period are presented in this report. The feedback has resulted in some minor amendments and additions incorporated into the Asset Plan.

RECOMMENDATION

That Council:

1. **Notes the feedback received during the exhibition period.**
2. **Adopts the revised Asset Management Policy and revised Asset Plan.**

MOVED COUNCILLOR WALKER

That the recommendation be adopted.

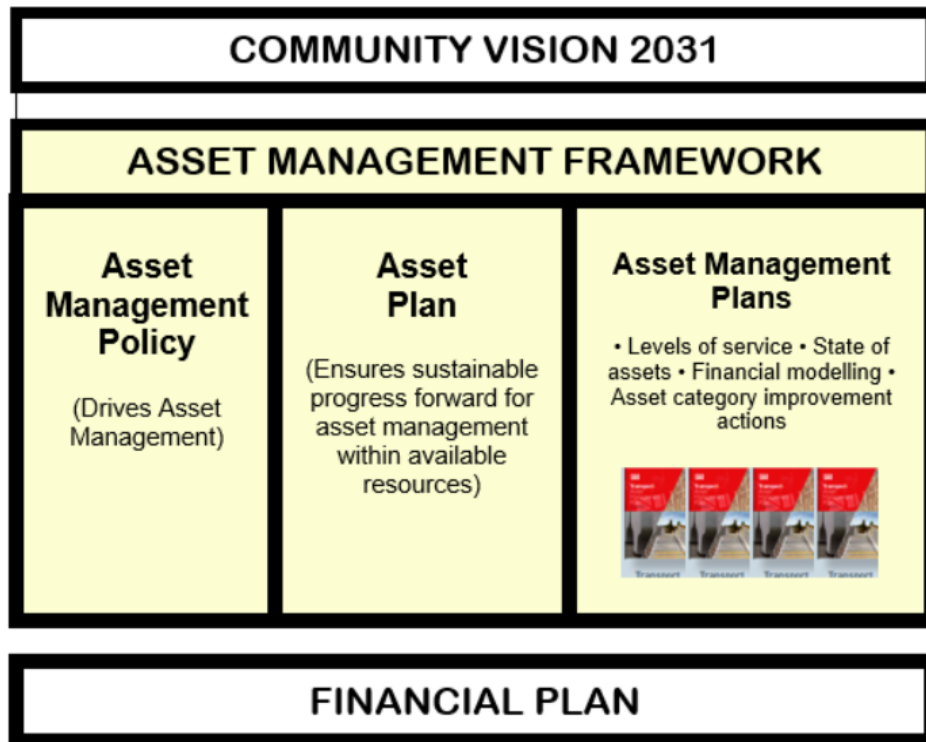
SECONDED COUNCILLOR CORDY

CARRIED.

Context

The initial Asset Management Policy and Asset Plan were adopted by Council in May 2022 as part of an overall Asset Management Framework. These were prepared in accordance with the requirements of the *Local Government Act 2020* (The Act).

The Framework and relative relationships are depicted below:



As this was the initial introduction of the Asset Management Framework, the adopted documents set an initial review two years from the date of adoption. However, with the recent Council elections the decision was made to withhold the review and adoption until the new Council was in place. This would meet the requirements of the *Local Government Act 2020* for the review and adoption of the Asset Plan by the new Council before October 2025.

Minor changes are proposed to the Asset Management Policy and Asset Plan, these are described in further detail below.

Issues

General changes

Changes to the Asset Management Policy include:

- changing the review cycle to every four years
- added “Intangible” assets to the list of exclusions under the Asset Policy, these assets are non-physical assets such as software, patents, intellectual property etc
- minor grammatical corrections.
- minor changes to Section 3.8 Continuous Improvement, in relation to new assets.

-
- some corrections with regard to the Asset Management Steering Committee and membership.

Changes to the Asset Plan include:

- expansion of the purpose of the Asset Plan under the executive summary
- replacing details of Council's asset inventory from table to chart for clearer representation
- replacing the Shire graphic to show the new ward structure
- updating the inventory and financial data to the 30 June 2023
- adding some additional detail regarding the legislative requirements associated with the plan
- creation of Section 3 "Purpose" which expands on the purpose of the plan; to put more focus on the community and stakeholder needs, and improvements to managing Council assets. Previously the purpose only touched on the needs of the Local Government Act, and optimisation of the asset lifecycle.
- enhanced referencing, the link to Council's Road Management Plan, and the reinforcement of links to Council's current Asset Valuation Policy
- updating the "Improvement Plan" Annex A, detailed further below
- Minor grammatical corrections.

Action Plan

The Asset Plan details an Improvement Plan (Annex A) to move Council forward into better asset management practices. Some of the major achievements include:

- delivery of key asset management plans for:
 - roads
 - drainage
 - buildings
 - open space
- extensive financial forecasting and program development for all major asset classes.
- preparation of five-year capital works programs for all major asset classes, along with extensive funding scenario modelling.
- improved standards and management of third-party development works.
- extensive review of asset data, and cleansing and improvements to Council data sets and valuations.
- re-establishment of the Asset Management Steering Committee and Asset Management Working Group.

The above achievements are considered the largest and most challenging tasks listed in the Improvement Plan. Their completion has resulted in improved financial modelling and forecasts for almost all asset classes; the results of which have been used in the preparation of the 2024/2025 financial year budget and continue to be used for the development of future asset renewal programs.

With the success of delivering on these key actions from the Improvement Plan, there are still a number of items that continue to be progressed, these include:

- improved regular reporting of the “State of Assets” to Executive and Council, noting that updates were provided for Buildings, Roads, and Drainage assets within the endorsed asset management plans during the period.
- improved risk management and formal identification of our critical assets.

While it was hoped that more actions could have been achieved, the Improvement Plan contained an extensive list of actions to be delivered within a two-year timeframe with limited resources. The focus has been on the major action items which underpin other areas for improvement. As a result, Mount Alexander Shire Council is in a good position to deliver the remaining action items.

The timing for the remaining actions has been updated as part of the review process. The actions will also be added to Mount Alexander Shire Council's monitoring program and allocated to inform regular updates on progress.

Finance and Resource Implications

The implementation of the Framework will be subject to annual budgets.

The Framework is a tool that can be used to develop future budget profiles and Capital Works Programs.

The minor changes to the Asset Management Policy and Asset Plan do not add any additional finance or resourcing implications.

Risk Analysis

Legislative Risk

Council's adopted Risk Appetite Statement notes no appetite for legislative risk in particular compliance with regulatory obligations.

Risk: Council must continue to have and maintain an Asset Plan under the requirements of the *Local Government Act 2020*. If the updated Asset Plan is not adopted by Council before October 2025 Council will be in breach of the Act.

Mitigation: The timeline for review, approval and adoption of the Asset Plan is proposed to occur before the end of June 2025. If there are any delays in the process, there is sufficient buffer time to achieve adoption by October 2025. Noting that there is already an adopted Asset Plan which is still active.

Residual Risk: Low, the updated plan is prepared, and the timeline allows for the required community consultation prior to adoption, which is scheduled within the required timeframe,

Reputation Risk

Council's adopted Risk Appetite Statement notes a low appetite for reputational risk.

Risk: There continues to be reputational risk if the community perceives their assets as not being managed to a satisfactory service level.

Mitigation: Community consultation will be undertaken as part of Asset Plan review, any issues arising from this feedback will be considered and where appropriate incorporated into the adopted Asset Plan.

Residual Risk: Low, given the minor changes and corrections incorporated into the reviewed Asset Plan there is unlikely to be any further risks.

Climate Impact Statement

Climate change continues to have a significant impact on all assets managed by Council. These impacts continue to be considered and addressed as part of implementation of the Asset Management Policy and Asset Plan.

The changes proposed to the documents do not change these impacts.

Gender Equity Statement

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

Alternate Options

There are no alternatives for Council in relation to adopting the Asset Plan before October 2025, as this is a legislative requirement. However, Council may choose not to accept the proposed updates to the Asset Management Policy and Asset Plan, and re-adopt the Asset Management Policy and Asset Plan without change.

This is not recommended as the review, and incremental additions to the Asset Management Policy and Asset Plan, maintains the currency of the documents and ensures improvements to asset management continue to be actioned. Additionally, there is a requirement under the *Local Government Act 2020* to maintain an Asset Plan.

Communication and Consultation

Feedback was sought from the relevant asset managers dealing with assets covered by this policy. The feedback received has been incorporated into the amended documents.

The Act requires councils to develop or review an Asset Plan in accordance with its deliberative engagement practices. In meeting this requirement and in line with the IAP2 Public Participation Spectrum and Council's Community Engagement Policy, the community was invited to comment on the draft Asset Plan.

Public feedback was sought on the draft Asset Management Policy and the draft Asset Plan for a period of four weeks between 24 March and 29 April 2025. The draft Asset Management Policy and draft Asset Plan were publicly exhibited in conjunction with the draft Road Management Plan as both documents are complementary to each other.

A communications and engagement plan was prepared in conjunction with Council's Communications Team, a copy of the plan is provided in Attachment 3. The following key consultation methods were undertaken;

- Council's Shape page
- Council's website
- customer requests
- physical documents available at the Civic Centre
- Councillor listening posts

- direct email requests

Following the feedback period three (3) responses were received which are presented in Table 1 below.

Item	Date Submitted	Share your feedback on the draft Asset Plan
1	Apr 16, 2025, 09:58 AM	The process of resolving ownership of a contested asset does not appear to be discussed, or process of ongoing community submissions/consultation on management of assets.
2	Apr 09, 2025, 04:32 PM	An impressive document, however given past practices of neglect of asset maintenance resulting in the complete disappearance of footpaths, I have no confidence that your actual practices will alter. It would be interesting to see the record of inspections of the bitumen footpath in Duke St from Merson St to the bottom end of McGrath St now no longer designated as a Council footpath, just a pedestrian desire line! Similarly, the gravel path in Taylor St from Duke St towards Roderick St. half of which has disappeared. You simply don't bother to inspect these assets let alone do maintenance on them. You could also look at the storm water kerbing and channelling in the unsealed part of Montgomery St for another instance of nothing being done over a period of years making it ineffective at draining water. Pans are all very well, but if not implemented are just weasel words.
3	Apr 23, 2025	<p>Just providing some feedback about the updated plan on the Shape page to make all the heritage consideration that you do overt. I know that it is also part of considering the local government regulations but there are other things that you list as considering that are also a function of policy and I think the degree of conversation about heritage that happens as part of this management should be acknowledged and probably formalised for future asset managers 🤖</p> <p>Page 4 – please add ‘heritage impacts and challenges’ to the list of things considered in future asset management, text in blue</p> <p>Page 11 – please add heritage at the appropriate place in the planning process – sometimes there are legislative requirements, sometimes tied up with expectations perhaps?</p> <p>Page 23 – please add ‘heritage values’ to demand drivers at 8.1</p>

Table 1, Customer feedback responses

Upon review of the feedback received the Asset Plan has been updated to include a section on contested assets and reference to heritage impacts, challenges and values.

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

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

Strategies and Policy Impacts

Council Plan 2021-2025

Pillar 2 – A flourishing environment for nature and people

Objective: Our community is growing in harmony with nature

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

Child Safe Standards

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

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

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

Declarations of Conflict of Interest

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

No conflicts of interest

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

Councillor Hastwell left the Chamber at 7.43 pm.

9.4. Economy

9.4.1. Planning Application PA 288/2022 - 1 Lowther Street, Maldon

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Senior Planner, Daniel Spark

- Attachments:
1. Planning Application PA 288/2022 - 1 Lowther Street, Maldon - Advertised Plans [9.4.1.1 - 6 pages]
 2. Planning Application PA 288/2022 - 1 Lowther Street, Maldon - Site photos [9.4.1.2 - 6 pages]
 3. Planning Application P A 288/2022 - 1 Lowther Street, Maldon - Stormwater Management Strategy [9.4.1.3 - 28 pages]
 4. Planning Application PA 288/2022 - 1 Lowther Street, Maldon - Design Guidelines [9.4.1.4 - 10 pages]
 5. Planning Application PA 288/2022 - 1 Lowther Street, Maldon - Native Vegetation Removal Report [9.4.1.5 - 13 pages]
 6. Planning Application PA 288/2022 - 1 Lowther Street, Maldon - Arborist Report [9.4.1.6 - 60 pages]
 7. Planning Application PA 288/2022 - 1 Lowther Street, Maldon - Native Vegetation Assessment [9.4.1.7 - 44 pages]
 8. Planning Application PA 288/2022 - 1 Lowther Street, Maldon - Objections [9.4.1.8 - 40 pages]
 9. Planning Application PA 288/2022 - 1 Lowther Street, Maldon - Presentation [9.4.1.9 - 10 pages]
 10. Planning Application PA 2882022 - 1 Lowther Street, Maldon - Grounds for Refusal [9.4.1.10 - 1 page]

Executive Summary

The purpose of this report is to enable Council to make a determination on an application for the development of a sixteen-lot staged subdivision, vegetation removal and creation of access to a Principal Road Network at 1 Lowther Street, Maldon. The application is being presented to Council for a decision because 19 objections have been received.

This application was previously presented to Council for decision at its Meeting of Council 10 September 2024. At that Meeting, Council determined:

That this matter be deferred to a future Meeting of Council so that Council Officers be able to prepare grounds for refusal.

The subject site is located within the General Residential Zone, Schedule 1 and is affected by the Significant Landscape Overlay, Schedule 1 pursuant to the Mount Alexander Planning Scheme.

The application was advertised and received 19 objections, with the grounds of objection relating to the following:

- neighbourhood character
- traffic
- concerns regarding future development
- loss of amenity
- loss of vegetation
- overdevelopment of the site
- need for infrastructure upgrades
- loss of views
- flooding and stormwater
- compatibility of the proposed subdivision with adjoining mine
- bushfire risk

The application was assessed against and determined to be consistent with the relevant sections of the Planning Policy Framework. The development provides additional housing supply and diversity within an existing township, consistent with the purpose of the zoning of the land. The subdivision design is considered to be complimentary with the existing adjoining neighbourhood character. The subdivision is also consistent with the provisions of Clause 56 (ResCode), the Significant Landscape Overlay and the objectives and guidelines contained in the Maldon Design Guidelines. In forming this position, consideration was given to the grounds of objection and the views of the relevant referral authorities.

RECOMMENDATION

That Council issue a Notice of Decision to Grant a Planning Permit for PA288/2022 for the development of a sixteen-lot staged subdivision, vegetation removal and creation of access to a Principal Road Network generally in accordance with the endorsed plans at 1 Lowther Street, Maldon; subject to the following conditions:

Amended Plans

- 1) Before the development starts, amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the *advertised plans* but further modified to show:
 - a) A subdivision staging plan;
 - b) Cut and fill plan ensuring compliance with Condition 71 of this permit;
 - c) A Landscape Plan in accordance with Condition 4 of this permit;
 - d) An Arborist Report and Tree Management Plan in accordance with Condition 7 of this permit;
 - e) An amendment to the proposed plan of subdivision to include:

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- i. Dimensions of building envelopes and setbacks of the building envelopes including side setbacks of building envelopes a minimum 1.2 metres (with the exception of lots 2 and 3);
 - ii. The provision of visitor parking along the proposed common property and;
 - iii. The plans amended to show the location of the utility services to be located within the common property including letterboxes and electrical metre boxes and/or substations including elevations. Any substation must be located and designed to integrated into the development and not dominate the streetscape to the satisfaction of the Responsible Authority.
- f) Swept path diagrams and subsequent amendments to the endorsed plans to demonstrate compliance with Condition 39 of this permit.
 - g) A Waste Management Plan in accordance with Condition 8 of this permit;
 - h) A Construction Management Plan and Environmental Management Plan required by Condition 10 and 11 of this permit; and
 - i) A Functional Layout Plan in accordance with Condition 63 of this permit;

Compliance with Endorsed Plans

- 2) The extent of vegetation to be removed, as shown on the endorsed plans and documents must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.
- 3) The layout of the subdivision as shown on the endorsed plan must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.

Landscape Plans

- 4) Prior to the certification of the plan of subdivision under the *Subdivision Act 1988*, a detailed landscape plan for the common property, road reserves and the existing and reconstructed drain (waterway) must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan must:
 - a) Be prepared to the satisfaction of the responsible authority;
 - b) Be prepared by a suitably qualified person;
 - c) Have plans drawn to scale with dimensions;
 - d) Be submitted to the responsible authority in electronic form; and
 - e) Include the following:
 - i. The location and layout of crossovers and the common property accessway;
 - ii. Layout of landscaping and planting;
 - iii. Detail tree protection fencing in accordance with the recommendations of the Arborist Report prepared by Axiom Tree Management Pty Ltd dated 28 October 2020;

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- iv. A survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - v. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
 - vi. Details of surface finishes of pathways and driveways;
 - vii. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and
 - viii. Quantities of each plant;
 - ix. The location and details of lighting along the common accessway; and.
 - x. The location of any proposed fencing in accordance with condition 12 of this permit.

all to the satisfaction of the Responsible Authority.

Completion of Landscaping Works

- 5) Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, or by any later date that is approved in writing by the Responsible Authority, the landscape works shown on the endorsed landscape plans must be carried out and completed to the satisfaction of the Responsible Authority.

Landscape Maintenance

- 6) The landscaping is to be maintained for a period of 24 months from practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be replaced to the satisfaction of the Responsible Authority.

Tree Management Plan

- 7) Prior to the commencement of works, an amended arborist report must be prepared and submitted to the Responsible Authority. The Arborist Report must include a tree management plan to ensure the adequate tree protection zones and measures to ensure the retention of all existing trees on the site and in the adjoining road reserves.
The recommendations of the endorsed report must be implemented and maintained throughout construction to the satisfaction of the Responsible Authority.

Waste Management Plan

- 8) Before the development starts, a waste management plan must be approved and endorsed by the responsible authority. The waste management plan must:
- a)** Be prepared to the satisfaction of the responsible authority;
 - b)** Be submitted in electronic form;
 - c)** Include the following:
 - i. Anticipated volumes of waste and recycling that will be generated and how they are determined;
 - ii. The type and number of waste bins;
 - iii. The type and size of trucks required for waste collection;
 - iv. A plan detailing adequate areas for waste bin storage and collection for the required type and number of bins;
 - v. Frequency of waste collection; and
 - vi. Hours for waste collection.

The Responsible Authority may consent in writing to vary these requirements.

- 9) Waste management and collection must be carried out in accordance with the requirements of the approved and endorsed waste management plan to the satisfaction of the Responsible Authority.

Construction Management Plan

- 10) Before the development starts, a construction management plan must be submitted to and approved by the Responsible Authority. The plan must outline how issues such as mud on roads, dust generation, and erosion and sediment control will be managed, on site, during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.
- a)** Be prepared to the satisfaction of the responsible authority;
 - b)** Be submitted in electronic form;
 - c)** Management measures should be in accordance with EPA Civil construction, building and demolition guide, Publication 1834.1 (EPA 2023). Include a traffic management plan showing:
 - i. Noise and vibration;
 - ii. Erosion, sediment and dust;
 - iii. Contaminated land and groundwater;
 - iv. Chemicals; and
 - v. waste.
 - vi. Access routes for construction vehicles;

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- vii. Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
 - viii. Proposed parking locations for construction vehicles and construction workers' vehicles; and
 - ix. Any impacts upon adjacent roads and pedestrian walkways and provision for adequate movement and circulation of vehicles and pedestrians adjacent to the land during the construction phase.

The Responsible Authority may consent in writing to vary any details in the construction management plan.

- 11) Before construction starts, an Environmental Management Plan for the management and operation of the use which is to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit.

The Environmental Management Plan must be reviewed and submitted to the authority/authorities annually. The use must be conducted in accordance with the endorsed plan at all times.

The environmental management plan must adopt the form of the EMP template included in the EPA guide and must address the following:

- a) Overall environmental objectives for the operation of the use and techniques for their achievement;
- b) Procedures to ensure that no significant adverse environmental impacts occur as a result of the use;
- c) Proposed monitoring systems;
- d) Identification of possible risks or operational failure and response measures to be implemented.
- e) Day to day management requirements for the use.
- f) Management measures should be in accordance with EPA Civil construction, building and demolition guide, Publication 1834.1 (EPA 2023).

The Responsible Authority may consent in writing to vary any details in the environmental management plan.

Acoustic Report

- 12) Prior to the issue of a Statement of Compliance for the subdivision, an Acoustic Report must be prepared by a suitably qualified acoustic engineer which includes an assessment of noise generation from vehicles and the operation of the mine at the site located at 2A Lowther Street, Maldon, commonly known as Union Hill Mine. The Acoustic assessment and report are to include:
- a) Undertake an acoustic assessment for vehicle noise affects from the mine operations on the subdivision; and

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- b) Determine recommendations for building guidelines to mitigate mine acoustic affects for any new development within the subject site.

The Acoustic Report is to be submitted to the satisfaction of the Responsible Authority. The relevant recommendations in the Acoustic Report are to be included in the Section 173 Agreement required by Condition 12 of this report. This requirement is only applicable whilst the mine is in operation, in the event the mine operation ceases prior to construction of any dwellings fronting the mine the requirement becomes not applicable.

Section 173 Agreement:

- 13) Prior to the issue of a Statement of Compliance for the subdivision, the owner must enter into an agreement with the Responsible Authority, pursuant to Section 173 of the *Planning and Environment Act 1987*. This agreement must be registered on the title to the land pursuant to Section 181 of the *Planning and Environment Act 1987*. The owner must pay the costs of the preparation, execution and registration of the Section 173 Agreement. The agreement must provide that:
 - a) The owner acknowledges and accepts the possibility of nuisance from adjoining mining operation including traffic noise, underground activities, machinery use, and associated hours of operation necessary for the mining activity;
 - b) Dwellings must be designed and adhere to the requirements as set out in the approved acoustic report including any construction standards specifically relating noising attenuations methods under Part 4 of the Building Regulations 2008;
 - c) Dwellings 9-12 must be designed to front Lowther Street;
 - d) Driveway materials must be a pervious material such as gravel;
 - e) Boundary fencing must be rural post and wire fencing;
 - f) Existing trees located within the building exclusion zone contained on the plans endorsed to form part of PA288/2022 must be maintained and not be removed unless with the written consent of the Responsible Authority. An arborist report that assesses the health and structural condition of the tree(s) may be required prior to the removal of the tree(s), to the satisfaction of the Responsible Authority; and
 - g) No buildings must be constructed outside the building envelopes contained on the plans endorsed to form part of PA288/2022.

General

- 14) Prior to the issue of a Statement of Compliance, the owner must satisfy the Council that:
 - a) Where an existing dam, basin or other water body will be filled, the area has been drained and desilted to Infrastructure Design Manual (IDM) standards before filling begins;
 - b) Any fill required to meet drainage, building, parking and/or access requirements has been selected, placed, and compacted in layers according to IDM standards; and
 - c) Any batters or retaining walls whose individual or cumulative height above or below the adjacent ground level exceeds one metre, and/or any soil stabilisation measures, have been designed and constructed to IDM standards under the supervision of a qualified civil engineer.
- 15) All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority.
- 16) The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is

proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

- 17) All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- 18) The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
- 19) The owner of the land must enter into an agreement with:
 - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the Applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- 20) 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 provide written confirmation from:
 - a) A telecommunications network or service provider that all lots are connected to, or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Coliban Water

- 21) The owner is required to reach agreement with Coliban Water for the provision of 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.
- 22) Services are to be provided and where necessary, amendments to the existing services, will be required in accordance with our specifications.
- 23) The reticulated water and sewer (gravity) mains extensions required to service the proposed lots within this subdivision, including linking up the water main within Polsue Street to the Reef Street water main, are required to be designed, constructed and must be finalised in accordance with Coliban Water's Developer Installed Works process.
- 24) All Coliban Water assets within the subdivision, both existing and required, are to be protected by an easement in favour of Coliban Region Water Corporation.
- 25) Prior to Coliban Water issuing statement of compliance for this subdivision, evidence is required to verify that a potable water supply service pipe/s, including fire service/s (if required), have been constructed into the common property and each of the lots having rights over the Common Property within this development site.

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- a) When the domestic water supply and the fire service (if required), is proposed to be constructed as a larger single service pipe into a development site boundary. Then the domestic water supply offtake must be constructed from the upstream side of the fire service isolation valve and ancillary equipment located just inside the common property fronting the road reserve.
 - b) The domestic service pipe must then run parallel to the fire service continuing within the common property for each water meter assembly offtake for lots being serviced via the Common Property. An isolation valve and a Back-Flow Prevention Device (BFPD when required per AS3500), is to be constructed adjacent to the offtake on the shared domestic service pipe.
 - c) Agreement is required to be reached with Coliban Water for either, the water meters to be located in an accessible location within 2.0 metres but no closer than 600mm, inside the Common Property title boundary line, or in approved locations within in each of the lots.
 - d) Where the water meter assemblies are proposed to be located within each of the lots, an approved isolation valve and suitable Backflow Prevention Device, will be required on the shared water supply which is to be located within 2.0 metres of the Common Property title boundary at the road reserve.
 - e) The developer's registered and licensed plumbing contractor will be required to complete the construction of the water main tapping, service pipes, meter assemblies for the lots being serviced via the Common Property, all works except for water meter supply and installation.
 - f) Water meter assemblies must be constructed to provide a minimum clearance of 150mm above the finished surface level and each of the service pipes. An application will then be required through Coliban Water's consent to connect process for our approved contractor to supply and install the digital data devices (water meters).

Evidence in the form of a letter/statement is required from a registered and licensed plumbing contractor, an as constructed plan, including copies of the Victorian Building Authorities Compliance Certificates for the new water services including the fire services if constructed.

The plumbers as constructed plan is also required to provide detail of, the location of the water meters, the domestic and fire service pipes, including the Detector Check Valve, the bypass meter, isolation valves, Backflow Prevention Devices and all other ancillary equipment necessary for compliance within the development site.

- 26) Please note, whilst not required prior to issue of compliance for this subdivision. Applications for separate connections to Coliban's potable water supply main for lots that are independent of the Common Property, can be made through our consent to connect process, prior to Coliban Water's approved contractor installing water supply tappings and service pipes, meter assemblies and digital data devices (water meters), which will be located in an accessible location within 2.0 metres but no closer than 600mm, inside the title boundary lines, of a lot fronting the road reserve containing a Coliban Water asset (water main).
- 27) Applications through our Consent to Connect Process are required prior to any water supply service and/or drain being amended or connected to Coliban Water assets and complying with our conditions.
- 28) All private works for water supply and sanitary drainage must be constructed in accordance with the National Plumbing and Drainage Code of Australia being AS 3500, the MRWA Water Metering & Servicing Guidelines 2022 and or any relevant requirements of Coliban Water.

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- 29) Please note Under section 165(5) of the Water Act (1989), Coliban Water is not required to ensure that the water pressure is adequate for firefighting. It is important to note that Coliban Water does not guarantee fire flows.
 - 30) 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.

Engineering

- 31) 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.
- 32) 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 so as to prevent the discharge of water from the subject land across any road or onto any adjoining land. The drainage system must make provision for minor (20% AEP) and major (1%AEP) events.
- 33) The site stormwater discharge is not to be increased by the proposed development. The drainage system shall include provision of 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 design event (IDM Design standards - Section 19.3 Requirements).
- 34) 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.
- 35) A drainage easement shall be created along the proposed path of any waterway deviation. The easement shall be vested with the property owner. The management and maintenance of the easement and any proposed waterway deviation shall be the responsibility of the individual land owners.
- 36) The owner must formalise the open drain and upgrade drainage infrastructure including construction of necessary cross culverts and removal of superfluous crossovers along Polsue Street and Reef Street to the satisfaction of the responsible authority.
- 37) There are existing natural flow path running through the property. Any alterations or modifications to natural flow path will require detailed design and approval from the relevant authorities.
- 38) Vehicle crossovers are to be constructed to the satisfaction and levels /requirements of the Council. No impeding or redirection of existing surface flow is allowed to occur as a result of these works. Council's minimum standards are: -
 - a) 3.5 m wide;
 - b) With Appropriately sized reinforced concrete pipes (min 375mm) 4.8m long centred on the crossover matching the capacity of the open drain;
 - c) Culvert end-walls to all culvert ends & rock beaching either side of culvert;
 - d) Batters to be re-established either side of culverts to ensure free flow in the drains;

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- 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; and
 - g) 100mm minimum compacted thickness of road base gravel from edge of pavement to property line.
 - h) The internal driveway access shall be constructed to appropriate engineering standards approved by Council along with appropriate cut off table drains and cross culverts.
- 39) All access to lot 9-16 lot 2 and lot 3 must be via the common property and no direct vehicular access from lots 9-12 to the Lowther Street will be permitted.
 - 40) The applicant shall submit plans to the satisfaction of council's infrastructure unit to demonstrate that vehicle accessing the common property can enter and exit in a forward manner.
 - 41) The common property access shall be constructed to appropriate engineering standards approved by council along with appropriate drainage.
 - 42) The intersection of the common property and Lowther Street must be constructed to allow simultaneous entry and exit movements in accordance with the requirements of the Functional Layout Plan required by Condition 63 of this permit.
 - 43) Common Property Driveway – minimum 5.5 m wide Asphalt or Concrete driveway with a turning circle or "T" at the end. Provision shall be made for underground drainage, kerb and channel and other service utilities.
 - 44) 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.
 - 45) The developer must restrict sediment discharges from any construction sites within the land in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).
 - 46) The developer 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.
 - 47) The developer is required to re-instate any erosion damage or sediment build-ups caused by the proposed works to any residential or public assets.
 - 48) 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. Estimate for the works are to be prepared and submitted to Council.
 - 49) Prior to the commencement of any works on the road reserve the owner/applicant must submit a Minor Works in a Road Reserve application and be issued a permit to occupy the road for works.
 - 50) Prior to issue of a statement of compliance for the subdivision, drainage and access works must be completed to satisfaction of Council in accordance with the approved plans.
 - 51) If the applicant / Property owner require 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 the 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.
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- 52) All existing and proposed easements and sites for existing and required utility services must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the *Subdivision Act 1988*.
- 53) All work associated with the above Engineering conditions must be carried out at no cost to Council prior to the issue of a Statement of Compliance.
- 54) 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) No tree removal or works must be undertaken by the owner of the land within the drainage easement to the satisfaction of Council.
 - b) The owner will maintain the vegetation within the drainage easement to the satisfaction of Council.
 - c) The owner will maintain the on-site detention system and not modify without prior written approval from the Council;
 - d) The owner shall allow duly authorised officers of the Council to inspect the drainage easement and on-site detention systems at mutually agreed times;
 - e) The owner will pay for all costs associated with the construction and maintenance of the on-site detention system; and.
- 55) Appropriate street lighting as per the satisfaction of the relevant authority is required for the development. Use of non-standard light poles and fitting will require maintenance compensation to be provided to Council as set out in Clause 26.4.1 of the (IDM)

Vegetation Removal and Protection

- 56) Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant conditions and associate statutory requirements or approvals.
- 57) No native vegetation other than that approved by this permit shall be removed unless has been granted by the Responsible Authority for its removal.
- 58) Before works start, a native vegetation protection fence must be erected around all vegetation to be retained within 15 metres of the works area. This fence must be erected at:
- a) radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - b) Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority and the Department of Energy, Environment and Climate Action. The protection fence must remain in place until all works are completed to the satisfaction of the department.

- 59) Except with the written consent of the Responsible Authority, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
- a) Vehicular or pedestrian access;
 - b) Trenching or soil excavation;

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- c) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
 - d) Construction of entry and exit pits for underground services; or
 - e) Any other actions or activities that may result in adverse impacts to retained native vegetation.
- 60) In order to offset the removal of a patch approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the permitted clearing of native vegetation – biodiversity assessment guidelines and the native vegetation scoring manual:
- a) A general offset of 0.076 general habitat units: Assessor's handbook Applications to remove, destroy or lop native vegetation;
 - b) Located within the North Central Catchment Management Authority boundary or Mount Alexander Shire municipal district; and
 - c) With a minimum strategic biodiversity score of at least 0.408.
- 61) 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) A security agreement signed by both parties, and
 - b) A management plan detailing the 10-year management actions and ongoing management of the site to the satisfaction of the Department of Environment, Land, Water and Planning 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.

A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.

Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Energy, Environment and Climate Action at loddonmallee.planning@delwp.vic.gov.au.

Payment of Public Open Space Contribution

- 62) Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the permit holder must pay to the Responsible Authority a cash payment equivalent to 5 per cent of the site value of all the land in the subdivision in lieu of the provision of land for Public Open Space, unless otherwise agreed in writing by the Responsible Authority.

Department of Transport and Planning

- 63) Only one point of access is permitted from the subject land to Lowther Street (arterial) as shown on the appended plans.

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- 64) Before the plan of subdivision is submitted to the Responsible Authority for certification under the *Subdivision Act 1988*, a Functional Layout Plan (FLP) must be submitted to and approved by the Head, Transport for Victoria. The plan must be generally in accordance with the plan date stamped 05/02/2024 and annotated Concept Layout Plan.
 - 65) Prior to the issue of a Statement of Compliance, all works on the approved FLP must be completed to the satisfaction of, and at no cost to, the Head, Transport for Victoria.
 - 66) Prior to the issue of a Statement of Compliance all disused or redundant vehicle crossings to Lowther Street must be removed, and the areas reinstated (as per the surrounding areas) to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria or the Responsible Authority.

Goulburn Murray Water

- 67) All construction and ongoing activities must be in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).
- 68) 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.
- 69) Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
- 70) 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 Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

North Central Catchment Management Authority

- 71) Prior to the certification of subdivision, 2-dimensional flood modelling taking into consideration the impacts of climate change – prepared by a suitably qualified engineer – must be submitted to the Responsible Authority and North Central CMA for approval. The modelling must show:
 - a) Flood extent, levels, depth and velocity during a 1% AEP flood event.
 - b) A demonstrated balance of cut and fill to a ratio of 1.3:1.
- 72) Prior to the issue of Statement of Compliance, an as built survey plan must be submitted, demonstrating that all building envelopes have been filled a minimum of 300 millimetres above the applicable 1% AEP flood level for each lot.

Powercor Australia

- 73) 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.
 - 74) 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.
 - 75) 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.
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- 76) The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations. 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.
- 77) 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. Notes:
- 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:
 - Purpose: Power Line
 - Origin: Section 88 - *Electricity Industry Act 2000*
 - Land Benefited / In Favour Of: Powercor Australia Ltd

Permit Expiry

- 78) This permit will expire if one of the following circumstances applies:
- a) The plan of subdivision for Stage 1 is not certified within 2 years of the date of this permit;
 - b) Any subsequent stage is not certified within two years of the previous stage being certified;
 - c) 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*.

PERMIT NOTES (for information only):

NOTE 1 Department of Transport and Planning: To assist in the approvals process required for the construction of the access works and associated roadworks, the following guidance is provided. Any planning permit approval received in accordance with a municipal planning scheme does not constitute consent to conduct the works under the Road Management Act 2004. Any works in the arterial road reserve designated as Transport Zone 2 (TRZ2) require a Works Within Road Reserve Permit from the Department of Transport and Planning. Section 63 and clause 16 of Schedule 7 of the *Road Management Act 2004* require any person proposing to carry out works in, on, under or over an arterial road in Transport Zone 2, to obtain the consent of the Department of Transport and Planning, except where exemptions under the Act, or its Regulations (Road Management (Works and Infrastructure) Regulations 2005), apply. For the purposes of this application, the works will include the provision of:

- Access works

Please contact the Department of Transport and Planning prior to commencing any works on nr.admin@roads.vic.gov.au.

For more information regarding working within the road reserve please visit the VicRoads website: <https://www.vicroads.vic.gov.au/business-and-industry/design-and-management/working-within-the-road-reserve>, and <https://www.vicroads.vic.gov.au/traffic-and-road-use/road-access-permits-portal>

NOTE 2: Please note that if your application requires works within public land (such as civil works within the road reserve), you may be required to engage in negotiations with the Dja Dja Wurrung Clans Aboriginal Corporation (DDWCAC) under the provisions of the DDWCAC Land Use Activity Agreement (LUAA) which came into force on 25 October 2013. Information in relation to this agreement can be found on the Department of Justice and Community Safety's website at <https://www.justice.vic.gov.au/land-use-activity-agreement-information-for-local-government>. Please contact Council's Engineering team if further information is required.

NOTE 3 NCCMA: Flood levels for the 1% AEP probability (100-year ARI) have not been determined for this area under the Water Act 1989. However, information available at North Central CMA indicates that in the event of a 1% AEP flood event it is likely that the property may be subject to inundation.

NOTE 4: A Works in Road Reserve Permit must be obtained from Council's Engineering Services Unit before any vehicle crossover is constructed.

NOTE 5: A legal point of discharge must be obtained from Council before any drainage infrastructure is constructed.

NOTE 6: This permit does not authorise the removal of, damage to or pruning of any street tree. Further written consent must be obtained from Council's Parks and Gardens Unit.

MOVED COUNCILLOR DRISCOLL

That the recommendation be adopted.

SECONDED COUNCILLOR WALKER

COUCNILLOR MADDOCK PROPOSED AN AMENDMENT WHICH WAS ACCEPTED.

MOVED COUNCILLOR DRISCOLL

That Council issue a Notice of Decision to Grant a Planning Permit for PA288/2022 for the development of a sixteen-lot staged subdivision, vegetation removal and creation of access to a Principal Road Network generally in accordance with the endorsed plans at 1 Lowther Street, Maldon; subject to the following conditions:

Amended Plans

- 1) Before the development starts, amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the *advertised plans* but further modified to show:

- a) A subdivision staging plan;
- b) Cut and fill plan ensuring compliance with Condition 71 of this permit;
- c) A Landscape Plan in accordance with Condition 4 of this permit;
- d) An Arborist Report and Tree Management Plan in accordance with Condition 7 of this permit;
- e) An amendment to the proposed plan of subdivision to include:
 - i. Dimensions of building envelopes and setbacks of the building envelopes including side setbacks of building envelopes a minimum 1.2 metres (with the exception of lots 2 and 3);
 - ii. The provision of visitor parking along the proposed common property and;
 - iii. The plans amended to show the location of the utility services to be located within the common property including letterboxes and electrical metre boxes and/or substations including elevations. Any substation must be located and designed to integrated into the development and not dominate the streetscape to the satisfaction of the Responsible Authority.
- f) Swept path diagrams and subsequent amendments to the endorsed plans to demonstrate compliance with Condition 39 of this permit.
- g) A Waste Management Plan in accordance with Condition 8 of this permit;
- h) A Construction Management Plan and Environmental Management Plan required by Condition 10 and 11 of this permit; and
- i) A Functional Layout Plan in accordance with Condition 63 of this permit;

Compliance with Endorsed Plans

- 2) The extent of vegetation to be removed, as shown on the endorsed plans and documents must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.
- 3) The layout of the subdivision as shown on the endorsed plan must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.

Landscape Plans

- 4) Prior to the certification of the plan of subdivision under the *Subdivision Act 1988*, a detailed landscape plan for the common property, road reserves and the existing and reconstructed drain (waterway) must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan must:
 - a) Be prepared to the satisfaction of the responsible authority;
 - b) Be prepared by a suitably qualified person;

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- c) Have plans drawn to scale with dimensions;
 - d) Be submitted to the responsible authority in electronic form; and
 - e) Include the following:
 - i. The location and layout of crossovers and the common property accessway;
 - ii. Layout of landscaping and planting;
 - iii. Detail tree protection fencing in accordance with the recommendations of the Arborist Report prepared by Axiom Tree Management Pty Ltd dated 28 October 2020;
 - iv. A survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - v. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
 - vi. Details of surface finishes of pathways and driveways;
 - vii. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and
 - viii. Quantities of each plant;
 - ix. The location and details of lighting along the common accessway; and.
 - x. The location of any proposed fencing in accordance with condition 12 of this permit.

all to the satisfaction of the Responsible Authority.

Completion of Landscaping Works

- 5) Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, or by any later date that is approved in writing by the Responsible Authority, the landscape works shown on the endorsed landscape plans must be carried out and completed to the satisfaction of the Responsible Authority.

Landscape Maintenance

- 6) The landscaping is to be maintained for a period of 24 months from practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be replaced to the satisfaction of the Responsible Authority.

Tree Management Plan

- 7) Prior to the commencement of works, an amended arborist report must be prepared and submitted to the Responsible Authority. The Arborist Report must include a tree management plan to ensure the adequate tree protection zones and measures to ensure the retention of all existing trees on the site and in the adjoining road reserves.

The recommendations of the endorsed report must be implemented and maintained throughout construction to the satisfaction of the Responsible Authority.

Waste Management Plan

- 8) Before the development starts, a waste management plan must be approved and endorsed by the responsible authority. The waste management plan must:
- a) Be prepared to the satisfaction of the responsible authority;
 - b) Be submitted in electronic form;
 - c) Include the following:
 - i. Anticipated volumes of waste and recycling that will be generated and how they are determined;
 - ii. The type and number of waste bins;
 - iii. The type and size of trucks required for waste collection;
 - iv. A plan detailing adequate areas for waste bin storage and collection for the required type and number of bins;
 - v. Frequency of waste collection; and
 - vi. Hours for waste collection.

The Responsible Authority may consent in writing to vary these requirements.

- 9) Waste management and collection must be carried out in accordance with the requirements of the approved and endorsed waste management plan to the satisfaction of the Responsible Authority.

Construction Management Plan

- 10) Before the development starts, a construction management plan must be submitted to and approved by the Responsible Authority. The plan must outline how issues such as mud on roads, dust generation, and erosion and sediment control will be managed, on site, during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.
- a) Be prepared to the satisfaction of the responsible authority;
 - b) Be submitted in electronic form;
 - c) Management measures should be in accordance with EPA Civil construction, building and demolition guide, Publication 1834.1 (EPA 2023). Include a traffic management plan showing:
 - i. Noise and vibration;
 - ii. Erosion, sediment and dust;
 - iii. Contaminated land and groundwater;
 - iv. Chemicals; and
 - v. waste.
 - vi. Access routes for construction vehicles;

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- vii. Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
 - viii. Proposed parking locations for construction vehicles and construction workers' vehicles; and
 - ix. Any impacts upon adjacent roads and pedestrian walkways and provision for adequate movement and circulation of vehicles and pedestrians adjacent to the land during the construction phase.

The Responsible Authority may consent in writing to vary any details in the construction management plan.

- 11) Before construction starts, an Environmental Management Plan for the management and operation of the use which is to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit.

The Environmental Management Plan must be reviewed and submitted to the authority/authorities annually. The use must be conducted in accordance with the endorsed plan at all times.

The environmental management plan must adopt the form of the EMP template included in the EPA guide and must address the following:

- a) Overall environmental objectives for the operation of the use and techniques for their achievement;
- b) Procedures to ensure that no significant adverse environmental impacts occur as a result of the use;
- c) Proposed monitoring systems;
- d) Identification of possible risks or operational failure and response measures to be implemented.
- e) Day to day management requirements for the use.
- f) Management measures should be in accordance with EPA Civil construction, building and demolition guide, Publication 1834.1 (EPA 2023).

The Responsible Authority may consent in writing to vary any details in the environmental management plan.

Acoustic Report

- 12) Prior to the issue of a Statement of Compliance for the subdivision, an Acoustic Report must be prepared by a suitably qualified acoustic engineer which includes an assessment of noise generation from vehicles and the operation of the mine at the site located at 2A Lowther Street, Maldon, commonly known as Union Hill Mine. The Acoustic assessment and report are to include:
- a) Undertake an acoustic assessment for vehicle noise affects from the mine operations on the subdivision; and

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- b) Determine recommendations for building guidelines to mitigate mine acoustic affects for any new development within the subject site.

The Acoustic Report is to be submitted to the satisfaction of the Responsible Authority. The relevant recommendations in the Acoustic Report are to be included in the Section 173 Agreement required by Condition 12 of this report. **~~This requirement is only applicable whilst the mine is in operation, in the event the mine operation ceases prior to construction of any dwellings fronting the mine the requirement becomes not applicable.~~**

Section 173 Agreement:

- 13) Prior to the issue of a Statement of Compliance for the subdivision, the owner must enter into an agreement with the Responsible Authority, pursuant to Section 173 of the *Planning and Environment Act 1987*. This agreement must be registered on the title to the land pursuant to Section 181 of the *Planning and Environment Act 1987*. The owner must pay the costs of the preparation, execution and registration of the Section 173 Agreement. The agreement must provide that:
 - a) The owner acknowledges and accepts the possibility of nuisance from adjoining mining operation including traffic noise, underground activities, machinery use, and associated hours of operation necessary for the mining activity;
 - b) Dwellings must be designed and adhere to the requirements as set out in the approved acoustic report including any construction standards specifically relating noising attenuations methods under Part 4 of the Building Regulations 2008;
 - c) Dwellings 9-12 must be designed to front Lowther Street;
 - d) Driveway materials must be a pervious material such as gravel;
 - e) Boundary fencing must be rural post and wire fencing;
 - f) Existing trees located within the building exclusion zone contained on the plans endorsed to form part of PA288/2022 must be maintained and not be removed unless with the written consent of the Responsible Authority. An arborist report that assesses the health and structural condition of the tree(s) may be required prior to the removal of the tree(s), to the satisfaction of the Responsible Authority; and
 - g) No buildings must be constructed outside the building envelopes contained on the plans endorsed to form part of PA288/2022.

General

- 14) Prior to the issue of a Statement of Compliance, the owner must satisfy the Council that:
 - a) Where an existing dam, basin or other water body will be filled, the area has been drained and desilted to Infrastructure Design Manual (IDM) standards before filling begins;
 - b) Any fill required to meet drainage, building, parking and/or access requirements has been selected, placed, and compacted in layers according to IDM standards; and
 - c) Any batters or retaining walls whose individual or cumulative height above or below the adjacent ground level exceeds one metre, and/or any soil stabilisation measures, have been designed and constructed to IDM standards under the supervision of a qualified civil engineer.
- 15) All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority.
- 16) The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is

proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

- 17) All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- 18) The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
- 19) The owner of the land must enter into an agreement with:
 - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the Applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- 20) 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 provide written confirmation from:
 - a) A telecommunications network or service provider that all lots are connected to, or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Coliban Water

- 21) The owner is required to reach agreement with Coliban Water for the provision of 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.
- 22) Services are to be provided and where necessary, amendments to the existing services, will be required in accordance with our specifications.
- 23) The reticulated water and sewer (gravity) mains extensions required to service the proposed lots within this subdivision, including linking up the water main within Polsue Street to the Reef Street water main, are required to be designed, constructed and must be finalised in accordance with Coliban Water's Developer Installed Works process.
- 24) All Coliban Water assets within the subdivision, both existing and required, are to be protected by an easement in favour of Coliban Region Water Corporation.
- 25) Prior to Coliban Water issuing statement of compliance for this subdivision, evidence is required to verify that a potable water supply service pipe/s, including fire service/s (if required), have been constructed into the common property and each of the lots having rights over the Common Property within this development site.

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- a) When the domestic water supply and the fire service (if required), is proposed to be constructed as a larger single service pipe into a development site boundary. Then the domestic water supply offtake must be constructed from the upstream side of the fire service isolation valve and ancillary equipment located just inside the common property fronting the road reserve.
 - b) The domestic service pipe must then run parallel to the fire service continuing within the common property for each water meter assembly offtake for lots being serviced via the Common Property. An isolation valve and a Back-Flow Prevention Device (BFPD when required per AS3500), is to be constructed adjacent to the offtake on the shared domestic service pipe.
 - c) Agreement is required to be reached with Coliban Water for either, the water meters to be located in an accessible location within 2.0 metres but no closer than 600mm, inside the Common Property title boundary line, or in approved locations within in each of the lots.
 - d) Where the water meter assemblies are proposed to be located within each of the lots, an approved isolation valve and suitable Backflow Prevention Device, will be required on the shared water supply which is to be located within 2.0 metres of the Common Property title boundary at the road reserve.
 - e) The developer's registered and licensed plumbing contractor will be required to complete the construction of the water main tapping, service pipes, meter assemblies for the lots being serviced via the Common Property, all works except for water meter supply and installation.
 - f) Water meter assemblies must be constructed to provide a minimum clearance of 150mm above the finished surface level and each of the service pipes. An application will then be required through Coliban Water's consent to connect process for our approved contractor to supply and install the digital data devices (water meters).

Evidence in the form of a letter/statement is required from a registered and licensed plumbing contractor, an as constructed plan, including copies of the Victorian Building Authorities Compliance Certificates for the new water services including the fire services if constructed.

The plumbers as constructed plan is also required to provide detail of, the location of the water meters, the domestic and fire service pipes, including the Detector Check Valve, the bypass meter, isolation valves, Backflow Prevention Devices and all other ancillary equipment necessary for compliance within the development site.

- 26) Please note, whilst not required prior to issue of compliance for this subdivision. Applications for separate connections to Coliban's potable water supply main for lots that are independent of the Common Property, can be made through our consent to connect process, prior to Coliban Water's approved contractor installing water supply tappings and service pipes, meter assemblies and digital data devices (water meters), which will be located in an accessible location within 2.0 metres but no closer than 600mm, inside the title boundary lines, of a lot fronting the road reserve containing a Coliban Water asset (water main).
- 27) Applications through our Consent to Connect Process are required prior to any water supply service and/or drain being amended or connected to Coliban Water assets and complying with our conditions.
- 28) All private works for water supply and sanitary drainage must be constructed in accordance with the National Plumbing and Drainage Code of Australia being AS 3500, the MRWA Water Metering & Servicing Guidelines 2022 and or any relevant requirements of Coliban Water.

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- 29) Please note Under section 165(5) of the Water Act (1989), Coliban Water is not required to ensure that the water pressure is adequate for firefighting. It is important to note that Coliban Water does not guarantee fire flows.
 - 30) 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.

Engineering

- 31) 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.
- 32) 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 so as to prevent the discharge of water from the subject land across any road or onto any adjoining land. The drainage system must make provision for minor (20% AEP) and major (1%AEP) events.
- 33) The site stormwater discharge is not to be increased by the proposed development. The drainage system shall include provision of 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 design event (IDM Design standards - Section 19.3 Requirements).
- 34) 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.
- 35) A drainage easement shall be created along the proposed path of any waterway deviation. The easement shall be vested with the property owner. The management and maintenance of the easement and any proposed waterway deviation shall be the responsibility of the individual land owners.
- 36) The owner must formalise the open drain and upgrade drainage infrastructure including construction of necessary cross culverts and removal of superfluous crossovers along Polsue Street and Reef Street to the satisfaction of the responsible authority.
- 37) There are existing natural flow path running through the property. Any alterations or modifications to natural flow path will require detailed design and approval from the relevant authorities.
- 38) Vehicle crossovers are to be constructed to the satisfaction and levels /requirements of the Council. No impeding or redirection of existing surface flow is allowed to occur as a result of these works. Council's minimum standards are: -
 - a) 3.5 m wide;
 - b) With Appropriately sized reinforced concrete pipes (min 375mm) 4.8m long centred on the crossover matching the capacity of the open drain;
 - c) Culvert end-walls to all culvert ends & rock beaching either side of culvert;
 - d) Batters to be re-established either side of culverts to ensure free flow in the drains;

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- 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; and
 - g) 100mm minimum compacted thickness of road base gravel from edge of pavement to property line.
 - h) The internal driveway access shall be constructed to appropriate engineering standards approved by Council along with appropriate cut off table drains and cross culverts.
- 39) All access to lot 9-16 lot 2 and lot 3 must be via the common property and no direct vehicular access from lots 9-12 to the Lowther Street will be permitted.
 - 40) The applicant shall submit plans to the satisfaction of council's infrastructure unit to demonstrate that vehicle accessing the common property can enter and exit in a forward manner.
 - 41) The common property access shall be constructed to appropriate engineering standards approved by council along with appropriate drainage.
 - 42) The intersection of the common property and Lowther Street must be constructed to allow simultaneous entry and exit movements in accordance with the requirements of the Functional Layout Plan required by Condition 63 of this permit.
 - 43) Common Property Driveway – minimum 5.5 m wide Asphalt or Concrete driveway with a turning circle or "T" at the end. Provision shall be made for underground drainage, kerb and channel and other service utilities.
 - 44) 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.
 - 45) The developer must restrict sediment discharges from any construction sites within the land in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).
 - 46) The developer 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.
 - 47) The developer is required to re-instate any erosion damage or sediment build-ups caused by the proposed works to any residential or public assets.
 - 48) 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. Estimate for the works are to be prepared and submitted to Council.
 - 49) Prior to the commencement of any works on the road reserve the owner/applicant must submit a Minor Works in a Road Reserve application and be issued a permit to occupy the road for works.
 - 50) Prior to issue of a statement of compliance for the subdivision, drainage and access works must be completed to satisfaction of Council in accordance with the approved plans.
 - 51) If the applicant / Property owner require 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 the 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.
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- 52) All existing and proposed easements and sites for existing and required utility services must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the *Subdivision Act 1988*.
- 53) All work associated with the above Engineering conditions must be carried out at no cost to Council prior to the issue of a Statement of Compliance.
- 54) 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) No tree removal or works must be undertaken by the owner of the land within the drainage easement to the satisfaction of Council.
 - b) The owner will maintain the vegetation within the drainage easement to the satisfaction of Council.
 - c) The owner will maintain the on-site detention system and not modify without prior written approval from the Council;
 - d) The owner shall allow duly authorised officers of the Council to inspect the drainage easement and on-site detention systems at mutually agreed times;
 - e) The owner will pay for all costs associated with the construction and maintenance of the on-site detention system; and.
- 55) Appropriate street lighting as per the satisfaction of the relevant authority is required for the development. Use of non-standard light poles and fitting will require maintenance compensation to be provided to Council as set out in Clause 26.4.1 of the (IDM)

Vegetation Removal and Protection

- 56) Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant conditions and associate statutory requirements or approvals.
- 57) No native vegetation other than that approved by this permit shall be removed unless has been granted by the Responsible Authority for its removal.
- 58) Before works start, a native vegetation protection fence must be erected around all vegetation to be retained within 15 metres of the works area. This fence must be erected at:
- a) radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - b) Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority and the Department of Energy, Environment and Climate Action. The protection fence must remain in place until all works are completed to the satisfaction of the department.

- 59) Except with the written consent of the Responsible Authority, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
- a) Vehicular or pedestrian access;
 - b) Trenching or soil excavation;

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- c) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
 - d) Construction of entry and exit pits for underground services; or
 - e) Any other actions or activities that may result in adverse impacts to retained native vegetation.
- 60) In order to offset the removal of a patch approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the permitted clearing of native vegetation – biodiversity assessment guidelines and the native vegetation scoring manual:
- a) A general offset of 0.076 general habitat units: Assessor's handbook Applications to remove, destroy or lop native vegetation;
 - b) Located within the North Central Catchment Management Authority boundary or Mount Alexander Shire municipal district; and
 - c) With a minimum strategic biodiversity score of at least 0.408.
- 61) 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) A security agreement signed by both parties, and
 - b) A management plan detailing the 10-year management actions and ongoing management of the site to the satisfaction of the Department of Environment, Land, Water and Planning 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.

A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.

Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Energy, Environment and Climate Action at loddonmallee.planning@delwp.vic.gov.au.

Payment of Public Open Space Contribution

- 62) Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the permit holder must pay to the Responsible Authority a cash payment equivalent to 5 per cent of the site value of all the land in the subdivision in lieu of the provision of land for Public Open Space, unless otherwise agreed in writing by the Responsible Authority.

Department of Transport and Planning

- 63) Only one point of access is permitted from the subject land to Lowther Street (arterial) as shown on the appended plans.

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- 64) Before the plan of subdivision is submitted to the Responsible Authority for certification under the *Subdivision Act 1988*, a Functional Layout Plan (FLP) must be submitted to and approved by the Head, Transport for Victoria. The plan must be generally in accordance with the plan date stamped 05/02/2024 and annotated Concept Layout Plan.
 - 65) Prior to the issue of a Statement of Compliance, all works on the approved FLP must be completed to the satisfaction of, and at no cost to, the Head, Transport for Victoria.
 - 66) Prior to the issue of a Statement of Compliance all disused or redundant vehicle crossings to Lowther Street must be removed, and the areas reinstated (as per the surrounding areas) to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria or the Responsible Authority.

Goulburn Murray Water

- 67) All construction and ongoing activities must be in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).
- 68) 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.
- 69) Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
- 70) 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 Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

North Central Catchment Management Authority

- 71) Prior to the certification of subdivision, 2-dimensional flood modelling taking into consideration the impacts of climate change – prepared by a suitably qualified engineer – must be submitted to the Responsible Authority and North Central CMA for approval. The modelling must show:
 - c) Flood extent, levels, depth and velocity during a 1% AEP flood event.
 - d) A demonstrated balance of cut and fill to a ratio of 1.3:1.
- 72) Prior to the issue of Statement of Compliance, an as built survey plan must be submitted, demonstrating that all building envelopes have been filled a minimum of 300 millimetres above the applicable 1% AEP flood level for each lot.

Powercor Australia

- 73) 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.
 - 74) 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.
 - 75) 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.
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- 76) The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations. 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.
- 77) 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. Notes:
- 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:
 - Purpose: Power Line
 - Origin: Section 88 - *Electricity Industry Act 2000*
 - Land Benefited / In Favour Of: Powercor Australia Ltd

Permit Expiry

- 78) This permit will expire if one of the following circumstances applies:
- a) The plan of subdivision for Stage 1 is not certified within 2 years of the date of this permit;
 - b) Any subsequent stage is not certified within two years of the previous stage being certified;
 - c) 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*.

PERMIT NOTES (for information only):

NOTE 1 Department of Transport and Planning: To assist in the approvals process required for the construction of the access works and associated roadworks, the following guidance is provided. Any planning permit approval received in accordance with a municipal planning scheme does not constitute consent to conduct the works under the Road Management Act 2004. Any works in the arterial road reserve designated as Transport Zone 2 (TRZ2) require a Works Within Road Reserve Permit from the Department of Transport and Planning. Section 63 and clause 16 of Schedule 7 of the *Road Management Act 2004* require any person proposing to carry out works in, on, under or over an arterial road in Transport Zone 2, to obtain the consent of the Department of Transport and Planning, except where exemptions under the Act, or its Regulations (Road Management (Works and Infrastructure) Regulations 2005), apply. For the purposes of this application, the works will include the provision of:

- Access works

Please contact the Department of Transport and Planning prior to commencing any works on nr.admin@roads.vic.gov.au.

For more information regarding working within the road reserve please visit the VicRoads website: <https://www.vicroads.vic.gov.au/business-and-industry/design-and-management/working-within-the-road-reserve>, and <https://www.vicroads.vic.gov.au/traffic-and-road-use/road-access-permits-portal>

NOTE 2: Please note that if your application requires works within public land (such as civil works within the road reserve), you may be required to engage in negotiations with the Dja Dja Wurrung Clans Aboriginal Corporation (DDWCAC) under the provisions of the DDWCAC Land Use Activity Agreement (LUAA) which came into force on 25 October 2013. Information in relation to this agreement can be found on the Department of Justice and Community Safety's website at <https://www.justice.vic.gov.au/land-use-activity-agreement-information-for-local-government>. Please contact Council's Engineering team if further information is required.

NOTE 3 NCCMA: Flood levels for the 1% AEP probability (100-year ARI) have not been determined for this area under the Water Act 1989. However, information available at North Central CMA indicates that in the event of a 1% AEP flood event it is likely that the property may be subject to inundation.

NOTE 4: A Works in Road Reserve Permit must be obtained from Council's Engineering Services Unit before any vehicle crossover is constructed.

NOTE 5: A legal point of discharge must be obtained from Council before any drainage infrastructure is constructed.

NOTE 6: This permit does not authorise the removal of, damage to or pruning of any street tree. Further written consent must be obtained from Council's Parks and Gardens Unit.

SECONDED COUNCILLOR WALKER

NOT CARRIED.

MOVED COUNCILLOR HEYDON

That Council resolve to issue Notice of Refusal to Grant a Planning Permit PA288/2022 for the development of a sixteen-lot staged subdivision, vegetation removal and creation of access to a Principal Road Network at 1 Lowther Street, Maldon on the following grounds:

- 1. The subject land is not considered to be suitable for the proposed subdivision and does not represent an orderly planning outcome which is contrary to the decision guidelines of Clause 65.02 (Approval of an Application to Subdivide Land) of the Mount Alexander Planning Scheme.**
- 2. The proposed subdivision and alteration to the existing waterway does not maintain the natural drainage function, stream habitat and wildlife corridors and landscape values of the site contrary to Clause 14.02-2S (Catchment planning and management).**

SECONDED COUNCILLOR CORDY

CARRIED.

Summary

Application details:	The development of a sixteen-lot staged subdivision, vegetation removal and creation of access to a Principal Road Network
Application No:	PA288/2022
Applicant:	Tomkinson - Cameron Hayes
Land:	1 Lowther Street Maldon Crown Allotment 25 Section 3E Township of Maldon Parish of Maldon
Zoning:	General Residential Zone – Schedule 1 (GRZ1)
Overlays:	Significant Landscape Overlay – Schedule 1 (SLO1)
Particular Provisions:	Clause 52.17 (Native vegetation removal) Clause 56 (Residential Subdivision) Clause 52.29 Land Adjacent to the Principal Road Network
General Provisions:	Clause 65.02 (approval of an application to subdivide land)
Relevant Provisions of the Planning Policy Framework:	Clause 11.01-1L-01 Settlement Clause 11.03-5S Distinctive areas and landscapes Clause 12.01-1S Protection of biodiversity Clause 12.01-1L Protection of biodiversity Clause 12.01-2S Native vegetation management Clause 14.02-1S Catchment planning and management Clause 15.01-3S Subdivision design Clause 15.01-5S Neighbourhood character Clause 15.03-2S Aboriginal cultural heritage
Triggers:	A planning permit is required for subdivision of land under Clause 32.08-3 of the General Residential Zone

	<p>A planning permit is required for removal of native vegetation under Clause 52.17.</p> <p>A permit is required to create access to a road in Transport Zone 2.</p> <p>A permit is required to subdivide land adjacent to a road in Transport Zone 2.</p>
Notice:	Yes, via letters to adjoining landowners and occupiers and signs on the site.
Referrals:	<p>Coliban Water – No objection subject to conditions</p> <p>Downer Utilities – No objection</p> <p>Goulburn Murray Water – No objection subject to conditions</p> <p>North Central CMA – No objection subject to conditions</p> <p>Powercor Australia – No objection subject to conditions</p> <p>Department of Transport and Planning – No objection subject to conditions</p> <p>Heritage Advisor – No objection subject to conditions</p> <p>Engineering – No objection subject to conditions</p> <p>Strategic Planning – Consent</p>
No. of Objections:	19
Consultation Meeting:	Yes, 11 July 2024
Key Considerations:	<p>Compliance with the Planning Policy Framework</p> <p>Neighbourhood Character</p> <p>Compliance with the Maldon Design Guidelines</p> <p>Appropriateness of the subdivision within the General Residential Zone and Significant Landscape Overlay</p> <p>Compliance with Clause 56 (ResCode)</p> <p>Clause 52.29 (Land Adjacent to the Principal Road Network)</p> <p>Consideration of cultural heritage</p> <p>Issues raised in objections</p>

Context

This application was previously presented to Council for decision on 10 September 2024. At that meeting Council determined:

That this matter be deferred to a future Meeting of Council so that Council Officers be able to prepare grounds for refusal.

Grounds for refusal have been prepared and are attached.

Site and Surroundings

The subject site is located at 1 Lowther Street, Maldon, legally known as Crown Allotment 25, Section 3E, Township of Maldon, Parish of Maldon.

The site, as illustrated in Figure 1 below, is irregularly shaped with a total area of 1.89 hectares and frontage to Lowther Street (northern and northeastern boundary), Reef Street (eastern boundary) and Polsue Street (southern boundary). Lowther Street is categorised as a Transport Zone 2 Road managed by the Department of Transport and Planning, whilst Reef Street is a local road which has a frontage of approximately 45 metres to the subject site. Polsue Street is a sealed, unmarked local road. All reticulated services and telecommunications are available to the subject site.

The subject site is currently vacant and undeveloped and gently slopes from both Lowther Street and Polsue Street toward the centre of the site and forms a drainage line [waterway]. A small dam is located in the northwest corner. The subject site has a mixture of vegetation, including stands of natives, exotics and weeds. The property is currently accessed via an existing gateway on the bend of Lowther Street.

The subject site is approximately one kilometre from the main street and 520 metres northwest of Maldon Railway Station.

The surrounding areas are generally characterised with single storey, pitched gabled dwellings on generous allotments surrounded with established gardens and mature trees. The dwellings along Polsue Street are traditional and have small front setbacks to maximise yard space. The allotments along Lowther Street are generally larger allotments with larger front setbacks. Along Lowther Street, significant allotments include the Mount Alexander Works Depot, Union Hill Mine and Maldon Golf Club. Maldon's Eaglehawk Hotel is located in close proximity to the site.



Figure 1: Subject Site taken from the applicant's submission

Proposal

The application is seeking approval for the subdivision of the land in two stages into sixteen (16) lots, the removal of vegetation, and creation of access to a principal transport network. The details of this proposal are summarised below:

- Stage 1 of the subdivision will incorporate lots 1 to 8 inclusive and will be located along the southern half of the site facing the Polsue Street.

The lots are described as follows:

Lot #	Site Area	Available Building Envelope	Frontage	Maximum Depth
1	980sqm	608sqm	21m to Polsue Street	43.62m
2	551sqm	334sqm	12.5m to Polsue Street	44.56m
3	562sqm	340sqm	12.5m to Polsue Street	45.28m
4	996sqm	619sqm	21m to Polsue Street	45.28m
5	1444sqm	391sqm	24m to Polsue Street	62.16m
6	1270sqm	317sqm	22m to Polsue Street	62.16m
7	1494sqm	487sqm	21.2m to Polsue Street	77.64m

Lot #	Site Area	Available Building Envelope	Frontage	Maximum Depth
8	1343sqm	259sqm	22.1m to Polsue Street	63.3m

- Stage 2 of the subdivision will incorporate lots 9 to 16 inclusive and will be located along the northern half of the site facing the common property road or Lowther Street.

The lots are described as follows:

Lot #	Site Area	Available Building Envelope	Frontage	Maximum Depth
9	2332sqm	1601sqm	71.59m to Lowther Street	22.01m
10	780sqm	525sqm	29.62m to Lowther Street	30.34m
11	897sqm	573sqm	29.65m to Lowther Street	30.34m
12	1189sqm	840sqm	40.95m to Lowther Street	30m
13	974sqm	514sqm	15.48m to common driveway	35.58m
14	829sqm	694sqm	33.91m to common driveway	32.26m
15	1225sqm	404sqm	21.78m to common driveway	24.50m
16	1147sqm	461sqm	14.74m to common driveway	46.84m

The subdivision proposed building envelopes (shown as red dotted lines) and a building exclusion zone (shown as green in Figure 2 below). The building exclusion zone is designed to protect an existing drainage line and vegetation located centrally within the site.

Vehicle access to the proposed properties is proposed directly off Polsue Street to Lots 1 – 8, and Lot 8 will be accessible off Reef Street via a new driveway.

Lot 9 – 16 will be accessible via the 5m wide common driveway proposed and access via Lowther Street.

Works are proposed in the form of cut and fill to create level areas for dwellings to be constructed and to ensure dwellings are located above any potential flood level.

The proposal also seeks to modify the existing drainage line, which currently runs through the property, to be further north to limit the number of properties responsible for the drainage line and to maximise the developable area of these allotments.

The application seeks the removal of 0.029 hectares of native vegetation in patches (including no “large trees”).

Nine (9) small trees will be removed to support the construction of common driveway to the north section of the site. Several small trees at the south side of the site (proposed lot 3-5) will be removed to support the subdivision and construction of driveway.

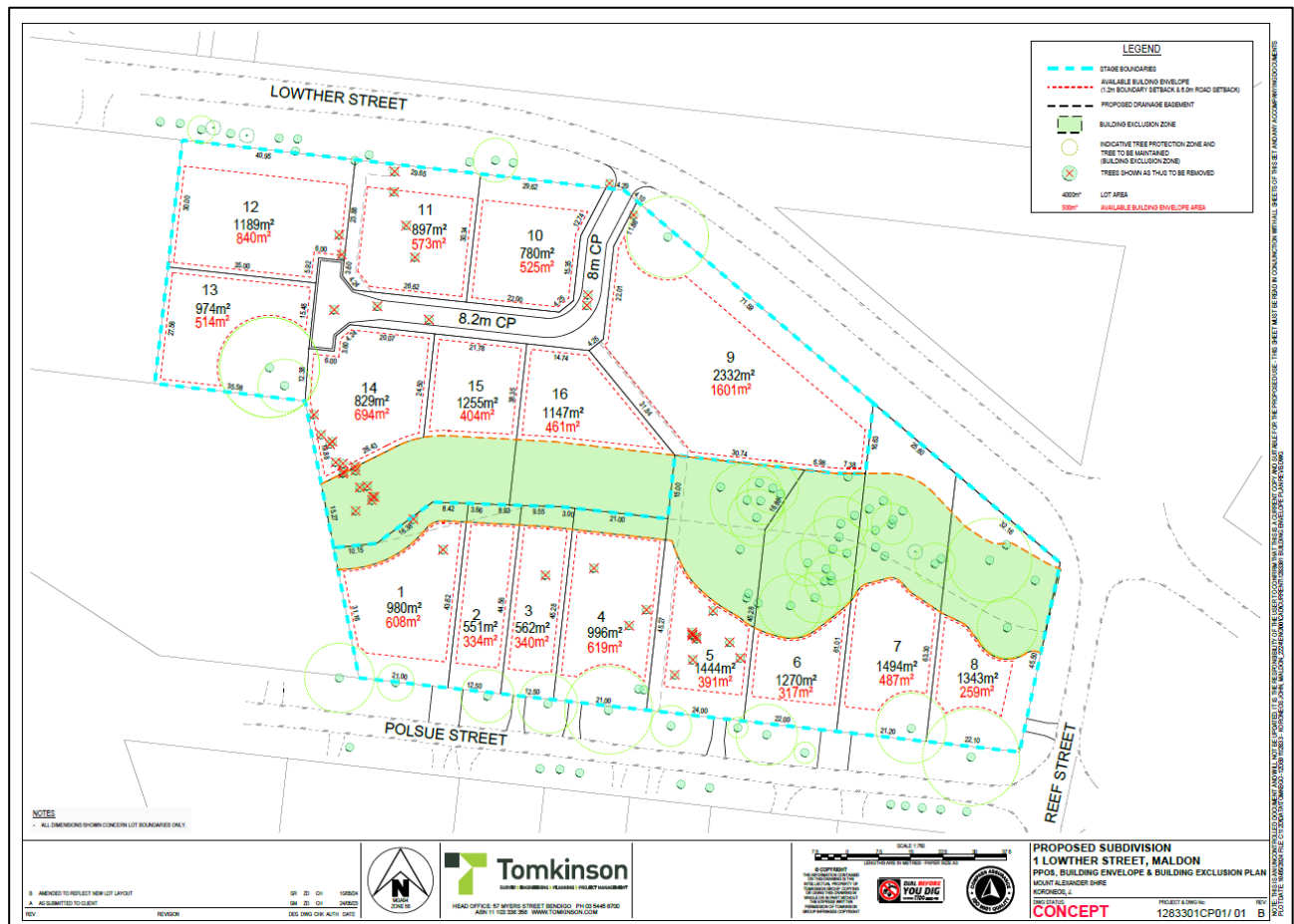


Figure 2: Proposed Subdivision Plan

Issues

The key issues for consideration relate to the appropriateness of the proposed subdivision and vegetation removal in relation to the Planning Policy Framework, the General Residential Zone Schedule 1, the Significant Landscape Overlay Schedule 1, the relevant Maldon Design Guidelines, and compliance with Clause 56 (ResCode) of the Mount Alexander Planning Scheme. The following provides a response to considerations:

Compliance with the Planning Policy Framework

The Planning Policy Frameworks of the Mount Alexander Planning Scheme seeks to ensure that residential development and subdivisions are located within established towns with access to transport and services where environmental and heritage considerations can be suitably managed. These policies also seek to ensure that such development is designed with regard to the natural features of a site and the existing character of an area, and that new subdivisions can be appropriately serviced with infrastructure.

The proposed development is consistent with the Planning Policy Framework as the sites location accords with the general intent of the policies, including Clause 02.03-6 (Housing) which promotes “encouraging new subdivisions to have a diversity of lot sizes, including smaller lots to promote affordability” and “supporting the development of smaller dwellings to respond to the changing housing needs of the community,” and Clause 15.01-3S

(Subdivision design) which also encourages “providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people”. Clause 02.03-1 (Settlement) and Clause 11.01-1R (Settlement - Loddon Mallee South) encourage and support growth in Maldon.

The subject site is located within the township boundary established within the Maldon Framework Plan located at Clause 2.04 of the Mount Alexander Planning Scheme where urban expansion is encouraged. The proposed subdivision layout is considered appropriate to provide a balanced mix of lot sizes reflecting the site’s interfaces. The proposal supports settlement principles by directing development to locations that are within settlement boundaries and are capable of accommodating growth and reduces the likelihood of urban sprawl. The proposal responds to the mixed character of the area and provides for a new residential lot that is accessible and liveable.

Furthermore, the drafted Settlement Planning Assessment was prepared in July 2022, and underwent targeted consultation over September – October 2022. The assessment is to provide 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 application therefore has been referred to Council Strategic Team for reviewing with below comments:

- “The site is considered to be an appropriate site for infill development.
- There is potential for diversity in housing given the diversity of lot sizes and configuration.
- The average lot size is generally aligned with the ‘standard’ supply type as identified within the Land Supply and Demand Analysis.
- Development of the site makes use of an existing ‘infill’ site.
- Accessibility is an important consideration when planning for housing. The Walking and Cycling Strategy (2010-2020) identifies no proposed footpath, bike lane or trail network to the subject site or its surrounds. However, it does illustrate the existing trail network which runs from the railway station up to where Lowther and Stump Streets connect. Further, the subject site is located within and on the edge of an established residential area and thus is considered to be well-connected and is not isolated.
- The building envelopes assist in providing an idea on the location of future dwellings.
- While the common property accessway (provides access to lots 9 – 16) is not reflective of the surrounding subdivision pattern, it does provide a benefit of limiting crossovers along Lowther Street. The remaining lots are proposed to be accessed via Polsue Street.
- The majority of lot sizes are similar to those surrounding the subject site, which provides the opportunity for future dwellings to be set back a similar distance. While there are two proposed significantly smaller lot sizes (around 550sqm), it is considered that these contribute to the diversity in lot sizes, providing options for smaller-scale housing, particularly given Maldon is expected to maintain the lowest number of persons per dwelling into the future.

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- The strategic planning unit has no objections to a residential subdivision at 1 Lowther Street, given it makes use of a well-located and currently under-utilised site which has been identified to be a 'major infill' opportunity within the Maldon township.
 - In addition, the applicant has provided sufficient justification that the environmental impacts such as retention of native vegetation, bushfire risk and connection to services can be adequately managed which will be discussed further in the zoning and overlay considerations of this report."

Neighbourhood Character / Appropriateness of the subdivision within the General Residential Zone

The subject site is located within the General Residential Zone, which covers the majority of the residential areas of Maldon.

The purpose of the General Residential Zone includes:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

In addition, the relevant decision guidelines of the zoning require consideration of *the pattern of subdivision and its effect on the spacing of buildings* in addition to the relevant Planning Police Framework and the provision of Clause 56 (ResCode).

The subject site is a large isolated piece of land bound by Lowther, Reef and Polsue Streets in Maldon. The site is currently vacant and 1.9 hectares in size.

The adjoining residential subdivision character is varied in nature with allotment sizes of between 500 and 2000 square meters with some larger land holdings also existing in locations. Many of the smaller allotments have not been developed. Accordingly, the immediate character surrounding the site presents as larger allotments developed containing dwellings with significant setbacks, open style rural fencing and scattered vegetation and gardens.

The proposed subdivision has been designed to accommodate lots of between 551 and 2332 square metres which is considered to be consistent with, and complement, the existing and preferred neighbourhood character. In addition, the application proposes suitable restrictions in the form of building envelopes and exclusion zones to protect existing vegetation along the open drain that extends centrally through the site. Building envelopes also provide acceptable front and site setbacks to ensure that future development will present consistent setbacks to both Lowther and Polsue Streets.

It is noted that the future development of each of the proposed lots will require planning permission pursuant to the Significant Landscape Overlay that affects the site. However; it is considered appropriate to implement a condition on any permit issued requiring the provision of a Section 173 Agreement which will form a restriction on title formalising:

- The proposed building envelopes.
- A restriction ensuring the dwellings constructed on Lots 9-12 face Lowther Street.

- All vegetation identified for retention must be retained without further consent from the Council.
- A requirement that all boundary fencing is an open style post and wire fence consistent with the surrounding character to the satisfaction of Council.

It is therefore considered that subject to the above conditions, the subdivision as proposed is consistent with the outcomes sought by the General Residential Zone by providing for an infill development and additional residential opportunities in an established residential area to meet the housing needs of different households consistent with the existing and preferred neighbourhood character of the site.

Compliance with the Significant Landscape Overlay and Compliance with the Maldon Design Guidelines

The subject site is affected by the Significant Landscape Overlay Schedule 1. A permit is required to remove vegetation and undertake works including cut, fill and realignment of the existing waterway under the provisions of the overlay.

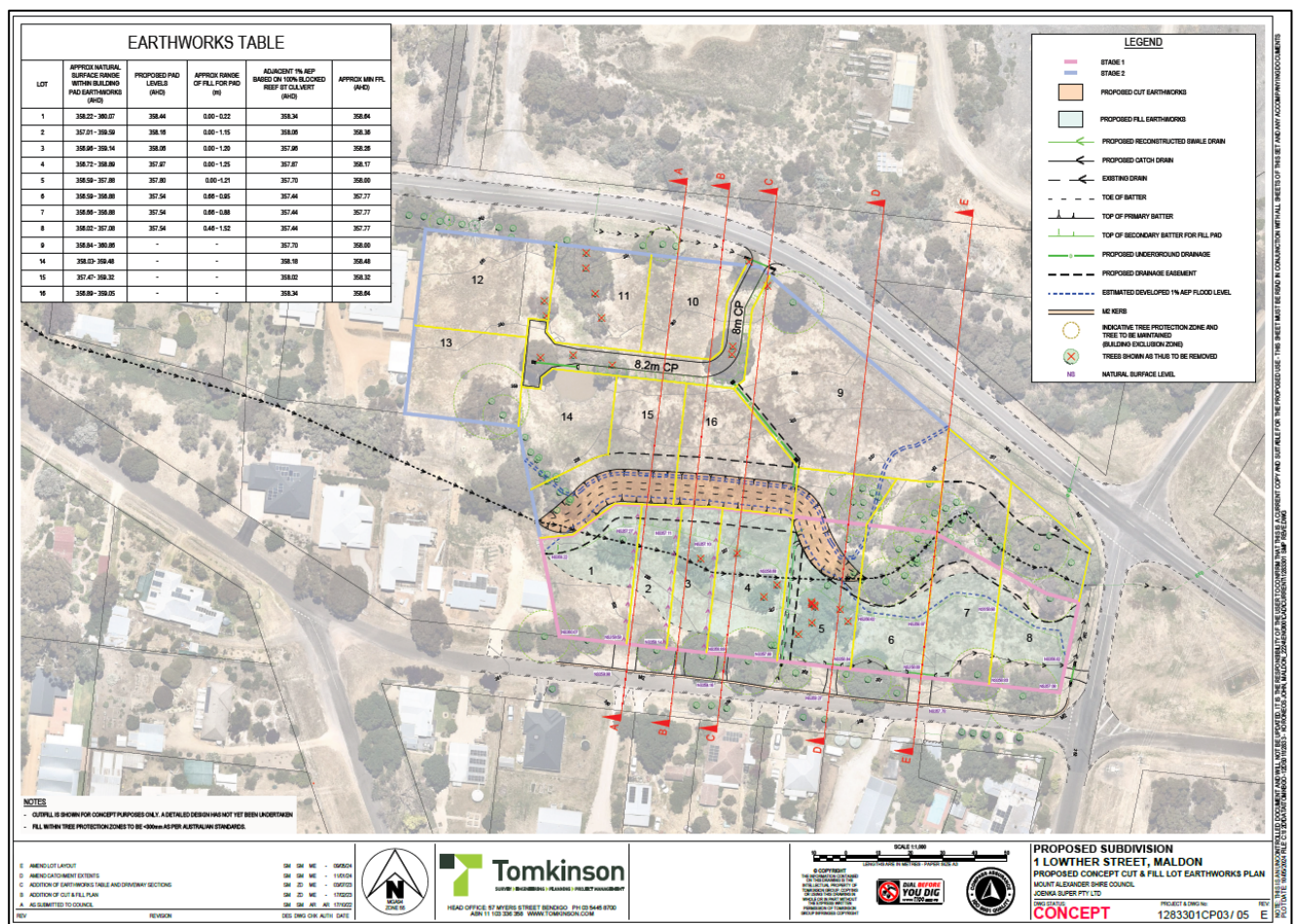


Figure 3: Earthworks plans showing proposed cut and fill taken from applicants Stormwater management strategy

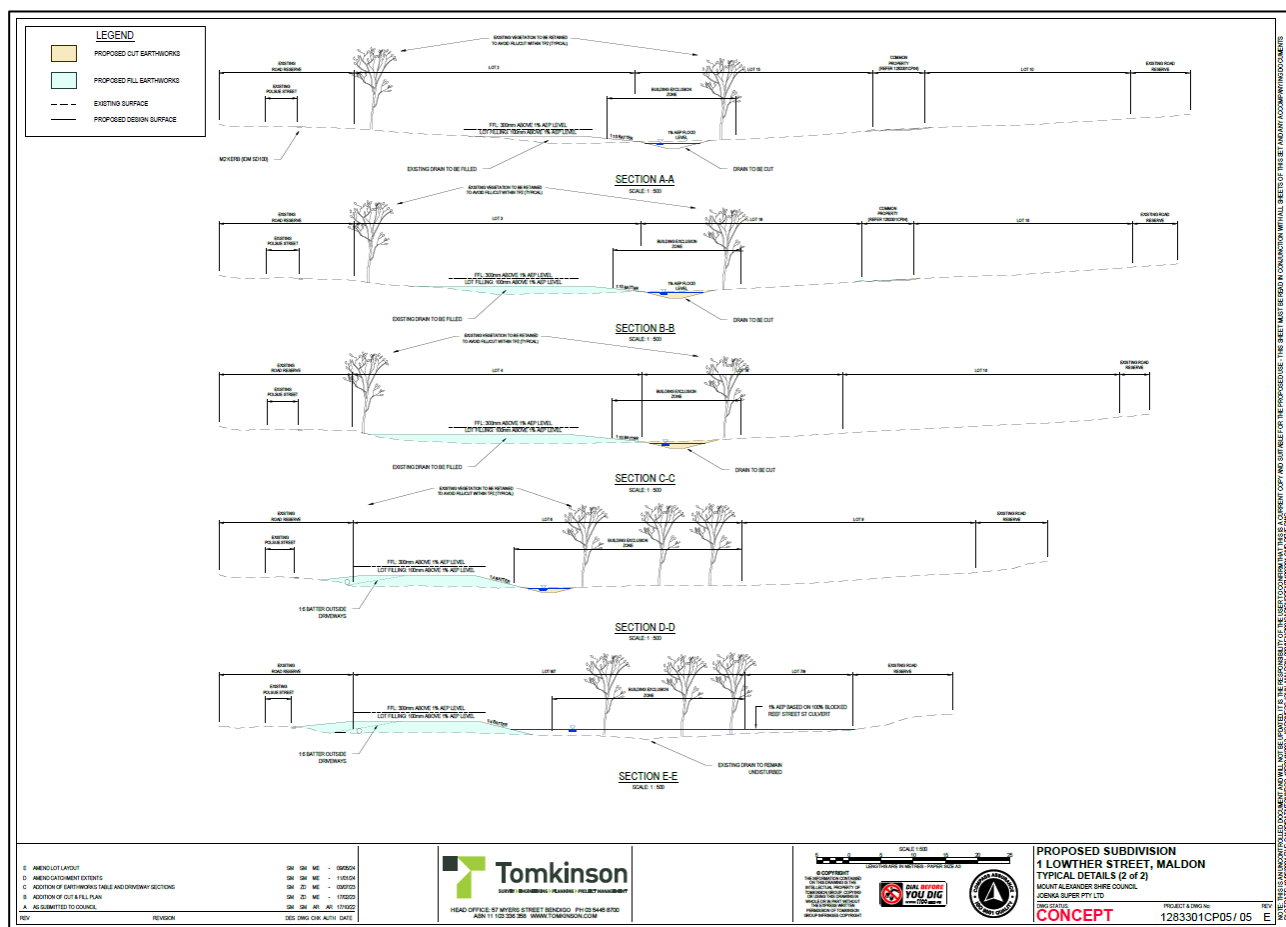


Figure 4: Cross sections showing proposed cut and fill taken from applicants Stormwater management strategy

The statement of nature and key elements of landscape states that the “Maldon landscape is classified by the National Trust as a significant landscape. The key elements of the Maldon landscape are both natural and man-made. They include Mount Tarrengower and its environs along with the significant gold mining landscapes that were created in the 19th century. These elements surround the township and produce a unique gold mining landscape that contributes towards the heritage significance of Maldon.”

In determining an application for the removal of vegetation, the relevant decision guidelines of Schedule 1 to the Significant Landscape Overlay require consideration of:

- The retention of areas of vegetation or remnant vegetation as a habitat for native animals and birds and as an important visual element of the overall landscape.
- The retention of a buffer strip of vegetation within specified distances of roads, watercourses, property boundaries or in visually prominent areas.
- The preservation of existing natural vegetation.
- The preservation of natural beauty and prevention of soil erosion.
- Within the Maldon township boundary, the provisions of the Maldon Design Guidelines, 2022 incorporated in this scheme.

The proposed subdivision is considered to meet the purpose and decision guidelines of the Significant Landscape Overlay and is considered to respond appropriately to the Maldon Design Guidelines. In particular:

- The proposed building envelopes have been designed to ensure dwellings will retain appropriate setbacks and ensure the retention of significant trees on the site consistent with the Maldon Design Guidelines.
- The proposed works to realign the existing waterway and provide level allotments is considered acceptable subject to conditions requiring the retention of vegetation, a landscape plan providing acceptable revegetation of the waterway with vegetation endemic to the region.
- The proposed common property accessway does limit the new crossovers created along Lowther Street.

The applicant has provided draft design guidelines and suggested the guidelines be included as a restriction on title. In this instance it is not considered appropriate to incorporate design guidelines as a restriction on title as the site is located within a Significant Landscape Overlay which will require the future development of the lots to be designed to meet the requirements of the Maldon Design Guidelines.

Comments were sought from Council's Heritage Advisor who did not raise significant concerns with the proposal. However, it was suggested that specific conditions be included in relation to the subdivision design including:

- A condition to ensure dwellings face the existing roads and building envelopes have appropriate setbacks to ensure sympathy with the existing neighbourhood character
- Driveway material should be pervious material such as gravel.

In addition to the above requirements, it is considered appropriate to place a condition on permit requiring a Section 173 Agreement that will become a restriction on title to require boundary fencing to be a rural post and wire fencing to protect the character of the surrounds. Inclusion of a restriction on title will ensure future purchasers are aware of the requirements.

Lastly the proposed plan of subdivision identifies that a number of trees including native and exotic will be removed from the site to facilitate the proposed subdivision. In support of the application, the applicant has supplied an arborist report prepared by Axiom Tree Management Pty Ltd. The report states:

- In total One-hundred and nine (109) trees or groups of trees were assessed on and directly adjoining the subject site that may be impacted by future development:
 - Most of the trees are *Eucalyptus camaldulensis* [River Red Gum] and *Fraxinus oxycarpa* [Claret Ash]
 - The vast majority of trees have been planted at a similar time or are self-sown young specimens.
 - Common self-sown species that have the potential to become weed species include *Fraxinus oxycarpa*, *Salix babylonica* and *Prunus cerasifera* 'Nigra'.

- The health of most of the trees is 'Good':
 - The good health can be attributed to the selection of common exotic and native specimens which are tolerant of many biotic and abiotic conditions.
- The structure of most of the trees is 'Fair':
 - The trees on the site are primarily common Australian native species that have been at the same time most likely as tube stock.
 - The trees contain common defects including dead branches, decay, and cavities. Many of the trees within the site have not benefitted from arboricultural maintenance.
- ULE ["useful life expectancy"] is an estimation of how long a tree can provide amenity in the landscape at an acceptable level of risk.
 - Most of the trees have been assigned a long ULE of greater than 20 years;
- Four retention values have been considered, consisting of 'High', 'Medium', 'Low' and 'Third party'.
 - One trees (1) have been assigned High retention value;
 - Twenty-six trees (26) have been assigned 'Medium' retention value;
 - Sixty trees (60) have been assigned 'Low' retention value;
 - Twenty trees (20) have been assessed within the adjoining neighbouring properties.

The onsite assessment of vegetation is demonstrated in Figure 5 below.

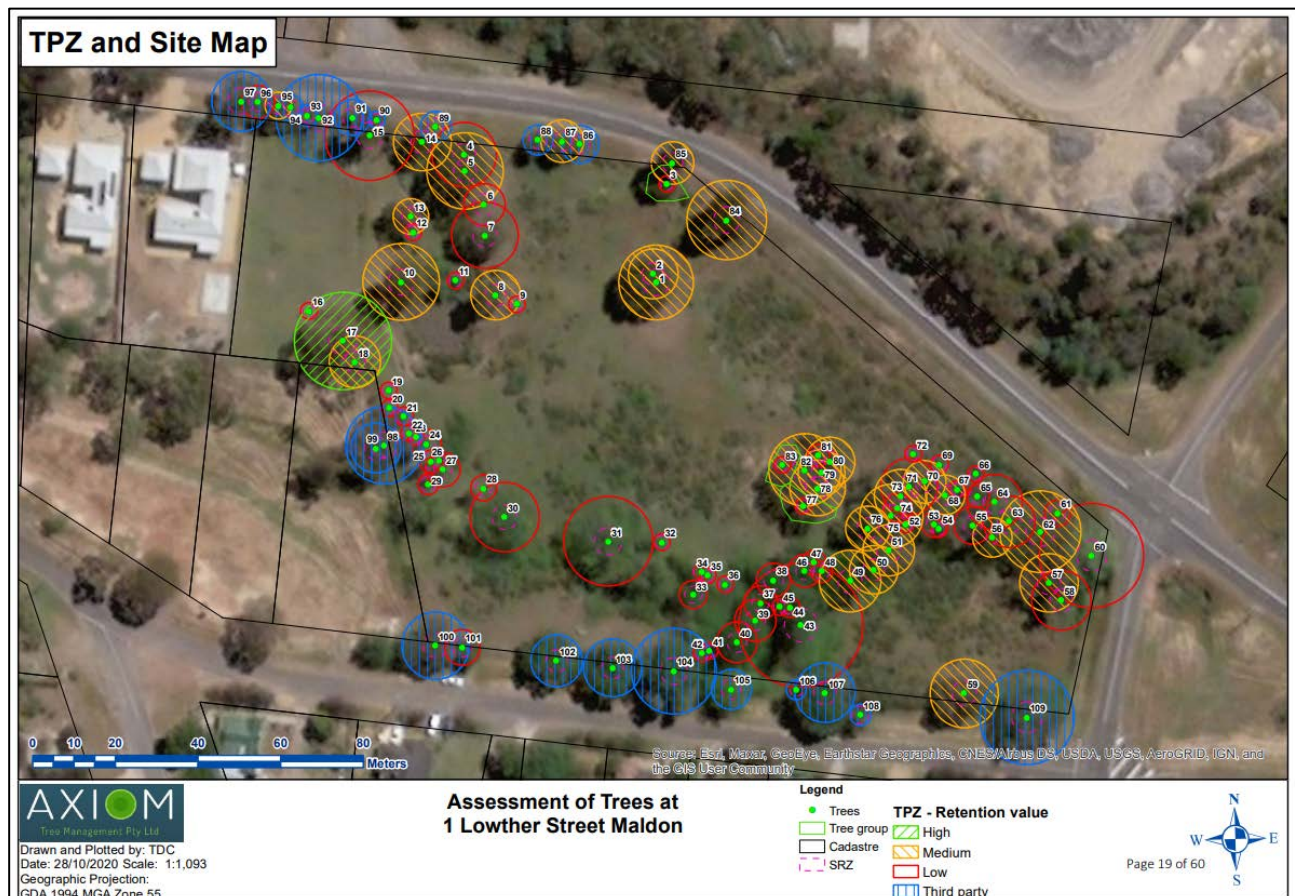


Figure 5: Assessment of trees taken from Arborist Report prepared by Axiom Tree Management Pty Ltd

Tree removal is proposed due to the location of proposed building envelopes and the internal accessway. A large number of trees along the waterway and high value trees will be retained. The trees to be removed are generally of low retention value.

The vegetation removal as proposed is considered to be acceptable. The impacts on native vegetation are discussed in further detail below.

Clause 52.17 Native Vegetation and Removal of Native Vegetation

The application seeks approval for the removal of 320 square metres of native vegetation including 9 small native scatter trees.

In support of the application, the applicant has supplied a Native Vegetation Assessment prepared by Nature Advisory dated August 2022 and Native Vegetation Removal Report dated 13 May 2024. The report identifies the following native vegetation to be removed from the site.



Figure 6: Location of proposed native vegetation to be removed taken from Native Vegetation Removal Report

A key strategy identified in the Planning Policy Framework at Clause 12.01-2S (Native vegetation management) is to:

- Avoid the removal, destruction or lopping of native vegetation.
- Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
- Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

The submitted native vegetation report provides a response in relation to the need to avoid and minimise the removal of native vegetation. The response suggests that the subdivision has been designed to retain high value trees and vegetation along the waterway where possible.

In addition, all native vegetation on site will be “deemed lost” due to the lots being less than 4000 square metre in area, creating an exemption for native vegetation removal under Clause 52.17 (Native vegetation) Therefore the applicant is accepting of a permit condition requiring a Section 173 agreement requiring the vegetation to be retained without further consent from Council. This has been included in the recommendation of this report.

In support of the application, a satisfactory Native Vegetation Information Management report has also been provided. The Native Vegetation Information Management report provides an assessment of impacts to Victoria’s biodiversity from the removal of native vegetation and provides details of offsets required to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

In this instance, it is considered that the application has been designed to avoid and minimise the removal of vegetation and is therefore acceptable. Conditions have been included in the recommendation of this report requiring offsets to be provided in accordance with the recommendations of the report and a restriction included on title ensuring all vegetation within the building exclusion zone is maintained to the satisfaction of Council.

Compliance with Clause 56 (ResCode)

Pursuant to the requirements of the General Residential Zone, the application must be assessed against the objectives and standards of Clause 56 (Residential Subdivision) also known as “ResCode”.

A detailed assessment against the requirements of Clause 56 has been undertaken. The application complies with all of the objectives and standards of ResCode. The following standards require further discussion:

Clause 56.04-4 Street orientation objective

Standard C10 require a subdivision to

- Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads.
- Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space.
- Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries.
- Providing roads and streets along public open space boundaries.

In this instance, it is considered appropriate to include a condition on permit requiring a restriction to be place on title requiring any dwelling on the lots facing Lowther Street to be constructed to face Lowther Street in order to ensure compliance with Standard C10.

Subject to this condition, it is considered that the subdivision complies with the objective of Clause 56.04-4 which is *to provide a lot layout that contributes to community social interaction, personal safety and property security.*

Clause 56.08-1 (Site management objectives)

Standard C26 states that a subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:

- erosion and sediment
- dust
- run-off
- litter, concrete and other construction wastes
- chemical contamination
- vegetation and natural features planned for retention

In order to ensure compliance with Standard C26, a condition will be included on permit requiring the provision of a construction management plan to the satisfaction of Council. Subject to this condition, it is considered that the proposed subdivision is consistent with the objective of Clause 56.08-1 which is:

- To protect drainage infrastructure and receiving waters from sedimentation and contamination.
- To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.
- To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.

Compliance with Clause 52.29 (Land Adjacent to the Principal Road Network)

In this instance, a permit is required to create or alter access to Lowther street which is a road owned and managed by the Department of Transport and Planning (DTP).

The purpose of Clause 52.09 is:

- To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.
- To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.

The application was referred to DTP who have required the redesign of the subdivision to limit access to Lowther street to a single crossover. The application has been amended to address DTP's concern with the current amended design forming the basis of the assessment. DTP have required further conditions including a functional layout plan which have been included as conditions in the recommendation of this report.

Clause 53.01 (Public open space contribution and subdivision)

Clause 53.01 (Public open space contribution and subdivision) of the Mount Alexander Planning Scheme requires a person who proposes to subdivide to make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a

percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the *Subdivision Act 1988*.

A condition is included in the recommendation requiring the payment of 5 percent of the land value prior to the issue of statement of compliance.

Consideration of cultural heritage

The site is within an area of cultural heritage sensitivity and the proposal is classed as a high impact activity under the Aboriginal Heritage Regulations 2007. Accordingly, Council cannot issue a Planning Permit unless a Cultural Heritage Management Plan is approved by the relevant Registered Aboriginal Party.

In this instance, the applicant has provided a copy of Cultural Heritage Management Plan Number 18329 prepared by Benchmark Heritage Management dated 23 June 2024. The Cultural Heritage Management Plan includes a letter of approval from Djaara (Dja Dja Wurrung Clans Aboriginal Corporation) dated 24 June 2022.

Finance and Resource Implications

The cost and time associated with representation should the matter proceed to the Victorian Civil and Administrative Tribunal (VCAT).

Alternate Options

Council could resolve to issue a Notice of Decision to Refuse 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

Notice of the application was given in accordance with sections 52 of the *Planning and Environment Act 1987*. At the conclusion of the advertising period, nineteen objections were received.

The following sets out the grounds of objection and the officer response.

Neighbourhood character / Overdevelopment of the site

It is acknowledged that the subdivision will result in the transformation of a currently vacant residential allotment which will impact the existing neighbourhood character of the site and surrounds. However; the existing site is a large vacant allotment being an anomaly compared to the adjoining properties. Accordingly, the development is considered to be an appropriate strategic infill development site.

Therefore, subdivision of the site into smaller allotments is considered to be acceptable, and in this instance, it is considered that subject to the conditions contained in the recommendation of this report, the layout and proposed allotment sizes are considered to represent an acceptable response to the existing and preferred neighbourhood character.

Concerns regarding future development

Concern has been raised in relation to the impact of the future development of the proposed lots on the neighbourhood character.

As previously discussed in this report, the presence of a Significant Landscape Overlay on the site will ensure that the development of each of the allotments will require planning permission and will be assessed against the provisions of the Maldon Design Guidelines.

Traffic

Concerns have been raised about the increased traffic and safety. There has also been a suggestion that vehicle access from the site would be better located entirely from Polsue Street

The applicant has advised that providing access from Polsue Street was investigated but found to be unviable, primarily due to the costs associated with crossing the drain that extends through the property and the impact on vegetation.

The application has been referred to by Council's Engineering Team and the DTP. No objections have been offered to the proposal subject to conditions which have been included in the recommendation of this report.

It is; therefore, considered that the subdivision will not create an unreasonable increase in traffic or safety concerns in the adjoining street network.

Loss of amenity

Several submissions raised concerns regarding potential loss of amenity from future development on the proposed subdivision. Specific concern was identified in relation to overlooking, loss of privacy and impact on views.

This application is for vacant subdivision and whilst, as stated above, the development will result in changes to the neighbourhood in terms of traffic, noise and character, these changes are considered to be reasonable in context with the location and zoning of the land.

It is acknowledged that future development of the sites will require both planning and building permits which address considerations of neighbourhood character, overlooking and overshadowing. Given the size of the allotments and provision of building envelopes, it is not considered to be necessary to impose restrictions on the lots to restrict the future development of the lots in relation to amenity considerations.

Lastly, the Mount Alexander Planning Scheme, as it relates to this site, does not allow the consideration of views from adjoining properties.

Loss of vegetation

As discussed in the report above, the extent of vegetation removal has been assessed and is considered to be acceptable.

In addition, a condition has been included requiring the provision of a landscape plan to ensure the existing nature strips, common property and drainage line are appropriately managed and revegetated where required.

Need for infrastructure upgrades / Flooding and stormwater

The applicant has provided a stormwater management plan which has been reviewed by the relevant water authorities and determined to be acceptable.

In addition, conditions have been included in the recommendation of this report requiring the owner of the land to connect to, and where required, upgrade services.

Bushfire risk

The site is not within the Bushfire Management Overlay, the bushfire issue therefore has been considered minimise and the proposal will not increase bushfire risk of this area.

Loss of views

The loss of an individual's views as a result of the development of the site is not a valid consideration taking into consideration the planning controls affecting the site.

Compatibility of the proposed subdivision with adjoining mine

Concerns have been raised in relation to the increased residential density in close proximity to existing mining operations, and the potential for future occupants of the development to raise complaint against the mining operation on amenity grounds, including noise and vehicle movements.

Taking into consideration the operations of the mine, it is understood that the primary concerns are likely to relate to noise from trucks entering and exiting the site.

Following a consultation meeting between the applicant and objectors, the applicant has agreed to include a condition on permit requiring the provision of an acoustic report and a restriction on title alerting future occupants to the noise sensitive use within proximity of the site and requiring noise attenuation measures to be incorporated into the future dwellings in accordance with the recommendations of the acoustic report.

Consultation

A consultation meeting was facilitated by Council Officers between the applicant and the objectors to the application on 11 July 2024.

The consultation meeting was an opportunity for the parties to discuss the objections to determine if resolution could be achieved.

Whilst no major resolutions were achieved. Positive discussions were held in relation to:

- The provision of a Section173 Agreement to enforce the submitted design guidelines.
- As discussed in this report, it is not considered necessary to implement design guidelines as a restriction on title given the guidelines are taken from the Maldon Design Guidelines which will be considered as part of each planning application received to develop the vacant lots.
- The possible reduction of building envelopes to accommodate communal car parks for visitor car parking along the common driveway.
- A condition will be included in the recommendation of this report requiring the proposed plan of subdivision to be amended to provide visitor parking along the proposed common property.
- The provision of fencing guidelines to address drainage along the drainage line (waterway).

-
- A condition has been included in the recommendation of this report requiring fencing to be of open post and wire to address neighbourhood character considerations. This will also ensure the free flow of water along the drainage line (waterway).
 - The possibility of an amenity restriction on title to address concerns relating to the adjoining mine's location.
 - Whilst this was offered by the permit applicant the mine operator continued to be concerned that the provision of a restriction may not prevent concerns being raised by the future occupants of the subdivision.
 - Officers believe that the restriction is an appropriate measure to ensure future owners are aware of the noise generating uses within proximity of their property and to ensure the dwellings are constructed with suitable noise attenuation measures. Therefore, the restriction has been included in the recommendation of this report.

Following the consultation meeting, further discussions were held between the applicant and objectors which resulted in Officers receiving an agreed proposal to include a pedestrian path and possible locations to provide pedestrian connection through the development as illustrated in Figure 7 below.

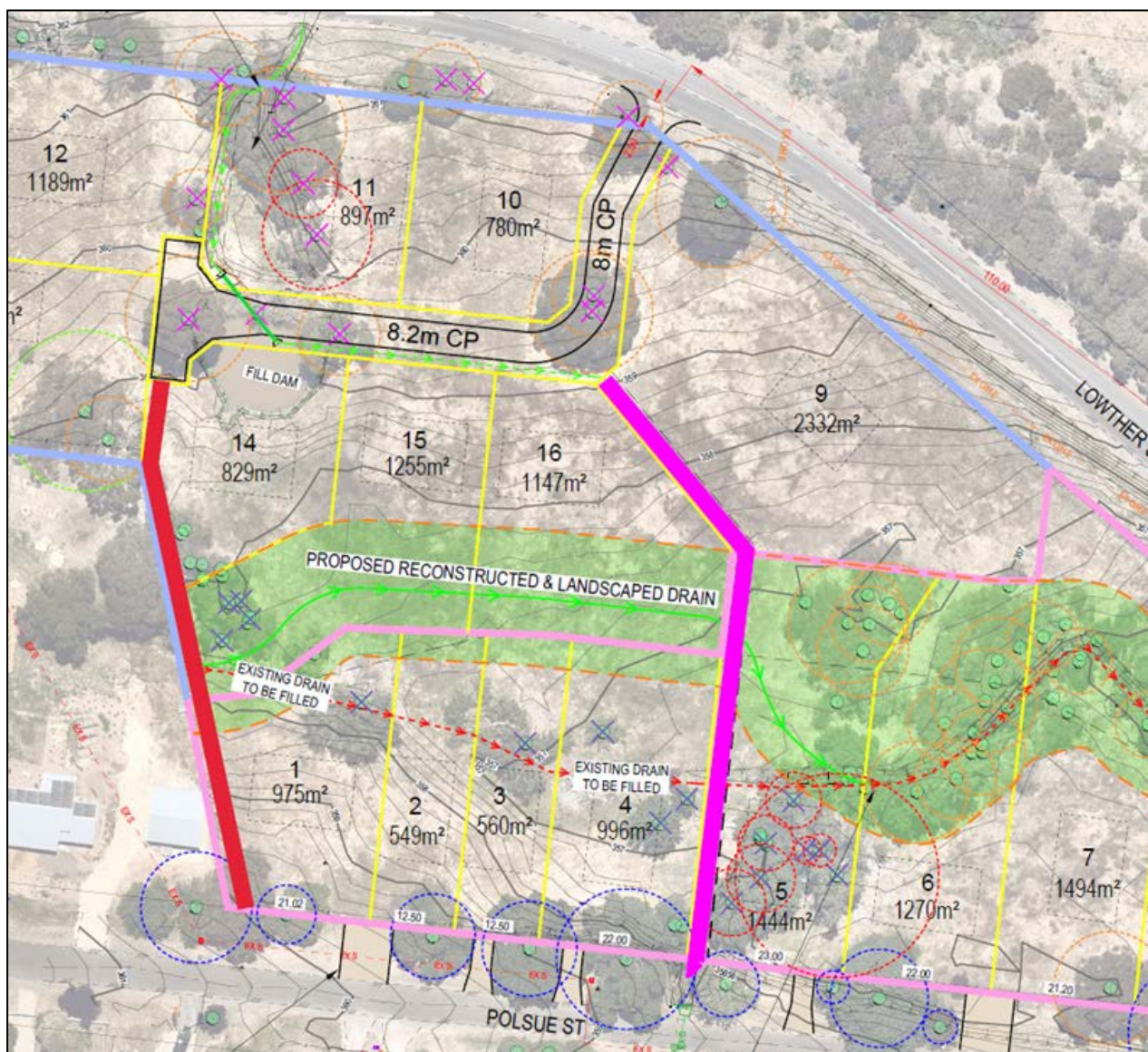


Figure 7: Location of suggested pedestrian paths to address objector concern illustrated in red and pink by the permit applicant

Council Officers are not supporting of footpaths in the locations proposed for the following reasons:

- The subject site currently has multiple street frontages and the design of the footpaths proposed creates narrow “laneway” like footpaths with no dwellings facing the path which provides no passive surveillance.
- The laneway only reduces the alternate route of travel by approximately 150 metres and will not connect to existing footpath infrastructure. Council's Engineering Team have advised that there is currently no plan to provide formal footpath infrastructure within proximity of the site.
- The location of the proposed pedestrian paths is contrary to the objective and standard of Clause 56.06-2 of ResCode where it is policy to:
 - To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.

-
- Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night.
 - The footpaths would need to be constructed over the drainage line (waterway)

External Referrals

- Coliban Water

Provision of reticulated water and sewerage services including reticulated water and sewer (gravity) mains extensions required to service the proposed lots within this subdivision, including linking up the water main within Polsue Street to the Reef Street water main and the creation of easements.

- Downer Utilities

Offered no objection to the proposal.

- Goulburn Murray Water

No objection subject to conditions ensuring all construction and ongoing activities are undertaken in accordance with EPA requirements, connection to reticulated sewerage and appropriate stormwater management.

- North Central CMA

No objection subject to conditions requiring the provision of flood modelling and a survey plan ensuring all building envelopes have been filled a minimum of 300 millimetres above the applicable flood level for each lot.

- Powercor Australia

No objection subject to conditions requiring the subdivision to be serviced by power and appropriate easements.

- Department of Transport and Planning

No objection subject to conditions limiting vehicle access on Lowther street to one crossing, the provision of a Functional Layout Plan, completion of works identified by the plan and the removal of redundant vehicle crossings

Internal referrals

- Heritage Advisor

No objection subject to conditions requiring setbacks to building envelopes, the provision of a landscape plan and limiting the materials of the proposed driveways.

- Engineering

No objection subject to conditions requiring appropriate servicing of the development including vehicle access, on-site vehicle manoeuvrability and drainage.

-
- Strategic Planning

Council's Strategic Planning team provided their support for the application

Noting the site is an appropriate site to facilitate infill development on a site that has been identified to be a 'major infill' opportunity within the Maldon township.

Legislation

Planning and Environment Act 1987

The application has been considered in accordance with and against the requirement of the relevant sections of the Planning and Environment Act 1987 and the Mount Alexander Planning Scheme. This detail has been discussed in the issues section above.

Strategy and Policy Impacts

Council Plan 2021-2025

Environment - A flourishing environment for nature and people.

- Our community is growing in harmony with nature.
- We are facilitating managed growth of our towns while protecting natural assets.
- We are focused on the housing affordability challenge in our community.

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.

In forming a position, consideration has been given to the relevant provisions 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.

Councillor Walker left the Chamber at 8.18 pm.

The CEO left the Chamber at 8.18 pm.

Councillor Hastwell returned to the Chamber at 8.19 pm.

Councillor Walker returned to the Chamber at 8.20 pm.

The CEO returned to the Chamber at 8.22 pm.

9.4.2. Maldon Caravan Park - Post Consultation

This report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Property Portfolio Coordinator, Lynne Williamson

Attachments: 1. Maldon Caravan Park - Post Consultation - Summary of Survey Results [9.4.2.1 - 11 pages]

Executive Summary

The purpose of this report is to provide the outcomes of the community engagement undertaken on the future of the Maldon Caravan Park with a recommendation for the ongoing use of the land to be retained as a caravan park.

The Maldon Caravan Park is located on Crown Land reserved for Public Purpose (Caravan Park) for which the Department of Energy, Environment and Climate Action have oversight and Council is the Committee of Management.

The caravan park has been leased to a succession of commercial operators since 1989. Council assumed management of the business operations of the caravan park in 2014. In 2015, the park was leased to another private operator until 2023 when Council resumed management of the park.

While Council is managing the park, there is an opportunity to review whether the caravan park is still relevant to Council's property portfolio and fit for purpose or whether the land should be used for a different purpose.

Following the Councillor briefing on 4 February 2025, Council Officers have undertaken a four week period of community consultation on the best future use of the Maldon Caravan Park.

RECOMMENDATION

That Council:

- 1. Notes the outcomes of the community consultation on the best future use of the land where the Maldon Caravan Park is situated.**
- 2. Approves Council Officers to engage a suitably qualified and experienced consultant to investigate appropriate management models for the continued operation of the Maldon Caravan Park and notes that outcomes of this consultation will be presented to Council for decision.**
- 3. Approves the expenditure from the 2024/2025 operational budget to support the above investigation, subject to approval of a carry forward.**
- 4. Notes the budget allocation for the continued operation of the caravan park for the 2025/2026 financial year while investigations are undertaken on appropriate management models.**

MOVED COUNCILLOR HASTWELL

That the recommendation be adopted.

SECONDED COUNCILLOR HEYDON

CARRIED.

Context

The Maldon Caravan Park is located on Crown Land reserved for Public Purpose (Caravan Park) for which the Department of Energy, Environment and Climate Action (DEECA) have oversight and Council is the Committee of Management.

The caravan park has been leased to a succession of commercial operators since 1989, seemingly successfully until approximately fifteen years ago. Council assumed management of the business operations of the caravan park in 2014. In 2015, the park was leased to a private operator until 2023 when the latest lease was ceded and Council resumed management of the park. With Council now managing the park, it has provided an opportunity to review whether the caravan park is still relevant to Council's property portfolio and fit for purpose or whether the land should be used for a different purpose.

At the Councillor Briefing Session of 4 February 2025, Councillors supported a proposal for Council Officers to undertake community consultation on the best future use of the land where the Maldon Caravan Park is situated and agreed to consult on the following four possible options:

1. Maintain the operation of the Maldon Caravan Park.
2. Repurpose the land for recreation and/or leisure.
3. Repurpose the land for social and affordable housing.
4. Return the land to DEECA.

Community consultation was undertaken from 10 February to 10 March 2025 and included:

- Digital - website, intranet, SHAPE, and social media, SHAPE Mount Alexander. Engagement platform, including online survey, Let's Keep Talking.
- Media release and advertisements in Maldon and Castlemaine newspapers.
- Email targeted to business and community groups.
- Email targeted to 12-month permit site holders.
- Face to face presentations – drop-in community session at Old Bank corner and an evening drop-in session targeted to business and events operators.
- Hard copy – posters, flyers etc. - posters, flyers and survey at Maldon Caravan Park, Maldon Visitor Information Centre, and drop-in sessions.
- Online session seeking feedback from relevant Council staff.

Consultation sought and was successful in including the following stakeholders:

- The Maldon community.
- Twelve-month Maldon Caravan Park permit holders.
- Visitors to the caravan park.
- Maldon Inc. and other Maldon business traders and associations.
- The Maldon Folk Festival committee.

- The Tarrengower Hill Climb committee.
- Other event organisers.
- The wider Mount Alexander Shire community.
- Internal stakeholders including Council's Tourism, Marketing and Development Officer, Economic Development Coordinator, Manager Economy and Culture, Team Leader Visitor Services, Housing Solutions Broker, Customer Service Coordinator, and Manager Finance.

All interested residents were guided to complete the attached survey either online or via hard copy. In addition to asking about the future use of the land, submitters were also asked to rate their preference for investment if the site continues to operate as the Maldon Caravan Park:

1. Maintaining current facilities.
2. Investing in upgrading current facilities.
3. Increasing the number of cabin facilities.
4. Increasing the number of annual site holders.

There was also an opportunity to provide comments.

Consultation Results

More than 320 responses were submitted, mostly through the online survey. Out of 315 responses, 201 were from postcode 3463 (Maldon). This represents 63.8% of respondents were from Maldon.

Overwhelmingly, we have heard from respondents that the caravan park should continue to operate.

Is it important for Maldon to have a caravan park?		
	Number of respondents	%
Yes	298	94.9
No	4	1.27
Not sure	12	3.82

Submitters who selected yes were asked to explain why. The following reasons were referenced in responses.

Reason it is important for Maldon to have a caravan park	Number of times referenced
Tourism / tourist	127
Affordable (in the context of tourism accommodation)	95
Visitors / visiting	76

Reason it is important for Maldon to have a caravan park	Number of times referenced
Events	47
Low / reasonable cost	38
Business	36
Camping	33
Economy / economic	25
Festivals	23
Cheap	19
Budget	12

Responses can be collated into just a few categories:

Tourism, events and festivals	203 mentions
Budget, affordable, low/reasonable cost, cheap or camping accommodation	197 mentions
Business and economy	61 mentions

The results suggest submitters are as concerned with affordability of accommodation as they are with the provision of accommodation.

Submitters who selected no were asked to explain why. Three of the four 'no' responders provided comment:

- "Maldon lacks recreational space for young people. If there is opportunity for recreational activities, I would believe this space would be better used for that purpose, e.g. dog park, upgraded playground for children (Maldon Park playground is terrible) an outdoor gym."
- "Butts Reserve is a free camping spot nearby with more pleasant surrounds, Castlemaine Big 4 is much better facility for families. Maldon caravan park does not offer sufficient amenity for the prices or compared with what is available elsewhere."
- "There are plenty of caravan options, and they cater to tourists rather than locals."

Submitters were asked to rank from most important to least important, the four possible options that were presented for the future of the Maldon Caravan Park.

Ranking	1	2	3	4	Total
Maintain the operation of the caravan park	91.97%	4.68%	3.01%	0.33%	299
	275	14	9	1	
Use the land for recreation / leisure	2.67%	56.49%	32.82%	8.02%	262
	7	148	86	21	
Use the land for social and affordable housing	6.49%	33.97%	29.39%	30.15%	262
	17	89	77	79	
Return the land to DEECA	.39%	5.43%	33.33%	60.85%	258
	1	14	86	157	

Responses indicated the order of importance of the options for the future use of the land. A total of 275 out of 300 responses stated the continuing operation of the Maldon Caravan Park as the most important option. The second most preferred option was to use the land for recreation / leisure, followed by to use the land for social and affordable housing. Lastly responders considered returning the land to DEECA as the least preferred option.

Submitters were asked to nominate what Council should focus on if the site continues to operate as the Maldon Caravan Park. Where 171 or 60% of respondents feel it is most important to focus on investment for the upgrade of current facilities, followed by maintaining current facilities.

Ranking	1	2	3	4	
Maintaining current facilities	29.23%	24.30%	21.83%	24.65%	284
	83	69	62	70	
Investing in upgrading current facilities	60.00%	29.12%	9.12%	1.75%	285
	171	83	26	5	
Increasing the number of cabin facilities	12.32%	38.04%	35.59%	13.04%	276
	34	105	101	36	

Ranking	1	2	3	4	
Increasing the number of annual site holders	3.38%	7.89%	30.45%	58.27%	266
	9	21	81	155	

Submitters were asked if they had any other comments regarding the Maldon Caravan Park or the land that it is on.

Responses covered a broad range of topics:

- The location of the park within easy walking distance to town and the lovely bush park setting are highly rated.
- Recognition that the loss of the Derby Hill Blue Light Youth Camp has removed options for budget accommodation.
- A few responses highlighted the heritage importance of the site as part of the original Camp Reserve, and another that the existing tree cover makes the site unsuitable for denser development, citing bushfire risk.
- A few responses suggested there are better locations for social and affordable housing, with some suggesting that the land could be split, with one area retained for the caravan park and the other for affordable housing.
- Several responses recognised that upgraded infrastructure is required to meet needs of modern vehicles and caravans.
- There are some recommendations to expand the use of the site for tiny homes or recreational vehicles, and even an offer to prepare a management plan for the park.
- A number of people felt that the site was not suitable for social housing due to the lack of support services and public transport in Maldon.
- Concerns were raised about the need for more businesses to remain open in Maldon during the week to help drive more visitation to the caravan park, referencing that the park was only full during key events.

Internal Consultation

Relevant Council Officers participated in a discussion forum. Support for the ongoing operation of the caravan park was particularly strong from Council's Tourism and Economy areas, recognising that Maldon needs more tourist accommodation, and the caravan park site is perfect for tourism being adjacent to the pool and walking distance to town.

The following feedback was received:

- The Tourism Destination Management Plan for the wider Bendigo Region and the Local Area Action plan for Mount Alexander Shire highlighted a need for more improved quality accommodation in our region. There is currently an insufficient volume of accommodation in our Shire and the wider regional area. Ensuring the Maldon Caravan Park continues to operate, is a tangible way that Council can address this identified need.

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- According to Google's My Business profile for Maldon Caravan Park, over the last 6 months when we have not been actively promoting the site we have reached the following:
 - 733 people landed on Maldon Caravan Park when people were searching 'Caravan parks Bendigo'
 - 625 landed on our page when searching Maldon Caravan Park – that is a decent number for a site not being promoted at all.
 - 515 people landed on our page when searching for hotels in the area.
 - 2,190 My business profile interactions (this means they are clicking through for more information).
 - 242 people are then calling from this listing.
 - 1,392 people clicking through to the website.
 - Given its aging state, the caravan park still has a decent review average of 3.7 stars on Google reviews, from 94 reviews. Most reviews from the past year are 4 and 5 stars. The reviews state that the location is great, but the facilities are dated and tired.
 - The park currently has a 4 star ranking on Trip Advisor, which is the same as Castlemaine Big 4, noting that the lower price point compared to Big 4 is likely positively influencing the Maldon Caravan Park rating.
 - Maldon's economy relies on tourism and visitor foot traffic. Retaining the caravan park supports visitation to Maldon.
 - Maldon's festivals need support, especially since the closure of the Derby Hill Blue Light Youth Camp. Maldon has a year round festival line-up. Further depletion of local accommodation, especially in the lower cost price point will stunt any growth for these events.
 - Event organisers have expressed to Council officers a need for budget accommodation for their volunteers and event staff as well as visitors/customers.
 - Recognition of the complications of operating the Maldon Caravan Park, noting the site is not equipped for modern caravans (resulting in a loss of the grey nomad market) and the existing infrastructure needs upgrading. With the investment in infrastructure upgrades, the Tourism and Economic Development officers believe the park could be an attractive offering and result in higher patronage.

Issues

Recent community consultation showed almost 95% community support for the ongoing operation of the Maldon Caravan Park. Council Officers recommend that the park remains open, however it is important for Councillors to be aware of the deficits of the park when making a decision on the best use of the land.

Ageing Infrastructure

The facilities at the Maldon Caravan Park are dated and aimed at the budget end of the market and may not be of a standard to meet current market demand. It is likely significant capital expenditure will be required to upgrade the buildings at the park to ensure its ongoing viability. A thorough audit and investigation into the condition of the infrastructure including plumbing, electrical, roads and buildings has not been undertaken. It is recommended that a

condition audit is prepared to inform investment consideration. In the last 18 months, Council Officers have undertaken minimal repair work to ensure the park can continue to operate.

Modernisation

An analysis of infrastructure upgrades to attract higher occupancy has not been undertaken. It is recommended that Council undertake planning to understand if larger caravan sites can be achieved and what minor cabin upgrades or new cabins would justify a rate increase. It may be that a complete redesign of the caravan park layout is justified. These works could be costed with a calculation on the return on investment, providing Council with either a guide for funding allocation, or a prospective private operator with an indication of investment opportunities.

If Council continues to operate the caravan park facilities and infrastructure will be required to be upgraded to meet demand, it is likely that business planning would recommend that this be a staged approach, possibly upgrading one or two cabins or a small area of the park at a time so that increased revenue can fund the next stage.

Emergency and Short-term Housing

Council has an obligation to provide emergency accommodation during emergencies. Closing the caravan park could reduce the availability of emergency accommodation. This could be particularly impactful during emergencies as Council's emergency housing plan identifies caravan parks as a first-tier option for emergency housing for anyone impacted by an emergency or natural disaster.

While this is a risk, the Maldon Caravan Park has not been used for emergency accommodation for at least the last ten years.

The caravan park also provides short term accommodation for people who are in-between housing while they are waiting on a property settlement or are seeking a rental.

Viable Business Model

Restrictions on income generation for the park include the limited size of the park, the combination of the park being a budget accommodation provider and a limit to the number of sites that can fit in the park.

It is recommended that a suitably qualified and experienced consultancy service is engaged to undertake and prepare a commercial assessment and business case to determine whether the Maldon Caravan Park can be operated as a viable business. This will include further consultation with business owners and the community as required. This will include undertaking an assessment on the impacts on tourism and the local economy created by retaining the caravan park. An accepted industry standard is that for every \$1.00 spent at the caravan park another \$1.38 will be spent at local businesses and tourist attractions. This standard will be one of the impacts reviewed and assessed from a local perspective via the business case.

The occupation and therefore financial viability of the caravan park business is currently tied to the business and events operators of Maldon. Occupancy levels increase during the Folk Festival in November, the Twilight Festival in January and during school holidays. Full occupancy is only ever achieved four times per year during the key events being the Maldon Folk Festival, Tarrengower Hill Climb, Maldon Antique Fair and Maldon Easter Festival. During the week many of the Maldon shops and businesses are closed and that is reflected in occupancy levels at the caravan park.

OCCUPANCY %												
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2024	27	23	36	22	19	14	8	8	19	15	27	12
2025	17	10	19									

Occupancy levels have averaged 18% over the past 15 months. Occupancy for 2025 is so far significantly lower than for 2024. It should be noted there has not been any marketing or promotion of the Maldon Caravan Park. There has also been uncertainty about the ongoing operation of the caravan park, which may have been a deterrent to potential users and impacted occupancy levels.

Interim Management

If Council decides to retain the caravan park, then Council Officers are recommending that an appropriate management model is investigated.

Caravan Park operation requires a specialised skill set and while it has been possible for existing Council Officers to learn enough to keep the caravan park operational, this has been to the detriment of existing officers' workload and to the potential growth of the caravan park business.

Noting that interim arrangements need to be established and maintained for the continued operation of the caravan park while investigating more permanent models.

Management Models

The caravan park could be leased to a private party, contracted to a specialist caravan park management agency and/or operated under a shared management arrangement, or Council could operate the park through an in-house model with suitable resources including additional staffing. This last-mentioned model could be particularly beneficial to the ongoing operation of the park if commercial assessment indicates that the financial capacity of the caravan park business can only ever achieve break-even. These options are explored below.

1. New Lessee - S17D Crown Land Lease

Council can re-offer the lease of the caravan park to a private commercial operator through an Expression of Interest and lease negotiation process.

The last two leases have been ceded to Council, in 2015 and in 2023. Council Officers are occasionally contacted by people expressing an interest in taking on the Maldon Caravan Park though this is without knowledge of occupancy or operating figures.

Council will need to negotiate an attractive lease arrangement to attract a skilled and experienced operator to the park. A clearly articulated Expression of Interest process alongside a carefully drafted lease agreement could allow greater responsibility for capital works to be allocated to the Lessee. Additionally, a strategy needs to be implemented to ensure business continuity to support the ability of a new lessee to gain income from the park as soon as they take over the new lease.

In 2023, a caravan park industry specialist informally stated that a gross turnover of \$400,000 is required to provide a viable financial return to support a caravan park management couple. Based on the current facilities and tariffs the park would have to achieve a consistent 45 percent occupancy to attain this turnover.

2. *Contract Management*

A few commercial businesses operate throughout Australia that specialise in the contract management of caravan parks. A key component in which these companies operate is the net return and commercial opportunity for growth. The methods for remuneration for contract management range from the contract manager taking all income received through to a percentage of income receipted, dependent on the amounts involved and the working arrangements.

There is a strong likelihood that the current financial performance of the Maldon Caravan Park could create difficulties in attracting a skilled and experienced operator to manage a contract for the park. In this type of arrangement Council would maintain liability for all capital expenditure, maintenance and compliance costs.

The greatest downside to the above two options is that financial viability for a private operator might only be possible by moving away from the budget end of the market. This would be at odds with the outcomes of the consultation survey which strongly indicated that the provision of budget accommodation is important to Maldon, tourism and the economy.

3. *Council to manage and invest in the park*

Council could take a long-term view of the Maldon Caravan Park and provide further resources and investment for improvement. This would need to include immediate capital investment and an ongoing allocation of funding and employment of park managers.

The park as currently presented has the foundation for a sound business including location, infrastructure and small clientele base but needs a long-term commitment and potentially a significant financial outlay for improvement.

This not only includes appointment and management of staff but also long-term investment to keep increasing business performance. Council needs to be aware that many other municipalities and State Government agencies are facing similar issues with their internal management of Crown land caravan parks and camping reserves and that considerable competition may exist from those agencies if seeking State Government funding.

If Council chooses to become a commercial park operator, it needs to develop business plans to ensure that statutory compliance issues are quickly addressed and rectified in the short-term but long-term business growth strategies are adopted and actively supported and resourced.

It is important to note that if Council were to operate the caravan park it would be desirable to break-even but not necessary to make a livable profit. This would allow the park to be run as an affordable accommodation provider.

Finance and Resource Implication

A budget was allocated for the 2024/2025 financial year, to engage interim managers and for operating expenses. Income for the 2024/2025 financial year, including annual twelve-month permit holders to date has offset some, but not all of the expenses.

The park was fully booked for the long Easter weekend, however occupancy has been low since Easter and therefore overall it is forecast that the park will run at a loss for the 2024/2025 financial year.

Noting that a decision on the future of the land may take some time, Council Officers have made a budget submission to the 2025/2026 budget to ensure ongoing operations.

To date the costs of assuming oversight of the operation of the Maldon Caravan Park have been absorbed in the current Property Portfolio staffing allocation with assistance from Parks, Recreation and Community Facilities Business Support Officer, and advice sought as required from across the organisation. This situation is not sustainable.

Ongoing and productive management of a caravan park requires a specialised skillset.

In 2013, Council engaged an industry expert consultant to undertake an independent commercial assessment and strategic directions report along with recommendations for the future operation of the park. It is recommended that a similar assessment is again commissioned.

If Council chooses to continue to operate the caravan park, it will need business planning. Council's Economic Development and Tourism Officers have been consulted and have the expertise and capacity to deliver this study. If funding is required, there may be some savings from the 2025/2026 operating budget.

Risk Analysis

Council's Risk Appetite Statement

Council's adopted Risk Appetite Statement includes having:

- A low appetite for not actively managing Council's financial position including costs for managing assets.
- No appetite for the violation of laws or regulatory requirements.
- A low appetite for actions that may harm Council's reputation.

Financial Risk

As outlined in Council's Risk Appetite Statement:

We have a low appetite for not actively managing Council's financial position including costs for managing assets.

Key Risk: Interim caretakers have been engaged to continue the operation of the caravan park but are not tasked with improving the business operation of the park. The interim arrangement does not provide sufficient income to reinvest in the park. The facilities and grounds have been visually improved, however, there have not been any upgrades to the facilities and there is a need for substantial capital investment in the park to maintain and improve assets.

Financial investment in marketing would support an increase in income generation. Should the park continue to operate under Council's management into the long term, there will also be a requirement to employ a dedicated caravan park manager.

Mitigation: Depending on the decision made on the future use of the land, if the park is to continue operating beyond 30 June 2025, there will need to be a financial allocation made for infrastructure upgrades, and for reactive maintenance works.

If the park is to be managed by Council beyond 30 June 2025, Council Officers can prepare recommendations for improvements to support a rise in accommodation fees, and a marketing plan to support an increase in visitation.

Residual Risk: Medium

Regulatory Risk

As outlined in Council's Risk Appetite Statement:

We have no appetite for the violation of laws or regulatory requirements.

Key risk: There is an ongoing regulatory risk associated with Council managing the caravan park, which is that the park must be managed in accordance with DEECA's Crown Land caravan park policy and guidelines.

Mitigation: Council officers will monitor any updates to legislation and regulations and continue to ensure the caravan park is managed in compliance with all applicable rules and that staff are informed of updates. If additional financial contribution is required to meet these regulations a request will be made via the usual budget process. This requirement continues until such time as a decision is made on the future of the park and the re-reservation process is complete if that is the decision.

Residual Risk: Low

Reputation Risk

As outlined in Council's Risk Appetite Statement:

We have low appetite for actions that may harm Council's reputation.

Key risk: There is a strong community interest in the caravan park, and the community is invested in keeping informed about its future. Over the past year there have been several occasions where unofficial messages have circulated amongst the community that Council is closing the park.

Mitigation: It is proposed that Council decide on the future use of the caravan park at a Council meeting to ensure complete transparency. Following his decision, continuing to keep the community informed by regular updates is also important and will mitigate the risk of misinformation.

Residual Risk: Low

Climate Impact Statement

There will be a small climate impact associated with investigation of management models. It is likely that consultants may wish to undertake a site inspection prior to submitting a tender, which will contribute to travel miles and emissions.

If Council chooses to continue operating the Maldon Caravan Park and to invest in new infrastructure there could be significant climate impact through embodied energy, transport costs, etc. Increased patronage at the park will increase travel miles associated with the park and water and energy use.

Impacts could be mitigated or lessened by choosing eco cabins and materials with good environmental credentials, repurposing existing infrastructure and utilising second hand products wherever possible, and ultimately connecting the park to solar.

Council could also look to the inclusion of Environmentally Sustainable Design options with any building upgrades and seek to implement sustainable infrastructure such as EV charge points, solar panels and water harvesting, all funding dependent.

Gender Equity Statement

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

A Gender Impact Assessment was not required; however, gender equity principles have been considered in the development of the project / initiative to the advancement of gender equality. If Council decide that the caravan park will continue a Gender Impact Assessment will be undertaken to inform the management model.

Alternate Options

Council could choose to implement any of the other suggested uses for the caravan park land that were provided to the community for comment, repurpose for recreation and/or leisure, repurpose the land for social and/or affordable housing or return the land to DEECA.

This would be very unpopular with the Maldon community and following so closely to the recent community consultation would likely cause serious reputational harm to Council.

Council could seek to return the land to DEECA conditional on the ongoing operation as a caravan park, though it is unlikely DEECA would commit to conditional takeover. The chances of DEECA continuing to operate the caravan park would be improved if the caravan park business offered a viable financial proposition.

It must be accepted though that if Council cedes management of the land, it will lose oversight of the use of the land.

Communication and Consultation

The summarised results of the survey are attached. An update will be provided to the community following the outcome of the Council meeting. This information will be shared via Council's online platforms and via a media release.

Council will continue to provide updates as and when any decisions are made by Council regarding management of the park and capital investment.

Should Council decide to keep the park operating, it is recommended that marketing and promotion of the park is undertaken to support an increase in patronage outside of the busy event periods.

Legislation

Local Government Act 2020

Section 55 states a Council must adopt and maintain a Community Engagement Policy that has been prepared with community input and gives effect to the Community Engagement Principles at section 56.

Community consultation was not mandated, however the requirement for community engagement is of primary importance under the *Local Government Act 2020*.

Strategies and Policy Impacts

Council Community Engagement Policy

Council's Community Engagement Policy (2021) sets out a vision for community engagement, and the guiding principles. This Policy acknowledges that processes will be different for individual engagements, depending on the topic, stakeholders involved, and the outcomes anticipated.

Effective application of the Policy will involve a range of approaches and methods of community engagement based on best practice principles. A risk lens will be applied to determine the level of impact, the need for community engagement and the proper level.

Community engagement revealed very strong support for the ongoing operation of the Maldon Caravan Park.

Council Plan 2021-2025

Economy – A resilient and growing local economy. Our local economy is diverse and resilient.

Principle – We are engaging genuinely with the community.

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

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.

Child Safe Standards

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

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

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

Declarations of Conflict of Interest

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

No Conflicts of Interest

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

9.4.3. Revenue and Rating Plan 2025-2029

This Report is For Decision

Responsible Director: Director Corporate Services, Julie Landy

Responsible Officer: Manager Finance, Keith Caldwell

Attachments: 1. Revenue and Rating Plan 2025-2029 [9.4.3.1 - 28 pages]

Executive Summary

The *Local Government Act 2020* requires Council to adopt a Revenue and Rating Plan (the Plan) by 30 June following a general election.

The previous Revenue and Rating Plan 2021-2025 was adopted at the Meeting of Council on 15 June 2021 and subsequently updated in 2022 and 2023.

The Plan outlines decisions made by Council previously via other mechanisms and compiles these decisions into one document intended to inform the reader. The Plan summarises Council's approach to raising revenue, including a description of how Council levies rates and charges.

The Plan references the Council Plan 2021-2025. If appropriate, amendments to this plan will be recommended, following the adoption of the new Council Plan 2025-2029.

RECOMMENDATION

That Council adopts the updated Revenue and Rating Plan 2025-2029.

MOVED COUNCILLOR DRISCOLL

That the recommendation be adopted.

SECONDED COUNCILLOR HEYDON

CARRIED.

Context

The Revenue and Rating Plan is a requirement of the *Local Government Act 2020*. The Plan has been generated using a template provided by Local Government Finance Professionals (FinPro). The Plan aims to inform the reader how Council will generate income to finance the strategic objectives in the Council Plan, programs, services, capital work commitments, as well as contribute towards ongoing financial sustainability of the organisation. According to Local Government Victoria, it will identify financial and revenue related risk and ensure these are mitigated and effectively managed.

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

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

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

The Plan has been prepared in alignment with the strategic objectives of the existing Council Plan 2021-2025 and informs Council's budgeting and long-term financial planning documents. Since the Plan is required to be adopted before 30 June and the Council Plan is to be adopted before 31 October, a review of the Plan will be conducted in 2026 to ensure that the 2025-2029 Council Plan is represented.

The Plan includes decisions made by Council previously via other mechanisms and compiles these decisions into one document intended to inform the reader. These decisions are made during the below processes:

1. Rating Strategy 2022-2027
 - rates and charges, including differentials and municipal charge
2. Proposed Annual Budget 2025/2026
 - user fees and charges
 - grants and contributions
3. Cash Management Policy
 - interest on investments

Issues

Rates and charges, which can be complicated to understand, represent approximately 60% of Council income. A good Revenue and Rating Plan should be able to explain several concepts¹:

- Rates are a form of property taxation, as opposed to a fee for service.
- A general explanation of taxation principles.
- Discussion regarding the Fair Go Rates System and the impact of rate capping on council revenue.
- How the Revenue and Rating Plan outlines the equitable division of the rating burden amongst ratepayers (including that it does not dictate the total amount of rates to be raised), and how it contributes to the achievement of Council objectives.
- The use of property valuations in calculating rates including an explanation of the different methods available to councils, discussion on why the chosen method is used and how supplementary rates are calculated and the valuation objection process.
- Descriptions of differential rating categories if used and any evidence and justification for their use. Discussion on the use of the Municipal Charge (if applicable), including evidence and justification for their use.
- Council's approach to the rating of Cultural and Recreational Land.
- Any forms of rebates and concessions proposed or in use by Council.
- The way in which rates are collected and administered by Council (i.e., rates instalment notices, payment options available to ratepayers including those in financial hardship, how penalty interest is applied, pensioner rebates and debt recovery practices).
- Descriptions of any service rates and charges collected via the rates process, their purpose and justification.
- An explanation of the Emergency Services and Volunteers Fund formerly known as Fire Services Property Levy and its impact on rates notices. Whilst this new act has not been passed it is assumed that it will be passed and will apply in the next financial year.
- Hardship policies and provisions available to ratepayers in financial distress.

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

Legislation requires adoption of the Plan for a period of four years. However, there may be changed circumstances that necessitate an earlier review of the Plan.

The Plan has been extensively reviewed and the resulting changes are minor, including:

- Updating the referenced year throughout the document.
- Page 5 – update of graphic for Integrated Strategic Planning and Reporting Framework.
- Page 6 – update of graphic for income sources 2023/2024.
- Page 23 – summarised the new proposed Emergency Services and Volunteers Fund (currently Fire Services Property Levy).

¹ Local Government Revenue and Rating Plan Guide – Department of Jobs, Precincts and Regions

-
- Page 26 – changed the value of a penalty unit and a fee unit to the 2024/2025 rate.

Finance and Resource Implications

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

Risk Analysis

Financial risk:

The Plan (2025-2029), alongside the Annual Budget (one-year focus) and the Financial Plan (ten-year focus) attempts to address financial risk by prudently planning Council's revenue raising framework.

Information risk:

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

Regulatory risk:

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

Climate Impact Statement

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

Gender Equity Statement

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

A Gender Impact Assessment was not required; however, gender equity principles have been considered in the development of this report to the advancement of gender equality.

Alternate Options

In accordance with the *Local Government Act 2020*, the Revenue and Rating Plan must be adopted for a minimum period of four years by 30 June in the year following a Council election.

Communication and Consultation

The deliberative engagement process on the Council Plan, Financial Plan (i.e., the ten-year financial outlook), Rating Strategy, and the consultation process on the Annual Budget are avenues that are more appropriate for residents and ratepayers to influence the outcome and future financial direction of Council.

Inform:

We will keep our community informed.

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

Legislation

Cultural and Recreational Lands Act 1963

Fire Services Property Levy Act 2012

This was the act in force as at the time of writing however this act will be amended by the recently adopted Fire Services Property Amendment (Emergency Services and Volunteers Fund) Bill 2025. Therefore, the Plan has been updated to reflect these changes to legislation.

Local Government Act 1989

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

Local Government Act 2020

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

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.

9.4.4. 2024-2025 Financial Report Quarter 3

This Report is For Information

Responsible Director: Director Corporate Services, Julie Landy

Responsible Officer: Manager Finance, Keith Caldwell

Attachments: 1. Finance Management Report - March 2025 [9.4.4.1 - 24 pages]

Executive Summary

The purpose of this report is to present the Finance Report for the nine-months ended 31 March 2025. This report was presented to the Audit and Risk Committee on 27 May 2025.

RECOMMENDATION

That Council notes the Finance Report for the nine-month period to 31 March 2025.

MOVED COUNCILLOR CORDY

That the recommendation be adopted.

SECONDED COUNCILLOR DRISCOLL

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 Session 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
- financial ratios
- investments
- cash flow statement

Issues

The Finance Report provides a snapshot of the year-to-date financial performance for the 2024/2025 financial year. The current budget includes adopted amounts for carry forward projects (capital projects, special projects, and operating items).

Finance and Resource Implications

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

Financial risk:

In developing the Annual Budget, Council is prudently and proactively managing its financial obligations, sustainability and risk. This 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 Meeting of Council 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, Council Officers have continued to use the same format of reporting as in previous quarters.

No material changes to the 2024/25 budget have been identified requiring a revised budget to be adopted.

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.

9.4.5. Annual Plan Progress Report - Quarter 3 2024/2025

This Report is For Information

Responsible Director: Director Corporate Services, Julie Landy

Responsible Officer: Manager Finance, Keith Caldwell

Attachments: 1. Annual Plan Progress Report - Quarter 3 - March 2025
[9.4.5.1 - 11 pages]

Executive Summary

This report provides an update on the status and progress of projects in the 2024/2025 Annual Plan to the end of March 2025.

RECOMMENDATION

That Council notes the Annual Plan Progress Report 2024/2025 – Quarter 3.

MOVED COUNCILLOR HEYDON

That the recommendation be adopted.

SECONDED COUNCILLOR WALKER

CARRIED.

Context

The Annual Plan outlines the actions for 2024/2025 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.

This is the final year of the Council Plan 2021-2025. Projects that are not completed by 30 June 2025 (Quarter 4) will need to be considered as part of the Council Plan 2025-2029 process if they are to continue beyond 30 June 2025.

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 2024/2025 Annual Plan are 12 current year actions and five prior year actions.

Finance and Resource Implications

Projects and initiatives contained in the Annual Plan are fully funded in the 2024/2025 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 in its 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.

Gender Equity Statement

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

Child Safe Standards

Mount Alexander Shire Council is committed to being a child safe organisation and has zero tolerance for child abuse. We recognise our legal and moral responsibilities in keeping children and young people safe from harm and promoting their best interests. All children who come in contact with Councillors, employees, contractors and volunteers from the organisation have a right to be and feel safe. We have specific policies, procedures and training in place to support employees, volunteers and contractors to achieve these commitments. We create environments where all children have a voice and are listened to, their views are respected and they contribute to how we plan for, design and develop our services and activities.

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 2024/2025, 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 31 March 2025 of actions included in the fourth 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.

10. DELEGATES REPORTS

MEETINGS ATTENDED BY CEO AND MAYOR FROM 21 MAY 2025 TO 17 JUNE 2025

MEETING	CEO	MAYOR
Participated in the National Simultaneous Storytime at Castlemaine Library		✓
Attended and spoke at the Volunteers Week afternoon tea event	✓	✓
Attended Buda Historical House and Garden funding announcement by Maree Edwards MP		✓
Attended Rural Council's Victoria (as Loddon Campaspe's CEO representative) planning day and dinner	✓	
Meeting with representatives from Dja Dja Wurrung to discuss affordable housing proposal for Etty Street site (Clare Richards, Housing Solutions Broker also in attendance)	✓	
Attended and spoke at Mount Alexander Falcons Pride Round match (Cr Walker also in attendance)		✓
Meeting with Maree Edwards MP to discuss matters of common interest for Mount Alexander Shire	✓	
Attended and spoke at National Sorry Day at Victory Park, Castlemaine (Cr Walker and Lisa Knight, Director Healthy Communities also in attendance)		✓
Gold Central Vic radio interview	✓	
Attended and spoke at Reconciliation Week launch	✓	
Attended Reconciliation Week singing event (Cr Heydon, Cr Maddock and Cr Walker also in attendance)		✓
Meeting with Maree Edwards MP and representatives from Autoplex to discuss long term plans and Etty Street site (Merryn Tinkler, Manager Economy and Culture also in attendance)	✓	
Attended Castlemaine Art Museum's redevelopment project funding announcement by Maree Edwards MP (Deputy Mayor Heydon; Michael Annear, Director Infrastructure and Development; Merryn Tinkler, Manager Economy and Culture also in attendance)	✓	✓
Meeting with representatives from Friends of Campbells Creek to discuss environmental management of urban subdivisions (Michael Annear, Director Infrastructure and Development also in attendance)	✓	
Attended Local Government Professionals CEOs networking dinner	✓	

MEETING	CEO	MAYOR
Attended Metcalfe Recreation Reserve upgrade funding announcement by Mary-Anne Thomas MP (Michael Annear, Director Planning and Infrastructure also in attendance)		✓
Attended Castlemaine Community Investment Cooperative launch		✓
Meeting with CEO, Dhehkaya Health to discuss matters of common interest for Mount Alexander Shire	✓	
Gold Central Vic radio interview	✓	
Meeting with representatives from Maldon and District Community Bank regarding Mount Alexander Affordable Housing Trust's funding application (Clare Richards, Housing Solutions Broker also in attendance)	✓	
Attended Local Government Professionals 2-day annual conference and dinner (Julie Landy, Director Corporate Services; Michael Annear, Director Infrastructure and Development; Lisa Tricarico, Manager People and Culture also in attendance)	✓	
Visited by children from Carinya at the Council Civic Centre		✓
Interview for MainFM's Ramble On show		✓
Interview with WIN News regarding Castlemaine Woolworths opening		✓
Attended and spoke at the opening of the Castlemaine Jazz Festival		✓
Attended Rural Council's Victoria sub-committee meeting as Loddon Campaspe's CEO representative	✓	
Meeting with Chief Executive Officer, Haven Home Safe to discuss the Templeton Street affordable housing project (Clare Richards, Housing Solutions Broker also in attendance)	✓	
Meeting with a resident to discuss matters of concern		✓
Attended MAIN Game match and coin toss		✓
Attended Local Government Mayoral Advisory Panel meeting		✓
Gold Central Vic radio interview	✓	
Meeting with a resident regarding planning permit application concern	✓	
Meeting with representatives from Castlemaine Community Investment Cooperative	✓	✓
Attended meeting with a resident to discuss matters of common interest		✓
Attended Loddon Campaspe Shire Councils Mayors and CEOs meeting	✓	✓

MEETING	CEO	MAYOR
Attended and spoke at the Victorian Association of Photographic Societies Convention in Castlemaine		✓
Gold Central Vic radio interview	✓	
Joint Executive Team meeting with Coliban Water (Lisa Knight, Director Healthy Communities; Michael Annear, Director Infrastructure and Development also in attendance)	✓	
Meeting with Regional Director and representatives from Regional Development Victoria – Loddon Mallee to discuss MASC's Industrial Land Strategy (Michael Annear, Director Infrastructure and Development also in attendance)	✓	

Councillor Hastwell advised that she attended the launch of the Maldon Cycling Club 17 Gravel Rides booklet, the First People's Assembly Meeting, and the Maldon Portrait Prize launch.

Councillor Maddock advised that he attended the first two days of the Walk for Truth initiative led by Yoorrook Justice Commissioner, Travis Lovett. He also attended the First People's Assembly Yarning Circle in Castlemaine.

Councillor Cordy noted that around 34-37mm of rain had been recorded locally and that the State Government have announced increased drought relief although there appears to be technical issues with their website. He noted also that the Federal Government have announced more funds are available for rural counselling.

Councillor Heydon attended the First People's Assembly Yarning Circle in Castlemaine. He, along with Councillor Walker visited the Castlemaine Safe Space's new facility, as well as the opening of the Woolworths Supermarket.

Councillor Walker attended the Integrated Municipal Emergency Management Planning Committee event. He also attended the community consultation in Campbell's Creek and a presentation on Emergency Services at Phee Broadway.

11. NOTICES OF MOTION

11.1. NOTICE OF MOTION 2025/001 - NOTICE OF MOTION 2025/001 – EMERGENCY SERVICES VOLUNTEER FUND

MOVED COUNCILLOR WALKER

That Council:

- 1. Calls for the Emergency Services Volunteer Fund (ESVF) to be placed in moratorium and a public inquiry held into its impacts on Victorian residents (especially farmers, businesses and residents) and councils along with the future requirements of emergency services. This inquiry should investigate the most fair and equitable approach to adequately funding emergency services.**
- 2. Should the Victorian State Government remain unwilling to place the ESVF into moratorium, Mount Alexander Shire Council calls upon the Victorian State Government, through the State Revenue Office to collect the ESVF themselves and exempt local councils from the burden of administration, collection and debt recovery.**
- 3. Directs the Chief Executive Officer to send this resolution to the State members for Bendigo West and Macedon Ranges, the Victorian Premier, Treasurer, Municipal Association of Victoria, Victorian Local Government Association, Rural Councils of Victoria, United Firefighters Union, and the Victoria Farmers' Federation.**

SECONDED HEYDON

COUNCILLOR MADDOCK PROPOSED AN AMENDMENT TO THE MOTION WHICH WAS NOT ACCEPTED.

CARRIED.

COUNCILLOR DRISCOLL CALLED A DIVISION

Councillors For: Annear, Cordy, Driscoll, Hastwell, Heydon, Walker

Councillors Against: Maddock

Rationale

Mount Alexander Shire Council affirms its resolution of Item 9.3.2 at its Meeting of Council 18 March 2025, objecting to the 'introduction of the Emergency Services Volunteer Fund (ESVF) in its current form'. Council is primarily concerned about the impacts of the ESVF on the Shire's farming communities and business sectors, and in addition notes the potential reputational damage and administrative and financial burden to Mount Alexander Shire Council. Acknowledging the need to raise additional funds to support increasing emergency services demands, Council adds to that resolution with the following:

In 2019, this Council adopted a resolution declaring a Climate Emergency acknowledging that 'Urgent and continuing action is needed to address the current and future impacts of

climate change on the health, economy and wellbeing of the people of the Mount Alexander Shire and to its environment.' One of the consequences of a changing climate is an increase in frequency and intensity of natural disasters, affecting urban as well as rural areas.

Mount Alexander Shire Council also notes that the Victorian State Government Emergency Services Volunteer Levy (ESVF), which has been adopted by parliament and is due to apply from 1 July 2025, will not resolve the funding requirements of emergency services, it is inequitably applied, and has the potential to financially impact many councils.

In support of this resolution, we recognise that:

- Many organisations, including Local Government Associations, the United Firefighters Union and the Victorian Farmers Federation are opposed to the ESVF in its current form.

We are concerned that:

- The variable rate increase is considerably greater for primary producers than it is for commercial, industrial and residential ratepayers.
- The previous Fire Services Levy went to the Country Fire Authority (CFA) and Fire Rescue Victoria (FRV). While the ESVF is called a volunteer fund, it will now fund nine emergency services agencies while only two (CFA and VicSES) have volunteers.
- The Victorian State Government has altered its funding guarantee with respect to FRV, in that FRV may suffer a decline in the percentage of its funding drawn from the ESVF.
- Although the ESVF is predicted to generate an extra \$611 million in its first year of operation, a Government Gazette (30 May 2025) outlining how the new \$1.55 billion Emergency Services Levy will be distributed across agencies in 2025/2026 displays a decrease to frontline organisations. With figures for 2024/2025 unavailable, a comparison to the 2023/2024 budget shows that, when combined with the Victorian State Government's statutory obligation of 10 per cent, the CFA's total 2025/2026 budget is \$328 million, which is down from \$370 million in 2023/2024. The VicSES' budget has been slashed from \$85.2 million in 2023/2024 to \$76.8 million 2025/2026. Fire Rescue Victoria's funding will drop from \$961.4 million last financial year to \$846.4 million in 2025/2026.
- The volunteer rebate scheme is unnecessarily complex, potentially denying volunteers the ability to claim a full rebate (such as; farms with multiple titles, business, renters).
- Councils will be placed in a difficult relationship with ratepayers, being expected to collect the ESVF and pursue those who are unable or unwilling to pay it in full. Currently, there is confusion over how council's administrative costs will be met. Also, it remains unclear how councils' finances will be impacted should ratepayers not pay the full ESVF.

Officer Comment

While the Premier has announced the temporary cessation of the levy in relation to primary producers, all concerns identified in the Officer paper of the Meeting of Council Meeting 18 March 2025 remain.

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 Scheduled Meeting of Council 17 June 2025, in accordance with Section 66 (2)(a) of the Local Government Act 2020, in order to consider confidential information as defined in the Local Government Act under Section 3, Definitions – Confidential Information:

- (g) Private commercial information, being information provided by a business, commercial or financial undertaking that—**
 - i. relates to trade secrets; or**
 - ii. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.**

MOVED COUNCILLOR CORDY

That the recommendation be adopted.

SECONDED COUNCILLOR HASTWELL

CARRIED.

14. MEETING CLOSE

The Meeting closed at 9.35 pm.