

MINUTES



**OF THE MEETING OF COUNCIL
Held on Tuesday 20 August 2024
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: Matthew Driscoll, Christine Henderson, Gary McClure, Bill Maltby, Rosie Annear

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

2. APOLOGIES/LEAVE OF ABSENCE

Councillor Tony Cordy and Councillor Stephen Gardner

3. DECLARATIONS OF INTEREST AND CONFLICTS OF INTEREST

Councillor McClure declared a Material Conflict of Interest with Item 9.1.1 of the Agenda.

4. CONFIRMATION OF MINUTES

4.1. Meeting of Council - 16 July 2024

The unconfirmed minutes of the Meeting of the Mount Alexander Shire Council held at 6.30 pm on 16 July 2024 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 16 July 2024 be confirmed.

MOVED COUNCILLOR MALTBY

That the recommendation be adopted.

SECONDED COUNCILLOR HENDERSON

CARRIED.

5. ACKNOWLEDGEMENTS

Nil.

6. PUBLIC TIME

MOVED COUNCILLOR MALTBY

That standing orders be suspended 6.31 pm.

SECONDED COUNCILLOR ANNEAR

CARRIED.

a. Lucas Maddock, Mount Alexander Greens

It won't be news to the Councillors and attendees that many in our Shire struggle to find adequate childcare and early childhood education.

We are in a cost of living crisis and many community members are doing it very tough. One of the hardest hit groups are families with young children - owing to the fact they are most exposed to rising rents, property prices and interest rates. And this is a group who are already trying to earn money at probably one of the most complex and most restricted times in their working lives - and a time which is most vital and important for the development of their children.

In addition to these pressures, when the parents and carers of these families can't work the effects are compounded and they can be devastating. The impacts of this are felt throughout our community. Many of these parents and carers are essential workers - forced to withdraw from the workforce. They are our teachers, our nurses, our doctors, our hospitality and retail staff.

Many rooms in our commercially run childcare centres sit below capacity - owing to our rising property prices and rents, which make it hard for these workers to stay in our shire and the gross undervaluing of this profession, making it difficult to attract and retain staff. These factors combined, make for a big problem in our 'booming' rural setting.

We have a childcare problem in this Shire, but we also already have the models for its solution. Owing to better working conditions, Castlemaine Childcare Co-operative is an example of a model which is able to attract and retain staff, despite our housing issues, and is able run their centre at capacity. That's because Mount Alexander's not-for-profit, community-managed model is better for staff and better for kids. And the good news is that it's a model which is economically sustainable and can easily be expanded or replicated.

Council is in a wonderful position to make this happen - probably the best placed.

- The Director Corporate and Community Services responded as follows:

Thank you, Lucas for your question.

Challenges with cost of living pressures, kindergarten placements and childcare availability, and the ripple on effect that this has is of concern. We also understand that

this has been further impacted with the changes to 3 and 4-year-old kindergarten hours of placement.

Council has undertaken a range of initiatives to understand the current and future demand of kindergarten and childcare placements, workforce challenges, and to advocate to state and federal governments for funding, infrastructure and resources.

Council were successful for funding in June 2023 from the Department of Education to undertake a Kindergarten Infrastructure and Services Plan (KISP) and develop an associated Early Childhood Workforce Plan. This is in response to Early Years reform (Best Start, Best Life), and the introduction of 30 hours of pre-prep for 4-year olds and 15 hours of kindergarten for 3-year olds from 2031.

Both the KISP and Workforce Plan have only recently been completed and are now undergoing evaluation. We look forward to discussing the outcomes of these reviews and evaluations and potential education models with Castlemaine Childcare Cooperative, early years educators and managers from across the Shire once finalised.

The adoption of our Early Years Plan in April 2023, and the incredible work undertaken by our Early Years Steering Committee, also respond to these concerns with the development of strategic objectives and actions.

Further work is also underway regarding grant funding for kindergartens in the Shire, and the opportunities for Council and our partners to work with state and federal government with regards to childcare and kindergarten needs.

- Councillor Maltby asked if there was any data that suggested that commercial-run child care centres were not running at capacity. The Director Corporate and Community Services advised that there is not.

b. Rebecca Barnett, Maldon Bakery

Ms Barnett asked how Council is going to support micro businesses to grow into small businesses. She spoke of her experience over the past 20 months, having purchased the Maldon Bakery and growing from a staff of four to now, fourteen. She spoke of the importance of her business to the local community and to tourists.

Ms Barnett also noted the difficulties she has faced in expanding her business; from tax to not being able to install solar panels due to the Heritage Overlay, to the difficulty in recruiting skilled staff and apprentices through TAFE training, to waste management and garbage collection. She also noted the difficulty around being able to make the courtyard accessible as it is discretionary for the landlord, as well as issues with the Council-owned footpath.

She asked if Council would consider a community battery to help offset the cost of utilities. Further, she asked what Council could do to incentivise the growth of small businesses, suggesting cheaper garbage collection, more bins for local businesses free of charge – simple practical things that Council could provide to help small businesses.

- The Mayor suggested that Ms Barnett send an email with some dot points to him, as some of the things in her statement were the responsibility of State and Federal authorities.
- The CEO, noted that Council does have an Economic Development Team, whose function is to help businesses. He also noted that he was happy to arrange for the Economic Development Coordinator to meet with Ms Barnett onsite. Further, the CEO noted that Council is developing an Economic Development Strategy, which will be brought to the next Meeting of Council. This Strategy contains actions and plans to

assist businesses in the Shire and addresses some of the concerns raised by Ms Barnett.

c. Luz Restrepo, OAM

Ms Restrepo spoke of her background generating business opportunities for migrant women over the past fourteen years. She went on to raise her concerns for small towns within the Shire that she feels are at risk of dying, such as Maldon, Newstead, Harcourt, Bradford, Guildford amongst others.

She said that of 681 active ABN's in Maldon, there is just one medium business and three small businesses, the rest are micro businesses with 1-4 employees, and they don't have any kind of support. Ms Restrepo stated that these businesses don't need grants, they need improved regulation and assistance that helps to grow micro businesses and customise projects.

She invited Councillors to an upcoming business expo.

d. Mick English, in relation to the Housing Trust, read by Councillor Maltby:

"I've been trying Victorian and Federal Government for 40 years to find a solution to cheaper housing.

My concept is that land owned by governments/councils be used to erect housing for lower income families. Both landowners would pay for infrastructure costs and maintain ownership of their land, whilst homeowners could build homes for themselves at cost. Homeowners would own the capital improvements (house), the government/council would own the land and charge a maintenance fee of say \$150 per week to each homeowner for a 25x25x25year renewable lease. This lease would be indexed to cpi or similar. Households with a health care card or pension card would be eligible for rent assistance similar to that of over 55 villages today.

Ortech Industries have homes available that are modern and meet all of today's standards and requirements. Costs are around \$120,000.

I'm happy to assist with discussions on this subject as it has been a concern for many years.

Should an owner wish to sell at some stage, they retain the right to all profit.

Congratulations to you and your Councillors for this great forward thinking action."

- The CEO advised that the following response was emailed to Mr English last Monday, 12 August 2024 by Council's Housing Solutions Broker, Clare Richards, which he read:

"Thanks for making contact with our Council. The Mount Alexander Affordable Housing Trust will be capable of working with a wide range of models for delivery of housing, as long as the form of housing does not seek to profit from capital growth of the underlying Trust land.

The most pressing need is for rental housing which is secure, universally designed, climate-appropriate, and in homes that match the needs of the households and so this will be the priority focus of the Trust.

Flexibility is built into the way the Trust has been established and so it may also be possible (pending the view of the Australian Charities and Not-for-profits Commission)

for people to build their own homes on Trust land under the Community Land model (which is very similar to what you describe).

The Trust's principal focus on delivering rental housing will mean that people will be able to obtain secure housing in our Shire regardless of whether they have sufficient income to buy or build a home."

e. Bron Willis and Terry Willis

The question / statement was disallowed in accordance with clause 12.1.6 (i) of the Governance Rules 2023 as it relates to a planning matter already listed on the Council Meeting Agenda.

MOVED COUNCILLOR MALTBY

That standing orders be resumed at 6.53 pm.

SECONDED COUNCILLOR ANNEAR

CARRIED.

7. PETITIONS AND LETTERS

Council has received a petition regarding safeguarding Harcourt's wildlife corridors in relation to the Plan Harcourt C94malx Planning Scheme Amendment, read by Mayor.

The petition was acknowledged and it was noted that its subject matter will be dealt as part of Item 9.1.2. - Planning Scheme Amendment C94malx (Plan Harcourt): Consideration of Planning Panel Report and Adoption and Item 9.2.1. - Roadside Conservation Management Plan 2024-2029 of tonight's Meeting Agenda.

The Planning Scheme Amendment C94malx seeks to provide direction for the protection of identified high-value biodiversity assets across Harcourt through the application of the Rural Conservation Zone, the Environmental Protection Overlay and the Vegetation Protection Overlay. The aim of the Roadside Conservation Management Plan is to protect, maintain and enhance roadside vegetation for both ecological and safety requirements, acknowledging that roadsides provide habitat for wildlife, locations for endangered and rare flora and fauna.

- DID thanked Ms and Mr Willis, Harcourt Valley Landcare and the petition signatories for their support and input to Plan Harcourt.

8. COMMITTEE REPORTS

Nil.

9. OFFICER REPORTS

9.1. Community

9.1.1. PLANNING SCHEME REVIEW

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Strategic Planner, Imogen Douglass

Attachments:

1. Planning Scheme Review Report - March 2024 - Plan2Place [9.1.1.1 - 91 pages]
2. Settlement Planning Assessment - February 2023 [9.1.1.2 - 61 pages]

Executive Summary

The purpose of this report is to update Council on the findings and recommendations of the Mount Alexander Planning Scheme Review (2024), and to seek Council approval to undertake a planning scheme amendment to implement the review's recommendations that relate to updating the planning scheme.

Concurrently, the purpose of this report is to enable Council to consider the Mount Alexander Shire Settlement Planning Assessment for adoption, as per the recommendation found within the Mount Alexander Planning Scheme Review.

RECOMMENDATION

That Council:

1. **Adopts the Planning Scheme Review and forwards it to the Minister for Planning as evidence that Mount Alexander Shire Council, as the planning authority for Mount Alexander Planning Scheme, has met its obligations in accordance with section 12B of the *Planning and Environment Act 1987*, to review the planning scheme every four years.**
2. **Adopts the Mount Alexander Shire Settlement Planning Assessment (2023).**
3. **Resolves to seek authorisation from the Minister for Planning to prepare a planning scheme amendment to implement changes to the planning scheme, in-line with the Council Officer recommendations presented in this report regarding Recommendations 1(a) and 1(b) of the Planning Scheme Review.**
4. **Resolves to delegate to the Manager Development Services the ability to prepare planning scheme amendment documentation in accordance with the adopted Planning Scheme Review, and the recommendations presented in this report.**
5. **Resolves to exhibit the planning scheme amendment for a four-week period, following authorisation from the Minister for Planning to prepare the amendment.**
6. **Notes that the review will inform a revised strategic planning work program for the financial year 2024-25 and beyond.**
7. **Considers any submissions received during the proposed public exhibition period of the planning scheme amendment, at a future Council Meeting.**

Councillor McClure left the Chamber at 6.57 pm, due to a declare conflict of interest.

MOVED COUNCILLOR MALTBY

That the recommendation be adopted.

SECONDED COUNCILLOR HENDERSON

CARRIED.

Councillor Henderson left the Chamber at 7.03 pm.

Councillor McClure returned to the Chamber at 7.03 pm.

Context

Statutory powers and implications - the Planning Scheme Review, 2024

Council, as the planning authority for the Mount Alexander Planning Scheme, is required to review its planning scheme under section 12B (1) of the *Planning and Environment Act 1987* (the Act), and no later than one year after each date by which it is required to approve a Council Plan under Section 90 of the *Local Government Act 2020*.

Section 12B (1) of the Act requires:

- (1) *A planning authority which is a municipal council must review its planning scheme—*

Section 12B(1)(a) of the Act requires:

- (a) *no later than one year after each date by which it is required to approve a Council Plan under Section 90 of the Local Government Act 2020; or*

- (b) *within such longer period as is determined by the Minister.*

Council adopted the 2021–2025 Council Plan on 19 October 2021. A review of the Mount Alexander Planning Scheme was required to be conducted and provided to the Minister by the end of 2022. In September 2022, Council Officers requested an extension to this timeline, which was approved, allowing an additional 12 months to undertake the review. With support from the Department of Transport and Planning's (DTP) Regional Planning Partnerships team, Council was able to submit the review into DTP's online amendment tracking system in late 2023, thus meeting the new deadline.

Background on the Planning Scheme Review, 2024

The review of the Mount Alexander Planning Scheme primarily involves a policy neutral audit of all local Planning Scheme content and an analysis of additional documents relevant to the operation of the Planning Scheme. This includes local plans and strategies, such as the 2021–2025 Council Plan, Local Planning Policy content, Schedules to Zones, Overlays, and Particular Provisions.

The review of the Mount Alexander Planning Scheme is an independent external review prepared for Council by Plan2Place Consulting. The consultant was funded by the DTP Regional Planning Partnerships team. The review followed the State Government's 'Good Practice Guide to Planning Scheme Reviews' and 'Planning Practice Note 32: Review of Planning Schemes', both of which provide strong guidance for undertaking planning scheme reviews. This guidance includes a six-stage methodology developed by DTP to undertake planning scheme reviews as shown in Figure 1 below. Plan2Place Consulting was engaged to conduct Stages one to four, whereas Council Officers will oversee Stages five and six, which involve a planning scheme amendment to implement the recommendations of the review and on which the community would be consulted.

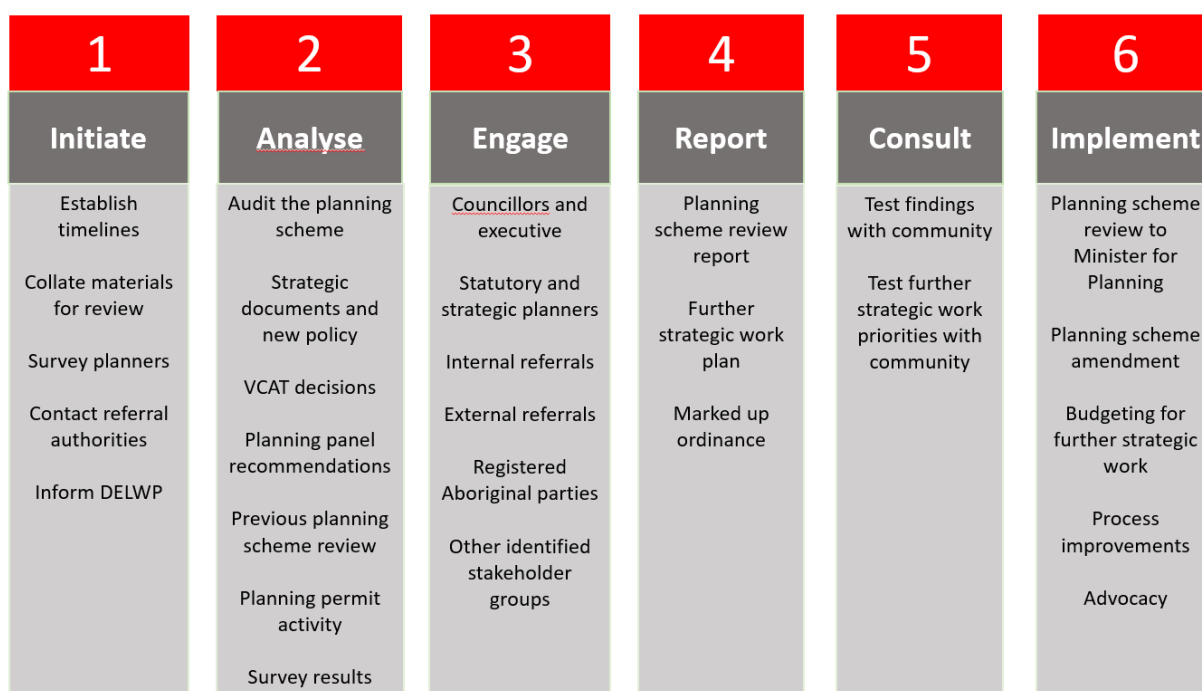


Figure 1: Planning Scheme Review Methodology

At a Councillor briefing session in December 2023, Council was briefed on the issues and themes that had emerged from stakeholder consultation and background work on the Planning Scheme Review that had occurred at that time. The review is now complete and has resulted in recommendations which have been grouped under the following topics:

- planning scheme recommendations
- further strategic work recommendations
- process improvement recommendations
- advocacy recommendations
- Minister for Planning recommendations

Most recommended changes to the planning scheme are policy neutral changes that work to reduce unnecessary regulatory burden or update factual changes, and do not change the intent behind existing planning controls. This paper focuses on recommendation 1(b), 'Include revised or new policy and/or provisions to improve the strategic directions of the scheme and to include adopted Council strategies and policies', as this relates to planning scheme changes that are not policy neutral. All proposed policy neutral changes are included as an attachment for reference.

Council should therefore be aware of the changes being proposed, in order to consider whether they are appropriate to progress to the planning scheme amendment stage of this review, or whether some or all of them require further investigation, with the view to be implemented via a future planning scheme amendment unrelated to this review.

To this end, Council Officers provide Council with their recommendation for each proposed change in the issues section of this report.

Scope and methodology

Council has discretion about how it approaches a review of its planning scheme. For this current review, emphasis was placed on assessing the functionality and performance of existing policies, reviewing the planning scheme considering Council's scheduled strategic work program, the capacity and resources of the Strategic Planning Unit, and to:

- Align Council's policy position with the planning scheme.
- Educate and inform stakeholders about how the planning scheme works and the process by which to improve it.
- Update out-of-date or redundant information.

The Settlement Planning Assessment, February 2023

Council was briefed on the Settlement Planning Assessment 2023 in September 2022. A summary on the details of the assessment is provided below, to support Council's consideration of adopting the document.

The Assessment is used to inform current and future strategic planning work, including housing and neighbourhood character strategies and town-based settlement plans. The adoption of the Assessment will publicly establish Council's approach to settlement planning, acknowledge the land supply and demand findings, and support the implementation of current and future strategies and plans.

The Settlement Planning Assessment provides an assessment of the existing, overarching framework for how residential growth is to be managed in the municipality over the next 15 years.

The Settlement Planning Assessment, 2023 provides a high-level analysis of:

- The policy context, including:
 - o State, regional and local planning policy directions and strategic influences
 - o relevant Ministerial Directions
 - o planning practice notes.
- Population, household, and housing trends in the Shire.
- Population and housing forecasts for the Shire.
- Municipal land supply and demand.
- Issues and opportunities relating to housing and settlement planning for the towns in the Shire.
- The current strategic directions for settlement (townships, settlement, and growth) at Clause 02.03-1 of the Mount Alexander Planning Scheme.

The key outputs of the Settlement Planning Assessment, 2023 are:

- A land supply and demand analysis.
- An implementation plan for future strategic planning work including town-based settlement plans, and housing and neighbourhood character strategies. The recommendations of these projects are to be implemented via a planning scheme amendment/s.

Should Council adopt the Settlement Planning Assessment, 2023, it can be incorporated into the Planning Scheme as a background document. This would allow updates to be made to

several strategic directions in the planning scheme and provide improved direction regarding the future population and housing and the preferred locations in the municipality.

Since the last Shire-wide settlement strategy was prepared in 2004 substantial changes have been made to state planning policy that are relevant to planning for settlement growth and development. Most significantly, the bushfire planning policy (at Clause 13.02-1S) requires greater consideration of bushfire hazards in settlement planning and the need to direct growth and development to low-risk locations.

State planning policy for settlement requires a municipality plan to accommodate projected population growth over at least 15 years, provide clear direction on locations where growth should occur, and that residential land supply will be considered on a municipal basis, rather than a town-by-town basis. The State Government's Planning Practice Note 90 (PPN90) published in December 2019 also provides direction for planning for housing, including the process of creating a municipality-wide residential development framework, and how to use residential zones to implement strategic work. The Settlement Planning Assessment is an important first part of this municipal-wide work.

Without the adoption of the assessment, Council is not meeting State Government planning practice directions. Moreover, the assessment lacks the necessary 'weight' to be incorporated into the planning scheme as a background document. Council Officers recommend that Council adopts the Settlement Planning Assessment 2023 to meet State Government planning practice, and to provide better direction in Clause 02.03 (Strategic Directions) about future population and housing and their preferred locations in the municipality which relate to other projects underway.

Issues

Overall, the review notes, that the Mount Alexander Planning Scheme provides a robust strategic and statutory framework for land use and development in Mount Alexander Shire. The planning scheme was translated into the new structure with a Municipal Planning Strategy and Integrated Planning Policy Framework, and now needs updating because of improvements that have been made to the Municipal Planning Strategy and Planning Policy Framework structure over the last few years.

Recommendations of the Planning Scheme Review

1. Planning scheme amendment recommendations

This paper recommends that Council resolves to seek authorisation from the Minister for Planning to prepare a planning scheme amendment, to implement recommendations 1(a) and 1(b) of the Planning Scheme Review, 2024:

1. *Prepare a planning scheme amendment to:*
 - a. *Incorporate the policy neutral changes identified in Chapter 5 (of the review) to align the ordinance with the Ministerial Direction on the Form and Content of Planning Schemes.*
 - b. *Include revised or new policies and/or provisions to improve the strategic directions of the scheme and to include adopted Council strategies and policies.*

Concerning **recommendation 1(a)** above, it is noted that the planning scheme review has identified many policy neutral changes that should be made to the planning scheme to align it with the Ministerial Direction on the Form and Content of Planning Schemes. According to Plan2Place, and agreed by Council Officers, these are mostly administrative matters and do not change the policy intent of the scheme.

This includes several factual changes that should be made to the Municipal Planning Strategy to bring it up to date with the most recent Australian Bureau of Statistics data and the 2021–2025 Council Plan.

The review identified that several provisions are difficult to understand and generate unnecessary regulatory burden, and do not add to the planning process.

It was identified that:

- Some provisions could be better drafted, particularly overlay schedules.
- Some provisions could be better applied, such as the Rural Living Zone schedules.
- Some referral and notice provisions for applications can be revised or removed to improve procedural understanding.

Revising these will help to provide a clearer planning scheme, leading to a reduction in workload and the ability to redirect resources to higher-priority planning matters.

Recommendation 1(b) relates to changes to the planning scheme to reflect current Council policy and up to date planning practice. This included an audit of local and regional strategies and policies that have been completed since the last planning scheme review was undertaken, and planning policy from these strategies incorporated into the planning scheme, as relevant.

The most notable and/or contentious planning scheme changes that Council should be aware of are listed below:

Clause 42.01, Schedule 1 - Environmental Significance Overlay (ESO1)

During the review process, Coliban Water identified the need for an update to the Environmental Significance Overlay – Schedule 1 in the planning scheme. This is to ensure consistency with other regional planning schemes including Hepburn and Macedon Ranges which have been recently updated through Amendments C80hepb and C145macr. The existing Environmental Significance Overlay – Schedule 1 does not currently adequately address the desired planning outcomes for catchment health or the alignment with clauses 12.03 Water Bodies and Wetlands and 14.02 Water or provide suitable direction to applicants with no application requirements specified.

The changes to the Mount Alexander Planning Scheme will align to what was gazetted for C80hepb where extensive work with Coliban Water and Council was completed as part of the Hepburn Planning Scheme Review.

A revised schedule will improve the current Environmental Significance Overlay – Schedule 1 by focusing on development and vegetation removal more likely to adversely impact the catchment's health. The result of this will be that the Environmental Significance Overlay will:

- More effectively protect the health of the catchment.
- Provide clearer guidance regarding the information that should be provided with an application under this provision.
- Remove the need for planning permits for development and vegetation removal that present little to no issue to the catchment's health, by explicitly stating when a planning permit is not required.

Additionally, Environmental Significance Overlay – Schedule 5 (ESO5) was also flagged for review as it incorrectly maps part of the Coliban Water channel system as watercourses subject to erosion. This Review process offers Council an opportunity to correct these map errors.

To maintain an accurate and up-to-date planning scheme, as well as to provide support to the statutory planning unit and Coliban Water when assessing applications subject to these Overlays, Council Officers recommend this work be carried through to the planning scheme amendment phase of the review.

Clause 14.02-1L - Catchment planning and management

The review recommends adding a new local policy at Clause 14.02-1L (Catchment planning and management) to better protect catchment waterways and groundwater. This new policy would only be applied to land subject to the Environmental Significance Overlay – Schedule 1. The new clause would provide further support to the statutory planning unit and Coliban Water when assessing applications subject to this Overlay, by virtue of explicitly stating the objectives, strategies, and policy guidelines to be considered during assessments.

This policy's objective is to ensure that development in a special water supply catchment protects, restores, and enhances the quality and quantity of the natural resources and environmental systems for the long-term supply of quality water for future generations.

This would encourage any development occurring within the Environmental Significance Overlay – Schedule 1 to have consideration for the impact on the natural environment, and that stormwater drainage and wastewater disposal does not occur near, or impact, water catchments.

Further to this, the new clause would create a better relationship between the planning scheme and Council's approved Domestic Wastewater Management Plan 2023–2027 in the planning scheme. The Domestic Wastewater Management Plan 2023–2027 is also recommended to be incorporated as a background document in the schedule to Clause 72.08 as part of the review. As planning scheme reviews are undertaken every four years, it is likely that reference to Council's Domestic Wastewater Management Plan 2023–2027 may be updated with the latest version of the Plan at that time.

Council Officers recommend that this work be carried through to the planning scheme amendment phase of the review.

Clause 15.01-2L.02 – Environmentally Sustainable Development

It is not recommended to introduce a new local policy at Clause 15.01-2L.02 of the scheme to achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

In practical terms, introducing this clause would primarily see a higher sustainability standard encouraged for new residential dwellings. Currently, a new dwelling must be built to the National Construction Code minimum standards, to meet relevant health, safety, amenity, and energy efficiency objectives.

The recommendation to include this clause is based on Council's adopted Climate Change Strategy 2023 and Council's membership of Council Alliance for a Sustainable Built Environment (CASBE). Council's adopted Climate Change Strategy 2023 has the following relevant Goal and Action areas:

Goal 4: Our infrastructure is robust in the face of current and future climate change impacts.

Action area 2: Council uses planning controls and urban design to reduce exposure to climate risks

The strongest planning outcomes are set by the Victorian Planning System. These are managed by the State and Federal governments. Council has limited planning powers to guide climate outcomes on private land, and building outcomes are often driven by the Australian Building Code. However, Council is committed to using planning controls to reduce exposure to the climate risks our shire faces in the community, private buildings, and open spaces.

Action area 3: Council educates and advocates for climate-resilient buildings and development

All levels of government play a role in driving the transition to climate-resilient buildings. Council will continue to advocate to other levels of government to achieve the climate change planning outcomes needed locally. To increase our impact, we will strengthen advocacy partnerships with local organisations and other councils. We will also promote opportunities to improve climate resilience in existing and new buildings and infrastructure.

It is important to note that while introducing this Clause will deliver a more environmentally sustainable form of development, it may also result in direct financial impacts to multiple stakeholders. As part of CASBE's Elevating Environmental Sensitive Design (ESD) amendment, SGS Economics and Planning prepared a 'Sustainability Planning Amendment – Cost Benefit Analysis' (2023), which found the following:

SGS undertook several case studies (outside of Mount Alexander Shire Council) to understand the financial impacts of elevated ESD on specific stakeholders in a balanced market (no excesses of supply or demand). In general, they found:

- Developers: will experience some increase in financing costs and construction costs, which will be passed onto purchasers through higher prices.
- Landlords: will pay a higher price for the property upfront, will charge higher rents to cover increased loan repayments. If the landlord is responsible for electricity, gas, and water bills, they may experience savings in these expenses that will offset their increase in loan repayments.
- Owner occupiers: will pay a higher price for the property upfront and face higher mortgage costs. In most cases, owner occupiers will not recover their higher costs through lower utility bills, however some may recover costs through the use of other building features such as fit outs for EV charging and taking up bike commuting.
- Tenants: will pay higher rent, which in most cases is greater than their expected savings in utility costs. Some tenants may recover costs through use of other features such as bike facilities, EV charging and use of green spaces.

As the above examples relate only to specific case studies, it remains unclear what the precise financial impacts would be for development in the municipality should Council introduce the new ESD policy.

There is currently extensive dialogue locally, regionally, and nationally regarding the cost of living, particularly as it relates to housing. Decisions made by Council that may work to add to that cost of living may not be looked favourably upon by the community. In fact, it is considerations such as these that led Council to pause their involvement with CASBE's Elevating ESD planning scheme amendment, because it was not clear what the nature and extent of the financial impact of ESD policies on the cost of housing would be.

It should be noted that on 21 July 2022, 24 councils lodged a planning scheme amendment with the State Government seeking to introduce a planning policy that elevates sustainability

requirements for new buildings and encourages a move towards net zero carbon development. In addition, the State Government is currently working on an ESD policy that will be applied to all planning schemes in Victoria. Considering these processes, it is likely that a state-wide ESD policy may be introduced in the not-too-distant future.

Noting that there are complexities and unknowns in this component of the review, Council Officers recommend that Council do not carry through with this in the planning scheme amendment phase of the review and await the ESD policy to be applied to planning schemes state-wide.

Clause 17.03-2L - Industrial development in rural areas

The review highlighted the need to update Clause 17.03-2L - Industrial development in rural areas. Analysis of a recent Victorian and Civil Administrative Tribunal (VCAT) case five kilometres west of Castlemaine emphasised the shortfalls in this policy. For example, the policy lacks a robust directional criterion for where industrial uses, such as the development in this VCAT case, should be located.

The existing Clause reads:

Support industrial development sites in rural areas that:

- Minimise impact on agriculture land and land management practices.
- Have sealed access roads and effective effluent disposal infrastructure.

The intent of this policy is not to support industrial uses in rural areas but to minimise amenity impacts when an Industrial Zone is located in a rural area. When this policy was originally developed, this would have been the case for some industrial land on the outskirts of Castlemaine. However, these outskirts have since been developed, some into residential areas. They are no longer 'rural areas'.

The revised policy seeks to discourage industrial development outside of Castlemaine.

The proposed additions to the Mount Alexander Planning Scheme ordinance in Clause 17.03-2L are underlined below:

Clause 17.03-2L Industrial development in rural areas

Strategies

Discourage industrial development on rural zoned land outside of township boundaries.

Encourage industrial development into industrial areas in Castlemaine.

Where it is identified that an industrial use is unable to be physically accommodated in industrial zoned land in townships, support industrial development on sites in rural areas that:

- Minimise impact on agriculture land and land management practices.
- Have sealed access roads and effective effluent disposal infrastructure.
- Do not displace land from viable agricultural and farming production.
- Provides for new landscaping and retains existing vegetation to screen all parts of the industrial use including accessways and storage areas.

Council Officers recommend that Council does not carry this recommendation through to the planning scheme amendment phase of the review.

Council is currently undertaking a Shire-wide Industrial Land Use Strategy to help strengthen planning policies and provisions around these types of industrial uses and issues. It is more appropriate to consider updating this clause through the lens of a Shire-wide Industrial Land Use Strategy planning scheme amendment, as such work provides a more holistic view of the issues/opportunities related to industrial development. Whilst the VCAT decision highlights a gap, it is insufficient to justify this revised policy without a Shire-wide Land Use Strategy.

Clause 53.01 – Schedule to public open space contribution and subdivision

The Public Open Space Strategy (2016) establishes a strategic vision and policy directions to guide the future planning, provision, and management of open space across the entire municipality over the next 15 years (2016 to 2031).

The review recommends specifying a public open space contribution rate in Schedule 1 to Clause 53.01 (Public Open Space Contribution and Subdivision) at the rate recommended in Council's adopted Public Open Space Strategy (2016). No contribution rate is currently specified in the schedule, meaning the organisation is currently relying on the Subdivision Act (1988) to collect open space contributions, with no policy guidance as to the form, type and percentage required. This is in part due to the Public Open Space Strategy (2016) never having been incorporated into the planning scheme via the amendment process; therefore, never setting planning policy into its recommendations. Council's Public Open Space Strategy (2016) recommends that in residential areas new subdivisions be levied at five percent (cash or land) unencumbered of the net developable area. In major commercial and industrial employment areas it is recommended two percent of net developable area be provided as a public open space contribution (cash or land).

These percentage amounts identified in the Public Open Space Strategy (2016), have been informed by VCAT decisions, an investigation into open space contributions in growth areas, and Planning Panels Victoria reports for Melbourne (C209) and Moreland (C122) that both explored differential rates. The determination made by VCAT regarding open space contributions in *Stupak v Hobsons Bay CC* (2011 VCAT 618) and the decision of the Court of Appeal of the Supreme Court of Victoria in *Maroondah CC v Fletcher* (2009) has significant consequences for Victorian councils insofar as councils are ultimately required to show a need for more open space as a consequence of any proposed subdivision. If there is a need for more open space, there is no discretion to reduce the open space contribution fixed in the schedule at five percent. This case highlighted the value to a council of including a specific percentage in the scheme to Clause 52.01 (now Clause 53.01) in its planning scheme. This means that local planning policy on open space, any adopted open space strategy, as well as steps taken to improve and enhance public open space, will all be critical factors to raise in support of the imposition of any open space contribution from subdividers.

Beyond these percentages, the Public Open Space Strategy establishes principles for the organisation's long-term strategic planning and development of the open space network, and a basis in which to collect open space contributions.

Historically there has been inconsistency in the level of open space contributions sought from developers which may have failed to maximise possible contribution opportunities for the organisation. There is also limited guidance to inform acceptable land contributions which has led to instances where the land provided may not be fit for purpose. Updating Clause 53.01 to reflect the recommendations of Council's adopted Public Open Space Strategy (2016) would greatly assist the Statutory Planning team in assessing applications, and provide certainty to developers on the organisation's Subdivision and Public Open Space

contribution expectations; something that, in the past, has been the cause of some frustration for industry professionals due to the lack of clarity.

Council Officers recommend that Council progress this recommendation to the planning scheme amendment phase of the review. This would also see the Public Open Space Strategy (2016) incorporated into the planning scheme as a background document.

Settlement planning recommendations made within the Planning Scheme Review

The review includes recommendations regarding Council's strategic directions on settlement and growth that are found in Clause 02.03 'Strategic Directions' of the planning scheme.

For Clause 02.03 Strategic Directions, the following is recommended:

- It should include a clearer settlement hierarchy.
- The settlement strategy is unclear and needs to be redrafted to rectify this.
- Rephrasing of council strategic directions is required.
- Council could potentially adopt the Settlement Planning Assessment 2023 to support this.

The recommendation for Council to adopt the Settlement Planning Assessment 2023 will provide the justification to update Clause 02.03. Without adoption, Council cannot update Clause 02.03 due to the Settlement Planning Assessment 2023 having 'no weight' until it is recognised by Council. Moreover, State Government direction regarding settlement planning dictates that Council must consider settlement planning at the municipal level first, prior to then undertaking further work at the township scale and rural areas. The last time Council assessed settlement at the Shire-wide level was in the 2004 Urban Living Strategy. It is therefore key that the Settlement Planning Assessment 2023 be adopted to ensure the organisation is meeting State Government direction regarding settlement planning.

It is recommended Council adopt the assessment and carry through this component of the review to the planning scheme amendment phase.

2. Further strategic work recommendations

The review identifies the highest priority tasks for Council to undertake over the next four years to improve the planning scheme. Council Officers have reviewed this list and removed projects that are no longer required (because they have been completed). The comprehensive list of further strategic work is found at Appendix 2 of the Review and represents the further strategic work that will have the most positive impact on the Mount Alexander community and the efficient functioning of Council's planning service.

Only work that can be completed in the next four years should be included in Clause 74.02 (Further Strategic Work) of the planning scheme. Council Officers have reviewed the further work list recommended by the review and consider it unlikely that all 21 work items can be completed within the next four years, due to available budget and resource capacity, and that the items will be prioritised over the four-year period. However, it is reasonable to suggest that the following list of priority projects could be completed in the next four years:

No.	Item	Status
1	Investigate the application of the most appropriate residential zones to townships based on preferred future character and housing change areas as identified in the preparation of a residential development framework.	Commenced

No.	Item	Status
2	Implement the framework plan for Harcourt.	Commenced
3	Finalise and implement the industrial strategy for the municipality.	Commenced
4	Prepare a new Rural Land Strategy that: 1. Develops criteria and identifies potential areas for the application of the Rural Conservation Zone, the Rural Activity Zone, and other rural zones, with tailored schedules to meet agricultural and farming needs. 2. Investigates the protection of existing agriculture activities through the use of separation distances that address issues of noise, dust, odour, hours of operation and spray drift with Agriculture Victoria	Commenced
5	Review and prepare an updated Mount Alexander Rural Living Strategy to replace the Rural Living Strategy 2006	Commenced
5	Introduce and/or update flooding provisions and their application based on flood management plans/studies for Newstead, Harcourt, Sutton Grange, Maldon, Guilford, Taradale and the rural areas between Campbells Creek and Guilford	Commenced
7	Prepare an updated Heritage Strategy in consultation with existing heritage groups and the local Aboriginal party.	To commence
8	Undertake a retail and commercial strategy for the municipality that considers the inclusion of design guidelines for commercial areas and the potential application of the Commercial 3 Zone.	To commence
9	Review existing heritage studies that include recommendations for planning provisions, conservation management, development guidelines and other actions in accordance with the thematic history for the Shire.	Commenced
10	Prepare a small towns strategy that includes a review of the framework plans for Elphinstone, Guildford, and Taradale.	To commence
11	Partner with Goulburn-Murray Water and Coliban Water to investigate extending the Environmental Significance Overlay to include all declared open potable water supply catchments.	Commenced
12	Prepare strategic investigations into wastewater issues for the townships of Taradale, Guildford, and Elphinstone.	To commence
13	Prepare a Scenic Landscapes Strategy to clarify which landscapes and views are to be protected, and then a planning scheme amendment to make key technical updates to the schedules to the Significant Landscape Overlay (SLO1-SLO4), following the recommendations of the 2010 and 2020 planning scheme reviews.	To commence

No.	Item	Status
14	Undertake further strategic work to review and update the mapping and Schedules to the Environmental Significance Overlay.	Commenced
15	Undertake further investigations into applying the Vegetation Protection Overlay to roadsides of high conservation value and other land, as determined through the Roadside Conservation Management Plan and Shire-wide Biodiversity Strategy.	To commence

While this list is still extensive, it is better to include an aspirational list rather than a conservative one, so that there is planning scheme support to seek backing from government agencies in the form of grants or additional resources to deliver on the listed projects, should they be available. Any items on the list that are not completed after four years will be reviewed during the next planning scheme review to understand their relevance at that time.

3. Process improvement recommendations

The review identified several internal process improvements for the organisation. These recommendations are drawn from both the analysis of the planning scheme and consultation with Council Officers and referral authorities.

The recommendations relate to improvements that could be made to the processes associated with the collection and analysis of data (such as planning permits), processing and referral of applications, and communication. Process improvements may apply to the organisation, the State Government, or referral agencies.

4. Advocacy recommendations

These recommendations are generally beyond the scope of what Council can achieve in its planning scheme under the current Victoria Planning Provisions or scope of the Act. They are matters that Council may wish to discuss with the State Government to highlight the issue and advocate for change.

The review recommends that Council advocates to the State Government for stronger provisions to be included in the Farming Zone and Rural Conservation Zone to prohibit a second dwelling on a lot, and subsequent residential subdivisions less than the minimum lot size in these zones, where located on high-value agricultural land.

A submission was made to the State Government in relation to its green wedges and agricultural lands work that has been underway for several years. This submission effectively addresses this recommendation. Where further advocacy opportunities arise in this space, Council Officers recommend that Council continue to provide their support for the sustainable use and development of our rural zones.

Next Steps

Council does not have to accept all of the review's planning scheme recommendations. After considering the commentary above within the 'Issues' section of this paper, Council may decide to progress only some or most of the review's planning scheme recommendations. The remainder could be effectively put 'on hold,' until such time that further strategic work can be undertaken to investigate the ramifications of these items in further detail.

Council is required to send this review to the Minister for Planning in accordance with section 12B of the *Planning and Environment Act 1987*.

Adoption of the Planning Scheme Review will inform a revised strategic planning work program and lead to a planning scheme amendment to implement the majority of Recommendations 1(a) and 1(b) of the review. Council should then delegate to the Manager Development Services the ability to prepare planning scheme amendment documentation that is generally in accordance with the adopted Planning Scheme Review. The planning scheme amendment would effectively initiate Stages 5 and 6 of the review processes shown in Figure 1 located above in the 'Context' section of this paper.

Any planning scheme amendment related to implementing the recommendations of the review would be an 'exhibited' amendment, meaning it would be taken out to the community and other stakeholders for consultation. The community would be able to make submissions for or against any part of the amendment. If any objecting submissions cannot be resolved, Council is obliged to ask the Minister for Planning to appoint an independent Planning Panel to consider submissions and make recommendations to the Minister.

Finance and Resource Implications

The Planning Scheme Review 2024

The review was fully financed by the Regional Planning Partnerships program at the Department of Transport and Planning through the Regional Planning Hub and its offering of strategic planning assistance.

Any future planning scheme amendment implementing the recommendations of the review is proposed to be funded by a special project budget bid submitted for financial year 2024-2025. Council Officers would also use existing resources to administer the amendment, however, the Regional Planning Partnerships team have advised that, should it be required, Council can seek resource support during the amendment process to assist with administrative aspects of the amendment (documentation and mapping support).

The recommendations made in the review that may require additional resource requirements will be considered as a part of normal business and organisational processes.

Settlement Planning Assessment February 2023

The Settlement Planning Assessment has been prepared in-house with a consultant engaged to prepare the municipal land supply and demand assessment and was funded by the Strategic Planning operating budget over financial years 2020/2021 and 2021/2022.

Risk Appetite

Council's Risk Appetite Statement

Council's adopted Risk Appetite Statement includes having:

- A very high appetite for environmental sustainability
- A high appetite for community engagement
- A low appetite for actions that may harm Council's reputation

There is a risk that the review does not consider critical feedback from key stakeholders, including Council's statutory planners and referral authorities. This is being managed through an exhibited amendment to give authorities and key stakeholders the opportunity to make a submission and review the policy changes proposed to the planning scheme.

There is a risk that Council will not be able to carry out the large list of recommendations within existing resourcing. This is to be managed by prioritising the key recommendation highlighted in this paper and devising an updated strategic planning work program following adoption that has regard to staff and financial resourcing. Where required special project budget bids will be submitted to enable project completion.

Climate Impact Statement

All planning schemes across Victoria include Clause 13.01-1S: Natural hazards and climate change. The objective of this clause is to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning. This review has had regard to this clause and presented a pathway to update the planning scheme to better encourage and facilitate climate change adaptation and mitigation through elevated environmentally sustainable design outcomes, by introducing new Clause 15.01-2L.02. The review also recommends that Council's Climate Change Strategy 2023 be incorporated into the planning scheme as a background document.

Alternate Options

Council is legally required to undertake a review of its planning scheme within the term of each Council, and it must submit the review to the Minister for Planning. If Council determines not to adopt the Planning Scheme Review, this will place Council in breach of its obligations required by the Act which is not recommended.

In terms of implementing the review's recommendations via a planning scheme amendment, Council can choose to progress the amendment as per the full suite of recommendations found in the Review, or alternatively Council may choose to progress only some of the review's recommendations.

Council could also place on hold any recommendations they are uncertain of progressing, and these would be further investigated by the strategic planning team at a later date.

Communication and Consultation

The Planning Scheme Review, 2024

The review is being informed by consultation with Mount Alexander Shire Council's Statutory and Strategic Planning teams, Executive team, Council, and other internal referral Officers/teams, as well as by consultation with external referral authorities (e.g. Government departments and other agencies) identified by the planning scheme.

Consulting with the wider community on the planning scheme is outside the scope of the methodology devised by the Regional Planning Hub, and therefore outside of the scope of the project.

Council may wish to undertake community consultation to 'test' the findings of the review that are being carried through to an amendment and further refine the further strategic work list before finalising the review in-house for submission to the Minister for Planning. Alternatively, Council may also choose to accept the review report and further strategic work recommendations before submitting directly to the Minister for Planning, without 'testing' the review with the community. Council Officers recommend this latter option given that:

- To implement the review's recommended changes to the planning scheme, a planning scheme amendment is required. As part of the amendment process, a public exhibition period is included. The public exhibition period goes for a minimum period of four weeks and would be commenced soon after the Minister for Planning authorises Council to proceed with the amendment. This means that the community will be consulted on the proposed changes and will be able to make a submission either for or against the changes to the scheme. At a subsequent Council Meeting, Council will review and consider all submissions received. If any submissions object to the amendment, and the objection cannot be resolved, a planning panel will be held to independently consider the submissions. The panel will then provide Council with recommendations on how to best proceed with the amendment.
- The Strategic Planning team has been engaging with the community on several strategic planning projects over the past three to four years, providing opportunities for members of the community to provide input into these projects and improvements to the planning scheme. This includes engaging on Plan Harcourt and Amendment C94malx, housing and neighbourhood character strategy projects for Castlemaine, Campbells Creek, Chewton, Maldon and Newstead, the Castlemaine Railway Precinct Masterplan, the Maldon Design Guidelines and Amendment C96malx, heritage studies (the Maldon Historic Central Area Review and the Castlemaine Heritage Review) and Amendment C97malx (correction of errors).
- A planning scheme is a statutory document that sets out objectives, policies and provisions relating to the use, development, protection, and conservation of land in the area to which it applies. Matters that a planning scheme may provide for are described in Section 6 of the Act. As such, reviewing the planning scheme requires a level of technical expertise and understanding of land use planning and legislation matters, and this expertise must be carried out within the bounds of accepted planning practice and statutory process. Given Plan2Place Consulting's strong experience in carrying out review's, Council Officers have high confidence that the review's recommendations are in keeping within the bounds of accepted planning practice and statutory process.

Settlement Planning Assessment, February 2023

Targeted consultation with key Government departments and agencies, service providers and planning referral authorities occurred on the draft Settlement Planning Assessment from mid-September to November 2022. Feedback was received from the Country Fire Authority,

Environment Protection Authority, Coliban Water and Goulburn Murray Water. This has informed changes to the final Assessment. This includes the following:

- A detailed bushfire assessment of the municipality should be undertaken (Country Fire Authority).
- Reference to the Castlemaine Wastewater Treatment Plant should be made in the Assessment given the off-site amenity impacts that can occur (Environment Protection Authority).
- Support investigations to provide sewerage to Elphinstone and Taradale in the future (Coliban Water).

Information about the project was shared with the wider community via Council's engagement platform SHAPE Mount Alexander. Given that the Settlement Planning Assessment was informed by data and policy analysis and will not result in any changes to the planning scheme, public consultation did not occur on town-based plans and housing strategies. This community consultation occurred whilst undertaking the Housing and Neighbourhood character strategies for Castlemaine, Campbells Creek, Chewton, Maldon, and Newstead.

Legislation

Planning and Environment Act 1987

Section 12B (1) of the *Planning and Environment Act 1987* requires that a planning authority that is a municipal Council must review its planning scheme. Planning scheme reviews should be completed within 12 months of the preparation of the Council Plan unless the Minister for Planning directs otherwise. In this instance, an extension has been granted by the Department of Transport and Planning due to capacity constraints.

Strategies and Policy Impacts

2021-2025 Council Plan

Environment - A flourishing environment for nature and people.

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

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

9.1.2. PLANNING SCHEME AMENDMENT C94MALX (PLAN HARCOURT): CONSIDERATION OF PLANNING PANEL REPORT AND ADOPTION

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Coordinator Strategic Planning, Nathan Lord

Attachments:

1. Amendment C 94 malx Planning Panel report - Nov 2022 [9.1.2.1 - 103 pages]
2. Table of Panel recommendations and Council Officer response - June 2024 [9.1.2.2 - 6 pages]
3. Updated Plan Harcourt for Adoption - July 2024 [9.1.2.3 - 57 pages]
4. Community Consultation Summary Report [9.1.2.4 - 24 pages]
5. Redacted Submissions - 26.06.24 [9.1.2.5 - 31 pages]
6. Amendment C 94 malx Documentation - Plan Harcourt - 26 June 2024 [9.1.2.6 - 62 pages]

Executive Summary

The purpose of this report is to enable Council to consider the recommendations of the independent Planning Panel in relation to Amendment C94malx, and how to proceed. Amendment C94malx is a Council proposed amendment to implement the recommendations of 'Plan Harcourt' which seeks to sustainably manage Harcourt's population growth and development.

At this stage of the Amendment, Council must consider whether to adopt the panel's recommendations in full or in part or abandon the Amendment.

While the panel is broadly supportive of the Amendment and considers it important to establish contemporary growth and development directions for Harcourt, the panel recommended that further work is completed before progressing. Which included:

- Prepare a strategic level biodiversity assessment and revise the amendment to ensure proposed planning provisions adequately consider biodiversity protection.
- Prepare a commercial land demand assessment to inform the area proposed for rezoning to Commercial 1 Zone in the town centre.
- Update Plan Harcourt to ensure it is consistent with the further work and updated Amendment.

Council Officers have addressed the further work recommendations of the panel and have updated the planning provisions proposed in the Amendment. It is recommended that Council adopts Amendment C94malx with changes.

RECOMMENDATION

That Council:

1. **Considers the recommendations set out in the Panel Report for Planning Scheme Amendment C94malx, in accordance with section 27 of the *Planning and Environment Act 1987*;**
2. **Adopts changes to Plan Harcourt (2024);**

-
3. Adopts Planning Scheme Amendment C94malx with changes in accordance with section 29(1) of the *Planning and Environment Act 1987*;
 4. Submits Planning Scheme Amendment C94malx to the Minister for Planning in accordance with section 31(1) of the *Planning and Environment Act 1987*; and
 5. Requests that the Minister for Planning approves Planning Scheme Amendment C94malx to the Mount Alexander Planning Scheme in accordance with section 35 of the *Planning and Environment Act 1987*.

MOVED COUNCILLOR MCCLURE

That the recommendation be adopted.

SECONDED COUNCILLOR MALTBY

CARRIED.

Context

Background

Harcourt has been identified as a town suitable for future growth in the region. This is acknowledged in both the Loddon Mallee South Regional Growth Plan 2014 and the Mount Alexander Planning Scheme.

As Harcourt grows and changes over time, it is important to plan carefully. Plan Harcourt is Council's strategic plan to sustainably manage Harcourt's population growth and development. Plan Harcourt is a Council document that integrates two separate but interrelated projects exploring spatial land use planning, town centre design and activation, and local economic development initiatives. The two projects are:

- The Harcourt Framework Plan
- Shine Harcourt Leanganook

The below table summarises Plan Harcourt's project timeline since Council adoption.

Date	Milestone
July 2020	Plan Harcourt adopted by Council
November 2022	Minister for Planning authorises Council to proceed with the amendment subject to conditions
January 2022 to March 2022	Eight-week exhibition period (submissions received from the public and government agencies/authorities)
June 2022	Council considers all submissions and resolves to appoint a planning panel to consider outstanding issues from submissions
September 2022 to November 2022	Planning Panel held and recommendations report released
December 2022	Council Officers receive support from Regional Planning Hub to undertake further work recommended by the panel
April 2023	Commercial land demand assessment completed alongside community consultation on its findings
March 2023 to June 2024	Biodiversity assessments undertaken with inputs from key stakeholders
May 2024 to June 2024	Community engagement on the findings of the biodiversity assessments including recommended planning controls

Table 1: Plan Harcourt's project timeline since adoption

Over the course of the project timeline, changes have been made to the original Plan Harcourt (2020) in response to community and stakeholder feedback, recommendations made by the planning panel, and further technical pieces of work undertaken by expert consultants.

Planning Scheme Amendment C94malx now seeks to implement the recommendations of the updated Plan Harcourt (2024), attached, by introducing an updated Harcourt Framework Plan and associated planning policy. This seeks to provide specific direction for:

- Two residential growth areas (noted as 'Area A' and 'Area B' on the Harcourt Framework Plan) located within the township boundary to the east and northeast of the Harcourt town centre, from Farming Zone to Neighbourhood Residential Zone (a total of approximately 22 hectares).
- The existing areas of Harcourt by encouraging well designed infill development in the Neighbourhood Residential Zone close to services.
- Well-designed commercial development within the proposed Commercial 1 Zone with the proposed application of the Design and Development Overlay.
- Protection of identified high-value biodiversity assets across Harcourt through the application of the Rural Conservation Zone, the Environmental Protection Overlay and the Vegetation Protection Overlay.
-

Issues

Shine Harcourt Leanganook

As no changes are being proposed to Shine Harcourt Leanganook since it was adopted by Council in 2020, it has not been included as an attachment for the purposes of this Meeting. However, it does make part of the overall Plan Harcourt work and is an important document to support Harcourt's economic vitality into the future.

Recommendations of the Planning Panel

The Planning Panel recommended that Mount Alexander Planning Scheme Amendment C94malx be abandoned until further work is completed. The further work recommendations were:

- Prepare a strategic level biodiversity assessment.
- Prepare a commercial land demand assessment.
- Update Plan Harcourt to ensure it is consistent with further work and updated amendment.

Council Officers have endeavoured to address all the panel's recommendations. This has included seeking support from the Department of Transport and Planning's Regional Planning Hub to undertake the commercial land demand assessment and a two-stage biodiversity assessment. This has afforded Officers the ability to update Plan Harcourt to ensure it is consistent with the further work undertaken and updated planning scheme amendment.

Subsequently, it is considered that the panel's recommendations have now been addressed. The findings of the further work items recommended by the panel are discussed below.

Findings of Stage 1 Strategic Biodiversity Assessment

Stage 1 focused on reviewing background documents and a desktop analysis of high value biodiversity assets in Harcourt. Consultation and brief site assessments were also conducted to inform findings. No detailed plant and animal assessments were undertaken for this study.

These findings confirmed that further assessments were required to determine the extent of high value areas and means of biodiversity protection through appropriate planning controls. As a result, a Stage 2 Strategic Biodiversity Assessment was conducted.

Findings of Stage 2 Strategic Biodiversity Assessment

A number of important plant and animal species were identified and confirmed during Stage 2 fieldwork of the strategic biodiversity assessment. Subsequently, Stage 2 makes draft planning controls recommendations aimed at prioritising the protection of biodiversity by guiding development away from sensitive areas.

In light of the Stage 1 and 2 biodiversity assessment's findings, Plan Harcourt amendment documentation has been updated to generally accord with the findings. However, the recommended extension of the existing ESO5 to apply to Picnic Gully Creek, while accepted, is not proposed to be implemented via this amendment. This is because there are known errors with the existing ESO5 and these are being rectified via another amendment, the Mount Alexander Shire Planning Scheme Review amendment. Extending ESO5 can be considered through this other amendment, alongside corrections made to the existing ESO5. It is noted that Picnic Gully Creek is protected by existing planning scheme policy (requiring a permit for any proposed development within 30 metres of the creek), as well as a Memorandum of Understanding Council has in place with the North Central Catchment Management Authority, requiring a permit referral to them for any development within 50 metres of the creek. Moreover, the Amendment's proposed Development Plan Overlay for Growth Area A provides further protection to the creek, including a requirement for rejuvenation works to the creek prior to any development occurring.

Accepting the assessment's recommendations will see the introduction of the Rural Conservation Zone to land south of the Harcourt township, and the Environmental Significance Overlay and Vegetation Protection Overlay applied to high-value biodiversity areas across discreet parts of the township.

Findings of the Commercial Land Demand Assessment

The commercial land demand assessment was recently completed and found that:

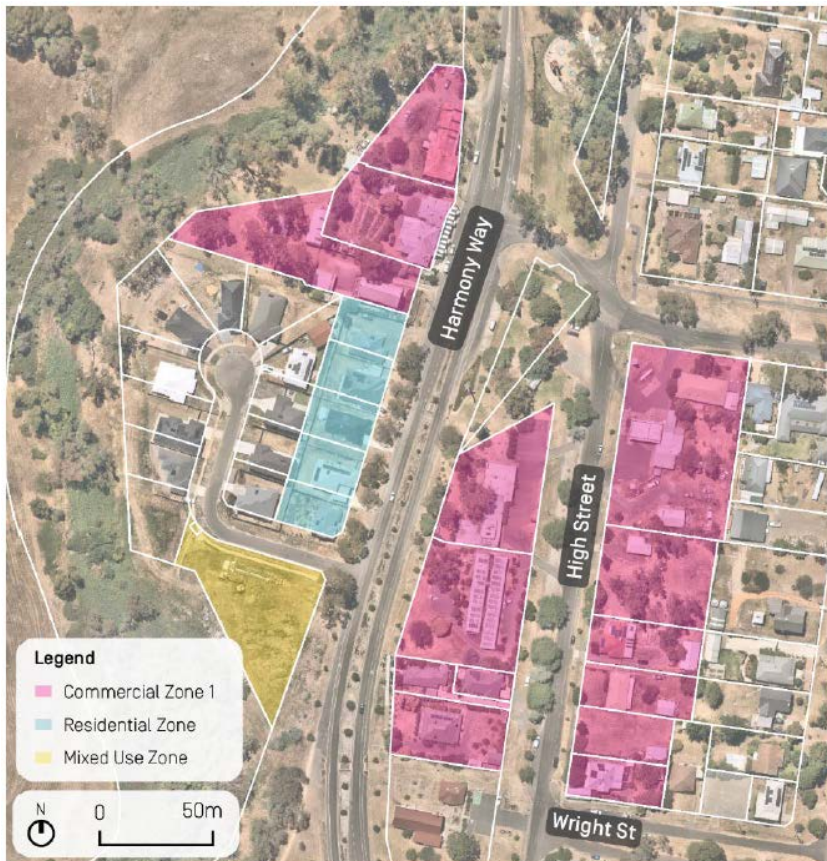
- While Council's Plan Harcourt amendment originally proposed 2.9 hectares of commercially zoned land, of which 1.2 hectares is already being used for commercial activities, Harcourt does not require this much commercial land. Instead of 2.9 hectares only 2.0 hectares is required. This includes the 1.2 hectares already being used for commercial activities.

The assessment recommends applying the Commercial 1 Zone to:

- Sites currently with existing commercial uses (115 Harmony Way, 21 High Street, 22 High Street, 23 High Street, 34 High Street).
- Select residential and vacant sites (15 High Street, 15a High Street, 24 High Street, 26 High Street, 28 High Street, 30 High Street, 119 Harmony Way, 117 Harmony Way).

The assessment recommends that 99 Harmony Way be rezoned to Mixed Use, and that 17 Liyaka Court and 103-109 Harmony Way are removed from the proposed Commercial 1 Zone. These recommendations are shown in Figure 1.

In light of the commercial land demand assessment's findings, Plan Harcourt amendment documentation has been updated to accord with the findings. This will see the amount of land proposed to be rezoned to Commercial 1 Zone reduced to 2.0 hectares, the application of the Mixed Use Zone to 99 Harmony Way, and the application of the Neighbourhood Residential Zone to some residential properties along the western side of Harmony Way.



Source: Charter Keck Cramer

Figure 1| Commercial land demand assessment: zoning recommendations. The Plan Harcourt amendment will now only consider rezoning the land shaded in pink from Township Zone to Commercial 1 Zone. The land shaded in blue and yellow will not be zoned to commercial due to the residential land use nature of these areas or proximity to residential.

Update Plan Harcourt to ensure it is consistent with the further work and updated amendment

A number of other recommendations were made by the panel, and these have been addressed in full by Council Officers over the past 18 months. The Attachment 'Table of Panel recommendations and Council Officer response - June 2024' details all of the panel's recommendations and how Officers have addressed each of them. As shown in the attachment, the majority of these recommendations are addressed through the results of the further work items undertaken, such as the biodiversity and commercial land demand assessments. Others relate to updates required to the proposed controls in the Amendment. For example, the development plan overlay applying to Growth Areas A and B, and the graphical plans in Plan Harcourt, such as the zones and overlays plans, and the Harcourt Framework Plan.

Submissions made during consultation on the Commercial Land Demand Assessment

Community and stakeholder consultation for the Commercial Land Demand Assessment occurred in May 2023. One submission was received.

The submitter made general comments about the need for a commercially zoned town centre to ensure Harcourt does not become a dormitory suburb of Castlemaine or Bendigo. Council Officers agree with these sentiments through the proposed planning controls in Amendment C94. Namely the application of the Commercial 1 Zone in Harcourt's town centre.

The Commercial Land Demand Assessment refined the amount of commercially zoned land through a data driven process. The intention of applying this (and the mixed-use zone) accords with the submitter's comments.

Submissions made during consultation on the Strategic Level Biodiversity Assessments

A total of 16 submissions were made to the new draft planning controls and strategic level biodiversity assessment findings. See Attachment 'Redacted Submissions' for the full suite of submissions received.

Of the submissions, 12 were in support of the recommendations of the biodiversity assessment and four were objecting to parts of the recommendations (or the wider amendment C94malx recommendations).

A summary of the four submissions objecting to the amendment are provided below along with subsequent Council Officer actions and whether there was a resolution. For further details on the consultation period, see attached *Community Consultation Summary Report*.

Objecting Submission (Submitter #9 - now resolved):

The submitter sought additional protection over their land to protect large trees. Council Officers provided the submitter with the proposed updated Vegetation Protection Overlay controls over their property, which sought to positively address their submission.

Objecting Submission (Submitter #12 - now resolved):

In speaking to the submitter, Council Officers were able to clarify that, on the basis of the information available to the submitter, they were generally supportive of the amendment progressing however they noted that 'the presence, or otherwise, of the Golden Sun Moth and the completion of a further biodiversity assessment in relation to the biodiversity value of the property at No. 1 Leafy Lane be established prior to development commencing within Growth Area C.' They generally held the view that Growth Areas C and D would require further work before any residential expansion should be consider in these areas.

The submitter was also generally satisfied with the amendment progress however they desired that "any planning for the development of Growth Area A provides for connection to and the future development of 27 Craigie Street."

In response, Council Officers have reviewed the proposed Development Plan Overlay 12 that is being applied to Growth Areas A and B to ensure that it considers appropriate linkages and connections into adjacent areas, whether those areas be existing farming areas or potential future residential areas.

Council Officers also advised the submitter that prior to any rezoning or further strategic work in relation to the northern town boundary and Growth Areas C and D, further background work would be required. This would include further biodiversity related investigations due to the now known existence of high-value biodiversity assets in these areas, particularly Growth Area C.

Objecting Submission (Submitter #13 - now resolved):

Council Officers spoke to the submitter to discuss their objection and try to resolve their submission. In terms of progressing the Amendment, the main issue was the removal of the 'Growth Area C' notation on the Harcourt Framework Plan, as shown in Figure 2 below, for similar reasons as those provided by submitter #12.

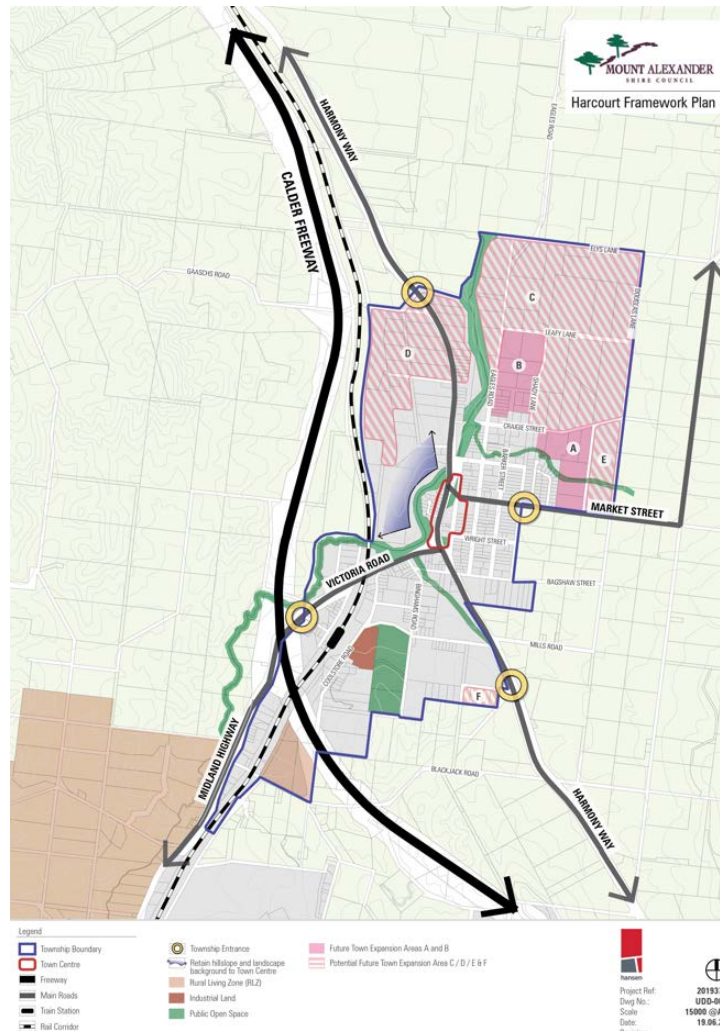


Figure 2: The Harcourt Framework Plan that notes Growth Area C to the north of Harcourt

Council Officers sought to retain this notation and provided the submitter the following reasons why:

- Growth Area C (and Area D) are not being rezoned through this Amendment. For this Amendment, Council is retaining the same 'signal' that has been in place since 2004, that the preferred long term future growth of Harcourt will be directed towards the north instead of south, mainly due to high bushfire risk to the south. Council Officers confirmed through the proposed Amendment biodiversity protections are proposed for growth area C. They will act as a safeguard until the next phase of strategic planning commences, where they will mostly likely be strengthened given the direction that planning for biodiversity is evolving towards, informed by recent amendments to the Planning and Environment Act and stronger guidance on how to adequately consider biodiversity protection and management at the strategic planning stage.

- Council has completed a Harcourt Infrastructure Plan based of Growth Areas A, B and C being proposed in Plan Harcourt. The Harcourt Infrastructure Plan identifies the infrastructure that needs to be delivered in order to meet the needs of the growing population of Harcourt. It establishes the strategic basis for negotiating and collecting development contributions from future developers through the direct provision of infrastructure. By removing growth area C, our infrastructure plan potentially becomes unjustified, and we may miss the opportunity to collect development contributions from Growth Areas A and B which could have negative ramifications for the town in terms of timely infrastructure delivery.
- The planning panel recommended these areas (growth areas C and D) become 'potential' future residential expansion areas, and Council is aiming to positively address as many of the panel's recommendations as possible to raise the chances of the Minister for Planning supporting approval of the amendment.

After considering Council's comments, the submitter provided Council with a revised position:

The submitter is happy for the town boundary to continue along Douglas Lane. The submitter will no longer object to Growth Area C as a 'potential future residential expansion zone' on the proviso that fauna surveys (of the listed species, the Golden Sun Moth and Brown Toadlet) continue and are regularly repeated and in a wider area in order to further establish whether this Growth Area C is habitat for these species. Given that the pressure to complete surveys by a set date is now removed, we would also like to see a commitment to survey the Brush-tailed Phascogale and the four bird species listed on page 38 of the Stage 2 Biodiversity Report (Powerful Owl, Speckled Warbler, Brown Treecreeper and the Swift Parrot) that may use the area as habitat. Our objection can be considered resolved with these conditions in place.

Due to the nature of the conditions placed on the removal of Growth Area C, Council officers working on the Amendment do not have the delegation to approve the further work items requested by the submitter. However, it is possible to update the Plan Harcourt document itself in order to ensure that these further surveys are undertaken to inform any further strategic planning work in Growth Area C, thus addressing the submission positively whilst providing the necessary time for Council to make an informed decision on how it can best plan to commit the funds and resources needed to undertake the surveys.

To this end, Officers undertook further consultation with the submitter to resolve their submission by updating the Plan Harcourt document in the following ways:

On page 21 – under 'Potential future town expansion areas', updated the existing paragraph to read as follows:

- *Should growth occur at a higher rate, additional land is identified for potential future town expansion. These areas are located within the existing town boundary. Any future town expansion would need to be informed by further study, including fauna surveys of species, such as the Golden Sun Moth, Brush-tailed Phascogale, Brown Toadlet, Powerful Owl, Speckled Warbler, Brown Treecreeper and Swift Parrot, to establish whether these areas are habitat for these species. Flora surveys of vegetation communities such as White Box-Yellow Box- Blakely's Red Gum Grassy Woodland and Derived Native Grassland, Grey Box Grassy Woodlands and Derived Native Grassland, and Creekline Grassy Woodland and Red Gum Swamp would also need to occur. Future town expansion would also require consideration of Development Plan requirements, including infrastructure contributions. It is noted that uses other than residential may be justified for this area, subject to future work.*

On page 24 – under 'strategies and actions – planning policy reform', added:

- *Prepare further fauna surveys of species, such as the Golden Sun Moth, Brush-tailed Phascogale, Brown Toadlet, Powerful Owl, Speckled Warbler, Brown Treecreeper and Swift Parrot, to establish whether potential future town expansion areas are habitat for these species. Flora surveys of vegetation communities such as White Box-Yellow Box- Blakely's Red Gum Grassy Woodland and Derived Native Grassland, Grey Box Grassy Woodlands and Derived Native Grassland, and Creekline Grassy Woodland and Red Gum Swamp would also need to occur.*

On page 33 – under 'strategies and actions – planning policy reform', add:

- *Prepare further fauna surveys of species, such as the Golden Sun Moth, Brush-tailed Phascogale, Brown Toadlet, Powerful Owl, Speckled Warbler, Brown Treecreeper and Swift Parrot, to establish whether potential future town expansion areas are habitat for these species. Flora surveys of vegetation communities such as White Box-Yellow Box- Blakely's Red Gum Grassy Woodland and Derived Native Grassland, Grey Box Grassy Woodlands and Derived Native Grassland, and Creekline Grassy Woodland and Red Gum Swamp would also need to occur.*

This means that prior to any further strategic planning work occurring in this Growth Area C, Council will be able to refer to Plan Harcourt, as well as to this submission, and use it to inform the scope of works needed to inform the next strategic planning cycle in Harcourt.

The submitter was satisfied with Council's response and so their submission was resolved.

Objecting Submission (Submitter #14 - now resolved):

Submitter 14 raised concerns about how the new draft planning controls would impact their current conservation efforts on their land. The submitter had issues with a blanket Vegetation Protection Overlay 4 being applied to the land as it would trigger an arborist report and planning permit to manage trees on the land.

The submitter provided commentary and evidence in their objection and in a meeting with Council Officers on how they currently use, maintain, enhance and protect this large parcel of land. Council Officers agreed that the conservation efforts of the landowner are significant and that the landowner endeavours to protect and enhance this land. However, Council Officers stated to the submitter that the subject land still needs identification and protection in the planning scheme for its high biodiversity values and unique habitat now and into the future.

To resolve the submitter's objections, Council Officers suggested a table of permit exemptions be applied to this parcel of land which exempt a permit for reasons similar to those found in Clause 52.17 Native Vegetation. This approach would allow the landowner to continue to use and conserve this land as they already do while also protecting the high value biodiversity on site over the long-term. A draft ordinance permit table of exemptions was provided to the submitter for their review. The submitter was satisfied with the new ordinance stating "we have no objection to this VPO5 being imposed on our land" and so their submission was resolved.

Recommendations

The majority of the post-planning panel submissions were made in support of planning scheme amendment C94malx and all objecting submissions have since been addressed and resolved by follow up from Council Officers. In light of this, it is recommended that Council adopt the Amendment with the changes made in response to the panel's recommendations

and the subsequent further work and consultation undertaken. Council is recommended to resolve to submit the Amendment to the Minister for Planning for approval.

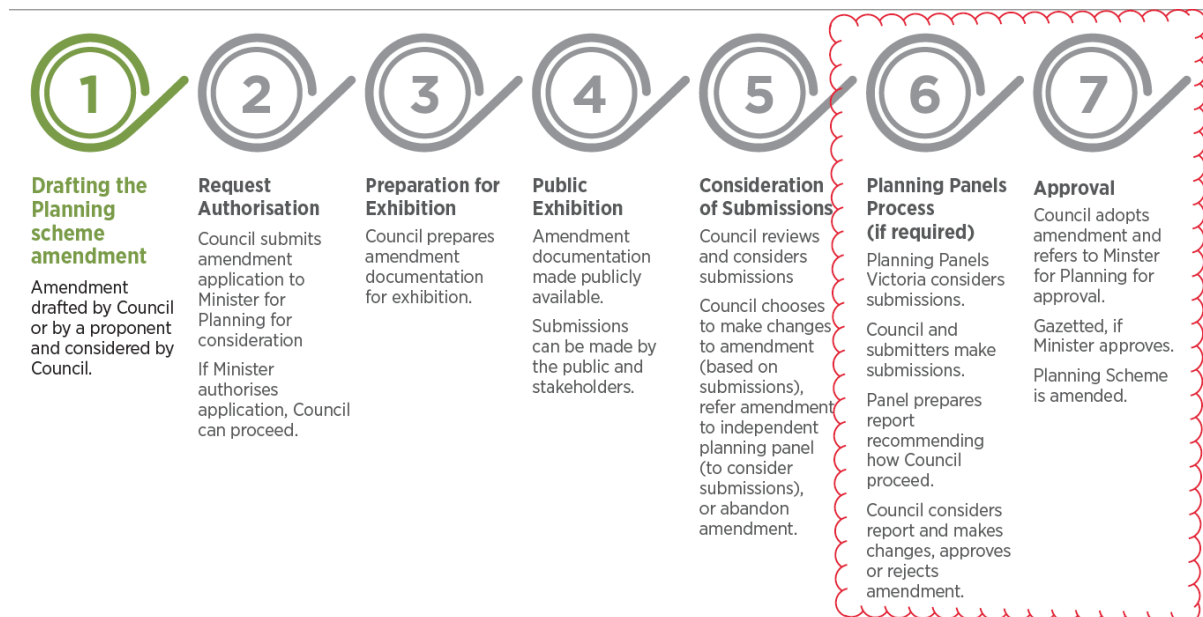


Figure 3 | A summary of the steps involved in amending the planning scheme (showing this being Steps 6 and 7)

Finance and Resource Implications

Amendment C94malx documentation has been prepared in-house; this was scheduled and planned for in advance within the Strategic Planning work program. Costs associated with the amendment process, including the planning panel (\$33,000), have been funded by the Strategic Planning operating budget.

An additional \$101,000 was required to deliver the further work items recommended by the planning panel. With project management support from the Regional Planning Hub, as well as \$72,000 in grant funding, Council was able to fund the remaining amount and complete this further work.

The updated planning provisions proposed as part of this Amendment are not considered to have a significant financial burden on Council. Their introduction is not expected to result in a significant increase in planning permit applications, however, there may be an increase in the planning enquiries regarding the new planning policy, zones and overlays affecting land in Harcourt.

In terms of biodiversity related new planning controls, the Department of Energy, Environment, and Climate Action have nominated to be a referral authority which assists Council Officers in assessing planning permit applications which trigger a permit under the Vegetation Protection Overlay or Environmental Significance Overlay in Harcourt. This will reduce regulatory burden on the statutory planning Officers.

Risk Analysis

Council's adopted Risk Appetite Statement includes having:

- A low appetite for actions that may harm Council's reputation
- A very high appetite for opportunities that contribute to the sustainability of the environment.

Environmental Risk

Whilst the sustainable management of the environment had been taken into consideration during the project work for Plan Harcourt, and new planning ordinance proposed to this end, the Planning Panel concluded that habitat and wildlife corridors had not been adequately identified and in turn not adequately protected. Due to this concern, as previously mentioned the Panel requested that Council undertake a strategic level biodiversity assessment to identify opportunities to prioritise the protection and conservation of high value biodiversity assets via the planning scheme.

Stage 1 of the strategic level biodiversity assessment concluded that the proposed amendment was unlikely to result in increased risk to ecological values of the town centre and existing residential areas, however additional provisions should be considered to manage the risk that may occur from new development. Growth Area D was determined to have substantial areas without native vegetation and lower ecological values, however Stage 2 was required to identify the risk to the Golden Sun Moth. Growth Area C was identified as having protected vegetation woodland and grasses, as well as potential habitat for other flora and fauna including woodland birds and Brush-tailed Phascogales.

As well as the above species identified for protection, Stage 2 of the assessment identified that Picnic Gully Creek is potentially home to the Brown Toadlet which effects both Growth Areas A and C.

While the biodiversity assessment provides appropriate justification for protections to be applied via the planning scheme to some areas to protect high value biodiversity assets, this may see a minor increase in biodiversity-related planning permit applications due to new permit triggers associated with any new protections afforded to the land. This increase in applications is not expected to negatively impact the Statutory Planning team as these applications can be referred to the Department of Energy, Environment and Climate Action for assessment.

The protections justified by the strategic level biodiversity assessment will have a positive effect on the environment as development would be required under the planning scheme to minimise harm to the identified biodiversity assets.

Strategic risk

Plan Harcourt seeks to respond to the anticipated population growth in Harcourt and aims to ensure that future development of land is managed in an appropriate, planned and respectful manner. More specifically, the amendment intends to make certain that further growth and development within Harcourt responds to and enhances established and existing local character and identity which is defined by a strong sense of place. It also takes into consideration the relevant environment, social and economic factors which may be impacted by development. This work should be progressed to ensure Council is planning effectively for the sustainable growth of Harcourt.

There is a risk that the Minister reviews Council's response to the panel's recommendations and the amount of public notice undertaken, and decides that Council should abandon the Amendment, or undertake further notice. These risks have been reduced by Council Officers not only addressing all of the panel's recommendations but undertaking extensive public notice of the Amendment and the changes made to it post-planning panel, including resolving objections. The attached Community Consultation Report will be provided to the Minister upon submission of the Amendment, in an effort to clearly show the extent of notice provided to stakeholders through the preparation of the amendment.

Climate Impact Statement

The Shire is vulnerable to weather events that will be magnified by climate change. This includes prolonged drought and fire seasons, heatwaves, and widespread floods. Average temperatures will continue to increase in all seasons, with warmer days and fewer frosts projected, and less rainfall during the cool season.

Amendment C94malx proposes policy that will assist in mitigating the impacts of climate change, including requirements for consideration of sustainable subdivision design as part of future subdivisions in growth areas, as well as protecting vegetation and encouraging the planting of new trees.

Alternate Options

The alternative option is to abandon the amendment and not submit to the Minister for Planning for approval. This is discouraged as the amendment seeks to implement a Council adopted strategy (Plan Harcourt) that aims to accommodate future population growth in the Shire in a sustainable and managed way. Furthermore, the preparation of the strategy and the amendment has involved considerable Council resources.

Communication and Consultation

Pre-Planning Panel

Extensive public consultation occurred during the preparation of Plan Harcourt (firstly on a discussion paper and then on the draft Plan) and feedback received was considered in the preparation of the final Plan Harcourt (2020). The final Plan Harcourt also had regard to what was heard during the preparation of the Shine Harcourt Leanganook project.

Between 22 June 2022 and 20 July 2022, notice was given to the prescribed ministers and authorities (as required under Section 19(1)(c) of the Act).

The statutory exhibition period as part of the planning scheme amendment was undertaken from 11 January 2022 for a period of eight weeks until 6 March 2022. As part of the exhibition period, the following notification was provided (in accordance with the requirements of the Act):

- Notice in the Victorian Government Gazette (January 2022)
- Letters to authorities (including DELWP, Heritage Victoria, National Trust, and the Dja Dja Wurrung Clans Aboriginal Corporation)
- Letters to all affected properties and landowners
- Inclusion in the Council Column of the Midland Express and Harcourt Core

In addition to the notice provided above, the following was also undertaken throughout the exhibition period:

- Community 'drop-in' sessions at Twilight Markets, and the ANA Hall in Harcourt
- Meeting in Council Chambers with the Harcourt Progress Association
- Phone call and email enquiries
- One on one MS Teams Information Sessions were requested
- Update to Plan Harcourt web page to list the process, timeframes, exhibited documentation and frequently asked questions
- Media release

During the public exhibition period, a total of 23 submissions were received and one late submission received.

Post-Planning Panel

Commercial Land Demand Assessment

Following the completion of the Commercial Land Demand Assessment, a community and stakeholder consultation period began. All parties that made a submission to C94malx received a notification of updates to the amendment following the commercial land demand assessment findings. A Mount Alexander Shape page was created which detailed the findings of the Commercial Land Demand Assessment and invited readers to "tell us what you think" about the assessment. Over 330 people visited the page with three people providing feedback.

All affected landowners received individual letters detailing the findings and recommendations of the commercial land demand assessment and encouraging them to contact the strategic planning unit or find more information on the Shape page. The letter also contained a map specifying the zoning recommendations from the assessment and emphasised that the amount of land proposed to be rezoned to Commercial 1 Zone be reduced.

Council Officers met with the Regional Planning Team in the Department of Environment, Land, Water and Planning seeking advice on the findings of the draft Commercial Land Demand Assessment. The advice provided was general in nature and cautioned that any findings that move away from the planning panel's recommendations add risk to the overall amendment's progression.

Strategic Level Biodiversity Assessments

Stage 1 included meeting with interested local knowledge groups including Harcourt Valley Landcare, who provided substantial background information to inform Stage 1. Djaara Corporation were also consulted, and a meeting was held to inform Stage 1.

Stage 2 of the Strategic Level Biodiversity Assessment was completed in draft form in April 2022, Council Officers held an informal community consultation and exhibition period. This involved alerting landowners of new planning controls and updating Harcourt residents on the recommendations made in the biodiversity assessment. The community consultation period was for a four-week period from 10 May 2024 to 10 June 2024. All parties that made a submission to C94malx received a notification of updates to the amendment during stages 1 and 2 biodiversity assessments.

As a part of this consultation period Council Officers sent relevant authorities and Ministers emails with a notification of the updates to Mount Alexander Planning Scheme Amendment C94malx. A media release was published in the local Harcourt newspaper, 'The Core', detailing the updates to Amendment C94malx and the proposed changes to the planning scheme.

All landowners directly affected by the new draft planning controls or on closely adjoining land were notified of the updates to the amendment via individual landowner letter sent out via post. Just over 70 individual landowner letters were sent out to Harcourt residents.

Two 'drop-in' sessions were held in Harcourt where Council's Strategic planning team spoke to interested or affected community members about the new draft planning controls and the wider Plan Harcourt amendment. Sixteen community members and/or groups attended this session including affected landowners, interested residents, members of the Harcourt Valley Landcare group and property developers.

Council Officers also had meetings with two authorities and one landowner and responded to phone-calls and emails from landowners and residents with questions and concerns throughout the consultation period.

The attached *Community Consultation Summary Report* details the consultation undertaken to progress the amendment.

Legislation

The *Planning and Environment Act 1987* describes the duties and powers of a planning authority (i.e. Council) in Section 12. The clause states that a planning authority must:

- implement the objectives of planning in Victoria;
- provide sound, strategic and coordinated planning of the use and development of land in its area;
- review regularly the provisions of the planning scheme for which it is a planning authority;
- prepare amendments to a planning scheme for which it is a planning authority; and
- prepare an explanatory report in respect of any proposed amendment to a planning scheme.

Strategies and Policy Impacts

Council Plan 2021-2025

Pillar 2 – A flourishing environment for nature and people

Objective:

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

Strategies:

- Coordinate land use, urban design and infrastructure planning for towns.
- Ensure there is sufficient residential, commercial and industrial land to meet demand.
- Protect agricultural land that contributes or can contribute to local food systems from residential development.

Action:

Translating Plan Harcourt into the Planning Scheme

Gender Impact Statement

It is considered that this amendment 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.

A Gender Impact Assessment was not required in this instance given that much of the amendment's proposals actively enhance safety and accessibility development outcomes across Harcourt via planning scheme provisions. Moreover, Plan Harcourt has been developed with input from a diverse range of stakeholders (during consultation phases of the draft strategy and subsequent amendment phases).

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.

9.1.3.COMMUNITY ENGAGEMENT POLICY

This Report is For Decision

Responsible Director: Director Corporate and Community Services, Lisa Knight

Responsible Officer: Community Engagement Coordinator, Sarah Gilmour

Manager Communications and Customer Services, Ed Butler

Attachments: 1. Community Engagement Policy - July 2024 [**9.1.3.1** - 7 pages]

Executive Summary

The purpose of this report is to seek adoption of the Community Engagement Policy (the Policy).

The Policy was last adopted in February 2021 and a review has been undertaken to ensure it remains relevant and effective. Changes have been made to the Principles section of the Policy, in order to align with the Communications and Engagement Strategy, adopted at the Meeting of Council in October 2023.

The Policy outlines Council's commitment to delivering best practice community engagement. It presents a framework for authentic and intentional engagement practices that reflects the International Association for Public Participation (IAP2) standards for community engagement.

Council recognises and values the contribution of the Mount Alexander Shire community and acknowledges its capacity to strengthen Council decision-making and this has been reflected in the Policy.

RECOMMENDATION

That Council adopts the Community Engagement Policy.

MOVED COUNCILLOR ANNEAR

That the recommendation be adopted.

SECONDED COUNCILLOR MALTBY

CARRIED.

Context

This Policy was first developed and adopted in February 2021 as part of a new Community Engagement Framework for Council, in line with the Local Government Act 2020. This Policy was scheduled for a three-year review and is in keeping with that commitment.

In the intervening years, a new Communications and Engagement Strategy was developed. This Policy review was conducted to align the Policy and Strategy.

Issues

The review found that while the bulk of the Policy remains relevant and effective, the following minor changes are recommended:

- Change two occurrences of the word Toolkit to Guidelines. This change reflects the discontinued use of the Toolkit, which has been replaced by a digital form and face-to-face meeting process supported by the Community Engagement Guidelines.
 - o Concurrently with this Policy review, the Guidelines were also reviewed, and it was found that they are still useful and applicable. This view has been reinforced by Council's internal Community Engagement Community of Practice.
- Update to the 2021 Policy's six principles (Transparent, Timely and Relevant, Inclusive, Accessible Participation, Closes the Loop and Evaluate) to the four new principles featured in the Communications and Engagement Strategy adopted at the Meeting of Council on 17 October 2023. The four principles in the Strategy (Genuine, Relevant, Together and Accessible) were developed after extensive consultation with the community in early 2023. This change will more accurately reflect current community input, as well as strengthen alignment of Council's key documents associated with the direction of engagement activities.

A review of the Strategy's principles, alongside the Policy's principles, found that the four principles of the Strategy – and objectives contained beneath each – still ensure the same commitment from Council as the six strategies of the existing policy.

Finance and Resource Implications

There are no financial and resource implications.

Risk Analysis

Reputation Risk:

The renewal of the Policy will provide more current and strategically aligned Community Engagement Framework documents. This suggests Council is better placed reputationally should an issue arise.

Strategic Risk:

If the Policy is not updated, our Community Engagement Framework will lack the most recent community needs regarding engagement activities. Updating the Policy demonstrates we are building on its experiences and reducing risk associated with engagement and communications.

An outdated Policy provides significant strategic risk for Council given engaging with the community is featured as a key pillar in the Council Plan 2021-2025.

Climate Impact Statement

An updated Policy is likely to lead towards reduced climate impact as it outlines key community preferences with a strong trend towards digital communications and engagement.

Gender Equity Statement

This report is considered to promote gender equity principles as outlined in the Gender Equality 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.

While a GIA (Gender Impact Assessment) has not been completed, the nature of Council's engagement principles strives to ensure engagement input is representative of all community members.

The updated Policy expressly advocates inclusion and accessibility, a principle which provides for the development of Gender Impact Assessments (GIAs) on projects where required or beneficial. The updated Policy in fact recommends targeting methods to include underrepresented groups, which may include women and girls.

Alternate Options

A current Policy is essential to support a progressive Community Engagement Framework for Council. Council may however wish to amend that which has been proposed.

Communication and Consultation

Not required.

Legislation

Disability Act 2006

Advance the inclusion and participation in the community of people with disabilities. Effective community engagement improves our ability to respond to the needs of people in the community living with disabilities.

Local Government Act 2020

Engagement is actively required by the Local Government Act, including the creation of a Policy, denoted in Part 3 – Council decision making; Division 1 – Community accountability section 55 – Community engagement policy and section 56 – The community engagement principles. Listed below.

Part 3—Council decision making

Division 1—Community accountability

55 Community engagement policy

- (1) A Council must adopt and maintain a community engagement policy.
- (2) A community engagement policy must—
 - (a) be developed in consultation with the municipal community; and
 - (b) give effect to the community engagement principles; and
 - (c) be capable of being applied to the making of the Council's local laws; and
 - (d) be capable of being applied in relation to the Council's budget and policy development; and
 - (e) describe the type and form of community engagement proposed, having regard to the significance and complexity of the matter and the level of resourcing required; and

(f) specify a process for informing the municipal community of the outcome of the community engagement; and

(g) include deliberative engagement practices which must include and address any matters prescribed by the regulations for the purposes of this paragraph and be capable of being applied to the development of the Community Vision, Council Plan, Financial Plan and Asset Plan and

(h) include any other matters prescribed by the regulations. Part 3—Council decision making Local Government Act 2020 No. 9 of 2020

71 Authorised by the Chief Parliamentary Counsel

(3) A Council must adopt the first community engagement policy under this section on or before 1 March 2021.

56 The community engagement principles

The following are the community engagement principles—

- (a) a community engagement process must have a clearly defined objective and scope;
- (b) participants in community engagement must have access to objective, relevant and timely information to inform their participation;
- (c) participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement;
- (d) participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement;
- (e) Community engagement participants are informed of how the process will influence Council decision making.

Privacy and Data Protection Act 2014

Balancing the public interest in the free flow of information with the public interest in protecting the privacy of personal information in the public sector.

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.

The updated Community Engagement Policy recommends targeted methods to include and listen to the voices of children.

Declarations of Conflict of Interest

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

No conflicts of interest

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

9.2. Environment

9.2.1.ROADSIDE CONSERVATION MANAGEMENT PLAN

This Report is For Decision

Responsible Director: Director Infrastructure and Development, Michael Annear

Responsible Officer: Coordinator Parks and Gardens, Stewart Campbell

Attachments:

1. Draft Roadside Conservation Management Plan - August 2024 [9.2.1.1 - 68 pages]
2. Roadside Conservation Management Plan - 2012-2017 - Implementation report [9.2.1.2 - 4 pages]

Executive Summary

The purpose of this report is to present the Roadside Conservation Management Plan 2024-2029 (the Plan) for adoption.

The Roadside Conservation Management Plan 2024-2029 is a guiding document for Council Officers to provide clear and consistent decision-making relating to managing rural roadsides across the Shire. The Plan also assists in informing the community, landowners, contractors and other management authorities, on matters of roadside conservation.

While the primary function of roads is to provide safe and effective transit, roadsides provide important biological values and crucial habitat connectivity across a fragmented landscape.

The Roadside Conservation Management Plan 2024-2029 establishes Council's approach to vegetation management and details achievable actions to further protect, maintain and enhance the valuable ecological communities and environmental assets intrinsic to our roadsides.

The Roadside Conservation Management Plan 2024-2029 replaces the Roadside Conservation Management Plan 2012-2017.

RECOMMENDATION

That Council adopts the Roadside Conservation Management Plan 2024-2029.

MOVED COUNCILLOR MALTBY

That the recommendation be adopted.

SECONDED COUNCILLOR ANNEAR

CARRIED.

Context

A road's main function is to provide safe vehicle access routes for transporting people, goods and services. Alongside a road is a roadside, defined as the area between the back of the table drain, beyond the road shoulder, to the property boundary (refer to *Figure 1*). The roadside is often demarcated with a white marker post.

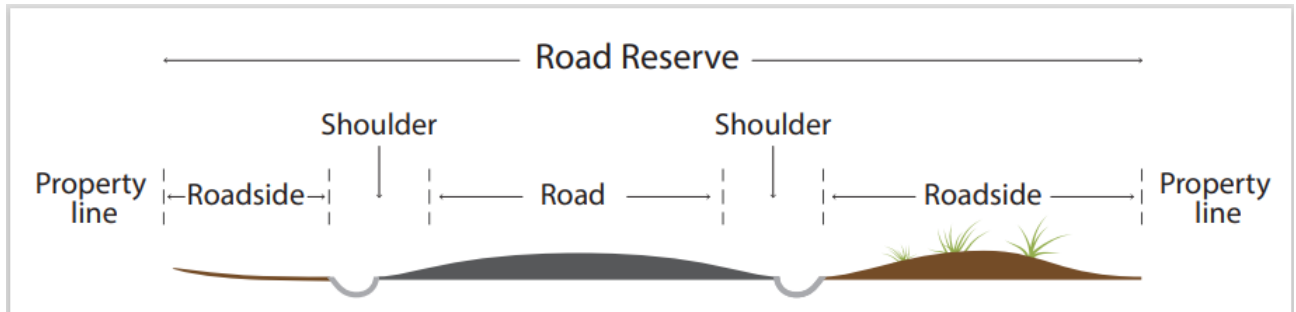


Figure 1| Road Reserve

Recognising that the primary role of roads is to function as safe and effective transit corridors, the Roadside Conservation Management Plan 2024-2029 incorporates federal, state and local legislation to protect, maintain and enhance roadside vegetation for both ecological and safety requirements.

Rural roadsides are integral in the conservation of valuable biodiversity assets and can provide one or more of the following:

- habitat for wildlife, locations for endangered and rare flora and fauna
- vegetated corridors for fauna movement (habitat connectivity)
- source of local genetic resources (e.g. native plant seed for habitat restoration)
- important historic, cultural and natural landscape values
- complement restoration efforts occurring on adjacent freehold land
- complement ecological values occurring on adjoining Crown land
- aesthetic values for tourism and residents that live in a rural setting
- assistance with controlling land degradation and maintaining road integrity; e.g. erosion, water overflow management
- ecosystem services; e.g. improving water quality, water table control, carbon sequestration and improving air quality
- windbreaks and shelter belts; e.g. for livestock and crops in adjacent paddocks

The Roadside Conservation Management Plan 2024-2029 establishes Council's position in relation to the management of approximately 1,188 kilometres of rural roads (equates to 2,376 kilometres of roadside). The aim of the Plan is to protect, maintain and enhance the ecological values of roadsides, and prevent or minimise negative impacts from other road management activities that may threaten roadside ecological values, whilst acknowledging the importance of road safety and fire management.

The authorities responsible for managing the road network, including roadside vegetation across the Shire, are:

- Department of Transport and Planning (DTP) - responsible for the management of freeways, highways and major arterial roads that often connect major towns

-
- Department of Energy, Environment and Climate Action (DEECA) including Parks Victoria - responsible for many roadways within areas of declared Crown land such as State Parks, Forests and Regional Reserves
 - Mount Alexander Shire Council - manage the remaining roads, referred to as municipal roads

In consultation with other authorities, Council manages rural roadsides to:

- provide safe transport corridors
- protect and enhance environmental assets
- ensure safe property access
- protect service assets
- minimise fire impact
- protect cultural heritage and amenity values

The Plan reviews and replaces the Roadside Conservation Management Plan 2012-2017. Progress on the recommended actions of the Roadside Conservation Management Plan 2012-2017 was assessed in 2015 at which time, 12 of the 20 actions were complete and eight were in progress. Since 2015, a further two actions have been completed. Of the six remaining actions, five are identified as ongoing and work continues towards achieving the identified actions. A restructure and several staff changes resulted in limited action on the action: 'Report on the implementation of the Plan and review the Plan every five years'. Refer to attachment 5.4.3 *Roadside Conservation Management Plan 2012 – 2017 – Implementation Report*.

With the complexities surrounding the Shire's roadsides, the Plan summarises the legislative requirements that Council is obliged to abide by, with achievable actions to protect, maintain and enhance the valuable ecological communities and environmental assets intrinsic to our vast rural roadside network.

With good management, the integrity and quality of the Shire's roadsides can be enhanced. The Plan aims to protect the important ecological values contained on roadsides whilst ensuring appropriate fire risk mitigation and road safety.

Issues

Threatened flora and fauna

Roadsides support many plant species listed as threatened under state and federal legislation. The diverse vegetation communities on rural roadsides also provide suitable habitat and movement corridors integral to the survival of locally occurring threatened and common fauna species.

An example is a population of the critically endangered Spiny Rice-flower (*Pimelea spinescens* subsp. *Spinescens*), discovered in 2019 growing within a roadside to the west of Baringhup. This discovery highlights the importance of roadsides as a sanctuary for threatened species, and the importance of conducting regular roadside ecological surveys and monitoring.

Habitat corridors

Through a long history of agricultural and domestic land use, the Mount Alexander Shire landscape has been drastically changed.

Tree canopy connectivity and large hollow-bearing trees provide important habitat features for locally occurring birds and arboreal mammals while native understory shrubs provide a food source and protective cover for scrub and woodland birds. An intact ground story of herbs and native grasses with logs and leaf litter provide habitat for invertebrates, a valuable food source for other fauna, and suitable habitat features for ground-dwelling mammals.

The practice of revegetation of a roadside with indigenous plants to either form or extend an existing habitat corridor, is not currently undertaken by Council. Implementation of a revegetation program on appropriate roadsides will improve future habitat connectivity. It would also increase the overall environmental and functional value of roadsides, assist to naturally decrease weeds and resist further weed invasion, and play a key role in starting the restoration process on degraded roadsides and other land throughout the Shire. Any future roadside revegetation will not conflict with the priorities of Council's *Municipal Fire Management Plan* and *Road Management Plan*.

Weed control

Due to their linear nature, and therefore greater susceptibility to weed incursion, weed control is a significant component in the conservation management of rural roadsides. The Plan indicates that management of weeds on roadsides must only be undertaken by Council, suitably qualified contractors who have been engaged by Council, and in some circumstances, community groups such as Landcare.

The ongoing work of Council and environmental community groups continues to improve conservation management of rural roadsides. An increase in indigenous vegetation quality and improved environmental weed control across the Shire has large community support and an expectation that Council will continue to act on matters of environmental weed control and improved environmental outcomes.

Emergency management

The Plan outlines Council's fuel management activities to achieve its obligations under the *Country Fire Authority Act 1958*, *Road Management Act 2004* and other relevant acts and regulations.

Under the *Country Fire Authority Act 1958*, it is the duty of every municipal council and public authority to take all practicable steps to prevent the occurrence of fires and to minimise the danger of the spread of fire on or from:

- any land vested in it or under its control or management, and
- any highway, road, street, lane or thoroughfare the maintenance of which is charged upon it.

Council uses DEECA's *Overall fuel hazard assessment guide 4th ed, 2010* to evaluate fuel hazards and determine appropriate treatment methods. Environmental assessments are conducted before any treatment activities, adhering to DEECA's *Code of Practice for Bushfire Management on Public Land 2012*.

Control of high threat weeds through Council's noxious and environmental weed control program is not only a primary goal of ecological management, but in instances of large woody weeds or robust grassy weeds, biomass reduction of introduced weeds will substantially reduce fuel loads and lessen fire risks.

Council's fire fuel management program includes the annual program along sealed roads to reduce vegetation on the road shoulder and around the installed guideposts to improve sight distances and to reduce the risk of fire caused by vehicles stopping on the road shoulder.

This spraying and slashing program is conducted on the road formation edge and not on the roadside and is an important element of Council's fire management program.

The Plan outlines other fuel management options to consider such as planned burning, ecological burning and cultural burning.

Significant vegetation signage

Some sections of rural roadsides are signed to alert and demarcate areas of significant vegetation. Whilst this practice has provided some benefits, these areas can now be somewhat difficult to interpret with many sites seemingly harbouring little to no vegetation of any significance or conservation value. This well-intentioned action from the past has served to create confusion for local community, land managers and anybody working within a road reserve.

The Plan seeks to emphasise that the roadside network is significant, and differing levels of conservation value are contained within a roadside.

A greater emphasis will be placed on communicating Council's management of rural roadsides to the community, adjoining landholders, contractors, and within the Organisation, emphasizing the important environmental asset that is the roadside network. This will be achieved through dissemination of information contained within the Plan, via the Council website and social/ print media, and ensuring uptake within Organisational units, as to the direction of this Plan.

Significant Roadside Area signage will be reviewed on a case by case basis, but as Council communication regarding roadsides and management actions improves, signage will either be removed, or replaced by different environmental asset messaging.

Action plan

The Plan summarises the legislative requirements that Council is obliged to abide by with 17 achievable actions to protect, maintain and enhance the valuable ecological communities and environmental assets intrinsic to our vast rural roadside network. The responsible Council Unit responsible for delivery of each action is identified and the timing or frequency of the action's completion. As an example:

- Improve data collection procedures and capability to increase detail of ecological information of environmental assets (June 2025)
- Revisit and address all locations in the road shoulder slashing program and increase detail including areas strategic for fire control (November 2024 and ongoing)
- Conduct community engagement/ education on roadside conservation values through media releases, website content, social media, community/landholder engagement and FAQ (ongoing)
- Officers will undertake a mid-term review of the plan to ensure the actions are being implemented. A progress report will be provided to the Executive Management Team and Councillors.

Finance and resource implications

If the Plan is adopted, the ongoing work maintaining Council's obligation to ensure that rural roadsides are managed in line with its legislative and management responsibilities will continue, within the existing annual operational budget of \$66,500. The program was further supported in 2023/24 by an additional Victorian State Government budget allocation of \$40,000 (the value of this annual budget allocation is subject to change).

It is important that support for existing resourcing continues to be provided, to enable the ongoing provision of best practice environmental management of roadsides. The benefit of Council's ongoing support is being realised with increased on ground prioritisation of weed control and scheduled follow-up activities.

The Plan seeks to provide improved awareness of sustainable land management and work practices, resulting in reduced maintenance costs over the long-term. Reduced costs will be achieved by improved roadside vegetation limiting weed incursion and promotion of resilient indigenous flora.

There is an allocation for mapping of natural environment assets in the 2024-2025 Council budget. This budget allocation will also allow for website content to support delivery of one of the Plan's key actions: *Develop publicly available online maps showing rural/ urban zoning and outlining relevant landowner obligations/ restrictions.*

Requests for additional funding to achieve the Plan's 17 identified actions may form part of future capital works and special project budget bids, by way of the annual budget process.

Risk analysis

Council's Risk Appetite Statement

Council's adopted Risk Appetite Statement includes having:

- No appetite for deliberate violation of laws or regulatory requirements by members of the organisation.
- A low appetite for health and safety risks.
- A low appetite for actions that may harm Council's reputation.
- A low appetite for not actively managing Council's financial position including costs for managing assets.
- A high appetite for shared services and joint ventures.
- A very high appetite for investing in actions, when possible, to contribute to the sustainability of the environment.

Asset Risk:

Council is responsible for a large area of public land such as road and bushland reserves which form a considerable environmental and community asset. Mismanagement of rural roadsides by Council, community, landholders or other authorities poses a considerable risk to overall asset quality and amenity.

The primary vision of this plan is to protect, maintain, enhance and restore the environmental assets on rural roadsides for multiple outcomes – for protection and enhancement of biodiversity and habitat, to manage fire risks, and to ensure vehicle access and public safety. With the complexities surrounding the Shire's roadsides, the Plan summarises the legislative requirements that Council is obliged to abide by, with achievable actions to protect, maintain and enhance the valuable ecological communities and environmental assets intrinsic to our vast rural roadside network.

Environmental Risk:

There are a number of threats that have negative impacts on the ecological values of roadsides. Victorian state native vegetation regulations, along with state and federal biodiversity legislation, provide a legislative framework in which the Plan operates. Examples include the protection of listed communities under the *Environment Protection and*

Biodiversity Conservation Act 1999, and the requirement to conserve soil, protect water resources, eradicate regionally prohibited weeds and pest animals, and avoid contributing to land degradation which causes or may cause damage to the land of another landowner, under the *Catchment and Land Protection Act 1994*.

Invasive environmental weeds pose a significant threat to biodiversity along rural roadsides and threaten natural ecosystems by outcompeting native flora, resulting in an adverse impact to native fauna and ecosystem function. Particularly high threat weeds include those on the *Advisory List of Environmental Weeds in Victoria* and those classed as noxious under the *Catchment and Land Protection Act 1994*.

The Plan mitigates this risk by responding to legislative requirements that Council is obliged to abide by, and guidance on approaches that seeks to enhance environmental assets and mitigate negative environmental impact.

Financial Risk:

The financial risk of not managing environmental assets within a rural roadside is considered high due to the potential fines associated with a breach of Council's legislative obligations. With adoption of the Plan and Officer commitment to the document's principles and recommendations, the costs associated with roadside environmental management will be reduced over time. If, however, sustainable environmental practices are not undertaken, Council faces far greater future costs to eliminate larger and more entrenched environmental and regulatory issues.

An unknown financial risk is what impacts of a changing climate will have on the environment and additional financial support may be required in the future.

Regulatory Risk:

Council's inaction in undertaking land manager legislative obligations can lead to financial penalties. Any impact to threatened species or communities or other protected flora as a result of action on a roadside can be referred to DEECA or the Federal Minister of the Environment and Water and could result in financial penalties.

Furthermore, it is the responsibility of Council to manage declared noxious weeds on municipal roadsides and take all reasonable steps to eradicate regionally prohibited weeds and prevent the growth and spread of regionally controlled weeds. Private landowners must also undertake these steps to manage noxious weeds on their property.

The Plan seeks to mitigate this risk, by providing clear direction and understanding to Council Officers and the community, on the management and support for consistent decision-making related to the management of rural roadsides across the Shire.

Reputation Risk:

Council has an obligation to ensure that rural roadsides are managed in line with its legislative and management responsibilities. Roadside management, as outlined in the Plan, aims to protect, maintain and enhance the ecological values of roadsides and prevent or minimise negative impacts from other road management activities that may threaten roadside ecological values. Deviation from these obligations' places Council in a position of high reputational risk.

The risk of not meeting community expectations is also a reputational risk to Council, as the Organisation's approach to roadside vegetation management is highly scrutinised by the community. There is an expectation, especially from environmental community groups, that Council will continue to act on matters of improved environmental outcomes.

This risk is mitigated in part by Council demonstrating its commitment to managing environmental assets within rural roadsides through the adoption of the Plan.

Climate Impact Statement

The impacts of climate change present significant challenges to both natural and modified landscapes around Australia. Climate change has already had widespread impacts on both human and natural systems across all continents and the changing and more unstable climate is now widely considered to be the most pressing environmental planning issue.

Roadside vegetation is threatened by potential changes to climate. A changing climate is likely to result in new and emerging weed species increasing harbour on degraded land and amongst indigenous vegetation of lesser quality, as climate factors become more suitable to their growth and spread.

Climate change is having a significant effect on the predictability and length of the bushfire season. This presents new challenges in the ability to manage bushfires effectively as it is likely that vegetation growth will be affected by the global increases in carbon dioxide, as well as changes to rainfall patterns. While these factors are indications that future fuel loads will increase, these changes will need to be monitored to determine the impact on indigenous vegetation and weed growth.

To maintain the quality of roadside vegetation in a changing climate, revegetation and restoration will, over time, create a roadside network much more resilient to the threat of both known and newly emerging invasive weed species. A co-benefit is to create a greater carbon store associated with the total roadside network, reduced herbicide inputs, improved soil quality/moisture retention, and increased canopy cover and shelter assisting with the regulation of local temperatures.

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

Council could choose not to adopt the Roadside Conservation Management Plan 2024-2029. This option is not recommended as having a revised and updated Roadside Conservation Management Plan provides clear direction and understanding to Council and the community, on the direction and priorities of Council's management of roadsides. A Council adopted Roadside Conservation Management Plan will demonstrate a commitment to manage environmental assets within rural roadsides and provide support to Council Officers in their management.

Communication and Consultation

External consultation:

A communication plan has been developed to inform the community of the Plan if adopted. As most of the Plan is governed by legislation, there is no requirement to seek community feedback, as there is little-to-no opportunity for community members to influence the content of the Plan. There is however a requirement to inform the community of the plan.

As Mount Alexander Shire is largely within Dja Dja Wurrung Country, the draft Plan has been shared with DJAARA for feedback. DJAARA will be informed of the Plan's adoption and the potential for a partnership with Council in delivering the Plan's actions.

Internal consultation:

Throughout the course of the Plan development, opportunities to provide comment on the draft Plan were provided to: Manager Parks, Recreation and Community Facilities, Manager Engineering, Manager Development Services, Manager Community Partnerships, Coordinator Works, Coordinator Community Safety and Amenity, Coordinator Emergency Management, Municipal Fire Prevention Officer.

If adopted, the principles and requirements of roadside vegetation management as outlined within the Plan will be disseminated to key staff in the Works, Emergency Management, Engineering, Development Services and Local Laws Units. This will be undertaken by the Natural Environment Officer at the relevant team meetings.

Legislation

The document is consistent with Council's obligations within the following legislation:

- Environment Protection and Biodiversity Conservation Act 1999
- Road Management Act 2004
- The Catchment and Land Protection Act 1994
- The Flora and Fauna Guarantee Act 1988
- The Country Fire Authority Act 1958
- Aboriginal Heritage Act 2006
- Planning and Environment Act 1997

Strategies and Policy Impacts

Council Plan 2021-2025

Best practice roadside conservation and environmental management is consistent with:

Pillar 2: - A flourishing environment for nature and people.

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

- Continuing to protect and improve the environmental values of our roadsides
- Continuing to apply best practice guidance from the Planning Scheme, including minimising the impact of development on native flora and fauna

Municipal Public Health and Wellbeing Plan 2021-2025

Priority 1: Tackling climate change and its impact on health.

Strategy 1.2.2: Implement urban greening and cooling strategies to increase tree canopy cover and vegetation, green walls, roofs, facades, corridors and public open space.

Road Management Plan 2021

This Road Management Plan outlines how Council manages hazards within its road network and provides a means for scheduling proactive inspections and prioritisation of maintenance of the road infrastructure to ensure that it is kept in the safest condition practicable within budgetary constraints.

Road management functions on roadsides should be conducted in line with the Plan and relevant Standard Operating Procedures.

Northern Victorian Integrated Municipal Emergency Management Plan: Mount Alexander Shire (MEMP)

The MEMP aims to build the capability of individuals, communities, businesses and the environment to prepare, respond and recover from emergencies such as flood and fire, and identify and implement actions to improve outcomes for the Mount Alexander community.

Fire management on roadsides should be conducted in line with the Plan and relevant Standard Operating Procedures.

Mount Alexander Shire Council General Local Law 2020

Under the Local Government Act 2020, Council has the power to create and enforce local laws. Those laws relating to roadsides as covered in the Plan include prohibiting firewood collection and limitations on stock grazing or droving and horse riding.

Mount Alexander Planning Scheme

The local planning scheme outlines land use rights across the Shire. Planning tools such as zones and overlays provide guidance on what activities and works can be conducted on certain parcels of land. On roadsides, overlays such as Vegetation Protection Overlays (VPOs) and Environmental Significance Overlays (ESOs) can provide protection to environmental assets additional to that of the Native Vegetation Regulations.

Environment Strategy 2015-2025

Under the Strategy, priority Area 7 'Protect natural environment assets' states that 'to improve the condition of priority natural environment assets, Council must make the best use of available resources. Significant environmental assets occur on roadsides and should therefore be protected under the Environment Strategy.

Climate Change Strategy 2023

Pillar: An environment for people and nature.

Threats: Climate change is affecting the natural environment that we love through:

- tree dieback
- changes to water flows
- loss of fire-sensitive vegetation
- loss of drought-sensitive vegetation

-
- less successful breeding in native species
 - changes to species distribution and numbers
 - increased spread of invasive species
 - loss of culturally significant places.

Opportunities: Nature-based solutions harness the power and resilience of nature to solve challenges. Examples include:

- planting indigenous and climate adapted trees to help cool our homes and townships
- DJAARA's cultural burning practices that heal Country and balance fire in our landscapes
- planting fire retardant trees to help protect our places from bushfires
- protecting and restoring trees and habitat in a way that helps keep our waterways healthy

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. Economy

Nil.

10. DELEGATES REPORTS

Meetings attended by CEO and Mayor from 17 July 2024 to 20 August 2024.

MEETING	CEO	MAYOR
Attended Loddon Campaspe Mallee, Municipal Association Victoria's regional meeting (Cr Bill Maltby and Lisa Knight, Acting Chief Executive Officer also in attendance)	✓	✓
Attended Loddon Campaspe Mallee, Municipal Association Victoria's Stand for Council session (Lisa Knight, Acting Chief Executive Officer)	✓	
Attended Indigenous Roundtable agenda planning meeting		✓
Gold Central Vic radio interview (Lisa Knight, Acting Chief Executive Officer)	✓	
Attended Loddon Campaspe Regional Partnership meeting (Lisa Knight, Acting Chief Executive Officer)	✓	
Meeting with potential candidate for Council elections		✓
Gold Central Vic radio interview (Lisa Knight, Acting Chief Executive Officer)	✓	
Attended Local Government Professionals artificial intelligence session and CEO and Directors forum (Lisa Knight, Acting Chief Executive Officer)	✓	
MAINfm radio interview		✓
Attended Rural Council Victoria's 2024 forum	✓	✓
Gold Central Vic radio interview	✓	
Attended MyLot's Victorian Council pilot information session		✓
Attended joint State / Local Government CEOs forum	✓	
Attended farewell lunch for former CEO, Central Goldfields Shire Council	✓	
Co-Chaired (Mayor Driscoll) Indigenous Roundtable	✓	✓
Gold Central Vic radio interview	✓	
Attended Loddon Campaspe Councils CEOs meeting	✓	
Presented at Local Government Professionals, Emerging Leaders session hosted by Mount Alexander Shire Council (Deputy Mayor, Cr Annear and Clare Richards, Housing Solutions Broker also presented during this session)	✓	

MEETING	CEO	MAYOR
Attended Rural Council's Victoria committee meeting as Loddon Campaspe's CEO representative	✓	
Attended Municipal Association of Victoria's monthly connect meeting for CEOs	✓	
Meeting with Maree Edwards MP to discuss matters of common interest for Mount Alexander Shire	✓	✓
Attended Victorian Local Government Association's candidate training workshop	✓	✓
Gold Central Vic radio interview	✓	
Meeting with local Caravan Park owner and manager to discuss matters of common interest for Mount Alexander Shire	✓	✓
Attended Newstead community lunch		✓
Member of interview panel for the Affordable Housing Trust Committee		✓
Attended meeting with Maldon Bowling Club Committee		✓
Listening Posts (2 in Castlemaine, 1 in Newstead and 1 in Guildford)		✓
Meeting with potential property developer in Muckleford		✓
Attended meeting with 2 potential festival organisers for festivals in our Shire		✓

The CEO thanked Director Knight for acting in his role whilst he was on leave.

He spoke of hosting and presenting at the Local Government Professionals, Emerging Leaders session which was also attended Deputy Mayor, Councillor Annear and Clare Richards, Housing Solutions Broker.

He spoke of attending Victorian Local Government Association's candidate training workshop and suggested to residents that Stand for Council One on One's were still available.

The Mayor thanked Director Knight for her unwavering support and professionalism and noted their trip to Canberra to attend the 2024 National General Assembly of Local Government.

The Mayor further noted that he co-chaired the recent Indigenous Roundtable and was the member on the interview panel for the Affordable Housing Trust Committee. He also advised that he had attended a number of Listening Posts.

11. NOTICES OF MOTION

Nil.

12. URGENT SPECIAL BUSINESS

Nil.

13. CONFIDENTIAL ITEMS

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

RECOMMENDATION

That Council closes the Ordinary Meeting of Council 20 August 2024 in accordance with Section 66 (2)(a) of the Local Government Act 2020, in order to consider confidential information.

MOVED COUNCILLOR MALTBY

That the recommendation be adopted.

SECONDED COUNCILLOR ANNEAR

CARRIED.

The Meeting closed was in order to consider confidential information as defined in the Local Government Act 2020 under Section 3, Definitions – Confidential Information:

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

14. MEETING CLOSE

The Meeting closed at 7.34 pm.