



## COUNCIL MEETING

Tuesday 22 February 2022

6:00pm

Downstairs Community Hub

Gallery online

## AGENDA

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13. Meeting Close

## 5 CONFIRMATION OF THE MINUTES OF PREVIOUS COUNCIL MEETING

**Author:** Governance Officer

**Responsible Officer:** Chief Executive Officer

*The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.*

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### SUMMARY/PURPOSE

To present for confirmation the minutes of the Council Meeting held on 21 December 2021 and the minutes of the Special Council Meeting held on 15 February 2022.

### RECOMMENDATION

*That Council confirms the Minutes of the Council Meeting held on 21 December 2021 and the minutes of the Special Council Meeting held on 15 February 2022.*

### LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 – Leading Change

The Community's vision 4. Good planning, governance, and service delivery

### BACKGROUND INFORMATION

The minutes of meetings remain unconfirmed until the next meeting of Council.

### REPORT

Council keeps minutes of each meeting of the Council and those minutes are submitted to the next appropriate meeting for confirmation.

### CONSULTATION/COMMUNICATION

Once confirmed minutes become available, they will replace the unconfirmed minutes currently on the Council's website.

### FINANCIAL & RESOURCE IMPLICATIONS

Costs included in the Governance and Community Engagement budgets.

**RISK MANAGEMENT**

This report addresses Council's strategic risk Governance - Failure to transparently govern and embrace good governance practices. This process conforms to the requirements of the Governance Rules. Publication of the minutes increases transparency and reduces the risk of maladministration.

**CONCLUSION**

The unconfirmed minutes of the Council Meeting held on 23 November 2021 and the minutes of the Special Council Meetings held on 7 December 2021 and 14 December 2021 are presented for confirmation.

**ATTACHMENTS**

1. Unconfirmed Minutes of the Council Meeting held 21 December 2021
2. Unconfirmed Minutes of the Special Council Meeting held 15 February 2022

## 8. OFFICER REPORTS

### 8.1 UPDATE OF INSTRUMENTS OF DELEGATION BY COUNCIL TO STAFF

**Author:** Manager Governance Property and Risk

**Responsible Officer:** General Manager Corporate Performance

*The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.*

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#### SUMMARY/PURPOSE

The purpose of this report is to recommend that Council resolve to delegate specified duties and powers as per the attached instrument to Council staff in accordance with the Local Government Act 2020.

Instruments of delegation are the means by which Council delegates many powers to its staff. The S 6 Instrument of Delegation, under which Council delegates its powers to Council Staff, is required to be updated due to the new *Local Government Act 2020* which repeals all delegations as of 1 September 2020.

#### RECOMMENDATION

*In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Central Goldfields Shire Council (Council) resolves that:*

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.*
- 2. The instrument comes into force immediately Council adopts the resolution.*
- 3. On the coming into force of the instrument all previous delegations by Council to members of Council staff (other than the Chief Executive Officer) are revoked.*
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

#### LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 – Leading Change

The Community's vision 4. Good planning, governance, and service delivery

#### BACKGROUND INFORMATION

Maddocks have released an updated Instrument of Delegation from Council to staff to reflect recent legislative changes.

## **REPORT**

The Act, and a variety of other legislation, make express provision for the appointment of delegates to act on behalf of Council and delegation of powers is essential to enable day to day decisions to be made and for the effective operation of the organisation.

The Instruments of Delegation and Appointment and Authorisation are prepared for Council by Maddocks Lawyers.

The S6 Instrument has been updated to reflect the commencement of the Residential Tenancies Regulations 2021 and some changes to:

- *Food Act 1984*
- *Planning and Environment Act 1987*
- *Residential Tenancies Regulations 2021*

## **CONSULTATION/COMMUNICATION**

All General Managers have been consulted. Relevant staff will be provided with confirmation of the amendments to the Instruments of Delegation.

## **FINANCIAL & RESOURCE IMPLICATIONS**

Council subscribes to the Delegations and Authorisations service provided by Maddocks Lawyers, the cost of which is provided for in Council's budget. There are no other financial implications in reviewing the Instruments of Delegation.

## **RISK MANAGEMENT**

This report addresses Council's strategic risk Legislative compliance - Failure to manage our compliance with relevant legislative requirements by meeting the requirements of the Local Government Act 2020.

## **CONCLUSION**

It is recommended that Council adopt the updated Instrument of Delegation to meet the requirements of the Act.

## **ATTACHMENTS**

1. Updated Instrument of Delegation to staff.

## 8.2 COUNCIL PLAN ACTION PROGRESS REPORT

**Author:** Manager Governance Property and Risk

**Responsible Officer:** General Manager Corporate Performance

*The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.*

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### SUMMARY/PURPOSE

The purpose of this report is to provide Council with an update on the status of the projects identified in the 2021-22 Action Plan.

### RECOMMENDATION

*That Council note as detailed in the report an update on the status of the projects identified in the 2021-22 Action Plan.*

### LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 – Leading Change

The Community's vision 4. Good planning, governance, and service delivery

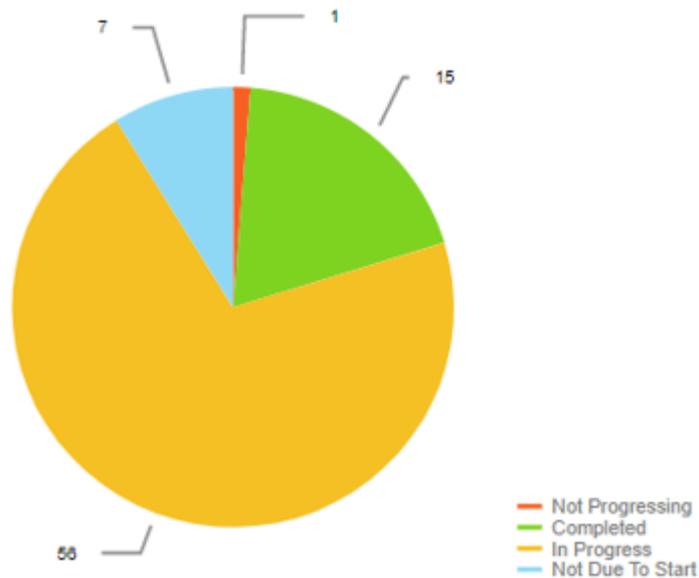
Under Section 90 of the *Local Government Act 2020* Council must prepare a Council Plan which includes; the strategic direction and objectives for achieving the strategic direction, strategies for achieving the objectives for at least the next four financial years, strategic indicators for monitoring the achievement of the objectives, a description of the Council's initiatives and priorities for services, infrastructure and amenity.

### BACKGROUND INFORMATION

The 2021-22 Action Plan was developed to support the achievement of the strategic objectives identified in the Council Plan and to provide a reporting framework to measure progress against the Council Plan. The 2021-22 Action Plan was adopted by Council at the Ordinary Meeting of Council 27 July 2020.

### REPORT

There has been progress against the initiatives and projects outlined in the 2021-22 Action Plan. There are 79 actions identified in the plan, the chart below provides a summary of progress for the year to end of the second quarter. It is important to note some items are across a number of years so carry through each year's action report.



## CONSULTATION/COMMUNICATION

Council has developed the Action Plan through consultation with the community during the development of the current Council Plan, through Listening Posts held quarterly across the Shire, and the development of the 2021-22 Budget.

## FINANCIAL & RESOURCE IMPLICATIONS

The current year's Budget was prepared in line with the initiatives identified in the Annual Plan subject to grants from State and Federal Government being received in some cases.

## RISK MANAGEMENT

This report addresses Council's strategic risk Governance - Failure to transparently govern and embrace good governance practices.

## CONCLUSION

The 2021-22 Action Plan outlines the projects and programs that were undertaken during the year to meet the objectives of the Council Plan. This report provides an update.

## ATTACHMENTS

1. 2021-22 Action Plan Progress Report Quarter 2

### 8.3 AUDIT AND RISK COMMITTEE BIENNIAL REPORT TO COUNCIL

**Author:** Governance Officer

**Responsible Officer:** Chair Audit and Risk Committee

*The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.*

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#### SUMMARY/PURPOSE

The purpose of this report is to present the Audit and Risk Committee Biennial Report to Council for noting.

#### RECOMMENDATION

*That Council note the Audit and Risk Committee Biennial Report to Council.*

#### LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 – Leading Change

The Community's vision 4. Good planning, governance, and service delivery

#### BACKGROUND INFORMATION

With the introduction of the Local Government Act 2020 there are legislated requirements regarding biennial reports from the Chair of Audit and Risk Committees to Council. Section 54 of the Act states

- (5) An Audit and Risk Committee must—
- (a) prepare a biennial audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations; and
  - (b) provide a copy of the biennial audit and risk report to the Chief Executive Officer for tabling at the next Council meeting.

#### REPORT

This report was prepared by the Chair of the Audit and Risk Committee on behalf of the Committee. The Committee reviewed the report and endorsed it for presentation to Council at its meeting 6 December 2021.

#### CONSULTATION/COMMUNICATION

The Audit and Risk Committee have endorsed the biennial report.

## **FINANCIAL & RESOURCE IMPLICATIONS**

There are no financial or resource implications as a result of this report.

## **RISK MANAGEMENT**

This report addresses Council's strategic risk Legislative compliance - Failure to manage our compliance with relevant legislative requirements.

## **CONCLUSION**

Under the Act Council must have an Audit and Risk Committee and this Committee must present a biannual report to Council.

## **ATTACHMENTS**

1. Audit and Risk Committee Biannual Report to Council

## 8.4 STRATEGIC RISK REGISTER

**Author:** Manager Governance Property and Risk

**Responsible Officer:** General Manager Corporate Performance

*The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.*

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### SUMMARY/PURPOSE

The purpose of this report is to present an updated draft Strategic Risk Register to Council for adoption.

The Strategic Risk Register has been updated to ensure that current strategic risks are identified and assessed.

### RECOMMENDATION

*That Council adopt the Strategic Risk Register attached to the February 2022 report of the Manager Governance, Property and Risk.*

### LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 – Leading Change

The Community's vision 4. Good planning, governance, and service delivery

### BACKGROUND INFORMATION

Council's Strategic Risk Register was adopted in March 2020 and is due for review. The register has been developed to ensure that strategic risks are identified and assessed; the effectiveness of existing controls for each risk is determined and risk treatment options are identified and monitored.

### REPORT

The Strategic Risk Register identifies 12 strategic risks:

- Business continuity
- Community wellbeing
- Government policy changes
- Climate change and adaptation
- Financial sustainability
- Information management and protection
- Property and assets
- Governance

- Legislative compliance
- Community engagement
- Staff and service delivery
- Theft, fraud and crime

This updated Strategic Risk Register provides a summary of the current strategic risks affecting Council, including the existing controls in place for each risk, and the risk treatment plan to further reduce the likelihood and impact of each risk on Council and the community. When adopted it was noted that the register would be reviewed periodically.

At its meeting on 6 December 2021, the Audit and Risk Committee, having reviewed the updated Strategic Risk Register, recommended it to Council for adoption following the inclusion of cyber risks.

The updated Strategic Risk Register has been expanded to include a risk in relation to cyber attack and cyber fraud.

### **CONSULTATION/COMMUNICATION**

The updated Strategic Risk Register has been developed with the Executive Management Team and Audit and Risk Committee.

### **FINANCIAL & RESOURCE IMPLICATIONS**

The updating and development of this document has been completed by Council staff within operational budgets.

### **RISK MANAGEMENT**

This report addresses Council's strategic risk Legislative compliance - Failure to manage our compliance with relevant legislative requirements.

### **CONCLUSION**

The updated Strategic Risk Register has been reviewed by the Executive Management Team and the Audit and Risk Committee. It is recommended that this document be adopted by Council.

### **ATTACHMENTS**

1. Updated Strategic Risk Register

## 8.5 S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION

**Author:** Manager Governance Property and Risk

**Responsible Officer:** General Manager Corporate Performance

*The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.*

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### SUMMARY/PURPOSE

The purpose of this report is to recommend that Council adopt a S11A Instrument of Appointment and Authorisation for the Manager Statutory Services.

The S11A Instrument of Appointment and Authorisation appoints Council staff under the Planning and Environment Act 1987, which allows them to fully discharge their duties and responsibilities under that Act.

### RECOMMENDATION

1. *That Council adopt the attached S11A Instrument of Appointment and Authorisation for the members of Council staff set out in the Instrument attached to the December 2021 report of Manager Governance Property and Risk 'S11A Instrument of Appointment and Authorisation'.*
2. *The S11A Instrument of Appointment and Authorisation comes into force immediately and remains in force until Council determines to vary or revoke it.*
3. *That the attached S11A Instrument of Appointment and Authorisation be signed by the Chief Executive Officer.*

### LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 – Leading Change

The Community's vision 4. Good planning, governance, and service delivery

The S11A Instrument of Appointment and Authorisation is made in accordance with section 147 of the Planning and Environment Act 1987 and section 313 of the Local Government Act 2020.

### BACKGROUND INFORMATION

The S11A Instrument of Appointment and Authorisation is specifically for authorised officers appointed under the Planning and Environment Act 1987.

Amy Boyd has been appointed as the Manager Statutory Services on a contract basis.

## **REPORT**

S11A Instrument of Appointment and Authorisation:

- Appoints the officers to be authorised officers for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act; and
- Authorises the officers generally to institute proceedings for offences against the Planning and Environment Act 1987 and the regulations made under that Act.

Authorisations need to be made for Manager Statutory Services Amy Boyd to be an authorised officer under the Planning and Environment Act 1987. In particular, this authorisation gives officers the power to access property when required.

As with the delegations under the Planning and Environment Act 1987 these appointments and authorisations must be made by Council, and are not delegated to the CEO.

## **CONSULTATION/COMMUNICATION**

There is no requirement for community consultation in relation to the review of the Instruments. Affected staff will be provided with confirmation of the adoption of any Instruments.

## **FINANCIAL & RESOURCE IMPLICATIONS**

Council subscribes to the Delegations and Authorisations service provided by Maddocks, the cost of which is provided for in Council's budget. There are no other financial implications in reviewing the Instruments of Delegation.

## **RISK MANAGEMENT**

This report addresses Council's strategic risk Governance - Failure to transparently govern and embrace good governance practices. The use of the Maddocks authorisations service alleviates the potential risk of staff not being appropriately authorised in the exercise of various powers and duties. The updates are done regularly and capture any legislative changes. The service is available to all Victorian Councils which enables consistency.

## **CONCLUSION**

The S11A Instrument of Appointment and Authorisation is required due to staffing changes at Council. The Instrument must be adopted by Council to be active.

## **ATTACHMENTS**

1. S11A Instrument of Appointment and Authorisation.

## 8.6 ERRATUM ISSUED FOR ANNUAL REPORT

**Author:** Manager Finance

**Responsible Officer:** General Manager Corporate Performance

*The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.*

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### SUMMARY/PURPOSE

The purpose of this report is to advise Council of an erratum to the Annual Report 2020/21.

### RECOMMENDATION

*That Council note that an erratum to the Annual Report 2020/21 has been issued.*

### LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 – Leading Change

The Community's vision 4. Good planning, governance, and service delivery

### BACKGROUND INFORMATION

The legislative requirements for the Annual Report 2020/21 are contained in the *Local Government Act 1989*. The legislative requirements in the *Local Government Act 2020* will be relevant for the Annual Report 2021/22.

### REPORT

A review of the Annual Report was undertaken against the prescribed components from the *Local Government Act 1989*. This was undertaken following feedback from community members on items which were omitted in error.

The errors were, in summary:

- 1) Report entitled "Report of Operations" was in fact the data for the Performance Statement (not audited);
- 2) The Performance Statement, which should follow the Financial Statements was omitted (audited);
- 3) The calculation of 'G4 - Cost per elected representative' was calculated including a number of expenses relating to the overall governance rather than purely Councillor expenses. This has been updated.

It must be noted there is no impact to the audited financial statements or audited performance statement as all information was correctly included in reports audited. The errors were administrative in nature and the erratum issued corrects the record. The Know Your Council website data remains in error as officers contacted LGV to correct the error and were told the information could not be updated. A comment will be included when submitting the 2021/22 data.

The below is a detailed summary of each of the amendments made

1) Report of Operations

<b>Items included in <i>updated</i> version</b>	<b>Items included in <i>original</i> version</b>
AF2 - Health inspections of aquatic facilities	AF6 - Utilisation of aquatic facilities
AF6 - Utilisation of aquatic facilities	AM7 - Animal management prosecutions
AF7 - Cost of aquatic facilities	FS4 - Critical and major non-compliance outcome notifications
AM1 - Time taken to action animal management requests	G5 - Satisfaction with council decisions
AM2 - Animals reclaimed	LB4 - Active library borrowers in municipality
AM5 - Animals rehomed	MC4 - Participation in the MCH service
AM6 - Cost of animal management service per population	MC5 - Participation in the MCH service by Aboriginal children
AM7 - Animal management prosecutions	R5 - Satisfaction with sealed local roads
FS1 - Time taken to action food complaints	SP4 - Council planning decisions upheld at VCAT
FS2 - Food safety assessments	WC5 - Kerbside collection waste diverted from landfill
FS3 - Cost of food safety service	
FS4 - Critical and major non-compliance outcome notifications	
G1 - Council decisions made at meetings closed to the public	
G2 - Satisfaction with community consultation and engagement	
G3 - Councillor attendance at council meetings	
G4 - Cost of elected representation	
G5 - Satisfaction with council decisions	
LB1 - Physical library collection usage	
LB2 - Recently purchased library collection	
LB4 - Active library borrowers in municipality	
LB5 - Cost of library service per population	
MC2 - Infant enrolments in the MCH service	
MC3 - Cost of the MCH service	
MC4 - Participation in the MCH service	
MC5 - Participation in the MCH service by Aboriginal children	
MC6 - Participation in 4-week Key Age and Stage visit	
R1 - Sealed local road requests	
R2 - Sealed local roads maintained to condition standards	
R3 - Cost of sealed local road reconstruction	
R4 - Cost of sealed local road resealing	
R5 - Satisfaction with sealed local roads	
SP1 - Time taken to decide planning applications	

SP2 - Planning applications decided within required time frames	
SP3 - Cost of statutory planning service	
SP4 - Council planning decisions upheld at VCAT	
WC1 - Kerbside bin collection requests	
WC2 - Kerbside collection bins missed	
WC3 - Cost of kerbside garbage bin collection service	
WC4 - Cost of kerbside recyclables collection service	
WC5 - Kerbside collection waste diverted from landfill	

## 2) Performance Statement

<i>Items included in updated version</i>	<i>Items included in original version</i>
AF6 - Utilisation of aquatic facilities	
AM7 - Animal management prosecutions	
FS4 - Critical and major non-compliance outcome notifications	
G5 - Satisfaction with council decisions	
LB4 - Active library borrowers in municipality	
MC4 - Participation in the MCH service	
MC5 - Participation in the MCH service by Aboriginal children	
R5 - Satisfaction with sealed local roads	
SP4 - Council planning decisions upheld at VCAT	
WC5 - Kerbside collection waste diverted from landfill	

## 3) G4 – Cost of elected representative – corrected calculation in italics below

<i>Year</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
Cost of elected representative (correct)	128,692	121,330	<i>58,201</i>
Cost of elected representative (incorrect)	128,692	121,330	120,760

The amended annual report is an attachment to this report.

**CONSULTATION/COMMUNICATION**

The erratum will be made available on Council's website shortly and will be provided to the Minister.

**FINANCIAL & RESOURCE IMPLICATIONS**

The financial statements were prepared internally by Council officers.

## **RISK MANAGEMENT**

This report addresses Council's strategic risk Legislative compliance - Failure to manage our compliance with relevant legislative requirements.

## **CONCLUSION**

The amended Annual Report includes items which were omitted in error as well as a calculation which has been updated. The erratum will be available on the Council's website and will be provided to the Minister.

## **ATTACHMENTS**

1. Amended Annual Report

## 8.7 AUDIT AND RISK COMMITTEE CHARTER UPDATE

**Author:** Manager Governance Property and Risk

**Responsible Officer:** General Manager Corporate Performance

*The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.*

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### SUMMARY/PURPOSE

The purpose of this report is to present the updated Audit and Risk Committee Charter for adoption.

### RECOMMENDATION

*That Council approve the attached draft Audit and Risk Committee Charter in accordance with Section 54 of the Local Government Act 2020.*

### LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 – Leading Change

The Community's vision 4. Good planning, governance, and service delivery

### BACKGROUND INFORMATION

Section 53 of the Local Government Act 2020 (the Act) requires councils to establish an Audit and Risk Committee and section 54 of the Act requires council to prepare and approve an Audit and Risk Committee Charter.

An Audit and Risk Committee must:

- include members who are Councillors of the Council;
- consist of a majority of members who are not Councillors of the Council and who collectively have—
  - expertise in financial management and risk; and
  - experience in public sector management; and
- not include any person who is a member of Council staff of the Council.

Further to this the chairperson of an Audit and Risk Committee must not be a Councillor of the Council.

An Audit and Risk Committee Charter must specify the functions and responsibilities of the Audit and Risk Committee including:

- monitor the compliance of Council policies and procedures with:
  - the overarching governance principles; and

- this Act and the regulations and any Ministerial directions;
- monitor Council financial and performance reporting;
- monitor and provide advice on risk management and fraud prevention systems and controls;
- oversee internal and external audit functions.

The Act also states that an Audit and Risk Committee must:

- adopt an annual work program.
- undertake an annual assessment of its performance against the Audit and Risk Committee Charter; and
- provide a copy of the annual assessment to the Chief Executive Officer for tabling at the next Council meeting.
- prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations; and
- provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting.

Council last approved the Audit and Risk Committee Charter at its meeting in July 2020.

## **REPORT**

The current Charter has had minor amendments to better reflect the reporting requirements under the Local Government Act 2020 and one deletion to be consistent with Local Government Act 2020.

It is recommended that the updated Charter be adopted by Council.

## **CONSULTATION/COMMUNICATION**

Discussion was had at the Audit & Risk Committee meeting on 6 Dec 2020 on minor amendments to take better account of the Local Government Act 2020 requirements.

The updated Charter will be placed on Council's website once adopted.

## **FINANCIAL & RESOURCE IMPLICATIONS**

There are no financial or resource implications relating to the updating of the Audit and Risk Committee Charter.

## **RISK MANAGEMENT**

This report addresses Council's strategic risk Legislative compliance - Failure to manage our compliance with relevant legislative requirements by meeting the requirements of the Act.

## **CONCLUSION**

The Local Government Act 2020 sets requirements with regard to Audit and Risk Committees and Audit and Risk Committee Charters. It is recommend that Council establish an Audit and Risk Committee in accordance with section 35 of the Local Government Act 2020, present the updated Audit and Risk Committee Charter for adoption and recommend the reconfirmation of the current Committee members.

**ATTACHMENTS**

1. Draft Audit and Risk Committee Charter

## 8.8 DELEDIO PAVILION DUNOLLY

**Author:** Recreation Coordinator

**Responsible Officer:** General Manager Community Wellbeing

*The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.*

### SUMMARY/PURPOSE

The purpose of this report is to present the Deledio Pavilion concept plans to Council for noting.

The purpose of the concept plans is to provide documentation to advocate to Federal and State governments for funding.

### RECOMMENDATION

*That Council:*

1. notes the Deledio Pavilion Concept Plans, and
2. supports officers to continue to work with local groups to investigate funding options and provide support for making grant applications.

### LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 – Our Spaces and Places

The Community's vision 3. Engaging places and spaces for people to live, work, play and connect.

Initiative: Provide infrastructure to meet community need.

Actively plan and seek funding opportunities to develop infrastructure including recreation facilities and incorporate CPTED (crime prevention through environmental design) principles to meet community needs.

### BACKGROUND INFORMATION

The Deledio Recreation Reserve is a Crown Land site managed by the Dunolly Recreation Reserve Committee of Management Inc (DRRCM).

The Deledio Recreation Reserve (Dunolly) Master Plan 2011-2020 identified a new pavilion as a high priority.

The existing club rooms are no longer fit for purpose. There is extensive termite damage, a cracked concrete slab, very poor change facilities and kitchen facilities. The building has no female change rooms and lacks disability access.

Council officers and independent contractors determined that the building was not suitable for an upgrade but needed to be replaced.

The local community envisages a complex which not only provides change facilities, but which can also be used to host community events and gatherings.

The DRRCM was encouraged by Council staff to prepare a business case for a new facility.

The Committee commissioned communityvibe to develop a Community Hub Business Case. This report was finalised in May 2019.

The following components were identified for a new facility – change rooms (home and away), trainer's room, first aid, gym, commercial kitchen, bar, social room, public toilets, technology access, storerooms, offices, hallways (memorabilia display), timekeepers' box, balcony.

The DRRCM established a subcommittee, the Deledio Reserve Sports Committee (DRSC), to be the local steering committee for the development of the new facility.

Council committed budget funds for design. In April 2020 Avor Architecture were appointed to develop the concept plans and costings. (Attachment 1 and Attachment 2)

## **REPORT**

The development of the plans was hampered by COVID – the architect firm being Melbourne based made site visits and meetings with the Committee challenging.

During the development phase a number of issues were worked through between the Committee and Council Officers with additional advice provided through Sport and Recreation Victoria; these include:

- determining the appropriate size of the facility
- identifying the best site and the need to balance costs with useability
- ensuring the design and inclusion of particular facilities to maximise opportunities for revenue generation

The final concept plans present a facility which is more expensive than originally envisaged by Council Officers, however the increased capacity of the venue presents more opportunities for the building to cater for larger commercial and community functions which in turn affords greater scope to raise revenue for re-investment into local sports infrastructure.

## **CONSULTATION/COMMUNICATION**

Consultations by communityvibe when developing the Business Plan included engagement with user groups, two user group meetings plus a Community Day at the Reserve attended by 40 residents who each had the opportunity to have their say.

The local steering committee (DSC) comprises the chair of the Deledio Recreation Reserve Committee Inc plus representatives from the Dunolly Football Netball Club, the Laanecoorie Dunolly Cricket Club, the Dunolly Primary School, the Golden Triangle Archery Club, and the Dunolly Country Fire Authority (CFA). It has worked with Council officers since September 2018 to develop the Concept Plans. Cr Long has also attended recent meetings.

The Regional Manager Loddon Mallee, Sport and Recreation Victoria has participated in meetings throughout the planning process, providing recreation planning and funding advice.

DELWP is aware of the concept planning initiative through direct communication from the Reserve Committee. DELWP approval is required to further progress the project.

Local representatives have briefed Louise Staley MP, Member for Rippon, Dr Anne Webster MP, Member for Mallee and staff from the office of the Hon Jaala Pulford MP, Member for Western Victoria.

Key sporting associations - Netball Victoria and Regional AFL - have provided indicative support for the initiative.

It is proposed to forward the Concept Plans to the key state sporting bodies for information and for them to use in their lobbying to government funding bodies.

## **FINANCIAL & RESOURCE IMPLICATIONS**

The indicative costings for the concept plans are \$4,378,000.

Additionally, CGSC project management costs (5% to 10%) need to be added. In total the cost could be up to \$5,000,000 including project management and contingencies.

A cocktail of funding will be required to carry out the works outlined through the plans. This will likely include the need for a significant funding contribution from Council alongside investment from both State and Federal Governments.

Potential funding sources include the

- Building Better Regions Fund – Infrastructure Projects Stream (BBRF), Department of Infrastructure, Transport, Regional Development and Communications.
  - Investment in projects located in or benefiting eligible areas outside the major capital cities. Construction of new infrastructure or the upgrade or extension of existing infrastructure. Grants \$20,000 - \$10million to cover 50% or more of eligible costs. Currently closed.
- Sport and Recreation Victoria Local Sports Infrastructure Fund (LSIF) – Female Friendly Facilities, Department of Jobs, Precincts and Regions
  - Development of new and/or redevelopment of existing infrastructure that enables more women and girls to participate in sport and recreation activity. Up to \$800,000, SRV \$2: Local \$1. Last round closed on 7 February 2022.
- Local Roads and Community Infrastructure (LRCI) Department of Infrastructure, Transport, Regional Development and Communications.
  - Funding allocations are determined by formula. Eligible community infrastructure projects are ones that involve the construction, maintenance and/or improvement of council owned assets that are generally accessible to the public.
- Local contributions are valued in making funding applications, but the amount raised is unlikely to be a significant percentage of the estimated total costs. Local fund raising has commenced. The concept plans will be a trigger for future activities.

The project has been identified as a CGSC Priority Project.

Maintenance and future replacement costs need to be considered.

## **RISK MANAGEMENT**

This report addresses Council's strategic risk Community Well-being - Failure to recognise and manage the impact of changing social and economic conditions on the community by failing to deliver a project which has strong community support, and which has been identified as a CGSC Priority Project.

Given the size of the indicative costings it will be challenging to attract government funding to cover the full budget. It may be necessary to revise the plans and to divide the build into stages – the first one to meet the changing facility requirements for players and umpires with a basic social space to meet the needs of the sporting groups, the second to expand the social space into a larger function area and to include other components such as the gym.

## **CONCLUSION**

The design components of the Deledio Pavilion were identified through broad community consultation and identified in the Business Case.

In 2020 Council engaged Avor Architecture to develop- concept plans and costings for a new pavilion. The architects worked collaboratively with the local steering group (DSC) and Council staff to resolve several challenges relating to facility size and location.

The concept plans have now been agreed to by the DRRCM with indicative costings of \$4,378,000. Detailed planning and project management fees would be additional. Total costs could be up to \$5.0 M.

To carry out the project build funding support will be required through a combination of Council, State and Federal sources at a higher level than is available via existing government programs. The local Committee is developing and implementing fund raising initiatives and actively lobbying Members of Parliament. Council officers will continue to work with the group to provide advice and support.

## **ATTACHMENTS**

1. Deledio Pavilion Concept Plans
2. Deledio Pavilion Indicative Costings
3. Deledio Reserve Business Case 2 August 2020

## 8.9 PLAY SPACE STRATEGY

**Author:** Recreation Coordinator

**Responsible Officer:** General Manager Community Wellbeing

*The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.*

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### SUMMARY/PURPOSE

The purpose of this report is to recommend that Council endorse a commitment of \$45,000 (financial and in-kind) to support a funding application to Sport and Recreation Victoria's Local Sport Infrastructure Fund to develop a Play Space Strategy.

### RECOMMENDATION

*That Council endorses a financial commitment of \$39,375.00 and an in-kind commitment of \$5,625.00 to support the development of a Play Space Strategy*

### LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 – Our Spaces and Places

The Community's vision 3. Engaging places and spaces for people to live, work, play and connect.

Initiative: Provide and maintain open spaces, parks, green spaces, playgrounds and reserves

### BACKGROUND INFORMATION

The 'Active Central Goldfields', Recreation and Open Space Strategy 2020-2029 (ROSS) was adopted by Council on 22 September 2020. It outlines Council's strategic framework for active communities, active places and spaces. It recommends, as a high priority, that Council undertakes a Play Space Inventory Review and utilises the results to develop a Play Space Strategy.

The ROSS community consultations highlighted the following key issues about current playgrounds – not compliant, not fenced, out of date equipment, poor quality/condition and high level of maintenance needed because of poor condition.

The ROSS summary of key findings about future needs, improvements and opportunities specifically identified the following priorities for playgrounds – compliance (including disability access), nature play, multi-age playground, sensory playground.

Active play was ranked 4<sup>th</sup> in the top ten sport and recreation activities, behind walking (recreational), bush walking and prospecting.

In drafting a consultant's brief for the Play Space Strategy input about challenges and potential opportunities was sought from representatives within the relevant Council units associated with current playground development and maintenance.

## **REPORT**

The Play Space Strategy will establish clear directions, with strong community support, for the further development and management of play spaces. It will propose solutions for a range of challenges that are potential risk issues for Council and users. The total project cost is \$75,000.

### Challenges and Opportunities

Developing a Play Space Strategy will provide opportunities to:

- develop understanding about play and its role in providing a foundation for health and wellbeing through physical activity.
- provide innovative and creative approaches to the design of play spaces that will encourage diversity in facility provision and encourage access to, and use of, play spaces by all residents.
- address a long history of ad hoc development – i.e. adding in pieces of equipment as they become available.
- seek community input to capture local aspirations and ideas to engender 'ownership' of play spaces.
- provide access and participation opportunities for everyone including children with disabilities, parents/carers who have disabilities and need to accompany their children, teenagers, LGBTIQ+ people, adults, older adults.
- change community perceptions of playgrounds in CGSC being for younger children – to provide the opportunity for new and innovative ways to activate play spaces including intergenerational participation.
- ensure that Council is meeting all of the requirements of the Australian Standards that relate to play spaces.
- provide clear direction for existing and future levels and standards of provision throughout the Shire, including a hierarchy of provision.
- provide a strategic framework to guide Council in the development and management of play spaces.
- establish design and development guideline to assist with future provision and renewal of play spaces.
- identify the community's vision for contemporary play spaces.
- explore the opportunity to develop destination play spaces which will support tourist visitation.
- provide strategic advice about the potential location of water play spaces.
- clearly identify life cycle and maintenance costings.
- explore partnerships and joint use opportunities e.g., school settings, community facilities, public open spaces and reserve, play program delivery.
- respond to recent issues raised by the community such as fencing, the need for all ages provision in new development areas and the lack of inclusive options, particularly for people with disabilities.

### The 2021-22 Local Sports Infrastructure Fund (LSIF)

The 2021-22 Local Sports Infrastructure Fund (LSIF) is a state-wide competitive Victorian Government investment program that funds the development of high-quality, accessible community sport and active recreation infrastructure.

Under the Planning category Council may apply for one grant of up to \$30,000 for Active Recreation Strategies. The funding ratio is SRV \$2: Local \$1. Project Management fees of up to 7.5% of the total project cost may be included.

Projects must be able to commence within 6 months and responsibility for project management sits with Council.

Once submitted, the EOIs will be assessed by SRV in the competitive environment against applications from across Victoria.

Successful projects will be announced, and funding agreements executed in late May/June 2022 with projects needing to commence construction within six (6) months of the funding agreement being executed.

A draft project brief must be provided with the application.

Applications had to be submitted by 5pm on Monday 7 February 2022.

A Council resolution is required but the very tight timelines did not allow for a full CGSC Council meeting to consider the application prior to submission.

As requested by SRV a CEO letter was provided. It confirmed the funding amount requested from SRV, Council's funding commitment to the project and advised that a Council resolution would be determined at the Council meeting on 22 February 2022.

### Governance

If the project proceeds a cross organisational Project Control Group (PCG) will ensure that there is input from all internal work areas that have some responsibilities for playgrounds/spaces and that a collaborative approach is fostered. The Regional Manager SRV and the Program Manager Sports Focus will also be included to provide specialist advice.

### **CONSULTATION/COMMUNICATION**

Consultation with community members and key stakeholders provided the evidence for a Play Space Strategy to be noted as a high priority in the ROSS. Further community and stakeholder consultation and capacity building will be essential steps in developing a Strategy.

Consultation with key Council staff was conducted in December 2021 to enable officers to provide input about challenges and potential opportunities. This information was used to develop the draft project brief and LSIF funding application.

A CGSC Communication Plan would be developed to provide information about the progress of the project through the media channels.

A list of key internal and external stakeholders has been identified and included in the project brief and will all need to be included in the consultation processes.

The project brief also notes the need for a public consultation phase once a draft Strategy has been prepared.

EMT and Councillors will be briefed throughout the project.

## **FINANCIAL & RESOURCE IMPLICATIONS**

Development of a comprehensive strategy with detailed implementation advice will be \$75,000 - including engagement of consultants, community and stakeholder engagement costs, project management costs plus contingencies.

These costs were determined by obtaining an indicative quote for consultancy services and by comparing the costs of other, recent, recreation planning projects.

Opportunities to access planning funds from Sport and Recreation Victoria are extremely limited and therefore this opportunity does not occur very often.

Under the LSIF Council can apply for \$30,000 provided there is confirmation of matching resources (\$45,000) to complete the project. Up to 7.5%, \$5,625.00, can be allocated for project management. This would equate to an 'in-kind' contribution from Council as the Recreation Coordinator would be the project manager. The financial commitment required would therefore be \$39,375.00.

A time commitment from both the Manager Community Partnerships and the Community Recreation Officer will be required to deliver the project as well as allocations of time from other internal members of the PCG.

The recommendations in the Play Space Strategy will provide Council with estimated costs for a range of actions and activities. It is anticipated that these will be primarily related to improvement works or new development to ensure that facilities are fit for purpose plus some funds for activation initiatives.

Life cycle costing and maintenance costs will also be considered.

Recommendations will identify priority projects and partnership possibilities, providing a guide for Council's decision making in seeking funds for implementation which is most likely to be through Council budget allocations and grants.

## **RISK MANAGEMENT**

This report addresses Council's strategic risk Property and Assets - Failure to maintain, renew and expand our assets in a timely and robust way, that considers service and delivery needs by not implementing the recommendations of the ROSS which notes poor condition and safety concerns. Council needs to ensure that the requirements of the Australian Standards relating to playgrounds/spaces are being met and that Council is not potentially open to litigation if injuries occur.

This report also addresses Council's strategic risk: Community engagement – Inadequate stakeholder management or engagement impacting on brand recognition and community satisfaction in Council decision making by failing to seek community input in any meaningful way re playground satisfaction and development

## **CONCLUSION**

The ROSS identifies developing a Play Space Strategy as a priority.

An application has been submitted to the 2021-22 Local Sports Infrastructure Fund for \$30,000 towards a total project cost of \$75,000.

Council support is mandatory for SRV to assess the application. Therefore, a Council resolution supporting the application is required from the Council meeting scheduled for 22 February 2022 in order to validate the application.

**ATTACHMENTS**

Nil

## 8.10 ADOPTION OF THE PRIORITY PROJECTS PLAN

**Author:** Manager Community Engagement

**Responsible Officer:** Chief Executive Officer

*The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.*

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### SUMMARY/PURPOSE

The purpose of this report is to recommend adoption of the Priority Projects Plan 2022. To this end, this report provides a background to the Draft Priority Projects Plan including the engagement process, outlines the key projects underpinning the Draft Priority Projects Plan and recommends adoption.

### RECOMMENDATION

*That Council adopt the Priority Projects Plan 2022.*

### LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 – Leading Change

The Community's vision 4. Good planning, governance, and service delivery

### BACKGROUND INFORMATION

On 28 July 2020, Council adopted the revised Priority Projects Plan and since this time, the organisation has been successful in attracting investment for 7 of the 10 projects articulated in the revised Plan. The community is already reaping multiple benefits from this investment including progress with economic development and health and wellbeing.

This Priority Projects Plan 2022 builds on and significantly expands the existing Plan by responding directly to recently adopted strategies (26 October 2021) including the Central Goldfields Community Vision 2031 and Central Goldfields Shire Council Plan 2021 – 2025 as well as Council's comprehensive strategic planning framework.

Engagement with Councillors and within the organisation has been important to achieve the final list of priority projects including two workshops with the Executive Management Team, a Leadership Team workshop and a ½ day workshop with Councillors. One on one conversations have also been critical to finalise the technical input in the Plan.

A decision-making criteria was applied to decide on the final list of priority projects including:

- Stage of readiness
- Equity across townships
- Level of community leadership
- Strategic precedence

Some projects did not make the final project list when this criterion was applied including a Youth Hub for the Shire and the Maryborough Splash Park. While these projects are important to Council, further strategic work is required to attract funding for these projects. Council is committed to developing this strategic work and once it is in place, these projects will be reconsidered for the Priority Projects Plan 2022.

## REPORT

The purpose of the Priority Projects Plan 2020 is to attract funding for community infrastructure projects which Council might lead on behalf of the community. The Plan reflects Council's commitment to attracting investment to facilitate long term sustainable growth for the Shire.

Underpinning the Community Vision are four key themes which bring focus to Council's leadership role through enhancing existing assets and strengthening the role of the shire in the region. Nested within each theme are a range of 14 projects:

<b>LEAD SUSTAINABLE GROWTH</b>
Industrial Employment Precinct
Strengthen Central Maryborough
Talbot Futures
<b>FACILITATE REGIONAL TOURISM OPPORTUNITIES</b>
Central Goldfields Art Gallery – Stage 3
Castlemaine – Maryborough Trail
Events Prospectus – A Considered Approach to Events Planning
Maryborough Railway Station Activation – Stage 3
<b>SUPPORT AN ACTIVE AND HEALTHY COMMUNITY</b>
Deledio Recreation Reserve, Dunolly
Maryborough Outdoor Pool
Netball Activation Initiative
Enhance our Active Transport Network
Princes Park Grandstand
<b>PRESERVE OUR HERITAGE BUILDINGS</b>
Princes Park Grandstand
Town Hall Restoration Package (Maryborough Town Hall, Carisbrook Town hall)

In order to meet the different needs of different audiences, the Plan will be available in two formats. The first will be as a conventional report (see the attached) and the second will be as a 'dossier' of looseleaf project sheets. The layout of the Plan also makes it easy to add or remove priorities as opportunities change.

The next step following adoption of the Plan will be to create an Advocacy Strategy. The purpose of the Advocacy Strategy will be to bring focus and traction to Council's advocacy efforts by building on the Key Opportunities for Growth articulated in the Council Plan. The Strategy development will involve further engagement with Councillors and Council staff.

## CONSULTATION/COMMUNICATION

The Priority Projects Plan 2022 builds on extensive community engagement through out 2021, particularly in the development of key strategic documents including the:

- Community Township Plans
- Community Vision 2031
- Health and Wellbeing Plan 2021-2025

- Council Plan 2021-2025

The Plan is also underpinned by a robust strategic planning framework created with extensive community input and feedback over the past three years.

The priorities in the Plan have been shaped by Councillors with technical input and advice from Council staff.

## **FINANCIAL & RESOURCE IMPLICATIONS**

Council will contribute a 10-15% project management fees to deliver any funded projects.

## **RISK MANAGEMENT**

This report addresses Council's strategic risk Financial sustainability - Failure to maintain our long term financial sustainability by ensuring Council is proactive in attracting funding and investment which will deliver multiple community, economic and environmental benefits (as articulated in the Priority Projects Plan 2022) and financial sustainability over the long term.

## **CONCLUSION**

The Priority Projects Plan 2022 has been developed following extensive community engagement and leadership and direction from Council. The document captures an exciting vision for the future of the Shire and is an attractive and accessible document which will capture interest and attention of funding and investment.

## **ATTACHMENTS**

1. Priority Projects Plan 2022

## 8.11 FINANCE REPORT – MID YEAR REVIEW

**Author:** Manager Finance

**Responsible Officer:** General Manager Corporate Performance

*The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.*

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### SUMMARY/PURPOSE

The purpose of this report is to advise Council of the mid year review now completed. The mid year review (forecast) compares the 2021/22 budget with how the financials are tracking, as well as recognising any further impacts since adoption of the budget in June 2021.

### RECOMMENDATION

*That Council:*

- 1. Receives and notes the attached Mid Year Review for the 2021/22 Financial Year.*
- 2. Council notes an operating surplus of \$10.7m and a capital works spend of \$20.7m*

### LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 – Our Growing Economy

The Community's vision 4. Effective and sustainable financial management.

Initiative: Review budget and financial reporting processes to improve monitoring of financial performance

### BACKGROUND INFORMATION

A reforecast was undertaken with input from all areas of the organisation. Reforecasting is undertaken in December to ensure sufficient detail on year to date tracking is available in order to estimate year end results.

### REPORT

The mid year financial report comprises the following:

- Income Statement;
- Balance Sheet;
- Statement of Capital Works
- Cash Flow Statement

Income Statement

The operating result for the 2021/22 budget was a surplus of \$11.138m. This has been reforecast to a surplus of \$10.730m. The below reconciliation notes the impacts on the operating result. It is important to note that a number of items result in an increase/decrease in both revenue and expenses, hence having a net impact. These are not included in the reconciliation below.

The additional revenue from operating grants sums to \$1.3m. This is offset by increases in employee costs and materials and services.

The below reconciliation details the items with an impact on the operating result and alongside it, the impact on adjusted underlying result.

<b>Budget Operating Surplus</b>	11,138	<b>Budget Underlying result</b>	( 1,174)
Capital Grants	538	Capital Grants	-
Energy Breakthrough event not running	20	Energy Breakthrough event not running	20
Supplementary rates	100	Supplementary rates	100
Donations (Artworks)	68	Donations (Artworks)	68
Interest on investments	( 30)	Interest on investments	( 30)
Depreciation	( 543)	Depreciation	( 543)
Insurances	( 90)	Insurances	( 90)
Asset revaluation	( 90)	Asset revaluation	( 90)
Legal fees	( 131)	Legal fees	( 131)
Reduced revenue (User fees and statutory)	( 220)	Reduced revenue (User fees and statutory)	( 220)
Other	( 30)	Other	( 30)
<b>Forecast Operating Surplus</b>	10,730	<b>Forecast Underlying result</b>	( 2,120)

Due to the overall increase in Capital Grants anticipated to be recognised, as well as the increase in expenses, the anticipated adjusted underlying result will change from -1.3% (\$389k) to -4.5% (\$1.336m).

The largest impact on both the operating result and the underlying result is depreciation where a review has been done with Buildings being the major area where the depreciation has increased. While this is a non-cash transaction (will not impact the cash flow), it impacts the overall result for Council by 1.8%.

Of these additional costs, \$221k is either one off costs or non-recurring (Legal expenses and asset revaluation costs), an impact of 0.75% on the adjusted underlying result. A reduction in revenue from user fees mainly again driven by ongoing COVID impacts and a further 0.75% combined with the one off costs impacts the underlying result by 1.5%.

Capital Works Statement

The 2021/22 budget included a capital works program of \$20.9m across property, plant and equipment and infrastructure asset classes.

The mid year forecast is anticipating a spend of \$20.7m, with a number of projects starting but not anticipating to be complete by the end of June 2022.

The summarised variances are as follows;

<b>FORECAST</b>	<b>\$'000s</b>
<b><i>Budget Capital Works</i></b>	<b>20,917</b>
Drainage	305
Pathways	61
Roads	586
Plant & Equipment	571
Buildings	186
Land Improvements	<u>(1,907)</u>
<b><i>Forecast Capital Works</i></b>	<b>20,719</b>

Of the additional spend in 2021/22, \$1.2m relates to carry over projects which were anticipated to be completed during the 2020/21 financial year (at time of adoption), \$1.3m is new projects or additional spend in projects and \$2.7m of projects will not be started during 2021/22 so will be carried into 2022/23.

<b>FORECAST</b>	<b>\$'000s</b>
<b><i>Budget Capital Works</i></b>	<b>20,917</b>
New projects	1,290
Carry over projects	1,199
Projects moved to 22/23	<u>(2,688)</u>
<b><i>Forecast Capital Works</i></b>	<b>20,719</b>

Please note, there are a number of projects which are currently underway which are not anticipated to be finalised by June 30. This includes projects such as Art Gallery expansion and Maryborough Station Activation. At this stage in the forecast, the full capital spend is still included. It will be revised as more accurate estimates of completion become available.

#### Balance Sheet

While both the balance sheet and cash flow have been forecast, this are subject to change based on outcomes of the Income Statement and Capital Works Statement.

#### Summary

The Income Statement has been forecast at a surplus of \$10.7m as compared to budget of \$11.138m. The adjusted underlying surplus now (4%) as compared to (1%) in the budget.

\$221k of one off or non recurring costs have impacted the decrease in adjusted underlying result (0.75%) as well as increased costs such as depreciation, which will remain higher over the coming years.

The Capital Works Statement has a revised forecast of \$20.7 as compared to \$20.9m budget. \$2.7m of projects budgeted in 2021/22 will not be started during the financial year and have been moved into the 2022/23 year. This decrease has been offset by a \$1.3m of additional projects (funded or otherwise) and \$1.2m of carry over projects which are part complete.

### **CONSULTATION/COMMUNICATION**

Internal only required for this report.

### **FINANCIAL & RESOURCE IMPLICATIONS**

The financial statements were prepared internally by Council officers.

### **RISK MANAGEMENT**

This report addresses Council's strategic risk Financial sustainability - Failure to maintain our long term financial sustainability. Any risks in relation to this report have been discussed in the report above.

### **CONCLUSION**

Council's financial position is sound and is anticipated to be sound at the end of June 2022.

The forecasted surplus is \$10.7m with an adjusted underlying result of (4%).

Capital Works for the year is forecast to be \$20.7m with various projects carried forward, moved to 2022/23 along with new projects to be completed.

### **ATTACHMENTS**

1. Finance Report – Mid Year Review

## 8.12 FINANCE REPORT – JANUARY 2022

**Authors:** **Manager Finance**

**Responsible Officer:** **General Manager Corporate Performance**

*The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.*

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### SUMMARY/PURPOSE

The purpose of this report is to advise Council on its financial performance for the year to date, how it is tracking against the adopted budget as well as the forecast undertaken at mid-year.

### RECOMMENDATION

*That Council receives and notes the attached Financial Report for the period to 31 January 2022*

### LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 – Our Growing Economy

The Community's vision 4. Effective and sustainable financial management.

Initiative: Review budget and financial reporting processes to improve monitoring of financial performance

### BACKGROUND INFORMATION

This finance report is provided for the period to 31 January 2022 and does not include results for the Tullaroop Leisure Centre which is consolidated within the annual financial report at year end.

The report compares year to date results against both adopted budget and mid year forecast.

That Council receives and notes the attached Financial Report for the period to 31 January 2022

### REPORT

The monthly financial report comprises the following:

- Income Statement;
- Balance Sheet;
- Statement of Capital Works
- Cash Flow Statement

### Income Statement

The operating result for the period to 31 January 2022 is a surplus of \$17.9 million reflecting the rates and charges for the full year have already been brought to account.

Total income in the seven months to date is greater than budget however the timing of capital and operating grant receipt has influenced this position. Balances which were moved to the balance sheet at year end (30 June 2021) have all been accounted for as revenue in the current Income Statement (31 January 2022). This may vary at year end depending on progress of projects in accordance with accounting standards.

This income will be offset over the course of the financial year as Council meets its funding obligations delivering these services and projects. This is reflected in the Cash Flow statement.

Rates notices have been issued for the financial year. These are slightly higher than budget due to various supplementary rates charged which is the only increase in total rates revenue beyond the rate cap.

User charges are currently \$156k behind anticipated budget. This reflects a number of fees waived for individual financial hardship applicants. Council has not adopted a blanket waiver policy for various user fees and charges as it did in the previous financial year. Each request for waiver through the hardship policy are assessed on application.

Expenditure year to date is ahead of anticipated budget. Depreciation and employee costs are tracking ahead of budget however this is offset by a \$471k decrease in expected contractor and materials costs, notably Energy Breakthrough, timing of insurance premiums and Go Goldfields contractor payments.

Depreciation has been reforecast during the mid year review and is anticipated to be \$543k greater than budget. This is a non-cash transaction and while this impacts Council's budgeted surplus, this has no bearing on the ability of Council to pay its debts as and when they fall due.

The increase in annual depreciation is most notably in Buildings with a review of the asset register identifying changes to useful lives on a number of assets. An asset revaluation is planned for April/May 2022 which may offset this increase.

### Capital Works Statement

The 2021/22 budget included a capital works program of \$20.9m across property, plant and equipment and infrastructure asset classes.

The mid-year forecast anticipates expenditure of \$20.7m, with a number of projects starting but not anticipating to be complete by the end of June 2022.

At 31 January 2022, Council had expended \$7.945 million on capital works, which is \$2.1 million behind anticipated spend.

When reviewing the Capital Works statement, it is important to note that there are numerous projects which have no budget but spend reported. These projects are either carryover projects or allocated projects. Where possible, there is commentary included on these projects.

Carry over projects were expected to be finished by 30 June 2021 when preparing the budget, however were not and will now be completed in the 2021/22 financial year. This will in effect increase the Capital Works spend for the year with an offsetting reduction in the prior year.

Allocated projects are items such as seals or road designs which were budgeted as bulk amounts to be allocated. These too were reforecast during the mid-year review. This reallocation to the appropriate projects did not result in an increased spend.

There are a number of projects which are currently underway which are not anticipated to be finalised by June 30. This includes projects such as Art Gallery expansion and Maryborough Station Activation. At this stage in the forecast, the full capital spend is still included. It will be revised as more accurate estimates of completion dates become available.

### **Balance Sheet**

Council's rates debtors have increased in line with expectations. Rates notices have been issued, with many ratepayers opting for the full payment option (payable in February). A true reflection of rate debtors will be visible then.

Cash flow is monitored to enable completion of scheduled works and meet recurrent obligations, as well as ensuring surplus funds are invested to generate maximum interest revenue. The invested cash is spread across numerous options to ensure risk and diversity are balanced. A cash flow statement has now been included in the finance report which notes the cash in and outflows.

Council liabilities at the reporting date include the Fire Services Property Levy (FSPL of \$1.17m), employee benefits (\$2.4m) and loans and borrowings (\$2.8m split between current and non current).

Employee benefits provision is \$2.4m and of this \$1.6m is long service leave. Probability of employee entitlement provisions is reviewed on an annual basis currently however with continued improvements in processes and month end processing this is anticipated to be done on a more regular basis.

### **Summary**

The Income Statement is tracking ahead of budget for the seven months to 31 January 2022. This relates to the recognition of previously received grants as well as the rate notices being issued.

The balance sheet remains strong with a strong cash position. This cash is anticipated to be drawn down on as the Capital Works program ramps up.

The Capital Works statement is showing a spend of \$8.373m. Whilst this is behind budget it is anticipated that an increased spend will begin in the coming months.

### **CONSULTATION/COMMUNICATION**

Internal only required for this report.

### **FINANCIAL & RESOURCE IMPLICATIONS**

The financial statements were prepared internally by Council officers.

### **RISK MANAGEMENT**

This report addresses Council's strategic risk Financial sustainability - Failure to maintain our long term financial sustainability . Any risks in relation to this report have been discussed in the report above.

## **CONCLUSION**

Council's financial position at the end of January 2022 is sound with cash and cash equivalents totalling \$14.5 million and no major issues of concern in either the operating or capital budgets.

The mid year forecast completed in January, highlights a number of variations from original budget, however remains largely in line for the full year in terms of operating result.

Surplus funds have been invested to ensure interest earnings are maximised, and cash flows continue to be monitored closely.

## **ATTACHMENTS**

1. January Finance Report

### **8.13 USE AND DEVELOPMENT OF THE LAND FOR A SINGLE DWELLING, OUTBUILDINGS, AND ASSOCIATED WORKS AT 56 DENYERS ROAD, BOWENVALE (CROWN ALLOTMENT 7, SECTION 4A, PARISH OF MARYBOROUGH)**

**Authors:** Acting Coordinator Statutory Planning

**Responsible Officer:** General Manager Infrastructure Assets and Planning

*The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.*

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#### **SUMMARY/PURPOSE**

The purpose of this report is to seek a Council determination for planning permit application 096/21 for the use and development of the land for a single dwelling, outbuildings and associated buildings and works at 56 Denyers Road, Bowenvale (Crown Allotment 7 Section 4A Parish of Maryborough).

Notice of the application has been given and three objections were received.

The application has been assessed against the Central Goldfields Planning Scheme and it is considered that the proposed development is not appropriate.

It is recommended that Council issue a Notice of Decision to Refuse to Grant a Permit for this application.

#### **RECOMMENDATION**

*That Council, having caused notice of planning permit application no. 096/21 to be given under section 52 of the Planning and Environment Act 1987 and the Central Goldfields Planning Scheme and having considered all the matters generally required, resolves to refuse a planning permit and issue a Notice of Decision to Refuse to Grant a Permit in respect of planning permit application no. 096/21 for the land known and described as 56 Denyers Road, Bowenvale (Crown Allotment 7 Section 4A Parish of Maryborough), for the use and development of land for a dwelling, outbuildings and associated works, for the following reasons:*

- a) The proposal does not meet relevant Planning Policy, specifically clauses 15.01-6S 'Design for rural areas', 16.01-3S 'Rural residential development'*
- b) The subject site is significantly undersized and does not satisfy the purpose and decision guidelines of Clause 35.03 - Rural Living Zone.*
- c) The proposal is not consistent with the established character of the area due to the significantly undersized lot and would result in detriment to the area.*
- d) The proposal does not contribute to the orderly planning of the area as required by Clause 65.01 'Approval of an application or plan' of the Central Goldfields Planning Scheme.*

## LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 – Leading Change

The Community's vision 4. Transparent decision making;

This report has been developed in accordance with the *Planning and Environment Act 1987* and the Central Goldfields Planning Scheme.

## BACKGROUND INFORMATION

Planning permit application 096/21 was lodged on 25 August 2021 for the use and development of the land for a single dwelling, outbuildings and associated buildings and works within the Rural Living Zone, Bushfire Management Overlay and Erosion Management Overlay at Crown Allotment 7 Section 4A Parish of Maryborough. For this report, the subject site will be referred to as CA7 hereafter.

The application seeks planning approval to construct a single-storey, four-bedroom dwelling on the subject site. The dwelling is proposed to be orientated towards Denyers Road in the front (north-western) portion of the site. The dwelling would be setback 30m from the front (western) boundary, 5m from the side (northern) boundary, 20m from the side (southern) boundary, and about 60m from the rear (eastern) boundary.

The dwelling is proposed to have linear weatherboard cladding to walls and colourbond roofing in a hipped roofline, with a pitch of 25 degrees. The dwelling would be sited on a standard concrete slab with underground connection to mains electricity, the use of a water tank for potable water, and a septic system for wastewater. The dwelling would have a maximum building height of approximately 5m with a total floor area of 259.92m<sup>2</sup>.

The proposal also includes a shed (or outbuilding) behind the dwelling and in the rear part of the site. The shed would be approximately 10m from the rear boundary with dimensions of 20m by 10m and with a maximum height of 5.8m. The shed would be clad in colourbond sheeting with the roof having a shallow 10-degree pitch. The shed includes one open bay with the rest of the structure enclosed.

A shipping container is also proposed 2.5m in from the southern side boundary as a permanent storage structure. As the shipping container would be permanent, it is also classed as an outbuilding.

Access would be from Denyers Road via a new all-weather driveway, with a crossover to be constructed to the relevant rural standard.

## REPORT

### Proposal

The application proposes the use and development of land for a single dwelling, outbuildings, and associated works at CA7, 56 Denyers Road, Bowenvale, as described above. Please refer to Attachment 1: Proposed plans.

### Site and Surrounds

The subject site is located at CA7, 56 Denyers Road, Bowenvale, approximately 4km northwest of the Maryborough town centre. The site is rectangular in shape with a total area of 4047m<sup>2</sup> (0.4ha) and cleared of vegetation. There are no easements or restrictions on title.

CA7 is on the eastern side of Denyers Road. The topography is generally flat although with a gentle fall from west to east towards Flat Creek. The site sits at approximately 210m AHD. The site has a frontage of 40.23m to Denyers Road and a depth of 100.58m. There is existing, basic vehicle access at the southern end of the site to Denyers Road, which is a local road with a gravel surface.

CA7 is one of several Crown Allotments forming 56 Denyers Road. While these parcels are vacant, it is understood they have recently been individually sold off into separate ownership. Council is also assessing an application on Crown Allotment 5A (067/21) for a single dwelling, outbuilding and the removal of native vegetation. This application is also likely to be recommended for refusal.

CA7 has access to electricity via overhead powerlines to the northwest. However, there are no reticulated water, sewerage, or gas services available to the site.

Under the Central Goldfields Planning Scheme, the site is within the Rural Living Zone (RLZ). The site is affected by the Bushfire Management Overlay (BMO) over most of its area and the Erosion Management Overlay (EMO) over its entire area.

The site is within an area of Aboriginal Cultural Heritage Sensitivity. However, the development of one dwelling and ancillary outbuildings is exempt from requiring a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Regulations 2018*. The site is within a Designated Water Supply Catchment (Laanecoorie Reservoir Catchment – Loddon River).

The surrounding area in the vicinity of Denyers Road, Logan Road and Rowes Lane is generally a mixture of rural-residential development on larger lots of between approximately 2-12ha. An earthmoving business is operated from 5 Rowes Lane to the east.

Land immediately surrounding the subject site falls within the RLZ. About 250m to the west, land is within Farming Zone (FZ); about 700m to the southwest, land is within the Public Use Zone, Schedule 7 (PUZ7), which is associated with the Maryborough Airport; and approximately 500m to the east, land is within the Public Conservation and Resource Zone (PCRZ), which is associated with the Timor State Forest. Please see attachment 2: Site and surrounding context

### **Planning Permit Triggers**

Under the Central Goldfields Planning Scheme, a planning permit is required for the following:

- Pursuant to Clause 35.03-1 *Table of uses*, a permit is required to use the land for a dwelling (section 2 use – permit required) as the site does not have access to reticulated water and the minimum lot size of 4ha is not met.
- Pursuant to Clause 35.03-4 *Buildings and works* of the RLZ, a permit is required to construct a building or construct or carry out works within 100 metres from a waterway.
- Pursuant to Clause 35.03-4 *Buildings and works* of the RLZ, a permit is required to construct an outbuilding associated with a section 2 use that exceeds 100m<sup>2</sup> in floor area.
- Pursuant to Clause 44.01-2 *Buildings and works* of the EMO, a permit is required to construct a building or construct or carry out works.
- Pursuant to Clause 44.06-2 *Buildings and works* of the BMO, a permit is required to construct a building or construct or carry out works associated with accommodation.

## **Planning Scheme Provisions**

### **Planning Policy Framework**

The following clauses of the Planning Policy Framework (PPF) are considered relevant to this application:

#### **11.01-1S Settlement**

To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

#### **11.01-1L Settlement - Central Goldfields**

Provide low density and rural living opportunities around the periphery of Maryborough and other centres where they do not conflict with environmental and agricultural objectives and where infrastructure can be supplied in a cost-effective way.

#### **11.03-6S Regional and local places**

To facilitate integrated place-based planning.

#### **12.01-1S Protection of biodiversity**

To assist the protection and conservation of Victoria's biodiversity.

#### **12.03-1S River corridors, waterways, lakes, and wetlands**

To protect and enhance river corridors, waterways, lakes, and wetlands.

#### **13.02-1S Bushfire planning**

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life

#### **13.04-2S Erosion and landslip**

To protect areas prone to erosion, landslip, or other land degradation processes.

#### **13.07-1S Land use compatibility**

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

#### **14.01-1S Protection of agricultural land**

To protect the state's agricultural base by preserving productive farmland.

#### **14.02-1S Catchment planning and management**

To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.

#### **14.02-2S Water quality**

To protect water quality.

### 14.02-2L Water quality - Central Goldfields

Ensure effluent disposal systems in unsewered areas are located and maintained to minimise the risk of pollution to waterways.

### 15.01-2S Building design

To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

### 15.01-5S Neighbourhood character

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

### 15.01-6S Design for rural areas

To ensure development respects valued areas of rural character.

### 15.02-1S Energy and resource efficiency

To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

### 15.03-2S Aboriginal cultural heritage

To ensure the protection and conservation of places of Aboriginal cultural heritage significance.

### 16.01-3S Rural residential development

To identify land suitable for rural residential development.

### 18.02-3S Road system

To manage the road system to achieve integration, choice, and balance by developing an efficient and safe network and making the most of existing infrastructure.

### 19.03-3S Integrated water management

To sustainably manage water supply, water resources, wastewater, drainage, and stormwater through an integrated water management approach.

### 19.03-3L Integrated water management - Central Goldfields

Ensure effluent disposal systems can be contained within the site.

Minimise the potential for pollution if reticulated sewerage is not available.

## **Zoning**

### 35.03 Rural Living Zone

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential use in a rural environment.

- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

### **Overlay(s)**

#### **44.01 Erosion Management Overlay**

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development.

#### **44.06 Bushfire Management Overlay**

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

### **Particular Provisions**

#### **53.02 Bushfire Planning**

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.
- To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.
- To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.

### **General Provisions**

#### **65.01 Approval of an application or plan**

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision. Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.

- The proximity of the land to any public land. Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction. Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

### **Operational Provisions**

#### **Clause 71.02 Operation of the Planning Policy Framework**

The PPF seeks to ensure that the objectives of planning in Victoria, as set out in section 4 of the *Planning and Environment Act 1987* (the Act) are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social, and economic factors in the interests of net community benefit and sustainable development.

Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental, and social wellbeing affected by land use and development.

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

### **Referrals**

The following table outlines referrals undertaken under both sections 52 and 55 of the Act and Clause 66 of the Central Goldfields Planning Scheme.

<b>Department</b>	<b>Response</b>
Goulburn Murray Water (GMW) s.55 / cl.66.02-2	<p>No objection to a planning permit being granted subject to the following conditions.</p> <ol style="list-style-type: none"> <li>1. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).</li> <li>2. All wastewater from the dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.</li> <li>3. All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.</li> </ol>

	<ol style="list-style-type: none"> <li>4. The wastewater disposal area must be located at least: 100m from any waterways, 40m from any drainage lines, 60m from any dams, and 20m from any bores. *Where wastewater is treated to at least a secondary standard, the distance may be reduced in accordance with the current EPA Code of Practice – Onsite Wastewater Management. However, where possible setback distances must be maximised.</li> <li>5. The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy (based on a minimum 5 bedrooms), including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land in accordance with the requirements of the current EPA Code of Practice – Onsite Wastewater Management.</li> <li>6. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.</li> <li>7. The shed must not contain bedrooms (or rooms that could be used as bedrooms) or any facilities with the potential to produce wastewater, including toilets, kitchens or other food preparation facilities.</li> <li>8. Stormwater run-off from buildings and other impervious surfaces must be dissipated as normal concentrated overland flow or directed to a storage tank or dam.</li> <li>9. The shed must not encroach on the wastewater treatment system or disposal area, or breach the minimum setback distances specified in the relevant EPA Code of Practice – Onsite Wastewater Management. Stormwater run-off from the shed roof must not be directed towards the disposal area.</li> </ol>
Planner comment:	Nil

Department	Response
Country Fire Authority (CFA) s.55 / cl.44.06-6	<p>Does not object to the grant of a permit for the proposal subject to:</p> <ul style="list-style-type: none"> <li>• Any mandatory conditions specified within the planning scheme; and</li> <li>• The following conditions being included on any planning permit that may be issued.</li> </ul>

	<p>1. Endorsement of Bushfire Management Plan</p> <p>Before the development starts, the Bushfire Management Plan prepared by Regional Planning &amp; Design Pty Ltd (Figure 9 (Version B), dated 6/8/2021) must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.</p>
Planner comment:	Nil

## ASSESSMENT OF APPLICATION

The following assessment addresses the effects that the proposed use and development may have while considering the provisions of the Central Goldfields Planning Scheme and the objectives of planning in Victoria. Further, where relevant, the assessment addresses objections and submissions received as well as the decisions and comments of referral authorities. In this regard, the assessment of the application is consistent with section 60 of the Act.

### Use and development of the land within the Rural Living Zone

While a primary purpose of the RLZ is to provide for residential use in rural environment, the proposal must strike a balance between several matters, including responding to the PPF, the capability of the land to accommodate the proposal, environmental issues, and design and siting.

The use of land for a dwelling in the RLZ can be a section 1 use (permit not required), provided that the lot size complies with a minimum specified area. A lot that does not have access to reticulated water should meet the minimum area of 4ha, which is specified in the schedule to the RLZ. If the lot does not meet the minimum area, then the use of the land for a dwelling becomes a discretionary section 2 use (permit required). The subject site has an area of 4047m<sup>2</sup> (or 0.4ha), which is well below the minimum area of 4ha (approximately 10%).

The minimum area of 4ha specified in the schedule to the RLZ sets an expectation that if residential development is to occur, it can only be undertaken on larger rural allotments. The immediate area and beyond in this part of Bowenvale is characterised by the development of dwellings on large allotments ranging between 2-12ha (some containing multiple Crown Allotments) within the RLZ.

Land in the immediate surrounds all falls within the RLZ, with several properties containing established dwellings and outbuildings. Land directly adjoining and surrounding the subject site includes:

- 49 Rowes Lane - approximately 2.25ha (single dwelling)
- 65 Denyers Road - approximately 4.5h (single dwelling)
- 71 Denyers Road -approximately 6.4ha (single dwelling)
- 84 Logan Road - approximately 6.8ha (single dwelling)
- 5 Rowes Lane – approximately 7.8ha. (single dwelling and earthmoving business)
- 197 Timor Road – (has current Work Area approval for the extraction of sand in association with earthmoving business)

While a planning permit can be entertained on a lot less than the specified minimum area, the lot area is expected to be much closer to the minimum of 4ha and not substantially less, which in this case is only 0.4ha.

The development of a lot of this size for a dwelling might be better suited to the Low-Density Residential Zone (LDRZ), which is typically found on the periphery of townships and where the preferred minimum is 0.2ha with sewer and 0.4ha without. In this instance, a lot of 0.4ha is found within the RLZ in an area characterised by larger allotments.

Under Clause 35.03-5 of the RLZ, the following decisions guidelines should be considered where applicable:

#### Environmental Issues

The proposed use and development of the subject site is possible without impacting on the environmental values of the site and area. In particular, the proposed wastewater management system is acceptable, and protection of waterways is adequate via appropriate setbacks.

The application was referred to GMW under section 55 of the Act with conditional consent granted. GMW's areas of interest are surface water and groundwater quality, use and disposal. GMW requires that development proposals do not impact detrimentally on GMW's infrastructure and the flow and quality of surface water and groundwater.

The Land Capability Assessment (LCA) prepared by McClelland's Consulting Engineers submitted with the application states that the site is '*severely constrained for sustainable wastewater management. There exists several major and moderate constraints on this site. An on-site treatment and land application system is however possible, albeit with significant restrictions*'. Further the LCA states for a proposal within a Proclaimed Special Water Supply Catchment the LCA '*does not look at the overall long term possible nutrient migration within the catchment.*'

While conditional consent has been granted to the proposal, it will ultimately be the responsibility of the landowner to ensure the conditions of GMW are met, which could present challenges on the severely constrained site. On balance, the proposal is acceptable.

#### Design and Siting Issues

The proposed dwelling is acceptable in terms of its design and appearance. The area is characterised by single-storey dwellings and typical outbuildings, which the proposal reflects. The application also proposes a 30m setback from the Denyers Road frontage, with the proposed shed to the rear, which is generally suitable.

However, given the size of the subject site, it is considered that the proposal is inconsistent with the existing and preferred rural character of the RLZ, which is generally open and spacious, and further does not represent orderly planning of the area. The primary reason for this is the subject site being significantly undersized in the RLZ and failing to meet the minimum specified area by a substantial margin.

#### Planning Policy Framework (PPF)

Clause 15.01-6S '*Design for rural areas*' has the objective to ensure development respects valued areas of rural character, with a strategy to ensure that the siting, scale and appearance of development protects and enhances rural character.

When the proposal is assessed against the provisions of the Central Goldfields Planning Scheme and in particular the RLZ, significant deficiencies are identified against the established rural character of the area. It is considered that the proposed use and development does not reflect the established character and current pattern of development of dwellings on large rural

allotments, given that the lot is significantly undersized. In short, rather, than protecting and enhancing rural character, the proposal will detract from it and fails to meet the policy objective.

It is suggested that the subject site and the other Crown Allotments forming 56 Denyers Road could potentially be consolidated to create an overall site area of approximately 4ha, which could better to accommodate a sustainable rural-residential use.

*Clause 16.01-3S 'Rural residential development'* has the objective to identify land suitable for rural residential development. Relevant strategies to achieve this including managing development in rural areas to avoid inappropriate rural residential development, discouraging development of small lots in rural zones for residential use or other incompatible uses, and encouraging consolidation of existing isolated small lots in rural zones.

The significantly undersized subject site indicates that the proposal should be avoided and discouraged, in accordance with the key strategies mentioned above, as it is fundamentally inappropriate. The clause encourages consolidation of small lots in rural zones. A consolidation of the existing crown allotments would achieve a site area of approximately 4ha at 56 Denyers Road and allow for appropriate rural-residential development.

### **Erosion Management Overlay**

The proposed dwelling and shed on the relatively flat site are not considered to be a significant risk in terms of landslip and erosion. The dwelling and shed will be sited on standard reinforced concrete slabs requiring a minor site scrape and without significant earthworks. Furthermore, no vegetation is required to be removed.

The proposal is considered to meet the purpose of the overlay and Clause 13.04-2S, with suitable conditions that could be imposed regarding water runoff and reinstating disturbed areas of the site.

### **Bushfire Management Overlay**

The proposed dwelling and shed are considered to address the purpose of the overlay and do not create an unnecessary risk in a bushfire event through implementing the required mitigation measures. The application was referred to the CFA with conditional consent granted.

The Bushfire Management Plan is required to be endorsed if a permit is to issue, which implements the required bushfire mitigation measures including static water supply, access arrangements and construction standards.

It is considered that the proposal addresses the requirements of the Bushfire Management Overlay as well as Clauses 13.02-1 and 53.02.

## **CONSULTATION/COMMUNICATION**

Notice of the application was given to 14 adjoining and surrounding landowners via letters in the mail, one advertising sign was placed on the site (at the frontage to Denyers Road) and the application documents were placed on the Council website.

The application has received three objections. The issues raised in the objections are summarised below:

- Environmental impacts – close proximity to the creek
- Privacy concerns

- Potential for dwellings to be constructed on each of the 5 crown allotments included within 56 Denyers Road
- Safety concerns
- Setting of a president
- Out of character with surrounding development pattern
- Impact on visual amenity of the area
- Additional traffic impacts
- Lot size is not in accordance with the scheme (too small)
- The proposal is not in keeping with the rural residential character of the area
- Potential for land use conflict with existing earth moving business due to more housing

#### Planning officer response to objections

Generally, the planning officer agrees with several matters raised by the objectors, including:

- Lot size (too small)
- The proposal is out of character with the rural-residential nature of the area
- The approval of this application is likely to set a precedent for remaining crown allotments, which could lead to a proliferation of dwellings
- Impacts on the visual amenity of the wider area

It should be noted that the planner officer has not considered the safety concerns as a result of any particular person(s) moving to the area. This is considered to be an assumption made by the objector and is not supported.

The planning officer does not consider that any traffic impacts will be apparent to surrounding landowners as a result of the application. The application proposes a single dwelling, which is likely to create a relatively low increase in vehicle movements per day.

Whilst objector comments around the potential for land use conflict are valid, the planning officer would urge Council to consider that that the earth moving use is also a section 2 use that required a planning permit and Work Authority to be issued. Earthmoving is not an 'as of right' use and has its own requirements to ensure that operations are not impacting on surrounding land, particularly residential uses. The work area is also separated from the proposed development site by the creek and vegetation. Refer to attachment 2: site and surrounding area.

#### **FINANCIAL & RESOURCE IMPLICATIONS**

The assessment of planning permit applications is within the normal operational budget of Council.

Should any party appeal any decision that Council makes there would be a VCAT hearing. Additional costs will be incurred if a VCAT hearing occurs.

#### **RISK MANAGEMENT**

This report addresses Council's strategic risk Governance - Failure to transparently govern and embrace good governance practices by ensuring our assessment of the application meets all relevant legislation. The risk management issues in relation to this planning permit application have been discussed above.

There is a risk to Council should it not decide within the statutory timeframes of a 'failure to determine' appeal at VCAT.

Should the proposal be approved by Council and VCAT (upon appeal) there is a risk to non-compliance with the permit conditions. Council has a planning compliance function to mitigate this risk.

## **CONCLUSION**

The planning permit application seeks approval for the use and development of the land for a dwelling, outbuildings, and associated works.

A Council determination is sought on the application as three objections have been received and planning officers' recommendation is to refuse the application.

Council must determine a position on the application for a planning permit and take one of the following options:

- I. Refuse to grant a permit on any ground it thinks fit and issue a Notice of Decision to Refuse to Grant a Permit; or
- II. Grant a permit subject to conditions and issue a Notice of Decision to Grant a Permit.

## **ATTACHMENTS**

1. Proposed Plans
2. Site and surrounding area

## 9. NOTICES OF MOTION

### 9.1 MARYBOROUGH AERODROME, CR DE VILLIERS

Councillor: Cr de Villiers

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#### MOTION

- a. *i. That the Aerodrome Task force be requested to present a report relating to the progress in responding to the Task Force brief.*
  - ii. *That the report be presented by the Chair of the Task Force.*
- b. *A report from Council officers on progress resolving the Leases*
- c. *That the aerodrome be recognised as a significant project and funding allocated in the 2022/2023 budget to facilitate and support development at the aerodrome as a community asset as per the recommendations made by the Task Force.*

#### **Maryborough Aerodrome**

Council has determined that the airport is a valuable asset. A Task Force was appointed to report to council. I believe that the Task Force is ready and able to deliver such a report to council when requested.

## 9.2 LEASES AND LICENSES POLICY, CR DE VILLIERS

**Councillor:** Cr de Villiers

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### **MOTION**

1. *The development of a lease and license policy, with clear definitions of the exact meaning of a lease and license, as well as sub-leases and sub-licenses.*

*This policy should also have clear guidelines regarding the management of leases and licenses in four areas of asset management:*

- 1) *Land and buildings owned by council*
- 2) *Land and buildings owned by DELWP with the council as the appointed committee of management*
- 3) *Land owned by DELWP and managed by community groups and committees*
- 4) *Land owned by DELWP and the building on the land belonging to council.*

### **Leases and Licenses Policy**

Leases and Licenses is a vital part of Asset Management. My observations have led me to believe that there seems to be a problem with the issuing and renewing of leases and licenses within the Central Goldfields Shire, leading to uncertainty and inconsistency.

There seems to be a lack of process.

The lack of process is causing three issues:

- 1) Council is missing out on income which is important for a small council such as Central Goldfields Shire
- 2) Community Groups need leases and licenses in place because it will ensure certainty regarding their use of the facilities
- 3) The absence of leases as well as dated/expired leases pose a litigation risk to council.