

Council Meeting Agenda

Ordinary Council Meeting
Wednesday 26 August 2020 at 6.00pm
Held online and livestreamed at mrsc.vic.gov.au

Public Question Time:

Written questions submitted by the public will be considered during Deputations and Presentations to Council. Question forms are available on Council's website.

As this meeting will be held online, questions must be submitted via the website **by 3.00pm** on the day of the meeting.

Questions submitted after this time will be referred to the next Ordinary Council Meeting or referred to relevant Council officers for a direct response.

Attachments:

All attachments are available for viewing or downloading from Council's website, mrsc.vic.gov.au

Recording of Council Meetings:

The recording of Council Meetings, either visually or by sound, or the taking of photographs in Council Meetings is not permitted without first obtaining the consent of Council or the Chairperson.

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ACKNOWLEDGEMENT OF COUNTRY

To start the official proceedings I would like to acknowledge that Macedon Ranges Shire Council is on Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Country whose ancestors and their descendants are the traditional owners of this Country. We acknowledge that they have been custodians for many centuries and continue to perform age old ceremonies of celebration, initiation and renewal. We acknowledge their living culture and their unique role in the life of this region.

1. RECORDING AND LIVE STREAMING OF THIS COUNCIL MEETING

Please note that this meeting is being recorded and streamed live on the internet in accordance with Council's *Live Streaming and Publishing Recording of Meetings Policy* which can be viewed on Council's website.

The recording will be bookmarked, archived and made available on Council's website 48 hours after the meeting.

This meeting is being held online and Councillors are attending via electronic means.

The meeting will be conducted in accordance with Council's existing Meeting Procedure Local Law 11, noting that as indicated in some parts of the agenda, procedures have been slightly modified to ensure the meeting remains compliant but can run effectively in the online environment.

As this meeting is being held online there will be no one present in the public gallery.

I also remind everyone that local government decision making, unlike state and federal government, does not afford the benefit of parliamentary privilege and hence no protection is afforded to Councillors and Council officers for comments made during meetings which are subsequently challenged in a court of law and determined to be slanderous.

Thank you

2. PRESENT

3. APOLOGIES

4. DECLARATION OF CONFLICT OF INTERESTS

Councillors' attention is drawn to Division 1A Sections 76-81 of the Local Government Act 1989 regarding interests.

Councillors are reminded that:

1. Disclosures of Conflicts of Interest must be declared immediately before the consideration of the item Section 79 (2) (a) (i); and
2. They should classify the type of interest that has given rise to the conflict of interest, and describe the nature of the interest Section 79 (2) (b) (c).

Online meeting: *The Mayor will call on each Councillor by name to declare whether or not they hold a conflict of interest in relation to any agenda items.*

5. MAYOR'S REPORT

This item in each Council Notice Paper offers an opportunity for the Mayor to provide a brief report on recent Council activities and initiatives of a shire wide nature.

Councillor reports on any meetings they have attended as a Councillor delegate are provided at Councillor Briefings or via email communications. Any matters requiring Council deliberation/decision are considered by Council via a report to a Council Meeting.

Online meeting: *The Mayor will provide the Mayor's Report prior to the meeting to enable the report to be published as part of the agenda papers. The report will not be presented verbally, however the Mayor may highlight key points from the report or any significant matters since the release of the agenda.*

Recommendation:

That the Mayor's report be received.

6. PETITIONS

Pursuant to Council's Meeting Procedure Local Law No. 11, a Councillor may present a petition or joint letter to the Council. A petition or joint letter tabled at a Council Meeting may be dealt with as follows:

- (i) a motion may be proposed to accept the petition or joint letter and that it lay on the table until the next Ordinary Council Meeting or a future meeting specified by the Council (at which a report on the matter will be presented);
- (ii) a motion may be proposed to accept and note the petition or joint letter and resolve to deal with it earlier or refer it to another process.

A Councillor presenting a petition or joint letter will be responsible for ensuring that they are familiar with the contents and purpose of the petition or joint letter and that it is not derogatory or defamatory.

Online meeting: A Councillor seeking to table a petition for an online meeting will do so by providing an electronic copy of the petition to the Coordinator Governance by 12.00pm on the day of the meeting. The first page of the petition must be signed by the Councillor as required by Meeting Procedure Local Law 11. During the meeting, the Mayor will call on a Council officer to confirm receipt of any petitions tabled by Councillors via this process. Following confirmation, the Mayor will call on the relevant Councillor to present the petition.

7. ADOPTION OF MINUTES

Any Councillor whether in attendance or not at the subject meeting can move and second the adoption of the minutes, however accepted practice is that Councillors who were in attendance moved and second these motions.

Ordinary Council Meeting: Wednesday 22 July 2020

Recommendation:

That the minutes of the Ordinary Meeting of the Macedon Ranges Shire Council held on Wednesday 22 July 2020 as circulated be confirmed.

8. RECORD OF ASSEMBLIES OF COUNCILLORS – AUGUST 2020

1. Summary / Purpose

The purpose of this report is to provide the record of any assembly of Councillors, which has been held since the last Council Meeting, so that it can be recorded in the minutes of the formal Council Meeting.

2. Policy Context

Section 80A of the *Local Government Act 1989* (the Act) requires the record of any assembly of Councillors to be reported to the next practicable Council Meeting and recorded in the minutes of that meeting.

3. Background Information

The Act provides a definition of an assembly of Councillors where conflicts of interest must be disclosed.

A meeting will be an assembly of Councillors if it considers matters that are likely to be the subject of a Council decision, or the exercise of a Council delegation and the meeting is:

1. A planned or scheduled meeting that includes at least half the Councillors (5) and a member of Council staff; or

2. Is an Advisory Committee of the Council where one or more Councillors are present.

Note: Advisory Committee means any committee established by the Council, other than a special committee, that provides advice to (a) the Council, or (b) a special committee, or (c) a member of Council staff who has been delegated a power, duty or function of the Council under Section 98 of the Act.

Note: Only matters that are the subject of discussion and consideration at an assembly will be listed. Incidental updates and information on matters will not be recorded.

This requirement for reporting provides increased transparency and the opportunity for Councillors to check the record, particularly the declarations of conflict of interest.

4. Report

Outlined below are the details of assemblies of Councillors held since the last meeting.

1.	Date / Time	Type of Assembly
	22 July 2020 9.00am – 11.10am	Councillor Briefing
	Venue	<i>Briefing conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Gayfer, Jukes, Pearce, Radnedge, Twaits, West
	Present – Officers	Margot Stork, John Hausler, Angela Hughes, Shane Walden, Brian Glendenning, Lauren Reader, Fiona Alexander, Rob Ball, Michelle Wyatt, Krista Patterson-Majoor, Leanne Khan, Christo Crafford, Stephen Pykett
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> • Revised Councillor Support and Expenses Policy • Proposed Locality Boundary – Balls Lane, Pipers Creek • Regional Assessment Service – Extension to July 2022 • Council Submission to the Parliamentary Inquiry into the Ecosystem Decline in Victoria • Rural Land Use Strategy • Agenda Review: <ul style="list-style-type: none"> - Petition re Tylden Tree Planting - Adoption of Council Plan 2017-2027 (Year Four) - Adoption of Final Budget 2020/21 - Adoption of Strategic Resource Plan - Flag Policy - Draft Positive Ageing Plan PARTICIPATE 2020-2025

	<ul style="list-style-type: none"> - 2020/21 Macedon Ranges Events and Festivals Grant Program - Kyneton Airfield
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Nil</p> <p>Did they leave the assembly? N/A</p>
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the assembly? N/A</p>

2.	Date / Time	Type of Assembly
	27 July 2020	Macedon Ranges Regional Sports Precinct Project (MRRSP) Reference Group
	Venue	<i>Meeting conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Pearce, Radnedge
	Present – Officers	Shane Walden, Luke Beattie, Meaghan McNamara, Justin Walsh, Michelle Nolte, Katie Delfosse
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> • MRRSP project update • MRRSP project reference group • MRRSP advocacy and funding • MRRSP design process and considerations
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Nil</p> <p>Did they leave the assembly? N/A</p>
	Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the assembly? N/A</p>

3.	Date / Time	Type of Assembly
	5 August 2020 9.00am – 11.45am	Councillor Briefing
	Venue	<i>Meeting conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Bleeck, Gayfer, Jukes, Pearce, Radnedge, Twaits, West
	Present – Officers	Margot Stork, John Hausler, Shane Walden, Brian Glendenning, Lauren Reader, Sarah Noel, Stephen Pykett, Leanne Manton, Rob Ball, Stephen Rowley, Christo Crafford
	Presenters	Fran Wigley and Warwick Potter, Friends of East Timor
	Items discussed	<ul style="list-style-type: none"> • Presentation by Friends of East Timor • Glen Junor Workshop • Revised Instrument of Delegation • Planning Matters <ul style="list-style-type: none"> - PLN/2020/11 152 Boggy Gate Road, Clarkefield • Daylesford Macedon Ranges Tourism (DMRT) Discussion
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	Nil Did they leave the assembly? N/A
	Conflicts of interest declared by officers	Nil Did they leave the assembly? N/A

4.	Date / Time	Type of Assembly
	12 August 2020 9.00am – 12.30pm	Councillor Briefing
	Venue	<i>Meeting conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Bleeck, Gayfer, Pearce, Radnedge, Twaits, West
	Present – Officers	Margot Stork, John Hausler, Shane Walden, Brian Glendenning, Lauren Reader, Nathan Upson, Luke Beattie, Dean Frank, Leanne Manton, Rob Ball, Jack Wiltshire, Bob Elkington, Stephen Pykett, Gary Randhawa, Meaghan McNamara, Hayley Drummond, Christo Crafford
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> • Dixon Field Master Plan • Planning Scheme Amendment C126 – Submissions • Application for a Development Plan Amendment DP/2020/1 – 110-112 Willowbank Road,

	<p>Gisborne</p> <ul style="list-style-type: none"> • Business Impact Survey Report • Council Meeting Agenda review: <ul style="list-style-type: none"> - Application for Planning Permit PLN/2005/569/G 1849 Mount Macedon Road, Woodend - Heritage Update on Melbourne Road and Kilmore Road Intersection - Public Transparency Policy - Election Period (Caretaker) Policy and Governance Rules - Establishment of Submitters Committee as a Delegated Committee of Council and Related Matters - Revised Instrument of Delegation – Members of Council Staff - Amendments to the Loan Guarantee Policy and the Leasing and Licencing Policy - Proposal to Sell 20 Jacobs Avenue, Kyneton - Macedon Ranges Shared Trails Project - Kerbside Collection and Associated Services Charge Policy - Response to Petition – Trees, Tylden - Notice of Motion – Cr Radnedge
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Nil</p> <p>Did they leave the assembly? N/A</p>
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the assembly? N/A</p>

5.	Date / Time	Type of Assembly
	19 August 2020 9.00am – 11.40am	Councillor Briefing
	Venue	<i>Meeting conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Gayfer, Pearce, Radnedge, Twaits, West
	Present – Officers	Margot Stork, John Hausler, Shane Walden, Brian Glendenning, Lauren Reader, Sean Morley, Leanne Manton, Sarah Noel, Bob Elkington, Stephen Pykett, Will Rayner, Rob Ball, Leanne Khan, Awais Sadiq
	Presenters	Desley Renton, Renton & Co

Items discussed	<ul style="list-style-type: none"> • End of Financial Year Position & Budget Carry Forwards • Reconciliation Action Plan • Community Engagement Policy • RV Facilities • Submission to improving planning for Melbourne's Green Wedges & Agricultural Land • Planning Matters <ul style="list-style-type: none"> - 6 & 8 Davey Street, Woodend - 1302 Trentham Road, Tylden
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Nil</p> <p>Did they leave the assembly? N/A</p>
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the assembly? N/A</p>

6.	Date / Time	Type of Assembly
	19 August 2020 7.00pm	Macedon Ranges Shire Health and Wellbeing Advisory Committee Meeting
	Venue	<i>Zoom (virtual meeting)</i>
	Present – Councillors	Crs Anderson, Pearce, Radnedge
	Present – Officers	Margot Stork, John Hausler, Nicole Fitzpatrick, Melissa Collins, Leanne Manton, Fiona Alexander, Rebecca Millard
	Present – Committee members	Judit Brown, Geoff Caddick, Jayne Howley, Annamarie Perlesz, Paul Stuart, Kristina Vingrys, Rachael Wauchope
	Present – Facilitator	Desley Renton, Renton & Co
	Items discussed	<ul style="list-style-type: none"> • Healthy Ageing Presentation – Draft Positive Ageing Plan • Community engagement under the Local Government Act 2020 / Update on HWBC Facilitated TOR Review Session • COVID-19 – General discussion / Ideas for Recovery • Preliminary ideas for framing a new Council vision under the LGA 2020 • Memberships expiring in October 2020
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the	<p>Nil</p> <p>Did they leave the assembly? N/A</p>

matter about which they declared the conflict of interest was discussed	
Conflicts of interest declared by officers	Nil Did they leave the assembly? N/A

Recommendation:

That Council endorse the record of assemblies of Councillors as outlined in this report.

9. DEPUTATIONS AND PRESENTATIONS TO COUNCIL

Generally there is no opportunity for members of the public to address an Ordinary Council Meeting. In specific circumstances where a prior request to the Mayor has been made and approved, a member of the public may be provided the opportunity to address the Council. In such circumstances the presentation will be limited to three minutes unless otherwise approved.

PE.1	APPLICATION FOR PLANNING PERMIT PLN/2005/569/G - USE OF THE LAND FOR THE PURPOSE OF A RETIREMENT VILLAGE, THE CONSTRUCTION OF BUILDINGS AND THE CONSTRUCTION AND THE CARRYING OUT OF WORKS, AND THE REMOVAL OF VEGETATION, GENERALLY IN ACCORDANCE WITH THE ENDORSED PLANS (AMENDMENT REQUESTED FOR ADDITIONAL NINETEEN DWELLINGS AND REMOVAL OF NATIVE VEGETATION) - 1849 MOUNT MACEDON ROAD, WOODEND
Officer	Christo Crafford, Coordinator Statutory Planning
Council Plan Relationship	Improve the built environment
Attachments	1. Locality aerial map 2. Previously endorsed plans 3. Proposed amended plans 4. Staging plan 5. Current permit
Applicant	GemLife GTH Resorts No 6 Pty Ltd
Date of Receipt of Application	12 February 2020
Trigger for Report to Council	Councillor call-in

Purpose and Overview

It is proposed to amend the existing planning permit to enable the expansion of the retirement village into the abutting land to the west at No. 29-33 Sullivans Road Woodend. An additional 19 dwellings are proposed as part of the extension. Minor changes are also proposed to enable the extension of the private road network to facilitate the expansion of the retirement village.

The application was advertised and one objection was received.

Key issues to be considered relate to the appropriateness of how the proposal meets the character of the area and impact on services.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered appropriate. It is recommended that the application be approved subject to appropriate amended conditions.

Recommendation

That Council resolves to amend planning permit PLN/2005/569/G as follows:

1. Amend the address of the land to read as follows:
LOT 4 PS 516070C P/Woodend, 1849 Mount Macedon Road WOODEND,
LOT 2 PS 513598X, 35-39 Sullivans Road WOODEND and Lot 1 PS
513598X 29-33 Sullivans Road WOODEND
2. Amend the permit conditions to read as follows (all amended or new conditions are underlined for clarity):

THE PERMIT ALLOWS:

Use of the land for the purpose of a Retirement Village, the construction of buildings and the construction and the carrying out of works, and the removal of vegetation, generally in accordance with the endorsed plans

THE FOLLOWING CONDITIONS APPLY TO THE PERMIT

1. Before each stage of the development starts, amended plans, to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved, the plans will be endorsed under this permit. The plans must be in accordance with the plans submitted with the application but modified to show/include:
 - (a) Full site, floor, elevation, streetscape elevation and landscaping plans for all buildings and associated works associated with the particular stage of the development.
 - (b) Amendments to the elevation of all buildings, by deleting white columns, white trimmings and decorative gable features, and by replacing them with colours/materials that are more characteristic of the rural nature of the locality (such as muted colours, square/stoned stacked columns).
 - (c) The removal of Tree's identified as numbers 2, 3 and 5 in Tree Assessment Report by John Patrick Landscape Architects (dated January 2012), and the removal of Tree's identified as numbers 22 and 26 in Tree Assessment Report by John Patrick Landscape Architects (dated July 2012).
 - (d) All the plans to be amended to remove all references to the vegetable patch on the eastern side of the development plans,
 - (e) The provision of a colour palette for all external surfaces of buildings proposed.
 - (g) The total number of vehicle spaces provided on site.
 - (h) All buildings and paved areas in the development serviced by an underground drainage system designed to:
 - (i) connect to Council's existing underground drainage network;
 - (ii) limit downstream flow to pre-development levels;
 - (iii) include provision to intercept litter before connection with any Council drain or discharge to a watercourse;
 - (iv) be sized on a 1:10 year ARI as required by Council Policy "Engineering Requirements for Infrastructure Construction";

- (v) incorporate water quality measures to meet minimum Council standards with engineering plans to be submitted for approval prior to construction commencing;**
 - (vi) make provision for accommodation of drainage discharge from lots to the west;**
 - (vii) designed such that no private property is inundated by a 1% AEP storm with the flow paths indicated on the plans. The plans must comply with Council Policy “Engineering Requirements for Infrastructure Construction” All landscaping features in the floodway must be designed to resist flooding and eliminate being washed away and blocking culverts and/or other outfalls.**

 - (i) All buildings to be setback at least 5.0m from any drainage easement (if required as a result of the detailed drainage design) along the northern boundary of the western part of the subject land (to allow for the provision of screening vegetation outside the easement) unless the detailed drainage design can show adequate drainage via the proposed Internal road system, to the satisfaction of the Responsible Authority.**

 - (j) Further detail regarding impacts (if any) on vegetation as a result of additional road which runs parallel with the ornamental lake on the western side of the lake.**

 - (k) All plans are to be updated to include the location and interface to Sullivans Road to the south.**
- 2. Prior to the commencement of works for Stage 5, three copies of amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans prepared by GemLife Woodend but modified to show:**
- a) Typical dimensions for visitor parking spaces.**
 - c) Minimum dimensions of visitor parking spaces must comply with Table 2 of Clause 52.06.**
- 3. Prior to the commencement of the development, the Master Plan and Vegetation Management Plan must be amended to reflect the changes required by Condition 1, to the satisfaction of the Responsible Authority.**
- 4. Before development starts, the following must also occur to the satisfaction of the Responsible Authority:**
- a) A Village Management Plan must be endorsed under this permit by the Responsible Authority. The Village Management Plan must include specific reference to:**
 - (i) measures to ensure the non-use of Sullivans Road by vehicles associated with the Retirement village other than during an emergency;**

- (ii) maintenance of internal roads, landscaping, garbage collection, public open space and the provision of storage for caravans, trailers/boat and long-term storage;**
- (iii) ongoing implementation of the recommendations of the Native Vegetation and Habitat Hectare report by Brett Lane and Associates, October 2005, to be endorsed under this permit;**
- (iv) the making available of the Amenities building to the public at all reasonable times (other than during private functions); and,**
- (v) the provision of a shuttle bus to central Woodend, including Woodend railway station, and golf carts or similar for the use of residents within the subject land, and the encouragement of walking within and beyond the subject land.**

The Management Plan must be endorsed under this permit by the Responsible Authority before the development commences.

- (b) A Construction Management Plan must be endorsed under this permit by the Responsible Authority. The Construction Management Plan must include measures to implement:**
 - (i) restriction of sediment discharges from within the property in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995); and**
 - (ii) protection of the amenity of neighbouring residents, with specified hours of construction, and measures to limit the emission of noise, dust, pollution and vibrations.**

- (c) The landowner or any person who anticipates becoming the owner of the land (future owner) must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987, to be registered on title. The owner or future owner (as appropriate) must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement. The agreement must provide that the owner or future owner will, all at the owner's or future owner's cost (as appropriate) and to the satisfaction of the Responsible Authority:**
 - (i) Ensure that the use is carried out in accordance with the approved Management Plan; and**
 - (ii) Construct at the landowner's cost the Intersection between "Main Avenue" and Mount Macedon Road as required by, and to the satisfaction of Council in accordance with Austroad Guidelines, and to pay the Council's reasonable costs in constructing within a reasonable timeframe a shared rural type footpath along Mount Macedon Road from the entry of the development to Mountview Road.**

Even if a Section 173 Agreement is entered into before the development starts, no development or use may continue unless such an agreement (or replacement agreement on the same terms) remains current and continues to be recorded on the certificate of title for the land.

5. Within six (6) months of the completion of Stage 1, an Offset Plan for the removal of the trees referred to in Condition 1(c) must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and form part of this permit. The plans must be drawn to scale with dimensions (where appropriate) and three copies must be provided. The plans must show:
 - a) Location of where the Offsets will be provided;
 - b) Details of revegetation including number of trees, shrubs and other plants, species mix and density; Numbers are to be no less than Fifty-eight (58) locally indigenous plants which are to be established within/in the vicinity or area indicated on/off the site.
 - c) Means of interim protection for all newly planted vegetation until established (guards, fencing etc.) (period of at least three years);
 - d) Persons responsible for implementing and monitoring the offset plan;
 - e) Timeframes for implementing the Offset Plan. Plants are to be established within twelve (12) months of the completion of Stage 2.

6. Prior to development of Stage 5 or 6 commences (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. The temporary vegetation fencing must be erected to the satisfaction of the Responsible Authority. This fence must be erected at:
 - a) A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - b) Around the patch (es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.
 - c) The tree protective fencing must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority. The protection fence must remain in place until all works are completed and must be erected around areas to be retained to protect surrounding vegetation. The tree protection fencing must form a visual and physical barrier and include signage clearly marked “Vegetation Protection Zone – No Entry” on all sides. Any trees, vegetation or waterways near the development site and/or construction areas must be included in the tree protection zone.

7. No fauna is to be trapped, injured or removed from the site. All trees must be assessed to determine if there are fauna present prior to undertaking any tree removal. Fauna includes any marsupials, birds, bats and mammals. A fauna assessment is to be carried out prior to any works

commencing to ensure no nesting sites are present in the trees and shrubs to be removed (this can also be undertaken by a qualified arborist). Fauna Rescue must be organised with Wildlife Victoria on 8400 7300 if any fauna are present.

8. Prior to the commencement of works including removal of any vegetation for Stage 6 a fauna assessment must be carried to ensure no nesting sites are present in the trees. This is to be undertaken by a certified DELWP Wildlife Carer.

Native vegetation offsets

9. The total area of native vegetation permitted to be removed in Stage 5 is 0.031 hectares, comprised of patch vegetation. To offset the removal of 0.031 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
 - a) A general offset of 0.006 general habitat units located within the Port Phillip and Westernport Catchment Management Authority boundary or Macedon Ranges municipal district; and
 - b) have a Strategic Biodiversity Value score of at least 0.384 and must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).

Offset evidence

10. Before any native vegetation in Stage 5 is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be:
 - a) an established first party offset site. This must include:
 - b) a security agreement signed by both parties, and
 - c) a management plan detailing the 10-year management actions and ongoing management of the site;
 - d) to the satisfaction of the Department of Environment, Land, Water and Planning and approved by the Responsible Authority.
 - e) Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification;
and/or credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.
 - f) A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.
 - g) Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Environment, Land, Water and Planning at planning@mrsc.vic.gov.au.

Weed eradication

11. Prior to the commencement of the use of Stage 5 the removal of a large patch of Blackberry located in the back corner of the property must be removed.

Land Management Plan

12. Prior to the commencement of works for Stage 6, a Land Management Plan for the development must be submitted for approval that include the remnant native vegetation to be retained in this development. The Land Management Plan must include a yearly routine inspection maintenance program conducted by a Level 5 Arborist for all retained trees to ensure they are managed and enhanced in perpetuity. All existing understorey must be enhanced and revegetated with local indigenous plant species.

Tree protection

13. Prior to the commencement of works for Stage 6 the developer must advise all persons undertaking the vegetation removal or works on-site of all relevant permit conditions and associated statutory requirements or approvals.
14. Only vegetation within the development footprint is to be removed/disturbed, as per the endorsed site plans provided to and approved by Council. No other vegetation (including trees, shrubs, grasses and herbs) shall be removed, damaged, destroyed, felled, lopped or uprooted unless with the prior written consent of the Responsible Authority.
15. Vegetation removal and disposal must not damage vegetation stands to be retained and must not impact nearby drainage lines and/or watercourses to the satisfaction of the Responsible Authority.
16. Any tree removal must be undertaken by a qualified arborist to the Australian Standard – Pruning of Amenity Trees AS4373-1996 and to the satisfaction of the Responsible Authority.

Tree Management Plan

17. Prior to the commencement of any works for Stage 6, a Tree Protection Management Plan (TPMP) must be submitted for approval. The tree protection measures must be outlined for all phases of demolition and construction. It will include details of construction staging, a project arborist inspection timeframe and a compliance checklist.

Underground Services

18. Prior to the commencement of any works for Stage 6, a site plan must be submitted for approval by the Council's Environment Unit detailing the location of stormwater and sewerage services on the development. The tree protection zones of all trees to be retained must not be impacted by these services.

Weed Management Plan

19. Prior to the commencement of any works for Stage 6, a Weed Management Plan must be submitted and include:
- a) A weed map of the development that identifies all patches of problematic weeds prior to commencement of works including species listed by common names and scientific names.
 - b) A yearly schedule of works on a yearly basis for all stages of the development.
 - c) Method/s of control for each species.
 - d) Timing of control.
 - e) Frequency of Control.
 - f) Monitoring.
 - g) A yearly reporting form for a weed contractor to complete and submit to the Responsible Authority (Environment Unit) on a yearly basis.
20. Prior to any works commencing for Stage 6, a Construction Environmental Management Plan (CEMP) must be submitted and endorsed by the Responsible Authority and include the following information:
- a) Any CEMP conditions requested by Council's Engineering Department.
 - b) Vegetation protection fencing to be erected around 'environmental no go zones' as outlined in Condition 6.
 - c) Actions not be undertaken in any Vegetation Protection Zone (VPZ) as outlined in Condition 21.
 - d) Before earthworks commence, all culverts must be identified. All culverts must have silt fencing erected and must be maintained until a reasonable cover of vegetation cover has established.
 - e) No soil or debris from earthworks is permitted within the road reserve. If these areas are required for storage, then an area must be identified on the CEMP in consultation with the Responsible Authority.
 - f) A weed management plan as outlined in Condition 19.
 - g) All machinery storage areas must be identified in consultation with the Responsible Authority.
 - h) All work zone areas must be pegged or fenced prior to commencement of works and identified on the CEMP.
 - i) To prevent the spread of weeds listed under the *Catchment and Land Protection Act 1994*, all track construction and maintenance equipment, earth moving equipment and associated machinery, must be made free of soil, seed and plant material before being taken to the works site and again before being removed from the works site to the satisfaction of the Responsible Authority. An appropriate wash-down area must be identified.

Once approved the requirements of the CEMP must be implemented.

21. Unless with the prior written consent of the Responsible Authority, the following actions must not be undertaken in any Vegetation Protection

Zone as identified on the endorsed plan, to the satisfaction of the Responsible Authority:

- a) Materials or equipment storage;
- b) Attachment of any materials to trees (including temporary service wires, nails, screws or any other fixing device);
- c) Open cut trenching or excavation works (whether or not for laying of services);
- d) Changes to the soil grade level.

LANDSCAPING

22. Prior to the commencement of any development works for Stage 3 and for any additional stage an amended landscape plan must be submitted to and approved by the Responsible Authority. The landscape plan must provide the following:

- a) A schedule of all proposed trees, shrubs and ground covers (including numbers, size at planting, size at maturity and botanical names), as well as sealed and paved surfaces. The flora selection and landscape design should be drought tolerant.
- b) Details of the location and type of all paved and sealed areas.
- c) The landscape plans specifically be updated to include:
 - i. all existing vegetation within the road reserve of Sullivans Road.
 - ii. new street trees within the road reserve of Sullivans Road – to be of local indigenous species of a size at maturity appropriate for the space allowed.
 - iii. A plant schedule showing species, quantities and supply sizes with street trees a minimum of 45 Litre/1.6 metres high.
 - iv. The following notations:
 - *Tree planting is to occur between April & September to maximise establishment and survival.*
 - *Tree locations shown on this plan are a guide only and may require adjustment to coordinate with final service locations, Powercor requirements, and ‘as constructed ‘ infrastructure*
 - *Street tree locations are to be set-out and approved on site by the Council Landscape Officer in accordance with the Tree Management policy prior to installation*
 - *It is the responsibility of the contractor to confirm the location of all underground services prior to commencement of any excavation.*
 - v. An advanced Tree Planting Detail with a minimum 52L Greenwell water saver and three (3) hardwood stakes

Notes:

- Information regarding Councils preferred street trees and Tree Planting Detail can be requested from the Parks and Gardens Unit.

23. All use and development hereby approved must be in accordance with the relevant plans endorsed under this permit and must not be altered without the prior written consent of the Responsible Authority.

24. **A rural-type fence is to be constructed along the southern boundary of the land with Sullivans Road, to the satisfaction of the Responsible Authority.**
25. **All internal Street lighting and lighting from the tennis court shall be designed to prevent light spill outside the boundaries of the land, in the context of the rural nature of the neighbourhood, to the satisfaction of the Responsible Authority.**
26. **Before the occupation of each stage of the development, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:**
 - a) **Constructed;**
 - b) **Properly formed to such levels that they can be used in accordance with the plans;**
 - c) **Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site;**
 - d) **Drained and maintained;**
 - e) **Line marked to indicate each car space and all access lanes;**
 - f) **Clearly marked to show the direction of traffic along access lanes and driveways;**

to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority.

27. **All documents previously endorsed as part of the permit (including the Vegetation Management Plan, Village Management Plan, Construction Management Plan and Section 173 Agreement) will also apply to Stages 5 and 6 as relevant unless with the prior written consent of the Responsible Authority.**
28. **RV vehicles may only be stored on site and not used for accommodation purposes whilst on site to the satisfaction of the Responsible Authority.**

COUNTRY FIRE AUTHORITY CONDITIONS

29. **Amended plans are required that achieve the following requirements:**
 - a) **Before the development commences, amended plans to the satisfaction of the CFA must be submitted and approved by CFA and the Responsible Authority. When approved the plans will be endorsed and then form part of this permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:**
 - (i) **Operable hydrants, above or below ground. Hydrants must be shown with a maximum distance between a hydrant and the rear of a building envelope (or in the absence of the. building**

envelope, the rear of a lot) of 120m and hydrants must be no more than 200m apart;

- (ii) Constructed roads with a minimum trafficable width of 7.3m (including rollover kerbs if they are provided) if parking is unrestricted; or 5.5m (including rollover kerbs if they are provided) if parking is restricted to one side of the road.
- (iii) Constructed roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over curbs if they are provided) T or Y heads or dimensions specified by the CFA may be used as alternatives.

Water supply

30. To ensure fire safety a Reticulated Water Supply is to be provided to meet the following requirements:
- a) Operable hydrants, above or below ground must be provided to the satisfaction of CFA.
 - b) The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.
 - c) Hydrants must be identified as specified in “Identification of Street Hydrants for Fire Fighting purposes” available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au).
 - d) Hydrants are maintained in accordance with the Australian Standard AS2419.1-2005 Fire Hydrant Installations – system design, installation and commissioning.

Roads

31. To accommodate CFA requirements, roads must achieve the following standards:
- a) Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
 - b) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres. Dips must have no more than a 1 in 8 (12%> (7.1 degree) entry and exit angle.

WESTERN WATER CONDITIONS

32. Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment.
33. Prior to the Certification of any Plan of Subdivision submitted for the consolidation of land a 2.5 metre wide sewerage easement in favour of Western Water must be created along the full length of the western boundary.

34. The operator under this permit must enter into an Agreement with Western Water relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Western Water. The owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement.

GOULBURN-MURRAY WATER CONDITIONS

35. A buffer strip of native vegetation must be planted and maintained either side of the waterway that bisects the property.
36. All wastewater from the development must be disposed of via connection to the reticulated sewerage system.
37. Construction must follow the principles outlined in “Construction Techniques for Sediment Pollution Control” (EPA 1991). Specifically, the applicant must ensure:
- a) Grading excavation and construction must not proceed during periods of heavy rainfall.
 - b) Sediment traps must be designed, installed and maintained to maximise the volume of sediment trapped from the site during redevelopment and construction.
 - c) Disturbed areas must be stabilised and revegetated (where appropriate) following the completion of works.
38. All stormwater from the Site must be managed to the satisfaction of the responsible authority with specific regard for the following:
- a) No untreated stormwater must be discharged directly to any waterways.
 - b) Design of the subdivision should consider elements of Water Sensitive Urban Design (WSUD) as Identified in the ‘Urban Stormwater: Best Practice Environmental Management Guidelines’ (Victorian Stormwater Committee, 1999).
 - c) Consistent with the principles of best management practice, any stormwater treatment must be designed to achieve at least a 45% reduction in Nitrogen, 45% reduction in Phosphorus and 80% reduction in Suspended Solids concentrations in stormwater leaving the site.

NORTH CENTRAL CATCHMENT MANAGEMENT AUTHORITY CONDITIONS

39. The Retirement or Extension to Retirement Facility requires a Works on Waterway Permit from the North Central Catchment Management Authority, for works in or adjacent to the creek.

VICROADS CONDITIONS

40. All access must be via Mount Macedon Road and no vehicular access from the subject land to the Calder Freeway will be permitted.

41. Prior to the development coming into use, the applicant is to furnish a report from a VicRoads pre-qualified acoustic consultant, which satisfies the requirements of the Macedon Ranges Planning Scheme Clause 22.16 “Calder Freeway and Calder Highway Environs”.

DEPARTMENT OF ENVIRONMENT LAND, WATER AND PLANNING CONDITIONS

Offset Works

42. 240m² of locally indigenous vegetation is to be established in the vicinity of the site within twelve months of the commencement of works:
- a) The location(s) of the planting and species mix are to be determined in consultation with the Department of Sustainability and Environment.
 - b) Maintenance and replanting is to be undertaken if necessary until all plants are effectively established and have survived for at least three years.
 - c) All plants must be protected by tree guards Remnant Vegetation.
43. Within three months of the commencement of works, a Vegetation Management Plan must be submitted to and approved by the Responsible Authority and the Department of Sustainability and Environment. When approved, the plan is to be endorsed and will then form part of the permit. The plan must show:
- a) Location and size of the vegetated recreation areas to be protected.
 - b) Details of works and short-term and long-term management actions, including the location of access points and tracks and methods of access control for recreation areas, to be undertaken in recreation areas to ensure no native vegetation is lost as a result of development and use of the land.
 - c) Location of and details regarding Offset works that are to be undertaken on the land if native vegetation is removed during development of the recreation areas.
44. Tree trimming operations must be undertaken using the three cut method as described in the VicRoads Road Management Guide and the Australian Standard for Pruning of Amenity Trees (AS 4373-1996).

Weeds and Pathogens

45. To prevent the spread of weeds and pathogens:
- a) All earth moving equipment and associated machinery, must be made free of soil, seed and plant material before being taken to the works site and again before being taken from the works site on completion of the project.
 - b) All structure-making and maintenance material such as rock, gravel and sand required for the project must come from an area free of weeds.

- c) **All excavated material, including topsoil, taken from the works site to be returned later must be stored on a clean site free of weeds.**

Earthworks and Buildings

- 46. **The removal of native vegetation is subject to the following requirements.**
 - a) **Prior to commencement of construction works, all locally indigenous native trees are to be marked using high visibility flagging or temporary fencing at the drip line of the trees or at a distance of one meter per ten (10) centimeters of trunk diameter, whichever is greater (the tree protection zone). The area outside this tree protection zone will be the prescribed works area.**
 - b) **All excavations are to occur and all buildings are to be located, outside the tree protection zone.**
 - c) **Where it is necessary for installation works for services to occur within the tree protection zone, those works are to be bored, not trenched.**
 - d) **The clearing of native vegetation within the prescribed works area must only be to the minimum extent necessary to allow the construction of the Link Road and associated trestle bridge to the satisfaction of the responsible authority upon the advice of the Department of Sustainability and Environment.**
 - e) **Vegetation must be felled inside the prescribed works area to avoid damaging remaining vegetation located outside this area.**
 - f) **To prevent damage to remaining native vegetation, no machinery or associated equipment is to be permitted outside the prescribed works area. Truck turning areas, parking 'areas and temporary stack sites are to be established on existing disturbed areas away from trees.**
 - g) **Any areas with native vegetation must not be used when stockpiling materials.**
- 47. **Works engineers, design engineers, surveyors, works crews, contractors and particularly plant operators must be properly briefed on all the Planning Permit conditions of the project prior to its commencement. A copy of the Planning Permit is to be made available to all employees working on the project.**
- 48. **All earthworks are to be designed and constructed to avoid soil erosion. All fill is to be compacted, and batters are to be top soiled and revegetated. All drainage is to be diverted around the disturbed areas/batters, Drainage from benched areas, batters and access tracks is to be diverted on non-scouring grades to stable vegetated areas. Several drainage points are to be used to avoid concentration of drainage.**
- 49. **No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drainage lines or watercourses.**
- 50. **That reticulated gas be provided to the site.**

51. Prior to the commencement of the use of each stage of the development, the development must be connected to a reticulated sewerage system, reticulated potable water supply, reticulated electricity supply and telecommunications facilities, to the satisfaction of the Responsible Authority.
52. Vehicular access to the site from Sullivans Road must be limited to emergency access and egress only.

Notification of permit conditions

53. Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.

Protection of native vegetation to be retained

54. Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at:
 - a) A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - b) Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.
55. The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning. The protection fence must remain in place until all works are completed to the satisfaction of the department.
56. Except with the written consent of the department, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - a) vehicular or pedestrian access;
 - b) trenching or soil excavation;
 - c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
 - d) construction of entry and exit pits for underground services; or
 - e) any other actions or activities that may result in adverse impacts to retained native vegetation.

Native vegetation offsets

57. The total area of native vegetation permitted to be removed is 0.242 hectares, comprised of:
 - a) Three (3) patches of native vegetation with a total area of 0.210 hectares (containing 1 large tree); and
 - b) One (1) small scattered tree.

58. To offset the removal of 0.242 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
- A general offset of 0.051 general habitat units located within the North Central Catchment Management Authority boundary or Macedon Ranges municipal district;
 - have a Strategic Biodiversity Value score of at least 0.181.
 - provide protection for at least 1 large tree
 - must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).

Offset evidence

59. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be:

- a) an established first party offset site. This must include:
- a security agreement signed by both parties, and
 - a management plan detailing the 10-year management actions and ongoing management of the site;

to the satisfaction of the Department of Environment, Land, Water and Planning and approved by the Responsible Authority.

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

and/or

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

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

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

Notes:

- The department advises that works or other activities on public land, which may affect protected native plants, will require a Protected Flora Licence or Permit under the Flora and Fauna Guarantee (FFG) Act 1988. All native vegetation likely to be affected should be checked against the Protected Flora List (DELWP 2017) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the regional DELWP office (loddonmallee.environment@delwp.vic.gov.au).

- **Offset requirements are determined in accordance with DELWP (2017) Guidelines for the removal, destruction or lopping of native vegetation. Proposed offset sites must meet eligibility requirements including land use, bushfire risk, quality of vegetation and size of revegetation site. Please visit <https://www.environment.vic.gov.au/native-vegetation/native-vegetation> for further information.**

POWERCOR CONDITIONS

- 61. If an electricity supply is required above the current capacity, then the applicant will need to negotiate in accordance with the Distributor's requirements and standards.**

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

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

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

DEPARTMENT OF TRANSPORT

- 63. The demolition and construction of the development must not disrupt bus operations on Sullivan Road and Mount Macedon Road without the prior written consent of the Head, Transport for Victoria. Any request for written consent to disrupt bus operations on both Roads during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.**

PERMIT EXPIRY CONDITION

- 64. This permit will expire if:**
- a) The development is not started within two years of the date of this permit; or**
 - b) The development is not completed and the use is not commenced within six years of the date of this permit.**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Existing conditions and relevant history

Subject land

The overall subject site consists of three parcels located at Nos. 1849 Mount Macedon Road, 35-39 Sullivans Road and 29-33 Sullivans Road in Woodend.

The site has a long history with Council supporting the use and development of a Retirement Village on the land initially in 2005. The initial development comprised 225 independent living units on the original site at 1849 Mount Macedon Road, which is approximately 11.72ha in size. In 2017 Council approved amended plans to instead show 199 retirement village homes and a manager's residence and associated recreation facilities. In 2019 Council approved a further 27 residential units as a stage 5 on adjoining land at 35-39 Sullivans Road.

The retirement village is currently under construction. The land at 29-33 Sullivans Road is largely vacant with the exception of two sheds located in the north-east portion of the site. There are also a number of substantial canopy trees located on the property.

Surrounds

The site is at the eastern edge of the Woodend township. The Calder Freeway is east of the established portion of the retirement village. Adjoining land to the west and north of the subject land form part of the urban area of Woodend and is developed with a mix of units and single dwellings having varying lot sizes. The land to the south is vacant and is zoned residential. The land to the south east is zoned for rural living purposes.

Registered restrictive covenants and/or Section 173 Agreements affecting the site

A legal agreement has been entered into for the land at 1849 Mount Macedon Road requiring the permit holder to construct road works and footpaths in Mount Macedon Road.

The land at 35-39 Sullivans Road and 29-33 Sullivans Road are not affected by any restrictions.

Previous planning permit history

The site has a long history and the table below outlines a snapshot of the permit history.

Permit No.	Description
February 2007	Planning permit was issued for 'use of the land for the purpose of a Retirement Village, the construction of buildings and the construction and carrying out of works, and the removal of vegetation, generally in accordance with the endorsed plans' at the direction of VCAT. The development was required to be commenced within 2 years of the date of the permit, i.e. 21 February 2009.
October 2007	The permit was amended by adding a new condition 1(a) requiring floor, elevation and landscape plans for all buildings.
January 2009	The permit was extended for a further period of 2 years and the development was required to be commenced by 21 February 2011.
April 2011	The permit was extended for a further period of 18 months and the

	development was required to be commenced by 21 July 2012.
May 2012	The permit was extended for a further period of 12 months. The development was required to be commenced by 21 July 2013 and be completed by 21 July 2015.
August 2012	The permit was amended by VCAT with a substantially different design and layout.
January 2014	The permit was extended for a further period of two (2) years to allow for commencement of the development. The approved development must be commenced by 21 July 2015 and be completed by 21 July 2019.
2015	Works commenced on the site. Earthworks and construction for the formation of the approved ornamental lake and water retarding basin
April 2017	The permit was extended by a further period of four (4) years to allow completion of the development by 21 July 2023 and the permit was amended by the endorsement of amended site plans.
May 2019	The permit was amended by the extension of the development to the west with an additional 27 residential units onto the land known as 35-39 Sullivans Road.

Proposal

The current application is to amend the existing permit by extending the approved residential village to include the abutting land to the west at 29-33 Sullivans Road into the overall development. This lot is 9720m² in size. An additional 19 dwellings are proposed as part of the amendment application, resulting in an overall development of 245 residential units, a manager's residence and recreation facilities. Minor changes are proposed to the approved layout of Planning Permit (PLN/2005/569/E) to enable the extension of the private road network to the subject site. The following provides a summary of the application:

- Extension of the GemLife Woodend village further to the west and minor changes to the approved layout resulting in a total increase in the number of residential units by nineteen.
- Replacement of the tennis court and RV compound with three sites and relocation of these facilities to the new area to be incorporated in the overall site.
- An extension (to the west) of the approved internal road network and lots to provide a logical extension to the village.
- Improvement of the tennis and RV compound facilities through the provision of a tennis club and increased provision for RV parking for the entire village.
- Retention of a contiguous row of nine native trees, including eight narrow-leaf peppermints, and a habitat zone along the south boundary of the site in order to retain a landscaped setting when viewed from Sullivans Road and to protect and enhance biodiversity values.
- Retention of the largest narrow-leaf peppermint tree as a 'feature tree' adjacent to the tennis court, which will provide a high level of visual amenity for residents of the village.
- Removal of 0.242 hectares of native vegetation, including three remnant patches and one scattered tree, with low biodiversity values and resulting in an offset requirement of 0.051 general habitat units.
- The extent of the changes sought to the Masterplan are isolated to the area west of the 'blue' line and to the areas clouded in 'red'.
- The inclusion of 29-33 Sullivans Road, Woodend as part of the application will result in the addition of a new stage (Stage 6).

Relevant Macedon Ranges Planning Scheme controls

Planning Policy Framework

Clause No.	Clause name
13.02	Bushfire
15.01	Built Environment
16.01-3S	Housing Diversity
16.01-7S	Residential Aged Care

Local Planning Policy Framework

Clause No.	Clause name
21	Municipal Strategic Statement
21.09	Housing
21.03-3	Woodend
22.01	Macedon Ranges and Surrounds

Zoning

Clause No.	Clause name
32.09	Neighbourhood Residential Zone Schedule 3
35.03	Rural Living Zone Schedule 1

Overlay

Clause No.	Clause name
42.01	Environmental Significance Overlay Schedule 4

Particular Provisions

Clause No.	Clause name
52.17	Native Vegetation

General Provisions

Clause No.	Clause name
65	Decision Guidelines
66	Referral and Notice Provisions

Permit Trigger

Clause No.	Clause name
32.09-2	A permit is required to use land for a Section 2 use within the Neighbourhood Residential Zone
32.09-6	A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-2 within the Neighbourhood Residential Zone
42.01-2	A permit is required to remove vegetation on a site affected by an Environmental Significance Overlay.
52.17	A permit is required to remove native vegetation on a site that is over 4000m ² in size.

Cultural Heritage Management Plan assessment

	Assessment criteria	Assessment response
1	Is the subject property within an area of cultural heritage sensitivity as defined within the cultural heritage sensitivity mapping or as defined in Part 2 Division 3 or 4 of the <i>Aboriginal Heritage Regulations 2018</i> ?	No.
2	Does the application proposal include significant ground disturbance as defined in Part 1 Regulation 5 <i>Aboriginal Heritage Regulations 2018</i> ?	Yes.
3	Is the application proposal an exempt activity as defined in Part 2 Division 2 <i>Aboriginal Heritage Regulations 2018</i> ?	No.
4	Is the application proposal a high impact activity as defined in Part 2 Division 5 <i>Aboriginal Heritage Regulations 2018</i> ?	Yes.

Based on the above assessment, a Cultural Heritage Management Plan is not required in accordance with Part 2 Division 1 of *Aboriginal Heritage Regulations 2018*.

The process to date

Referral

Authority (Section 55)	Response
Western Water	No objection subject to conditions
Goulburn-Murray Water	No objection and no conditions
VicRoads	No objection and no conditions
Transport for Victoria	No objection subject to one condition
DELWP	No objection subject to conditions

Authority (Section 52)	Response
MRSC Engineering	No objection subject to conditions
MRSC Environment	No objection subject to conditions
MRSC Parks & Gardens	No objection subject to conditions
Powercor	No objection subject to conditions
CFA	No objection and no conditions
NCCMA	No objection and no conditions

Advertising

Pursuant to Section 52 of the Planning and Environment Act 1987, the application was advertised by sending notices to the owners and occupiers of surrounding/adjoining land and by requiring two notices to be erected on the land for a period of 14 days. One (1) objection has been received.

The objection raises the following concerns:

- Vehicular noise
- Heat island effect
- Car parking
- Septic tank
- Traffic volumes and RV parking area
- Light spill
- Another amendment to the planning permit
- Bushfire risk
- Insufficient application reports
- Noise pollution
- Impact on telecommunications infrastructure

Comments on the objection are provided further below.

Officer Assessment

Planning Policy Framework (PPF)

State policy promotes the need to ensure that planning for housing is undertaken in an integrated way, planning for a diversity of housing choice options including planning for aged care facilities.

State policies require that strategies such as housing strategies and precinct structure plans provide for residential aged care facilities and provides for the delivery of an adequate supply of land or redevelopment opportunities for residential aged care facilities. These policies are to ensure that older people are able to live in appropriate housing in their local community.

In planning for aged care facilities State policy requires Councils at Clause 16.01-7S to:

Encourage planning for housing that:

- *Delivers an adequate supply of land or redevelopment opportunities for residential aged care facilities.*
- *Enables older people to live in appropriate housing in their local community.*

The proposal will deliver an extension of the approved residential aged care facility and will deliver opportunities to cater for the growing aging community. The proposal is consistent with the State policy directions and provides a high urban design and architectural standard which is expected for such facilities.

The site is suitably located within the Woodend township boundaries. The proposal in conjunction with the existing approved development includes good connectivity with the town centre by provision of new footpath connections and a community bus service from the site back and forth into the town centre.

Local Planning Policy Framework

The Municipal Strategic Statement (MSS) aims to achieve outcomes which include:

- Providing for a population increase across the Shire of 16,000 residents by 2036, with the majority of this growth within larger settlements.
- Providing for development and growth within existing settlement boundaries and where adequate services are available.
- Ensuring that development is sustainable and respects character of towns and settlements.
- Protection of water catchments and retention and enhancement of native vegetation.
- Recognizing the changing demographics and ageing of the municipality.

Relevant to this proposal some of the key influences identified within the Local Policy Framework are:

Clause 21.02-5 Housing:

- *Requirement for enhanced housing diversity, affordability and proximity to town centres.*
- *Small household size (one or two people) is a large and growing proportion of all households in the Shire.*

Clause 21.02-8 Community Development and Infrastructure

- *By 2026 it is expected that the number of people over 64 in the Shire's population will more than double. Growth is particularly strong in the 70 years and over age group with many of these currently living in rural parts of the Shire.*
- *Open space, recreation, leisure facilities, provision of aged care and youth services and a broad variety of housing are important to improving the health and wellbeing of the community.*

These policy statements are further supported and directed within the Local Policy Framework at Clauses 21.09 as it relates to Housing. Relevant objectives to be achieved are:

- *To provide for responsive and affordable housing and a diversity of lot sizes and styles to meet the requirements of all age groups, household types, lifestyles and preference.*

This is to be achieved through strategies such as:

- *Strategy 1.1 Encourage a diversity of housing in appropriate locations.*
- *Strategy 1.2 Encourage the provision of smaller housing forms, including townhouses and units, around town centres to cater for the changing demographics of the Shire.*

- *Strategy 1.5 Facilitate ageing in place by identifying suitable locations for medium density development in Council's structure plans and outline development plans which provide good access to services.*
- *Strategy 1.6 Discourage housing for older people in small towns lacking infrastructure and services.*

In relation to Woodend, and having regard to the level of services provided, Clause 21.04 states that the town will follow a modest growth path and remain a "District Town".

The Woodend Neighbourhood Character Precinct map contained in Clause 21.13-3 of the Planning Scheme identifies the new portion of the development as located within the Woodend township boundary and included within the Garden Setting Precinct (Precinct 3). In addition to seeking to increase the range of housing options available to cater for the needs of all members of the Woodend community, Clause 21.13-3 also outlines a range of strategies for development within the Garden Setting Precinct. In response to these strategies, a landscaped buffer around the perimeter of the site and canopy tree planting are proposed within the internal road network. This will contribute to enhancing the rural and landscape setting that is preferred for the precinct. In addition, the single-storey built form scale along with the use of muted materials and finishes respond to the preferred character of the neighbourhood and provide an appropriate design response.

The proposal is consistent with relevant local policies of the planning scheme.

Zoning

As noted above there are three separate parcels of land affected by the proposal. The original retirement village was approved by VCAT on land zoned for Rural Living purposes. The extension approved by council in 2019 allowing Stage 5 is on land zoned for Neighbourhood Residential Schedule 3 (NRZ3) purposes. The land on which the current proposed extension is located is also zoned NRZ3. The purpose of the NRZ3 includes to manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics. Under the NRZ3, a Retirement Village is a section 2 (permit required) use. A planning permit is also required to construct a building or construct or carry out works for a section 2 use.

The Schedule 3 Neighbourhood Character objectives for the Woodend Garden Setting Precinct are the following:

- *To encourage landscaped front and rear gardens with mature vegetation, including canopy trees.*
- *To retain a consistent pattern of detached dwellings with low pitched roofs and maintain the area's single storey scale, and allow vegetation to dominate.*
- *To support absent or low front fences that allow front gardens to merge into the nature strip.*

It is considered that the proposal demonstrates an appropriate level of compliance with the NRZ3. A 3m wide landscape buffer strip will be provided along most of the site's boundaries except for along its interface with Mount Macedon Road and where there the existing forest areas will be retained and protected. In these latter areas the buffer strip would ultimately be the primary interface.

The dwellings will be single storey and detached. It is acknowledged that minimal opportunity exists internally for additional canopy trees but this is offset by areas of protected forest. The proposed extension is not dissimilar to what was previously approved by Council including by VCAT on the original Rural Living Zoned parcel.

The site is located in an urban zone, being Schedule 3 (NRZ3) to the Neighbourhood Residential Zone (NRZ) and therefore, development of the site at an urban density is expected by the zone.

It is acknowledged that the proposed 19 residential units, as with the residential units in the approved village, will comprise smaller dwelling footprints and reduced areas of private open space. In some respects, therefore, they can appear to have a higher density than a typical residential development. However this density is offset by the reduced scale of the residential units (being single-storey); the large conservation areas that are being retained in the approved village; and the substantial provision of communal open space areas for the retention of native vegetation. When considered across the approved village and the proposed extension, a site coverage of only 50 per cent (approximately) is proposed compared with a site coverage of up to 60 per cent or more for typical medium density residential developments. In summary, the application responds appropriately to the environmental and landscape characteristics sought for the site.

The RV parking area is moved to the western boundary of the site with a significant increase in size. The RV parking area is however associated with a large retirement village and is considered part of the overall development and appropriate given that the RVs will only be used for storage and not accommodation. A permit condition will be added to the permit preventing the RVs being used for accommodation.

Clause 32.09-4 applies a requirement for a minimum garden area to the construction of a "dwelling" or "residential building". A "retirement village" is however separate use and therefore does not need to comply with the clause 32.09-4.

Clause 55 and Schedule 3 to the NRZ

Clause 55 of the Planning Scheme states that this clause applies to an application to:

- "Construct two or more dwellings on a lot.
- "Construct or extend a residential building"

This clause does therefore not apply to the other type of accommodation type of uses.

There are several other types of accommodation uses. This application is for “retirement village” and is along with other accommodation type uses such as “camping and caravan park”, “corrective institution”, “group accommodation”, “host farm”, “residential aged care facility” and “residential village” all nested separately under the “accommodation” group of uses. These are all different or separate uses. Although there are residential units in the development the application is for use of a “retirement village” and not dwellings or a residential building and clause 55 is therefore not applicable to the application.

Similarly, Schedule 3 to the NRZ varies some of the Standards of Clause 55. Given the proposal is for a retirement village rather than a multi-dwelling development the proposal does not need to comply with Clause 55 and therefore also not the Schedule 3 to the NRZ. It is nevertheless considered that the proposal demonstrates that an appropriate level of amenity will be provided for future residents and amenity would be similar to that of the existing approved development.

All residential units are provided with an area of SPOS at the rear ranging from between 18 square metres to 27 square metres for two-bedroom units and between 17 square metres to 30 square metres for three-bedroom units. While these areas fall short of the area and minimum dimension sought by Standard B28 as varied by the NRZ3 (25 square metres with a minimum dimension of 5 metres), the dimensions and areas proposed for these spaces ensure that they are usable. In addition, given the access future residents will have to the approved GemLife residential village clubhouse building, associated communal open space facilities and boardwalk around the lake, a reduction in these SPOS areas is considered appropriate. Council may reduce the specified open space requirements where required.

Given all units will be single storey, the proposal will not impact unreasonably on the amenity of existing adjoining dwellings.

Issues of overlooking will be addressed through the provision of fences along each future site boundaries to prevent internal views between units.

The proposed development has been designed to provide a reasonable level of amenity for future residents. Overall it is considered that the proposal has taken into account the opportunities and constraints of the site to provide an appropriate development outcome.

Environmental Significance Overlay

The land is affected by the Environmental Significance Overlay, Schedule 4 Eppalock catchment.

The main aim of this provision is to ensure the protection and maintenance of water quality and water yield within the Eppalock Water Supply Catchment Area as listed under Section 5 of the Catchment and Land Protection Act 1994.

No planning permit triggers exist for the development as it will be required to connect to reticulated sewage. Both a sewage main and water main are available to the site.

A planning permit trigger exists for the removal of any vegetation. Vegetation removal will be discussed below.

Clause 52.17 Native Vegetation

The purpose of Clause 52.17 is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) and includes essentially Avoid, Minimise and Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

The ecology report submitted with the application identified 4 habitat zones (labelled HZA to HZD) as well as two scattered trees as follows:

HZA – This group of trees (Narrow-leafed peppermint) is located along the southern boundary and will be retained.

HZB – This group includes Narrow-leafed peppermint, Blackwood and Eucalypt trees & Wallaby-grasses that will be removed.

HZC – Wallaby-grasses will be removed in this patch. The very large Silver Birch, scattered tree (tree no ST1) will be retained and protected.

HZD – Non-native trees, Silver Wattle and native grasses will be removed in this patch.

One scattered tree a Narrow-leafed peppermint (tree no ST2) will also be removed. The fruit trees in the north-west corner will also be removed.

Notwithstanding that a majority of the native vegetation is to be retained, removal of 0.242 hectares of native vegetation including three remnant patches and one scattered tree (narrow-leaf peppermint tree) comprising low biodiversity values is proposed, resulting in a relatively small offset requirement of 0.051 general habitat units.

The Department of Environment, Land, Water and Planning (DELWP) in its response to the application has confirmed that it does not object to the issue of an amended planning permit and that "DELWP is satisfied that the applicant has taken adequate steps to avoid and minimise the proposed native vegetation removal".

Lastly, the native vegetation to be removed is considered to be acceptable by the MRSC Environment Unit subject to conditions.

Objection received

The application was advertised and one objection was received. A summary of the concerns are listed below with comment underneath:

- Vehicular noise
The objector property adjoins (to the west) the RV compound, which will be separated from the property by a 3 metres wide landscape buffer. The internal north-south road is located further to the north and is therefore removed from the property. The internal north-south road has been designed to function as a minor street with pedestrian movements to be prioritised within a low traffic speed environment. The applicant has also advised that vehicle speeds will be

limited to 10 kilometres per hour and will be enforced under the Village Management Plan that has been endorsed under condition 4(a) of planning permit PLN/2005/569/E.

All of these measures will ensure that unacceptable traffic movements within the internal road network and the RV compound are minimised and of low intensity and therefore, noise attenuation measures are not required.

- Heat island effect / WSUD measures
The site is located in the Neighbourhood Residential Zone whereby the replacement of grassland with residential development at an urban density is anticipated by the zone.

The masterplan layout has been designed to incorporate a range of landscape measures including around the perimeter of the site, within the verges and within substantial areas of communal open space.

The applicant has also advised that the RV compound has been designed to comprise a diamond grid surface that is permeable and will be constructed out of thermoplastic. All of these measures and others will contribute to minimising any heat island effect.

In addition, stormwater runoff will be kept to predevelopment flows by utilising the lake system within the approved GemLife residential village and all stormwater will be treated to meet best practice in WSUD before being discharged into the lake.

- On-street car parking
The location and number of on-street parking spaces is shown clearly on the masterplan. On-street parking spaces will be concealed behind the fences of the adjoining rear yards and therefore will not impact unreasonably on the amenity of adjoining rear yards.
- Septic tank
The servicing report submitted with the application confirms that the site will be serviced by extending connections to the existing gravity sewer network. A septic tank is not proposed.
- Shade structure
The shade structure will be setback at least 3 metres from the common boundary with the objector property. In a standard residential development the standard B17 of clause 55 of the Macedon Ranges Planning Scheme as varied by the NRZ3 could allow a double storey dwelling to be setback a minimum distance of 3 metres from the common boundary. The siting of the light weight shade structure is considered appropriate as it will be open on all sides and less than the height of a double storey dwelling.
- Traffic volumes/movement
A traffic report was provided for the development and neither VicRoads nor Council's engineering unit raised any concerns in this regard. Traffic volumes would also be reduced in proximity to the objector property as traffic disperses throughout the internal road network.

Furthermore, the RV compound will be used as a storage area with the RVs to be moved infrequently during the year when residents go on holidays. As a result, the RVs will have a negligible impact on traffic volumes within the surrounding internal and external road network.

Lastly, an annotation is included on the masterplan to limit Sullivans Road to emergency access only and condition 4(a)(i) of the permit prevents vehicle access to Sullivans Road other than for emergency purposes.

- Light spill
It is intended that any light spill associated with the tennis court will be contained within the boundaries of the site.

A condition of the permit requires all street lighting to be kept internal to the GemLife development and this condition will be amended to include the tennis court.

- Amendment to the planning permit / Availability of reports
Irrespective of whether the application is assessed by Council as an amendment to the permit or a new planning permit application, the application is subject to the same process including being notified publicly and being assessed by Council against the relevant planning controls that apply at the time.

As stated in the public advertising notice that was displayed on the site and posted to surrounding lot owners, a full copy of the application including all reports was available online during the advertising period.

- Bushfire Prone Area
As with the approved village, the site is not covered by a BMO but the site is located in a Bushfire Prone Area (BPA) and thus needs to address clause 13.02-1S of the Scheme.

The applicant has advised that given the location of the site in a BPA, all dwellings will be built to a minimum construction rating of BAL-12.5. The application was also referred to the CFA who raised no concerns.

- Construction noise
Construction within the approved GemLife residential village is being carried out in accordance with a construction management plan (CMP) that has been approved under condition 4(b) of the permit. The approved CMP includes measures to protect the amenity of neighbouring residents such as specified construction hours and the limitation of noise, dust, pollution and vibrations.
- Utilities
The services report submitted with the application confirms that telecommunications facilities will be provided to each dwelling. The operation of the telecommunications network is the responsibility of the telecommunications provider (Telstra) and not the developer.

Officer declaration of conflict of interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

The proposal meets the policy requirements of the PPF and LPPF in regards to providing infill development. The development is considered suitable within its context and in keeping with the neighbourhood character as there are a mixture of lot sizes and densities within the area. The proposal is a relatively small extension of the existing development and will continue to provide appropriate amenity for its and adjoining residents. The proposal provides more housing and diversity in an approved location for a retirement village and will meet an identified need in local planning policy.

For the above reasons the application is supported subject to appropriate amended conditions.

PE.2	HERITAGE UPDATE ON MELBOURNE ROAD AND KILMORE ROAD INTERSECTION
Officer	Dannielle Orr, Strategic Planner – Heritage
Council Plan Relationship	Improve the built environment Enhance the social and economic environment Deliver strong and reliable government
Attachments	1 – Macedon Ranges Shire Council – Council Submission Proposed Intersection Upgrade at Kilmore Road and Melbourne Road, Gisborne 2 – Aerial site plan Melbourne Road and Kilmore Road Intersection, Gisborne, July 2020

Purpose and Overview

The purpose of this report is to endorse an agreement ‘in principle’ with Regional Roads Victoria (RRV) regarding the heritage places and trees at the Melbourne Road and Kilmore Road Intersection. These features include the 1874 bluestone bridge and channel at Bunjil Creek and five (5) elms and oaks in the vicinity of the road intersection upgrade. This ‘in principle’ agreement will allow RRV to proceed with revising the design plans for the Melbourne Road and Kilmore Road Intersection upgrade accordingly.

This report proposes an agreement ‘in principle’ with Regional Roads Victoria to negotiate a balanced approach that allows for the retention of some of the identified heritage places and trees in the Melbourne Road and Kilmore Road Intersection upgrade, whilst enabling the development of a safe, efficient and timely road network upgrade for the Gisborne community.

Recommendation

That Council:

- 1. Endorse the agreement ‘in principle’ regarding the heritage features at the Melbourne Road and Kilmore Road Intersection.**
- 2. Direct the Chief Executive Officer to communicate this agreement to Regional Roads Victoria.**
- 3. Direct the Chief Executive Officer to provide a copy of the agreement to the Minister for Planning for consideration with the Ministerial Amendment requests C142macr and C144macr, and application for permanent heritage controls Amendment C143macr.**

Background

Melbourne Road and Kilmore Road Intersection Upgrade Project

The Melbourne Road and Kilmore Road Intersection Upgrade was first announced in the media in November 2018, by the Member for Macedon, Mary-Anne Thomas, as the fulfilment of an election promise. Regional Roads Victoria (RRV) held a public submissions period on the proposed works from 15 August to 29 September 2019.

During this period, they received a number of submissions from the community who expressed concern about the detrimental impact of the proposed works to the historic nature of this important gateway entry into Gisborne township, the demolition of the bluestone bridge and channel over Bunjil Creek, and the removal of several mature trees.

In their summary response to these community concerns, RRV stated works would not impact existing heritage listed sites and impacts would be minimised for local tree and flora species. However, neither the 1874 bluestone bridge and channel nor the introduced plantings of elms and oaks are currently listed in the Macedon Ranges Planning Scheme and therefore have no statutory protection.

A formal submission on the planned works was endorsed by Council at the Ordinary Council Meeting of 27 November 2019, refer to Attachment one. The submission detailed Council's concerns relating to the social and cultural heritage features of the site, large old trees that contribute to township character, incremental loss of public open space and lack of pedestrian connectivity considered by the proposed design. At the Ordinary Council Meeting of 26 February 2020, Council allocated funding to complete a heritage assessment on the historic features at the Melbourne Road and Kilmore Road Intersection to be undertaken.

Heritage assessments of Melbourne and Kilmore Road Intersection

A heritage assessment of the Bunjil Creek bridge and channel at the Melbourne Road and Kilmore Road Intersection was undertaken in March and April 2020 by GJM Heritage consultants. The assessment identified that the 1874 bluestone bridge and channel met the local level of heritage significance. The more recent alterations and additions to the bridge and channel, predominantly the concrete top deck, are not considered to be of heritage significance. The assessment recommended that the Bunjil Creek bridge and channel be protected by a heritage overlay in the Macedon Ranges Planning Scheme.

A heritage assessment of the mature elms and oaks in the Melbourne Road and Kilmore Road Intersection was undertaken in April and May 2020 by Plan Heritage consultancy. The assessment identified that there are two very mature English Elms that date to c1855-65 (Trees 29 and 38), which are of local historical significance to the municipality and warrant protection in the Macedon Ranges Planning Scheme. The assessment also reviewed the existing tree controls in the area of Bunjil Creek that will be impacted by works and that had been put in place through Amendment C118 in 2018 with the *Gisborne and Kyneton Heritage Study 2017*.

The review identified a further three trees that are part of the historic planting along Hamilton Street protected by the existing Heritage Overlay ‘Memorial Precinct (Howey Reserve)’ HO289 (Trees 47, 49 and 49). These two English Oaks and an English Elm are considered to also be of local aesthetic and historical significance, and warrant protection by extending Heritage Overlay HO289 to include these three trees.

Context

In response to the recommendations of the heritage assessments and in light of ongoing discussions with RRV, the Chief Executive Officer, under delegation, made two formal requests to the Minister for Planning to apply interim Heritage Overlay controls urgently to these at risk and threatened heritage features:

- Bunjil Creek bridge and channel (HO351), through a Ministerial Amendment C142macr on 5 May 2020; and
- Two *Ulmus procera* English Elms (HO352), through a Ministerial Amendment C144macr on 23 June 2020.

The Minister replied on 25 June 2020 that, in relation to the first request C142macr for Bunjil Creek bridge and channel, the Department of Environment, Land, Water and Planning (DELWP) is assessing the request and a decision will be made in due course. The Minister encouraged Council to continue discussions with RRV to seek a resolution on the proposed road upgrade and heritage issues. This report serves to further these discussions towards a mutual resolution by proposing an agreement ‘in principle’ for a balanced approach to the Melbourne Road and Kilmore Road Intersection Upgrade and the heritage features at the site.

Council has made two resolutions to permanently protect these heritage features located at the Kilmore and Melbourne Road Intersection, through the preparation of Amendment C143macr. At the Ordinary Council Meeting of 27 May 2020, it was resolved:

That Council:

- 1. Adopt the Local-Level Heritage Assessment: Bunjil Creek Bridge & Channel, Gisborne, GJM Heritage, April 2020.***
- 2. Request the Minister for Planning authorise the preparation of Planning Scheme Amendment C143macr to the Macedon Ranges Planning Scheme to apply Heritage Overlay (HO351) permanently to the Bunjil Creek Bridge and Channel.***

At the Ordinary Council Meeting of 24 June 2020, it was resolved:

That Council:

- 1. Adopt the Heritage Assessment – Trees at intersection of Bunjil Creek, Gisborne Road and Melbourne Road, Gisborne, Plan Heritage, May 2020.***
- 2. Request the Minister for Planning authorise the preparation of Planning Scheme Amendment C143macr to the Macedon Ranges Planning Scheme to apply Heritage Overlay (HO351) permanently to the Bunjil Creek Bridge and Channel, and identified ‘Ulmus procera’ English Elms and to extend the HO289 Memorial Precinct (Howey Reserve) to cover an additional three trees identified as elms and oaks.***

Amendment C143macr was prepared and submitted to DELWP on 6 July 2020. It seeks authorisation to protect the Bunjil Creek bridge and channel at the intersection, two English Elms from c1855-65 on Melbourne and Kilmore Roads and two English Oaks and an English Elm that are part of the historic Memorial Precinct (Howey Reserve) planting on Hamilton Street. These features have been identified as having local heritage significance and therefore warranting protection under the Macedon Ranges Planning Scheme.

Once the amendment is authorised, it will be publically exhibited. When the amendment is approved, it will result in the introduction of new and extended heritage controls at the Melbourne Road and Kilmore Road Intersection.

This will trigger the requirement of a planning permit for roadworks which change the appearance of a heritage place, or which are not generally undertaken to the same details, specifications and materials. This will enable Council to consider and assess the Intersection Upgrade plans on their heritage merits.

Regular discussion with RRV and Council has been ongoing since late 2019 to explore alternate designs and options to retain the significant heritage features in the Melbourne Road and Kilmore Road Intersection Upgrade. These discussions have included the retention of the Bunjil Creek bridge and channel, as well as the historic trees that are considered to be 'at risk' through removal, or those that will be detrimentally impacted by the RRV planned works for the intersection upgrade.

From these discussions, the following 'in principle' statements are agreed between RRV officers and Council officers:

Transport

1. A roundabout at the Melbourne Road and Kilmore Road Intersection is the preferred and safest solution for Gisborne's transport needs today and in the future.

Bunjil Creek bridge and channel

2. The heritage 1874 bluestone bridge and channel at Bunjil Creek will largely be retained.
3. Some modifications to the heritage bluestone fabric will be required; namely the wing walls on the northern side of the bridge/culvert which may need to be removed or modified. Where modifications are to be made, sympathetic materials will be used, with advice from a heritage expert.
4. If any part of the bluestone fabric is to be removed, then reuse of this heritage material on site is preferred, if viable.
5. The more recent concrete alterations and modifications to the Bunjil Creek structure that have been identified as not having heritage significance, can be removed.

Heritage and mature trees in the Melbourne Road and Kilmore Road Intersection Upgrade (refer to Attachment two)

6. These heritage trees will be retained: two English Oaks and an English Elm on Hamilton Street to the west of Bunjil Creek, which are part of the 'Memorial Precinct (Howey Reserve)' (Trees 47, 48 and 49).
7. Some heritage trees (Trees 29, 38) and other trees that are mature but not identified as having heritage significance (Tree 30) will most likely be removed.

8. If any heritage and / or mature tree is to be removed, then methods are used with advice from an arboreal expert to reproduce the trees, for replanting in the Melbourne Road and Kilmore Road Intersection following the works.

Works

9. All efforts should be made during works to stabilise and make safe the heritage bluestone bridge and channel and the Memorial Precinct trees (currently and proposed under HO289), to ensure that any further impacts and / or damage are minimised.

It would be desirable for the works to be undertaken with advice from relevant heritage and arboreal experts respectively. It would also be desirable for any further measures or works to be undertaken, which have been identified as necessary to secure the longevity of the heritage features at the Melbourne Road and Kilmore Road Intersection for future generations.

Consultation and Engagement.

RRV and Council officers have explored a number of options to determine if it is possible for the retention of all of the heritage features at the Melbourne Road and Kilmore Road Intersection. These options have included:

- a signalised intersection;
- realigning the road/s;
- changing the curvature or length of the approach of the road/s;
- shifting road works into the tree root zone of some of the mature trees, to allow for their retention, but with the consequence that the canopy would overhang on the road/s; and / or
- moving the roundabout further east.

Officers from RRV and Council acknowledge that a balanced approach to the transport and heritage issues can retain some but not all of the heritage features at the Melbourne Road and Kilmore Road Intersection in order to ensure a safe, efficient and timely road network upgrade for the Gisborne community.

RRV would welcome a definitive way forward on the transport and heritage issues at the Melbourne Road and Kilmore Road Intersection, given their timeframe for the upgrade project works. This report proposes that these above statements are considered by Council and communicated by the Chief Executive Officer to RRV as an agreement 'in principle', to enable RRV to proceed with revising the design plans accordingly for the Melbourne Road and Kilmore Road Intersection Upgrade.

A copy of the communication will also be provided to the Minister for Planning for his consideration of the Ministerial Amendment requests C142macr and C144macr, and application for permanent heritage controls Amendment C143macr.

Community consultation will also be required as part of Amendment C143macr, to apply permanent heritage controls to the Bunjil Creek bridge and channel, and five elms and oaks at the Kilmore and Melbourne Road Intersection. This will provide the Gisborne community, relevant authorities, including RRV and all affected parties, the opportunity to make a submission on this matter.

Strategic Alignment

This proposal assists with the achievement of priorities set out in the Council Plan 2017-2027:

- Priority Area 3 - Improve the built environment
- Priority Area 4 - Enhance the social and economic environment
- Priority Area 5 - Deliver strong and reliable government

Macedon Ranges Heritage Strategy 2014-2018

The relevant aims and objectives of the Macedon Ranges Shire Heritage Strategy are to ensure adequate protection is applied to sites of heritage significance in the Shire (4), and to enhance civic pride and sense of place (6).

Implications

Financial, Resource, Information Technology and Asset Management Implications and Risks

RRV manages transport assets on behalf of the community and Victoria, but Council also has a role in protecting these assets for their heritage and history. The Melbourne Road and Kilmore Road Intersection Upgrade has been identified as a necessary development to deliver safe movement of vehicles and people into Gisborne in the long term.

It is understood that the agreement ‘in principle’ proposed is likely to result in additional projected costs to RRV for the Melbourne Road and Kilmore Road Intersection Upgrade and will extend the project delivery date up to 12 weeks longer than planned.

Macedon Ranges Shire Council has already borne costs in relation to the heritage assessment and statutory protection of the heritage features at this historic entryway.

Policy and Legislative Implications and Risks

In seeking to protect historic features that have been identified of heritage value to the Gisborne community and history of this municipality, Council is fulfilling its role as set out in the State and Council policies listed below.

This report relates to the following Policy and Legislation:

- Part 3AAB (Distinctive Areas and Landscapes) of the *Planning and Environment Act 1987*.

Macedon Ranges is identified as a distinctive area and landscape. The legislation requires Responsible Public Entities not act inconsistently with any provision of the Macedon Ranges Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area (Section 46AZK). It is noted that both Council and RRV are Responsible Public Entities.

Responsible Public Entities should consult with all relevant levels of government and government agencies in relation to policies or programs in the declared area, use best practice measures to protect and conserve the unique features and special characteristics of the declared area; and undertake continuous improvement to enhance the conservation of the environment in declared areas.

The Macedon Ranges Statement of Planning Policy (SPP) has 10 policy domains, each with an objective and a series of strategies to achieve that objective. The recommended resolution and its resultant actions are consistent with the 10 policy domains, and their respective objectives and strategies.

The 'in principle' statements proposed in this report are also consistent with the following objectives of the Macedon Ranges Planning Scheme including:

- Clause 15.03-1S ensures the conservation of places of heritage significance.
- Clause 21.01 acknowledges that heritage buildings and streetscapes contribute to the amenity and character of the towns within the municipality.
- Clause 21.02 recognises that increasing development will place pressure on these heritage buildings and streetscapes.
- Clause 21.08 acknowledges that “regulation and protection of the heritage features and values is critical in achieving sustainable development outcomes and decision making”.
- Clause 21.08-1 'Heritage conservation' includes the following objective: “To protect and enhance important heritage features and values for residents, visitors and future generations.”

Sustainability Implications and Risks (Social and Environmental)

The retention of heritage and mature trees in our municipality minimises the environmental impacts associated with removal of old and mature growth trees and vegetation. There is also a social benefit to retaining and valuing those trees that demonstrate important aspects of the history of Gisborne's development as a township in this municipality. Where there is loss of heritage and mature trees, their removal will be partly mitigated by replanting from the same stock after the Melbourne Road and Kilmore Road Intersection Upgrade works are completed.

Charter of Human Rights Implications and Risks

This proposal does not have any direct or indirect human rights implications

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have direct or indirect conflict of interest in this matter

Conclusion

These heritage features at this historic entryway to Gisborne are evidence of three distinct phases in the history of Gisborne: planting trees with the earliest settlement of the town in the 1850s and 1860s (English Elms, HO352), protecting the town from flooding by building transport and water infrastructure to enable safe travel to Melbourne in the 1870s (Bunjil Creek bridge and channel, HO351), and planting trees to memorialise those in Gisborne who served in World Wars One and Two (Memorial Precinct, Avenues of trees, HO289).

By proposing an agreement 'in principle' to RRV regarding the transport and heritage issues at the Melbourne Road and Kilmore Road Intersection, it will allow RRV some certainty to proceed with revising design plans accordingly for the Melbourne Road and Kilmore Road Intersection Upgrade.

PE.3	SUBMISSION TO THE PARLIAMENTARY INQUIRY INTO ECOSYSTEM DECLINE
Officer	Michelle Wyatt, Environment Coordinator Krista Patterson-Majoor, Biodiversity Projects Officer
Council Plan Relationship	Protect the natural environment
Attachments	Inquiry into Ecosystem Decline – Submission by Macedon Ranges Shire Council

Purpose and Overview

The Victorian Government recently called for submissions to inform the Parliamentary Inquiry into Ecosystem Decline. This is an important opportunity to meet many of the advocacy actions outlined in Council's *Biodiversity Strategy 2018* and to highlight the need for increased efforts to improve ecosystem health across the State.

Council's submission highlights that the decline in ecosystems in the Macedon Ranges is severe and ongoing, providing a number of examples of local extinctions and threatened species and vegetation communities.

The submission confirms the key role local government plays in supporting ecosystem rehabilitation and highlights the need for well-resourced state-led programs to enable coordination across land tenures and government jurisdictions.

The submission calls for the expansion and appropriate funding of the public reserve system, as well as increased support for conservation on private land. It also seeks to ensure the maintenance of strong planning regulations with increased penalties for non-compliance.

Finally the submission confirms that restoration projects need to be long term, landscape scale and informed by on-ground knowledge. These programs should be delivered by organisations with appropriate resources to ensure coordination and strong partnerships with community groups and Traditional Owners.

Recommendation

That Council resolve to:

- 1. Endorse the attached submission to the Parliamentary Inquiry into Ecosystem Decline.**
- 2. Direct the CEO to forward the submission to the Environment and Planning Committee by 31 August 2020.**

Background

On 30 October 2019 the Victorian Legislative Council passed the following motion: *That this House requires the Environment and Planning Committee to inquire into, consider and report, within 12 months, on the decline of Victoria's ecosystems and measures to restore habitats and populations of threatened and endangered species, including but not limited to —*

- a) *the extent of the decline of Victoria's biodiversity and the likely impact on people, particularly First Peoples, and ecosystems, if more is not done to address this, including consideration of climate change impacts;*
- b) *the adequacy of the legislative framework protecting Victoria's environment, including grasslands, forests and the marine and coastal environment, and native species;*
- c) *the adequacy and effectiveness of government programs and funding protecting and restoring Victoria's ecosystems;*
- d) *legislative, policy, program, governance and funding solutions to facilitate ecosystem and species protection, restoration and recovery in Victoria, in the context of climate change impacts;*
- e) *opportunities to restore Victoria's environment while upholding First Peoples' connection to country, and increasing and diversifying employment opportunities in Victoria; and*
- f) *any other related matters.*

The Environment and Planning Committee has called for submissions which are due by 31 August 2020.

A submission has been prepared which reflects the advocacy positions articulated in Council's *Biodiversity Strategy 2018* as well as Council's submission to the VEAC Central West Investigation in 2018.

Context

The key messages in Council's submission are as follows:

- 1. Local government plays an important role in supporting ecosystem rehabilitation** – Local government manages large public reserves with significant conservation values as well as roadside vegetation which plays a critical role in supporting habitat connectivity. Local government also has the ability to influence conservation outcomes on private land through implementation of planning regulations, provision of advice to landowners, delivery of citizen science programs and support for community groups and community led action. The role of local government should be recognised and reflected in the design of government programs.
- 2. The extent of ecosystem decline is severe and ongoing** - Macedon Ranges has experienced significant species decline as the result of the fragmentation of habitat associated with land clearance and past logging of native forests. This decline will continue as land is further fragmented by subdivision and development and remnant patches of native vegetation are degraded by threatening processes such as domestic uses, lack of weed and pest animal management, inappropriate fuel reduction works, and overgrazing.

3. The public reserve system needs to be expanded and appropriately funded

Public conservation reserves provide the main refugia for flora and fauna species. Expanding the public reserve network, managing recreation uses that negatively impact environmental values, and appropriately funding conservation management within public agencies such as DELWP and Parks Victoria will help enhance ecosystem resilience. This includes implementing the recommendations of the VEAC Central West Investigation, supporting the rehabilitation of important habitat links such as the Department of Education pine plantations, and assisting with the permanent protection and public acquisition of historic inappropriate subdivisions such as Barrm Birrm (also known as the Shone and Shultz Subdivision) in Riddells Creek.

4. Resources are required for conservation on private land – Approximately 87% of the Macedon Ranges comprises private land. This means that private land owners play a critical role in protecting and enhancing local ecosystems. Additional resources for protective covenants, including through Trust for Nature, would enable more land holders to set aside high value remnant native vegetation for conservation. In addition, expanding farm advisory services and exploring biodiversity incentive programs through state government agencies and/ or local government would enable greater take up of regenerative agriculture and other holistic farming practices that support biodiversity, restore ecosystems and enhance on-farm productivity.

5. Strong planning regulations need to be maintained and supported with resources for compliance - Current state-wide planning regulations generally provide an adequate balance between protection of ecosystems and enabling development. Any weakening of current provisions should be avoided. Additional resources are required to support enforcement of native vegetation regulations as well as harsher penalties for non-compliance.

6. Legislative changes and coordinated cross tenure projects are required to reduce the impact of Deer, Goats and Pigs – Deer, goats and pigs are having a significant impact on conservation values on public and private land. Declaring Deer a “pest” species under the *Catchment and Land Protection Act 1994*, removing them from the list of protected “game” under the *Wildlife Act 1975* and finalising the Victorian Deer Management Strategy will establish the necessary pre-conditions to tackle this pest species. Well-resourced state-led control programs will enable coordination across land tenures and government jurisdictions.

7. Restoration projects need to be long term, at a landscape scale and informed by on-ground knowledge – Funding for restoration works should enable long term, cross-tenure, landscape scale projects to be delivered. This means providing funds for planning and implementation over 5 to 10 years, rather than 1 to 3 years as per current programs. These programs should be informed by on-ground knowledge of threats and opportunities with less reliance on modelled data which often does not align to high priority areas for restoration.

- 8. Reduce the burden on volunteers** – Volunteers play an important role in advocating for conservation outcomes, raising awareness in the community and delivering on-ground works in local areas. While their contribution cannot be under-estimated, managing ecological restoration projects can place a significant burden on community groups and their volunteers. Instead, funding models should ensure large scale restoration projects are delivered by organisations with appropriate resources to ensure coordination across partners and the landscape, while still providing opportunities for community groups to access funding for local projects and to partner in larger programs. This includes expanding funding opportunities to government agencies and local government.
- 9. Additional core funding is required for Traditional Owner groups** – Traditional Owner groups play an essential role in supporting ecological restoration. However, their ability to influence outcomes on country is currently limited by their resources. Increasing core funding for Traditional Owner groups will enable groups to better meet the demand for their on-ground and cultural heritage services. State-wide cultural awareness training across state government departments and agencies, local government and community groups will also identify ways project timelines and funding could be augmented to better support Traditional Owner involvement.
- 10. Fill the funding gap for pro-active Aboriginal heritage assessments and engagement** – Whilst funding exists for European cultural heritage assessments and restoration works through Heritage Victoria, no similar funding is available for Aboriginal heritage. This is a large gap in current government programs.

Strategic Alignment

The submission aligns with the following priority set out in the *Council Plan 2017-2027*:

Protect the natural environment:

- *Protect biodiversity.*
- *Implement best practice conservation management techniques to protect biodiversity and manage threats.*
- *Prioritise local species in new public plantings wherever possible.*
- *Preserve the landscape quality of vistas.*
- *Continue to apply best practice and partnerships to protect and enhance biodiversity and the natural environment.*

The submission also meets the following advocacy actions in Council's *Biodiversity Strategy 2018*:

- *Action 1.11: **Error! Reference source not found.***
- *Action 1.18: In partnership with Riddells Creek community environment groups, continue to advocate for the public acquisition of Barrm Birrm by the state government and integration of the area into the adjoining public reserve system.*
- *Action 1.20: Continue to advocate to the State Government for improved protection and enhancement of public reserves in the shire.*
- *Action 2.5: Advocate for and strengthen partnerships for coordinated pest plant and animal programs across public land and private land in priority areas.*

Implications

Financial, Resource, Information Technology and Asset Management Implications and Risks

No financial, resource, information technology and asset management implications and risks have been identified.

Policy and Legislative Implications and Risks

No policy and legislative implications and risks have been identified.

Sustainability Implications and Risks (Social and Environmental)

No sustainability implications and risks have been identified.

Charter of Human Rights Implications and Risks

There are no issues identified that would affect Council's compliance with the Charter of Human Rights.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

Council's submission to the Victorian Parliamentary Inquiry into Ecosystem Decline meets many of the advocacy actions outlined in the Council's *Biodiversity Strategy 2018* while raising awareness about the need for increased resources for biodiversity conservation across the State.

It is recommended that Council endorse the submission so it can be submitted to the Victorian Parliament's Environment and Planning Committee by 31 August 2020.

CX.1	CHIEF EXECUTIVE OFFICER'S BIENNIAL REVIEW
Councillor	Councillor Janet Pearce
Council Plan Relationship	Deliver strong and reliable government
Attachments	Nil

Purpose and Overview

The Local Government Act requires an annual review of a Chief Executive Officer's (CEO) performance.

Margot Stork was appointed as CEO of Macedon Ranges Shire Council and commenced in the role on Monday 13 November 2017.

As part of the CEO's contract, Key Performance Indicators (KPIs) were set for the first year. A new set of KPI's were set for the second year of her contract, with some changes made to the KPI's for the third year of the contract with input from all Councillors and the CEO.

The Chief Executive Officer Performance Appraisal Advisory Group, consisting of Councillor Janet Pearce, Councillor Natasha Gayfer and Councillor Andrew Twaits, met both with and without CEO, Margot Stork, to discuss her progress against the KPIs. All Councillors were given an opportunity to view the CEO's self-assessment of her performance against the indicators and provide feedback to the advisory group.

The Chief Executive Officer Performance Appraisal Advisory Group's assessment and CEO KPIs for the period November 2019 – November 2020 have been provided to all Councillors.

Recommendation

That Council, in accordance with Section 66(2)(a) of the Local Government Act 2020, close the meeting to undertake a review of the Chief Executive Officer's performance pursuant to Section 97A of the Local Government Act 1989 in circumstances where that review will need to consider confidential information. For the purposes of Section 66(5) of the Local Government Act 2020, that confidential information includes personal information about the Chief Executive Officer, which if disclosed in an open meeting of the Council would result in unreasonable disclosure of information about the Chief Executive Officer and her personal affairs including her interests as a member of staff of the Council.

Option

In the event that all Councillors are satisfied with the recommendation for this item as contained in the confidential section of this notice paper and without questions and debate, Council may resolve to adopt the recommendation as contained in the confidential section in open Council at any time. The Minute Secretary will then formally read out this resolution. The Council resolution will then immediately become public information but the confidential report will remain confidential.

CX.2	SMALL PROJECT GRANTS—CONSIDERATION OF GRANT APPLICATION
Officer	Trudy Campbell, Governance Officer
Council Plan Relationship	Deliver strong and reliable government
Attachments	Nil

Purpose and Overview

The Small Project Grants program supports projects and initiatives that:

- support local needs
- are unlikely to be funded by other Council funding programs
- align with Council Plan priorities.

Council's Small Project Grants budget for 2020/21 is \$30,000 and not-for-profit groups can apply for a maximum of \$1,500 per application. Applications are assessed against set criteria outlined in the Small Project Grants Guidelines (**the guidelines**). Funding recommendations are presented monthly at an Ordinary Council Meeting for review and/or approval.

This report details the process of evaluation and lists the applications received since the previous meeting.

One application has been received seeking a total of \$1,500 in funding. Officers recommend total funding of \$1,500. The eligible application has been evaluated against eligibility criteria and the officer assessment is summarised within this report.

Recommendation

That Council approve an application from Scouts Victoria—1st Macedon Scout Group: \$1,500 for equipment replacement and upgrade of gazebos, LED lighting and tents.

Background

At the 22 August 2018 Ordinary Meeting, Council resolved to:

1. ***Endorse changing the name of the funding program from Small Community Grants to Small Project Grants;***
2. ***Endorse the new Small Project Grants guidelines; and***
3. ***Endorse the new Small Project Grants application form.***

The Small Project Grants program, unlike other funding schemes, is open for applications year-round, except during the caretaker period leading up to a Council election.

Context

Eligibility criteria

The Small Project Grants program enables incorporated community-based not-for-profit groups operating or being established within the shire the opportunity to submit one application per year for funding. The program is also available to non-government and government schools for projects that are outside of the accepted responsibilities of the school and the Victorian Government.

The guidelines outline the eligibility requirements of applicants and provide guidance on the projects or activities that will/will not be funded through the program.

Assessment Process

Applications are initially reviewed to determine eligibility. Eligible applications are assessed and scored against the program criteria based on the responses provided in the online application form, however eligibility does not guarantee funding.

Where applications are determined to be ineligible they are not further assessed or scored.

The assessment criteria and scoring matrix are outlined in the guidelines to assist applicants with the preparation of their applications. Eligible applications are assessed according to six criteria, as detailed below.

Score	Criteria	What to include
Pass/Fail	Demonstrating eligibility	Compliance with section 6 of the guidelines
20%	Describing your project	A brief description of the project aim
10%	Unlikely to be funded by other funding programs	The project timing/scale/amount of funding sought is not compatible with other funding programs
30%	Demonstrating community need and benefit	Why the group needs to do the project How will the community benefit from the project/activity
20%	Supporting Council Plan priorities	Promotes or contribute to the achievement of one or more Council Plan priorities
20%	Demonstrating good project planning	The project group practices good governance, considers risks, complies with regulations or similar and is appropriately budgeted.

Application summaries and funding recommendations will be presented to Council at an Ordinary Meeting.

Application Assessment

The following application assessment is presented for Council consideration.

Applicant:	Scouts Victoria—1 st Macedon Scout Group
Date received:	17 July 2020
Project:	Purchase of equipment to replace and upgrade ageing equipment.
Amount requested:	\$1,500
Previous funding received by group:	No
Eligibility:	Eligible
Assessed score:	80%
Officer comment (adequate explanation, completed Project planning):	<p>The project is for the replacement of ageing equipment such as portable gazebos, LED lighting that are used for fundraising, community events at farmers markets, and tents to cater for camping requirements. By purchasing replacement equipment, the safety of users such as scouts, leaders and parents is ensured. The gazebos along with the LED lighting will allow continued community involvement of young people at farmers markets, community carols and other community events. Replacement tents will ensure that camping at local scout camps can continue once the current COVID-19 restrictions have been lifted.</p> <p>The project supports the Council Plan priority of:</p> <ul style="list-style-type: none">• promoting health and wellbeing.
Officer recommendation:	To be funded
Amount recommended:	\$1,500

Consultation and Engagement

Information regarding the Small Project Grants program is publicly accessible on Council's website. Officers consult with applicants regarding their applications as necessary and seek internal advice regarding the applications.

Strategic Alignment

The Small Project Grants program supports Council's priority of strong and reliable government.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

Council's Small Project Grants budget for 2020/21 is \$30,000. Grants of up to \$1,500 are available for eligible projects.

As at the preparation of this report, no funds have been committed to the Small Project Grants in 2020/21. This leaves \$30,000 remaining for allocation in the 2020/21 financial year, prior to review of the application contained within this report.

Projects and/or activities must be completed within twelve months of receiving funding and funds must be expended only on the project described in the applications.

Successful applicants are required to submit an acquittal report on grant monies at the completion of the project. Applicants who fail to submit an acquittal will be ineligible to apply for future funding until the acquittal is received and approved.

Any unspent funds on a project/activity are to be returned to Council.

Policy and Legislative Implications and Risks

Nil

Sustainability Implications and Risks (Social and Environmental)

Nil

Charter of Human Rights Implications and Risks

The proposal does not limit rights set out in the Charter of Human Rights.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

Officers have assessed the application consistent with the assessment criteria matrix and have recommended that the eligible application be supported with \$1,500 of funding.

CX.3	PUBLIC TRANSPARENCY POLICY
Officer	Lauren Reader, Coordinator Governance
Council Plan Relationship	Deliver strong and reliable government
Attachments	1 – Summary of Feedback on Draft Policy 2 – Public Transparency Policy

Purpose and Overview

To present Councillors a new Public Transparency Policy for adoption in accordance with s.57 of the *Local Government Act 2020* (LGA 2020).

Recommendation

That Council adopt the Public Transparency Policy.

Background

Under s.57 of the LGA 2020 all Councils are required to adopt and maintain a Public Transparency Policy that:

- Gives effect to the ‘public transparency principles’ (outlined in s.58 of the LGA)
- Describes the ways in which Council information is to be made publicly available;
- Specifies which Council information must be publicly available, including all policies, plans and reports required under the LGA 2020 or any other Act; and
- Includes other matters prescribed by the regulations.

The public transparency principles (s.58 of the LGA 2020) are that:

- Decision making processes must be transparent, unless dealing with information that is confidential under an Act;
- Information must be publicly available, unless confidential under an Act;
- Information must be understandable and accessible to members of the community; and
- Public awareness of the availability of Council information must be facilitated.

Council must adopt its first Public Transparency Policy on or before 1 September 2020.

Context

As outlined in the policy, the objectives of the policy are to:

- Give the public access to information held by Council, other than information that is confidential;
- Facilitate public awareness of the availability of Council information;
- Ensure achievement of high standards of integrity, transparency and accountability in Council’s decisions and actions;

- Lead, promote and advocate public participation and consultation in Council's decision-making processes;
- Ensure that Council resources are used efficiently and effectively for the benefit and wellbeing of its community;
- Achieve compliance with relevant legislative requirements and this Policy; and
- Lead and support a culture of continuous improvement in the way that Council increases openness and transparency with the community and the public at large.

Consultation and Engagement

The draft Public Transparency Policy was released for community feedback for a four-week period via Council's website. A summary of feedback received on the policy and officer responses is outlined at Attachment 1.

Strategic Alignment

The proposal aligns with Council's strategic priority to deliver strong and reliable government.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

The proposal does not raise any financial, resource, information technology or asset management implications or risks. Resourcing the provision of information [including documents] can be managed within existing resources.

Policy and Legislative Implications and Risks

The policy is a new requirement of the LGA 2020 and has been prepared in accordance with the relevant provisions of the Act.

Sustainability Implications and Risks (Social and Environmental)

The proposal does not raise any social or environmental implications or risks.

Charter of Human Rights Implications and Risks

The proposal does not raise any implications or risks under the Charter of Human Rights.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

Having prepared the Public Transparency Policy in accordance with the commencement of the LGA 2020, and having incorporated feedback as outlined in Attachment 1, the policy is presented for adoption. If adopted, the policy will be published on Council's website.

CX.4	ELECTION PERIOD (CARETAKER) POLICY AND GOVERNANCE RULES
Officer	Lauren Reader, Coordinator Governance
Council Plan Relationship	Deliver strong and reliable government
Attachments	1 – Feedback Summary and Responses 2 – Election Period (Caretaker) Policy 3 – Governance Rules

Purpose and Overview

To present Councillors with a revised Election Period (Caretaker) Policy and new Governance Rules for adoption in accordance with ss.60 and 69 of the *Local Government Act 2020* (LGA 2020).

Additionally, to seek to amend Council's 2020 meeting schedule to accommodate the possibility that Council's general election results may not be declared by the Victorian Electoral Commission (VEC) until 13 November 2020, a week later than originally advised.

Recommendation

That Council:

- 1. Adopt the revised Election Period (Caretaker) Policy;**
- 2. Adopt the Governance Rules;**
- 3. Note the change advised by the Victorian Electoral Commission (VEC) to the final date for the declaration of council election results from 6 November 2020 to 13 November 2020; and**
- 4. Amend the Council meeting schedule adopted by Council at the Special Council Meeting of 20 November 2019 as follows:**
 - a. reschedule the Special Council Meeting to elect the Mayor and Deputy Mayor, currently scheduled to be held at 6pm on 18 November 2020, to be held at 6pm 25 November 2020; and**
 - b. reschedule the Ordinary Council Meeting currently scheduled to be held at 6pm on 25 November 2020, to commence at 6.30pm that day.**

Background

Council Meeting Schedule

Council's general election will be held on 24 October 2020 by postal ballot. Council works closely with the Victorian Electoral Commission (VEC) to assist in the delivery of the election. Under the original service agreement with the VEC, the final date for the declaration of all election results by the VEC was 6 November 2020. Council's November 2020 meeting schedule (adopted in November 2019) had been determined in light of that date.

Due to the COVID-19 pandemic, the VEC has since advised all councils that the final possible date for the declaration of election results has been extended by a week, that is, to 13 November 2020. As such, it is proposed Council's first meeting after the general election be postponed by one week (from 18 November to 25 November), which will enable the appropriate administrative arrangements, including the swearing-in of the new councillor group, to be completed.

Governance Rules

Under s.60 of the LGA 2020, a Council must develop, adopt and keep in force Governance Rules regarding:

- the conduct of Council meetings;
- the conduct of meetings of delegated committees;
- the form and availability of meeting records;
- the election of the Mayor and the Deputy Mayor;
- the appointment of an Acting Mayor;
- an election period policy in accordance with s. 69;
- the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under s. 130;
- the procedure for the disclosure of a conflict of interest by a Councillor under section 131;
- the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of s. 126(1);
- any other matters prescribed by the regulations (*note: there are no matters currently prescribed by regulations*).

Election Period Policy

Under s.69 of the LGA 2020, a Council must include an election period policy in its Governance Rules. The policy must prohibit any Council decision during the election period for a general election that:

- relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
- commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- the Council considers could be reasonably deferred until the next Council is in place; or
- the Council considers should not be made during an election period.

Additionally, the policy must prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

Context

Governance Rules

The Governance Rules largely cover those matters currently provided for in Council's existing Meeting Procedure Local Law 11, which was used as the basis for the development of the Rules.

Redundant terminology under the *Local Government Act 1989* (LGA 1989) has been removed and replaced with key definitions and requirements of the LGA 2020. Additional material such as the Election Period (Caretaker) Policy and procedures for disclosing conflicts of interest by Councillors and members of delegated committees has also been included.

Election Period Policy

Council's existing policy was last reviewed and adopted by Council in September 2019 as required by the LGA1989. The policy has been updated to reflect the provisions of the LGA 2020 and to remove references to repealed provisions of the LGA 1989. Many aspects of the policy did not require changes; however, revisions made included:

- replacement of outdated terms (e.g. "Election Manager" replaces "Returning Officer") and removal of LGA 1989 terminology regarding "major" "significant" and "inappropriate" decisions
- insertion of LGA 2020 terminology relating to "prohibited decisions" during the election period
- retention of a process for the CEO to approve publication of materials during the period (noting it was previously a requirement of the LGA 1989 that a CEO "certify" such materials in writing); and
- updates to section 12 (staff members seeking to stand for election)

Consultation and Engagement

The revised Election Period (Caretaker) Policy and the Governance Rules were released for community feedback for a four-week period, via Council's website. A summary of the feedback received and officer responses is provided at Attachment 1.

Strategic Alignment

The proposal aligns with Council's strategic priority to deliver strong and reliable government.

Implications

Financial, Resource, Information Technology and Asset Management Implications and Risks

The proposal does not raise any financial, resource, information technology or asset management implications or risks.

Policy and Legislative Implications and Risks

The Election Period (Caretaker) Policy was last adopted in September 2019 in accordance with the then requirements of the LGA 1989. The policy has now been updated to reflect the current requirements of the LGA 2020. The adoption of Governance Rules (that include an election period policy) is a new requirement of the LGA 2020.

Sustainability Implications and Risks (Social and Environmental)

The proposal does not raise any social or environmental implications or risks.

Charter of Human Rights Implications and Risks

The proposal does not raise any implications or risks under the Charter of Human Rights.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

Having revised Council's current Election Period (Caretaker) Policy and developed Governance Rules following the commencement of the LGA 2020, and having incorporated community feedback as outlined in Attachment 1, both items are presented for adoption. If adopted, the Governance Rules, with the Election Period (Caretaker) Policy appended, will be published on Council's website.

CX.5	ESTABLISHMENT OF SUBMITTERS COMMITTEE AS A DELEGATED COMMITTEE OF COUNCIL AND RELATED MATTERS
Officer	Lauren Reader, Coordinator Governance
Council Plan Relationship	Deliver strong and reliable government
Attachments	1 – Instrument of Delegation – Submitters Delegated Committee 2 – Submitters Delegated Committee Guidelines

Purpose and Overview

To recommend the establishment of the Submitters Delegated Committee and delegate powers and functions to that Committee in accordance with the *Local Government Act 2020* (LGA 2020), and to dissolve the existing Submitters Committee and revoke delegations to that dissolved Committee.

To also note the lapse of the instruments of delegation for the Stanley Park Reserve Committee of Management, the Bullengarook Reserve Committee of Management and the Clarkefield Reserve Committee on 1 September 2020, and the establishment of interim arrangements for the management of Stanley Park Reserve from 1 September 2020.

Recommendation

That Council:

- 1. In the exercise of the powers conferred by ss 11 and 63 of the *Local Government Act 2020* (LGA 2020), Council resolves that:**
 - a. there be established as a Delegated Committee the “Submitters Delegated Committee”**
 - b. pursuant to s. 11 of the LGA 2020, delegate to the Submitters Delegated Committee powers and functions as set out in the Instrument of Delegation annexed to this report, with the purposes of the Submitters Delegated Committee being those set out in the schedule to that Instrument**
 - c. appoint the 9 councillors of the Council as the only members of the Submitters Delegated Committee**
 - d. appoint the Mayor of the Council to be the Chairperson of the Submitters Delegated Committee**
 - e. determine that a quorum for the Submitters Delegated Committee is a whole number that is an absolute majority, which is the number of members that is greater than half the total number of members of the Delegated Committee**

- f. all members of the Delegated Committee have voting rights on the Delegated Committee
 - g. the powers, duties and functions conferred on the members of the Delegated Committee by the Instrument must be exercised in accordance with any guidelines or policies Council may from time to time adopt
2. Adopt the ‘Submitters Delegated Committee Guidelines’ to apply to the operation of the Submitters Delegated Committee.
 3. Dissolve the Submitters Committee established under the *Local Government Act 1989* and revoke the instrument of delegation from the Council to that Submitters Committee on 27 November 2019.
 4. Notes that the instruments of delegation for the Stanley Park Reserve Committee of Management, the Bullengarook Reserve Committee of Management and the Clarkefield Reserve Committee of Management special committees will lapse on 1 September 2020.
 5. Notes that in accordance with a Council resolution made on 22 July 2020, interim arrangements are to be established with the Stanley Park Reserve Committee of Management for the management of this reserve from 1 September 2020, and that community consultation will be undertaken before a decision is made on future management arrangements for the reserve.
 6. That resolutions 1 and 2 take effect on the making of those resolutions by the Council.

Background

The *Local Government Act 1989* (LGA 1989) provided for the establishment of special committees (in accordance with s.86 of that Act and sometimes referred to as “Section 86 Committees”) and the delegation of Council’s powers to those committees (in accordance with s.98). Council currently has four special committees established under these provisions:

1. Submitters Committee
2. Stanley Park Reserve Committee of Management
3. Bullengarook Reserve Committee of Management
4. Clarkefield Reserve Committee of Management

Under the LGA 2020, there is no provision for special committees and the current instruments of delegation for each of those four special committees will lapse on 1 September 2020 if not revoked sooner. The LGA 2020 provides for the establishment of “delegated committees” and “community asset committees”. There are key differences regarding the purpose, membership and reporting requirements for both types of committee.

Delegated committees may be established to exercise a power delegated by Council. Members are appointed by Council and must include (at minimum) two councillors and must be chaired by a councillor. Reporting requirements of delegated committees are to be specific in the committee's instrument of delegation.

Community asset committees may be established to manage a community asset in the municipal district. Members are appointed by Council or the CEO under delegation. Reporting requirements of community asset committees are specified by the CEO and the CEO must submit an annual report to Council on the performance of community asset committees.

Review of special committees

Officers engaged an external consultant to review Council's four special committees and to provide advice on the options available for each committee provided for by the new LGA 2020. The consultant sought feedback from relevant Council officers as well as other key stakeholders, with the secretary of the Stanley Park Reserve Committee of Management. The review can be summarised as follows:

- ***Submitters Committee***

In light of the establishment of the Submitters Committee as a special committee in November 2019 and its clear purpose in exercising delegated powers of Council to hear from applicants and objectors on planning matters under the *Planning and Environment Act 1987*, and from submitters on matters in accordance with section 223 of the LGA 1989, the review recommended that the Submitters Committee be re-established as a 'delegated committee' of Council under the LGA 2020.

This recommendation is supported by officers, and so this report to Council recommends that:

- The existing Submitters Committee be dissolved and Council's delegation to that existing Submitters Committee be revoked; and
- A new 'Submitters Delegated Committee' be established as a 'delegated committee' under the LGA 2020, powers be delegated to that new Committee under the LGA 2020 in accordance with the attached Instrument, and the attached 'Submitters Delegated Committee Guidelines' be adopted. Those proposed Guidelines are based on the Guidelines adopted for the current Committee, and have been updated to reflect the staged commencement of the LGA 2020.

- ***Bullengarook and Clarkefield Committees of Management***

It was noted as part of the review that the Bullengarook and Clarkefield Committees of Management had not met formally or operated as special committees for some time, though their Instruments of Delegations had not formally been revoked. As such, the lapse of their instruments of delegation on 1 September 2020 will have no material effect. The Bullengarook and Clarkefield committees are currently operating under a lease agreement established with Macedon Ranges Community Halls Inc.

- **Stanley Park Reserve Committee of Management**

In relation to the Stanley Park Reserve Committee of Management, the review noted that it was open to Council to establish the committee as a delegated committee, a community asset committee or another arrangement, such as an advisory committee or “friends of” group.

Subsequently, on 22 July 2020, Council resolved to:

Direct the Chief Executive Officer to:

- 1. Consult with the Stanley Park Committee of Management to establish interim arrangements for the management of Stanley Park from 1 September 2020;**
- 2. Develop an appropriate community consultation process to gauge community preferences for the management of Stanley Park; and**
- 3. Following consultation prepare a report for Council recommending options for the ongoing management of Stanley Park.**

In light of this resolution, it is proposed Council note the existing instrument of delegation for the Stanley Park Reserve Committee of Management will lapse on 1 September 2020, noting that interim arrangements are to be established with the committee for continued management of the reserve. Following community consultation, a recommendation proposing ongoing arrangements for the management of the reserve will be brought back to a future Council meeting for consideration.

Consultation and Engagement

As noted above, an external consultant was engaged to review Council’s four special committees, which involved feedback from relevant Council officers as well as with the secretary of the Stanley Park Reserve Committee of Management.

Strategic Alignment

The report relates to the Council Plan priority to deliver strong and reliable government.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

The proposal does not raise any financial, resource, IT or asset management risks for Council.

Policy and Legislative Implications and Risks

The proposal aims to ensure Council’s Submitters Committee is established in accordance with the new requirements of the LGA 2020.

Sustainability Implications and Risks (Social and Environmental)

The proposal does not raise any sustainability risks for Council.

Charter of Human Rights Implications and Risks

The proposal does not limit any rights contained in the Charter of Human Rights and Responsibilities.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

Conclusion

Following a review of Council's existing special committees, an Instrument of Delegation to establish the existing Submitters Committee special committee as a 'delegated committee' of Council under the LGA 2020 has been prepared for Council's consideration and is recommended for adoption.

In relation to the Stanley Park Reserve Committee of Management it is noted that interim arrangements are to be established before ongoing arrangements for management of the reserve are determined.

CX.6	COUNCIL SUPPORT AND EXPENSES POLICY
Officer	Lauren Reader, Coordinator Governance
Council Plan Relationship	Deliver strong and reliable government
Attachments	Council Support and Expenses Policy

Purpose and Overview

To present Councillors with a revised Council Support and Expenses Policy for adoption in accordance with s.41(1) of the *Local Government Act 2020* (LGA 2020).

Recommendation

That Council:

- 1. Adopt the revised Council Support and Expenses Policy and publish the policy on Council's website; and**
- 2. Undertake further work to consider options for the reimbursement of bona fide expenses incurred by members of Council's current (and future) advisory committees and community asset committees.**

Background

Reimbursement of expenses

Under section 40 of the LGA 2020, Council must reimburse a Councillor or a member of a delegated committee for out-of-pocket expenses which the Council is satisfied:

- are bona fide expenses; and
- have been reasonably incurred in the performance of the role of Councillor or member of a delegated committee; and
- are reasonably necessary for the Councillor or member of a delegated committee to perform that role.

Council Expenses Policy

- Under s.41(1) of the LGA 2020 Council must adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees, which must specify procedures to be followed in applying for reimbursement and in reimbursing expenses; and
- comply with the requirements prescribed by the regulations in relation to the reimbursement of expenses; and
- provide for the reimbursement of child care costs where the provision of child care is reasonably required for a Councillor or member of a delegated committee to perform their role; and
- have particular regard to expenses incurred by a Councillor who is a carer in a care relationship within the meaning of section 4 of the *Carers Recognition Act 2012*.

Council must adopt its first expenses policy under the LGA 2020 on or before 1 September 2020.

Provision of resources and facilities

Additionally, under section 42 of the LGA 2020, Council must also make available to the Mayor and Councillors (but not to members of delegated committees), resources and facilities reasonably necessary to enable them to effectively perform their role. As outlined in section 6 the policy, the provision of resources and facilities for the Mayor and Councillors includes matters such as: administrative support, stationery/mail; technology devices, mayoral vehicle / transportation and training and development.

Context

Council last adopted the Councillor Support and Expenses Policy in March 2019. The passage of the LGA 2020 in March 2020 and the commencement of ss. 40-42 on 1 May 2020 has necessitated a review of that policy. The policy has now been revised to reflect the provisions of the LGA 2020 and to distinguish between those sections of the policy that, consistent with the Act, apply to *both* Councillors and members of delegated committees (that is, the reimbursement of expenses) and those that apply only to Councillors (provision of resources and facilities).

Consultation and Engagement

No external consultation has been undertaken on the policy and is not required under the Community Consultation Framework. The compliance requirements for Council as articulated in the policy are set out in the LGA 2020.

Strategic Alignment

The proposal aligns with Council's strategic priority to deliver strong and reliable government.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

Reimbursement of expenses and provision of Councillor support is provided for as part of Council's existing annual budgeting process.

Policy and Legislative Implications and Risks

The previous policy was adopted March 2019 in accordance with the LGA 1989 and has been updated to reflect the provisions and requirements of the LGA 2020.

Sustainability Implications and Risks (Social and Environmental)

The proposal does not raise any social or environmental implications or risks.

Charter of Human Rights Implications and Risks

The proposal does not raise any implications or risks under the Charter of Human Rights.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

Having reviewed Council's current Councillor Support and Expenses Policy in accordance with the commencement of the LGA 2020, the revised policy is presented for adoption.

CX.7	REVISED INSTRUMENT OF DELEGATION – MEMBERS OF COUNCIL STAFF (S6)
Officer	Lauren Reader, Coordinator Governance
Council Plan Relationship	Deliver strong and reliable government
Attachments	1 – Summary of changes to Instrument of Delegation 2 – Revised Instrument of Delegation Council to Members of Council Staff (S6)

Purpose and Overview

To recommend a revised Instrument of Delegation from Council to Council Staff for approval. The revised Instrument accounts for the commencement of the *Local Government Act 2020* (LGA 2020), amendments to various other Acts, and changes to staff role titles following the commencement of Council's new organisational structure on 1 July 2020.

Recommendation

That Council, in the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, resolves that:

- 1. Council delegate powers, duties and functions to Council staff as set out in the attached Instrument of Delegation subject to the conditions and limitations specified in that Instrument.**
- 2. Council revoke all previous delegations from the Council to Council staff, other than delegations exclusively to the Chief Executive Officer.**
- 3. The above resolutions take effect immediately.**

Background

Delegations to Council staff are necessary to enable Council to conduct business efficiently by enabling Council staff to make routine decisions under different Acts. Various Acts, including the *Local Government Act 2020*, empower Council to delegate statutory functions, powers and duties. This report recommends that specific functions, powers and duties be delegated to identified staff positions in accordance with the attached "*S6 – Instrument of Delegation by Council to Members of Council Staff*". The recommended delegations to Staff are in addition to the delegation from Council to the Chief Executive Officer (CEO) of 24 June 2020.

Revisions to the S6 Instrument

Council subscribes to the Maddocks Delegation and Authorisation Service, which provides template Instruments of Delegation for use by councils and provides bi-annual updates to those templates.

Updates were released in February and July 2020. Officers from across Council have reviewed the amendments and have proposed revisions to the *Instrument of Delegation by Council to Members of Council Staff (S6)*, attached to this report, for adoption by Council. The revisions reflect the proposed delegation of powers, duties and functions from minor legislative changes made since June 2019, are summarised in Attachment 1 - *Summary of Changes to Instrument of Delegation to Council Staff (S6) – July 2020 update* and include the following:

- the *Rail Safety (Local Operations) Act 2006* (Vic) was repealed on 2 December 2019 and as such, 18 provisions have been removed from the Instrument of Delegation.
- eleven new provisions have been inserted into the *Residential Tenancies Act 1997* (Vic). These provisions concern powers where a council is a public statutory authority engaged in the provision of housing (ss. 91ZU(1), 91ZZC(1), 91ZZE(1), 91ZZE(3)), as well as functions concerning notifications regarding caravan parks (ss.206AZA(2), 207ZE(2), 311A(2) and 317ZDA(2)). Three provisions have been repealed (ss. 252, 262(1) and 262(3)).
- six sections of the *Road Management Act 2004* (Vic) have been updated to replace references to “VicRoads” with “the Head, Transport for Victoria” (ss. 14(4), 14(7), 119(2), 120(1), 120(2) and sch 2 cl 4). No new powers, duties or functions have been introduced.

The revised instrument also reflects changes to role titles following the commencement of Council’s new organisational restructure on 1 July 2020.

Consultation and Engagement

Directors reviewed the revised Instrument of Delegation and provided advice in relation to the proposed amendments.

Strategic Alignment

The report relates to the Council Plan priority to deliver strong and reliable government.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

The proposal does not raise any financial, resource, IT or asset management risks for Council.

Policy and Legislative Implications and Risks

The proposal aims to ensure Council’s powers, duties and functions under the LGA 2020 and other legislative provisions are appropriately delegated.

Sustainability Implications and Risks (Social and Environmental)

The proposal does not raise any sustainability risks for Council.

Charter of Human Rights Implications and Risks

The proposal does not limit any rights contained in the Charter of Human Rights and Responsibilities.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

Conclusion

Following a review by officers of updates to the Instrument of Delegation released in February and July 2020, variations to the *Instrument of Delegation by Council to Council staff (S6)* have been prepared for Council's consideration, and are recommended for adoption.

CX.8	REVOCAION AND AMENDMENT OF INSTRUMENTS OF APPOINTMENT AND AUTHORISATION TO STAFF UNDER THE <i>PLANNING AND ENVIRONMENT ACT 1987</i>
Officers	Rebecca Ashcroft, Governance Officer Lauren Reader, Coordinator Governance
Council Plan Relationship	Deliver strong and reliable government
Attachments	Nil

Purpose and Overview

It is recommended that Council revoke the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Robyn King and to amend other S11A Instruments to provide that each is revoked if the appointee ceases to be employed by Council.

Recommendation:

1. That Council resolve to revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Robyn King, effective 26 August 2020.
2. That Council resolve to amend each of the following ‘S11A Instruments of Appointment and Authorisation (*Planning and Environment Act 1987*) to replace the phrase “remains in force until varied or revoked” with “remains in force until varied, revoked or the appointee ceases to be an employee of Council (whichever occurs first)”:
 - a. Robert BALL
 - b. Dannielle CHIRON
 - c. Christo CRAFFORD
 - d. Louise DEWBERRY
 - e. Damien HODGKINS
 - f. Angela HUGHES
 - g. Nirveen KAUR
 - h. Leanne KHAN
 - i. Jake KOUMOUNDOUROS
 - j. Evan KRAUSGRILL
 - k. Isobel MAGINN
 - l. Lisa MASSMAN
 - m. Karen MUSCAT
 - n. Ivar NELSEN
 - o. Maria NUNEZ
 - p. Shelley PARKER
 - q. Alexia PATERSON
 - r. Jacqueline ROBSON
 - s. Awais SADIQ

- t. Jack WILTSHIRE
- u. Michelle WYATT
- v. Krista PATTERSON-MAJOOR
- w. Dannielle ORR
- x. Yousef TAIBEH
- y. Nicole WADDEN
- z. Shi YANG

Background

The *Planning and Environment Act 1987 (P&E Act)* confers specific powers, rights and duties on ‘authorised officers’ appointed by a ‘responsible authority’. Council is a ‘responsible authority’ for the purposes of the P&E Act and has power under s. 147(4) to appoint any of its officers and employees as an ‘authorised officer’ for the purposes of that Act. The appointment by Council of staff as ‘authorised officers’ enables those staff to administer and enforce the P&E Act and regulations thereunder.

On the following dates Council resolved to appoint the following Council staff as ‘authorised officers’ for the purposes of the P&E Act – none of those instruments have been revoked as at the date of this meeting:

Date of resolution	Name of appointee
26 June 2019	Robyn KING
26 June 2019	Robert BALL
26 June 2019	Dannielle CHIRON
26 June 2019	Christo CRAFFORD
26 June 2019	Louise DEWBERRY
26 June 2019	Damien HODGKINS
26 June 2019	Angela HUGHES
26 June 2019	Nirveen KAUR
26 June 2019	Leanne KHAN
26 June 2019	Jake KOUMOUNDOUROS
26 June 2019	Evan KRAUSGRILL
26 June 2019	Isobel MAGINN
26 June 2019	Lisa MASSMAN
26 June 2019	Karen MUSCAT
26 June 2019	Ivar NELSEN
26 June 2019	Maria NUNEZ
26 June 2019	Shelley PARKER
26 June 2019	Alexia PATERSON
26 June 2019	Jacqueline ROBSON
26 June 2019	Awais SADIQ
26 June 2019	Jack WILTSHIRE
26 June 2019	Michelle WYATT
23 October 2019	Krista PATTERSON-MAJOOR
26 February 2020	Dannielle ORR
26 February 2020	Yousef TAIBEH
26 February 2020	Nicole WADDEN
26 February 2020	Shi YANG

Those Instruments essentially provide for officers to enter and/or inspect land to enable an assessment under the provisions of the *Planning and Environment Act 1987*. Such inspections would usually relate to a planning enforcement matter.

Robyn King ceased to hold a role with Council that requires her to be appointed as an 'authorised officer' under the P&E Act. It is proposed that Council resolve to revoke her appointment as an 'authorised officer' for the purposes of the P&E Act.

Currently, each of the other Instruments continue to be in force until revoked or varied. When the employment of an appointee ceases it is, under the terms of those Instruments in their current form, necessary to have Council resolve to revoke those appointments.

It is proposed to vary the other current Instruments to provide that those Instruments continue until revoked, amended or when the appointee's employment with Council ceases. This will remove the need to seek a Council resolution to revoke those Instruments when an appointee ceases to be employed by Council, which will reduce the workload of the Council and administrative workload of Council staff responsible for administering statutory appointments.

Consultation and Engagement

Officers involved in the preparation of this report have consulted internally with the Planning and Environment directorate.

Strategic Alignment

The recommendation outlined in the report supports Council's strategic priority to deliver strong and reliable government.

Implications

Financial, Resource, Information Technology and Asset Management Implications and Risks

The recommendations outlined in the report do not have financial, resource, information technology and asset management implications nor raises any risks.

Policy and Legislative Implications and Risks

As noted above, the appointment of authorised officers enables appropriate staff within the organisation and other persons to administer and enforce various Acts, regulations or local laws in accordance with the powers granted to them under legislation or a local law.

Sustainability Implications and Risks (Social and Environmental)

The recommendations outlined in the report do not have sustainability implications nor raises any risks.

Charter of Human Rights Implications and Risks

The recommendations outlined in the report do not limit any rights set out in the Charter of Human Rights.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

Conclusion

It is appropriate that Council resolve, in the exercise of the powers conferred by s. 147(4) of the *Planning and Environment Act 1987* to revoke the Instrument of Appointment and Authorisation for Ms Robyn King, who no longer holds the role of Coordinator Statutory Planning and Building Support, and to modify other similar current Instruments so that they are revoked on those appointees ceasing to be employed by Council.

CX.9	INSTRUMENT OF APPOINTMENT AND AUTHORISATION TO STAFF UNDER THE <i>PLANNING AND ENVIRONMENT ACT 1987</i>
Officers	Rebecca Ashcroft, Governance Officer Lauren Reader, Coordinator Governance
Council Plan Relationship	Deliver strong and reliable government
Attachments	S11A Instrument of Appointment and Authorisation

Purpose and Overview

It is proposed Council endorse an S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Stephen Rowley, Interim Manager Statutory Planning.

Instruments of Appointment and Authorisation empower relevant persons to exercise the powers granted to authorised officers by legislation or a local law.

Recommendation

That Council resolve, in the exercise of the powers under s. 147(4) of the *Planning and Environment Act 1987*, to appoint Stephen Rowley as an ‘authorised officer’ for the purposes of that Act, in accordance with the Instrument of Appointment and Authorisation attached to this report. That appointment remains in force until varied, revoked or Stephen Rowley ceases to be an employee of Council, whichever occurs first.

Background

The *Planning and Environment Act 1987* (**P&E Act**) confers specific powers, rights and duties on ‘authorised officers’ appointed by a ‘responsible authority’. Council is a ‘responsible authority’ for the purposes of the P&E Act and has power under s. 147(4) to appoint any of its officers and employees as an ‘authorised officer’ for the purposes of that Act. The appointment by Council of staff as ‘authorised officers’ enables those staff to administer and enforce the P&E Act and regulations thereunder.

Council is presented an Instrument of Appointment and Authorisation under the P&E Act in respect to Stephen Rowley, the Interim Manager Statutory Planning.

This Instrument essentially provides for officers to enter and/or inspect land to enable an assessment under the provisions of the *Planning and Environment Act 1987*. Such inspections would usually relate to a planning enforcement matter.

Context

Council subscribes to the Maddocks Authorisation and Delegations Service, which provides templates for the development of Instruments of Appointment and Authorisation.

The Instrument attached to this report is based on the relevant template provided as part of that subscription service. The attached Instrument has been settled by Council's Interim Manager Legal and Corporate Governance, who is a practising solicitor.

Consultation and Engagement

Officers involved in the preparation of this report have consulted internally with the Director Planning and Environment.

Strategic Alignment

The recommendations outlined in the report support Council's strategic priority to deliver strong and reliable government.

Implications

Financial, Resource, Information Technology and Asset Management Implications and Risks

The recommendations outlined in the report do not have financial, resource, information technology and asset management implications nor raise any risks.

Policy and Legislative Implications and Risks

As noted above, the appointment of authorised officers enables appropriate staff within the organisation to administer and enforce the P&E Act.

Sustainability Implications and Risks (Social and Environmental)

The recommendations outlined in the report do not have sustainability implications nor raise any risks.

Charter of Human Rights Implications and Risks

The recommendations outlined in the report do not limit any rights set out in the Charter of Human Rights.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

Conclusion

It is appropriate that Council resolve, in the exercise of the power conferred by section 147(4) of the *Planning and Environment Act 1987* to endorse the Instrument of Appointment and Authorisation for a new member of Council's Planning and Environment directorate.

CC.1	REPORT FROM THE AUDIT COMMITTEE MEETING HELD ON 20 JULY 2020
Officer	Kaitlin Evans, Executive Assistant – Corporate and Community
Council Plan Relationship	Deliver strong and reliable government
Attachments	Nil

Purpose and Overview

This report ensures Council transparently discloses a summary of the key matters discussed at Council's Audit Committee.

The 20 July 2020 Committee meeting discussed a number of matters including:

- Draft Audit and Risk Committee Charter;
- Draft Budget 2020/21; and
- Draft Strategic Resource Plan 2020/21.

Recommendation

That Council note the report together with the draft minutes from the Audit Committee Meeting held on 20 July 2020.

Background

The Audit Committee is an independent Advisory Committee of Council, formally appointed by Council pursuant to Section 139 of the *Local Government Act 1989*. The *Local Government Act 2020* in relation to the operation of the Audit Committee has not come into effect as yet and hence the 1989 Act is referenced in this report.

The Committee meets regularly during the year to review and provide advice on matters that assist Council in the effective conduct of its responsibilities.

Context

A meeting of the Audit Committee of Council was held on Monday 20 July 2020. The draft minutes from this meeting have been distributed to all Councillors.

A brief summary of key items discussed appear below:

1. Draft Audit and Risk Committee Charter – the Committee discussed the draft Local Government Victoria Model Charter templates which were released in May and July 2020, and subsequently provided feedback on Council's draft Audit and Risk Committee charter and endorsed a number of amendments to the draft in readiness for presentation to Council; and

2. Draft Budget 2020/21 and draft Strategic Resource Plan 2020/21 – the Committee was advised that officers have recommended making a number of changes to the draft documents to ensure compliance with the Local Government Model Financial Report.

Consultation and Engagement

Nil

Strategic Alignment

The Committee is a legislative requirement which assists Council deliver on its priority of strong and reliable government, and achieve its vision by following good governance processes.

Implications

Policy and Legislative Implications and Risks

The Audit Committee is appointed pursuant to Section 139 of the *Local Government Act 1989*. The *Local Government Act 2020* in relation to the operation of the Audit Committee has not come into effect as yet and hence the 1989 Act is referenced in this report. The requirements of the *Local Government Act 2020* need to be in place by 1 September 2020.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

The draft Audit and risk Committee Charter is scheduled to be presented to Council for their consideration at the 26 August 2020 Ordinary Council Meeting. The 20 July 2020 draft minutes will be confirmed at the next meeting of the Audit Committee, scheduled for 13 August 2020.

CC.2	AUDIT AND RISK COMMITTEE CHARTER AND MEMBERSHIP
Officer	John Hausler, Director Corporate Services
Council Plan Relationship	Deliver strong and reliable government
Attachments	Audit and Risk Committee Charter

Purpose and Overview

The existing Audit Committee is a legislative requirement pursuant to the *Local Government Act 1989*. The Local Government Act 2020 has new requirements of Council, which necessitate the establishment of an Audit and Risk Committee by 1 September 2020. This report seeks Council's support in aligning Council's current operation of the Audit Committee to the revised requirement of the Local Government Act 2020, specifically in relation to the following items:

- The Audit and Risk Committee Charter; and
- Membership of the Audit and Risk Committee.

Recommendation

That Council:

- 1. Approve the attached Audit and Risk Committee Charter.**
- 2. Appoint the following individuals to establish the Audit and Risk Committee, for the specified times:**
 - **Brian Collins (Chairperson) until 31 December 2020**
 - **Peter Matthews until 31 December 2021**
 - **Michelle Betson until 31 December 2022**
 - **Councillor Janet Pearce until 23 October 2020**
 - **Councillor Natasha Gayfer until 23 October 2020.**
- 3. Note that the Audit Committee established under S139 of the *Local Government Act 1989* will, by the operation of s. 54(8) of the *Local Government Act 2020*, cease operation on the establishment of the above Audit and Risk Committee by resolution 2 above.**

Background

The Audit Committee is an independent Advisory Committee of Council, formally appointed by Council pursuant to Section 139 of the *Local Government Act 1989*. In accordance with Section 53 of the *Local Government Act 2020*, Council is now formally required to establish an Audit and Risk Committee with the following requirements to be met by 1 September 2020:

- 1. Audit and Risk Charter – The council must prepare and approve a committee charter; and**
- 2. Establish the committee (appoint members) by 1 September 2020.**

The charter for the Audit and Risk Committee has been worked on by officers and the Audit Committee over the last eight months in preparation for the new *Local Government Act 2020*. The presented charter aligns to the requirements of the *Local Government Act 2020* and has been formally considered by the Audit Committee who passed a motion on 20 July 2020 endorsing the attached Audit and Risk Committee Charter for progress to Council for adoption. This endorsement came after consideration by the Audit Committee of the draft charter templates that were released by Local Government Victoria for use by the sector.

The new charter is now presented for Council's consideration.

Context

Audit and Risk Committee Charter

Macedon Ranges Shire Council first developed its Audit Committee Charter in March 2004, with the last amendments made to its Audit Committee Charter at the Ordinary Council Meeting on 28 March 2018.

This Audit Committee Charter was developed in accordance with section 139(5) of the *Local Government Act 1989* and the approved "Audit Committees – A Guide to Good Practice for Local Government".

The Audit Committee at its meetings of 13 November 2019, 4 December 2019, 4 March 2020, 6 May 2020 and 20 July 2020 have considered the attached charter and included in their deliberations a new attachment relating specifically to the Declaration of Conflicts, Duty and Loyalty. This new Audit and Risk Committee Charter has also been developed in line with Sections 53 and 54 of the *Local Government Act 2020*, and has taken into account draft charter templates released by Local Government Victoria.

The process of review involved using the content of the existing Audit Committee Charter and the draft charter templates to develop the attached Audit and Risk Committee Charter.

These discussions of the Committee have now resulted in the Audit and Risk Committee Charter being presented to Council for consideration.

Reporting to Council

Based on the requirements of the *Local Government Act 2020*, officers propose the following reporting cycle, as outlined in the attached charter.

Proposed Audit and Risk Committee Reporting Schedule	
Biannual report	A twice yearly report to Council, prepared by the Audit and Risk Committee, on matters discussed, findings and recommendations from meetings.
Annual Report	An annual assessment, prepared by the Audit and Risk Committee, comparing performance against the Charter and an annual report summarising the Committee's operations for the year.
As requested by the Chairperson	Prepare additional reports if requested by the Audit and Risk Committee Chairperson for tabling at the next available Council meeting.

By moving to this schedule and no longer reporting to Council after each Committee meeting it will reduce the amount of administrative reporting to Council.

The agenda and minutes of all meetings will continue to be provided to Councillors following each meeting and the matters discussed at the Committee will still be publically summarised in a Council report as outlined above.

Membership

The *Local Government Act 2020* stipulates that the majority of committee members must be independent of Council, the chair must not be a Councillor. Members of Council staff must not be committee members.

The three existing independent members of the Audit Committee were all selected through formal recruitment processes and have been appointed by Council to the Audit Committee for different terms as follows:

- Brian Collins (Chairperson), until 31 December 2020
- Peter Matthews, until 31 December 2021
- Michelle Betson, until 31 December 2022.

Collectively, the committee must have expertise in financial and risk management and experience in public sector management. The charter before Council also seeks to ensure governance experiences exists collectively in the members. The current membership of the Audit Committee consists of the three Independent Audit Members outlined above who collectively hold the following expertise.

1. Significant cumulative experience in financial management and risk covering:
 - Budgeting
 - Financial Reporting
 - Financial Systems
 - Auditing
 - Risk Management Planning.
2. Significant cumulative experience in public sector management including:
 - President for public sector bodies
 - Working for the Auditor-General's Office
 - Working for Victorian Council's.
3. Significant cumulative experience in governance covering:
 - Representation on Audit and Risk Management Committees
 - Inspector of Municipal Administration
 - Membership of the Australian Institute of Company Directors.

Officers believe that the current independent membership is compliant with the requirements of *Local Government Act 2020*, and as such would recommend they be appointed to the Audit and Risk Committee for their previously determined terms.

Councillor members of the Audit Committee were appointed by Council on 20 November 2019 for a one-year term. Officers would recommend that the appointed Councillor members be formally appointed to the Audit and Risk Committee until the end of this Council term.

Consultation and Engagement

The draft Audit and Risk Committee Charter, along with the proposed cycle of reporting to Council has been prepared in consultation with the Audit Committee.

Strategic Alignment

The operation of the Audit and Risk Committee is a legislative requirement which assists Council to deliver on its priority of strong and reliable government, and achieve its vision by following good governance processes.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

None over and above the current cost of resourcing the Audit Committee.

Policy and Legislative Implications and Risks

The Audit Committee is currently appointed pursuant to Section 139 of the *Local Government Act 1989*. The *Local Government Act 2020*, specifically sections 53 and 54, outline requirements in relation to the operation of the Audit and Risk Committee, which are to be complied with by 1 September 2020. This report achieves those requirements.

Sustainability Implications and Risks (Social and Environmental)

Nil

Charter of Human Rights Implications and Risks

The recommendation outlined in the report does not limit any rights set out in the Charter of Human Rights.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

Consistent with the requirements of the *Local Government Act 2020*, officers recommend that Council endorse the attached Audit and Risk Committee Charter and appoint the existing members of the Audit Committee, to the Audit and Risk Committee.

CC.3	PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2020
Officer	John Hausler, Director Corporate and Community
Council Plan Relationship	Deliver strong and reliable government
Attachment	Performance Statement

Purpose and Overview

The Performance Statement has been prepared in accordance with the *Local Government Act 1989* (the Act) and the Local Government (Finance and Reporting) Regulations 2014 (the regulations).

The Performance Statement was reviewed by RSD Audit, agents of the Victorian Auditor-General's Office (VAGO) and considered by the Audit Committee at its meeting on 13 August 2020. Prior to submitting the Performance Statement to VAGO, for review, the Performance Statement must be given in principle support by Council.

Once the Performance Statement has been reviewed and approved by VAGO, it must be certified in its final form by two councillors, the Chief Executive Officer and principal accounting officer.

Recommendation

- 1. That the Performance Statement for the year ended 30 June 2020 be approved "in principle" by Council;**
- 2. That Council delegates to its Audit and Risk Committee representatives, Cr Pearce and Cr Gayfer, authorisation to certify the Performance Statement in its final form, that is, after it has been reviewed by the Victorian Auditor-General's Office; and**
- 3. That once the Performance Statement has been certified in its final form, the statement is submitted to the Minister and included in the Annual Report.**

Background

The Victorian Government introduced a mandatory system of performance reporting, the Local Government Performance Reporting Framework (LGPRF) in 2014-15.

The LGPRF is designed to:

- ensure that councils are measuring and reporting on their performance in a consistent way

- promote transparency and accountability in the local government sector
- facilitate comparisons of performance between similar sized councils over a standard set of measures.

The Performance Statement was prepared in accordance with the Local Government regulations and it has been reviewed by the Victorian Auditor General Office agents, RSD Audit. Prior to RSD Audit submitting the Statement to the Victorian Auditor-General's Office for final approval, the Local Government Act 1989 s. 132 (2) requires Council to pass a resolution giving its approval in principle.

Context

The performance measures in the LGPRF are across a range of Council service areas and also include financial ratios. The Performance Statement is sub set of key indicators in the LGPRF. The Local Government (Planning and Reporting) Regulations 2014 sets out the indicators that must be included in the Performance Statement.

For the Performance Statement for the year ended 30 June 2020 a number of changes were advised by Local Government Victoria, including new calculations and the retirement and / or replacement of some indicators. These changes have been reflected in the information to be submitted in the attached Performance Statement.

For the year ended 30 June 2020 some utilisation indicators have been affected by the COVID-19 pandemic, especially utilisation of aquatic facilities and libraries. A number of other indicators also have experienced movement and where material (greater than / less than 10 %) an explanatory comment is provided.

In 2014 Council borrowed \$4.1m via the Local Government Funding Vehicle. These borrowings are interest only, whereby the principal on these borrowings is not payable until the end of the term of the "loan". The term ended in 2019 and Council repaid this loan in full. In 2019/20 this repayment has impacted a number of indicators including unrestricted cash compared to current liabilities, loans and borrowings compared to rates and loans and borrowings repayments compared to rates.

Approval "in principle" and Certification of the Performance

This report recommends that the Performance Statement for the year ended 30 June 2020 be approved "in principle".

The Local Government Act requires Council to authorise two Councillors to certify the Statement in its final form after it has been reviewed by the Victorian Auditor-General's Office.

Therefore, it is recommended that Councillor Janet Pearce and Councillor Natasha Gayfer, as Council's delegates on the Audit and Risk Committee, be authorised to certify the Statement.

The statement will also be certified by the Chief Executive Officer and the Principal Accounting Officer.

Consultation and Engagement

The Performance Statement was reviewed by RSD Audit, agents of the Victorian Auditor-General's Office (VAGO) and considered by the Audit Committee at its meeting on 13 August 2020.

Strategic Alignment

The Performance Statement is a component of the Council Plan priority – Deliver strong and reliable government.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

There are no resource, IT or asset management implications of this recommendation.

Policy and Legislative Implications and Risks

The Performance Statement has been prepared in accordance with the *Local Government Act 1989* (the Act) and the Local Government (Finance and Reporting) Regulations 2014 (the regulations). There are no changes as a result of the *Local Government Act 2020*.

The Victorian Government introduced a mandatory system of performance reporting, the Local Government Performance Reporting Framework (LGPRF) in 2014-15.

The Local Government (Planning and Reporting) Regulations 2014 sets out the indicators that must be included in the Performance Statement.

The Audit Committee is expected to become the Audit and Risk Committee by the time that Councillors need to certify the Performance Statement and as such reference in the resolution is made to this Committee and not the Audit Committee.

Sustainability Implications and Risks (Social and Environmental)

Nil

Charter of Human Rights Implications and Risks

The Performance Statement does not limit rights set out in the Charter of Human Rights.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

Officers recommend that Council approve "in principle" the Performance Statement for the year ended 30 June 2020 and that two Councillor certify the Performance Statement in its final form, that is, after is has reviewed by the Victorian-Auditor General Office and then submit to the Minister for Local Government as part of Council's Annual Report.

CC.4	FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020
Officer	John Hausler, Director Corporate and Community
Council Plan Relationship	Deliver strong and reliable government
Attachments	Financial Statements

Purpose and Overview

The annual financial statements (the statements) for the year ended 30 June 2020 are attached for Council's consideration and "in principle" approval.

The statements are prepared in accordance with Australian Accounting Standards, the *Local Government Act 1989* and the Local Government (Finance and Reporting) Regulations 2014. They are then audited by the Victorian Auditor-General's Office agents, RSD Audit and finally they are reviewed and approved by the Victorian Auditor-General's Office.

Council's Audit Committee considered the financial statements at its meeting on 13 August 2020.

Prior to RSD Audit submitting the statements to the Victorian Auditor-General's Office for final approval, the *Local Government Act 1989* requires Council to pass a resolution giving its approval in principle.

Recommendation

- 1. That the Financial Statements for the year ended 30 June 2020 be approved "in principle" by Council.**
- 2. That Council delegates to its Audit and Risk Committee representatives, Cr Pearce and Cr Gayfer, authorisation to certify the statements in their final form, that is, after they have been reviewed by the Victorian Auditor-General's Office.**
- 3. That once the statements have been certified in their final form, the statements be submitted to the Minister and included in the Annual Report.**

Background

The financial statements were prepared in accordance with the Local Government regulations and they have been reviewed by the Victorian Auditor-General's Office agents, RSD Audit. Prior to RSD Audit submitting the Statements to the Victorian

Auditor-General's Office for final approval, the *Local Government Act 1989* s. 132 (2) requires Council to pass a resolution giving its approval in principle.

Context

Overall Council's financial position continues to remain sound.

- Whilst own-source revenue has been impacted by the COVID-19 pandemic, increases in other categories of revenue such as grants and rates and charges have offset this impact and resulted in an overall increase in revenue from last year. Key changes in operating expenses besides those caused by indexation to employee costs relate to an increased cost of materials and services associated with FOGO, glass recycling, disposal of waste, emergencies and building maintenance.
- Capital works expenditure for the year was \$23.98m which is the highest level of capital works expenditure recorded by the Council. There are a number of projects originally planned for 2019/20 that were not completed at the end of the financial year which will be requested to be carried forward into 2020/21.
- Council has retained a strong liquidity position.
- Council borrowings have decreased significantly in 2019/20 due to a scheduled repayment and they continue to remain at an affordable level.

Detailed explanations of variations are contained within the notes that form part of the Statements.

Financial Statements

The Financial Statements include a comparison between the 2019/20 financial year and the 2018/19 financial year.

The Financial Statements comprise the:

- Comprehensive Income Statement
- Balance Sheet
- Statement of Changes in Equity
- Statement of Cash flows
- Statement of Capital Works
- Notes to the Financial Statements.

Comprehensive Income Statement

The Comprehensive Income Statement shows Council's revenue and expenses for the year plus other comprehensive income.

The statement does not include the cost of asset purchases, loan repayments or reserve funds. It does however include the depreciation of asset values as an expense.

Below is a summary of the Comprehensive Income Statement.

	2019/20	2018/19
Revenue (1)	\$92.37m	\$91.47m
Less Expenses (2)	\$78.63m	\$73.71m
Net Operating Surplus	\$13.74m	\$17.75m
Other Comprehensive Income (3)	\$ 18.11m	\$ 54.87m
Comprehensive Result	\$ 31.85m	\$ 72.62m

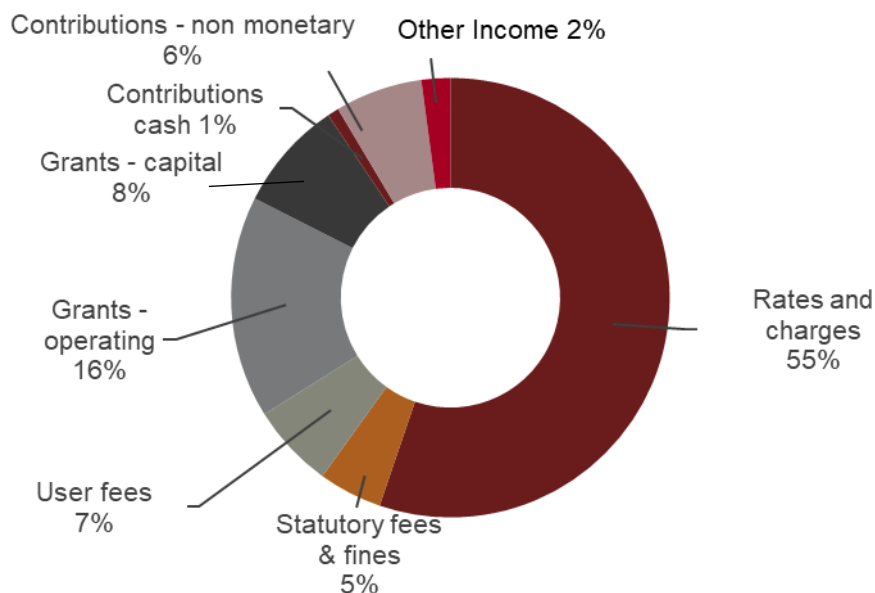
Explanations of some of the key changes between 2019/20 and 2018/19 in the components of the Comprehensive Income Statements are as follows:

(1) Total income increased by \$0.92m

Some of the key movements between the income categories were:

- Rates and charges increased by \$2.05m.
The higher income was due to a 2.5% increase in rates per property (in line with the rate cap), higher waste charges due to increased recycling costs and an increase of in the number of rateable properties over the year.
- Operating grants increased by \$1.97m.
Operating grants increased due mainly to the Grants Commission paying 50% of the 2020/21 grants up front in 2019/20 and the receipt of the first milestone payment of the grant for Working for Victoria.
- Capital grants increased by \$1.33m.
Capital grants increased in line with completion of capital projects for the year.
- Contributions of non-monetary assets decreased by \$1.84m.
Non-monetary asset income generally relates to the transfer of infrastructure (such as roads and footpaths) by developers to Council following completion of subdivisions. These assets become the property of Council and hence increase Council's asset levels. The value of the assets is recorded as income when the transfer of ownership takes place. The total value of assets transferred varies considerably from year to year depending on the level of development in the Shire and subsequent transfer of infrastructure to Council.

The following graph provides a breakdown of income sources for 2019/20:

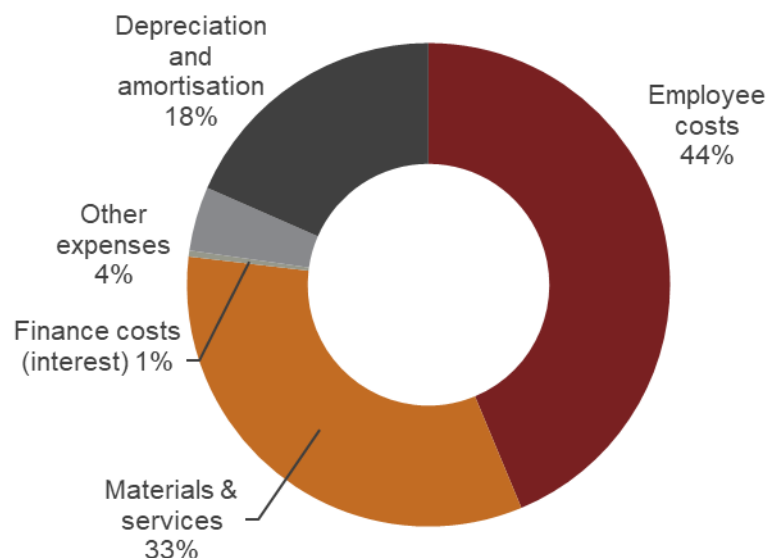


(2) Total expenses increased by \$4.92m

Some of the key movements between the expense categories were:

- Employee costs increased by \$1.96m.
The increase is mainly due to the annual increase factored into the Enterprise Bargaining Agreement and overall increase in staff approved in the 2019/20 budget.
- Materials and Services expenditure increased by \$3.05m
The increase is due to a range of areas including:
 - Contractor costs – parks maintenance (\$0.37m) in line with budget spend
 - Contractor costs – resource recovery (\$1.25m) mainly due to an increase in waste contractor expenditure partly offset by reductions in contractor costs in other areas.
 - Contractor costs – other (\$1.09m) due predominantly to increased building maintenance.

The following graph provides a breakdown of operating expenses for 2019/20:



(3) Other comprehensive income is \$36.76m lower

Other comprehensive income is made up of movements in the asset revaluation reserve as a result of asset revaluations. Council does not revalue all of its assets each year. The assets are grouped into categories and in accordance with accounting standards, the asset categories are revalued on a cyclical basis over a number of years. As most infrastructure revaluations are based on current replacement cost they generally result in an increase in asset values. Land values have also been increasing. The 2019/20 revaluation income was predominantly associated with asset revaluations in land and buildings.

Balance Sheet

The Balance Sheet shows what Council owns as assets and what it owes as liabilities. The bottom line of this statement is Total Equity which is an accumulation over time of the net worth of Council.

Current Assets decreased by \$6.67m.

The decrease in current assets is mainly a result of a lower level of other financial assets, due to a scheduled loan repayment that occurred in 2019/20.

Non-Current Assets increased by \$33.80m.

Non-Current assets are assets which are not expected to be converted into cash in the next 12 months. The increase is due to asset revaluations, assets contributed by developers (non-monetary contributions) and completed capital works. Offsetting these increases is the depreciation expense for the year.

Current Liabilities decreased by \$5.07m.

The lower balance is mainly due to a scheduled loan repayment in 2019/20. In 2014 Council borrowed \$4.1m via the Local Government Funding Vehicle. These borrowings were interest only, whereby the principal on these borrowings was not payable until the end of the term of the loan. The term ended in 2019 and Council repaid this loan in full. Creditors were also lower than 2019/20 due to timing of when payments were due.

Non-Current Liabilities increased by \$0.36m.

Non-Current Liabilities relate to borrowings and provisions that are not payable within the next year. The main movement relates to Lease Liabilities recognised for the first time of \$0.96m, due to the implementation of the new right of use assets standard AASB 16.

Total Equity is the term used to describe the value of the Council to its ratepayers and is divided between:

- Accumulated Surplus – the value of all net assets over time
- Reserves – includes the asset revaluation reserve and funds reserved for specific future expenditure.

Council's total equity was \$1,149.37m at the end of 2019/20, an increase of \$31.85m from 2018/19 which is due to the operating surplus (comprehensive result) recorded during the year and movements to opening balances associated with changes in accounting policy as outlined in the Statements of Changes in Equity.

The working capital ratio is a liquidity measure and provides an assessment of the number of times Council is able to meet its current commitments. Council's working capital ratio has remained above 150% for the last five years which indicates that Council can confidently meet its financial obligations.



Statement of Cash Flows

The Statement of Cash Flows is a record of cash received and cash paid by Council for the financial year. It excludes non-cash expenses such as depreciation that are included in the Comprehensive Income Statement and includes items such as capital expenditure and proceeds from loans that are not included in the Comprehensive Income Statement.

The Statement of Cash Flows is concerned with three distinct areas as follows:

- Operating, which are normal Council operations.
- Investing, which are payments for capital equipment and proceeds from the sale of assets.
- Financing, which includes proceeds from investments maturing, loan proceeds received and repayment of loans. Increases in investments with a maturity of more than three months are treated as cash outflows.

The Statement of Cash Flows shows that cash on hand was \$17.57m at the end of the year. The level of cash should be considered in conjunction with the other financial assets category in the balance sheet as investments swing between these two asset categories when they come closer to maturity. Overall, cash and other financial assets are lower than 2018/19 due to higher payments for capital works expenditure and the planned repayment of a \$4.1m loan.

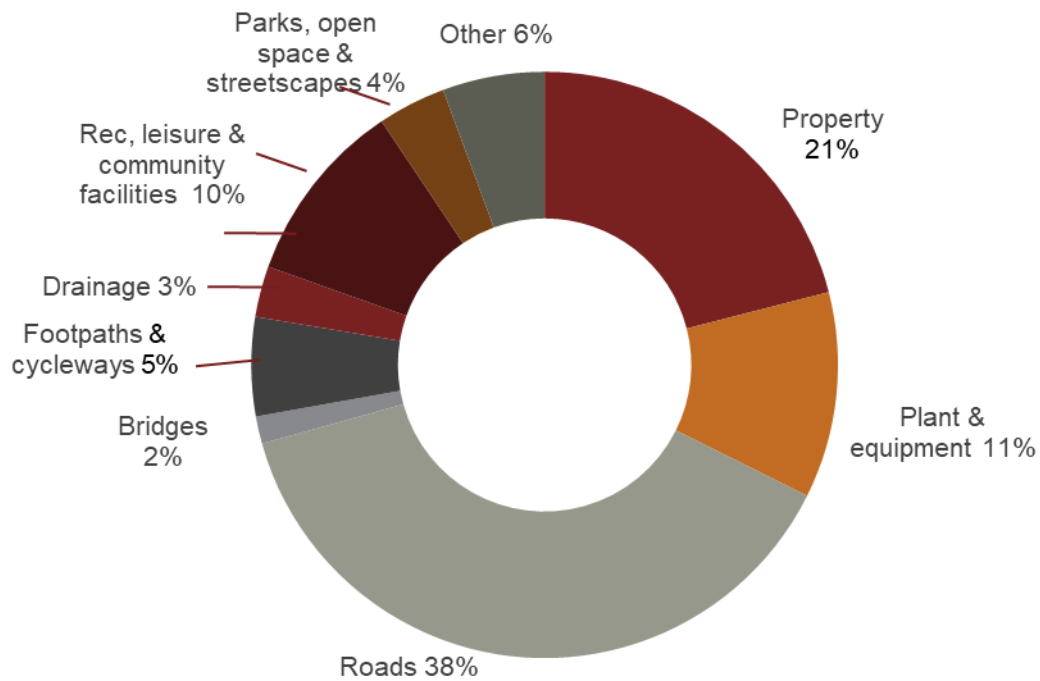
Statement of Capital Works

Capital expenditure for the year totalled \$23.98m an increase of \$1.38m compared to 2018/19. The capital expenditure for 2019/20 is the highest recorded by the Macedon Ranges Shire Council. Some of the key areas of capital works were buildings (\$5.04m), roads (\$9.19m), plant and equipment (\$1.94m) and recreational, leisure and community facilities (\$2.44m).

Included in the figures above were significant works completed at several Council facilities across the Shire including:

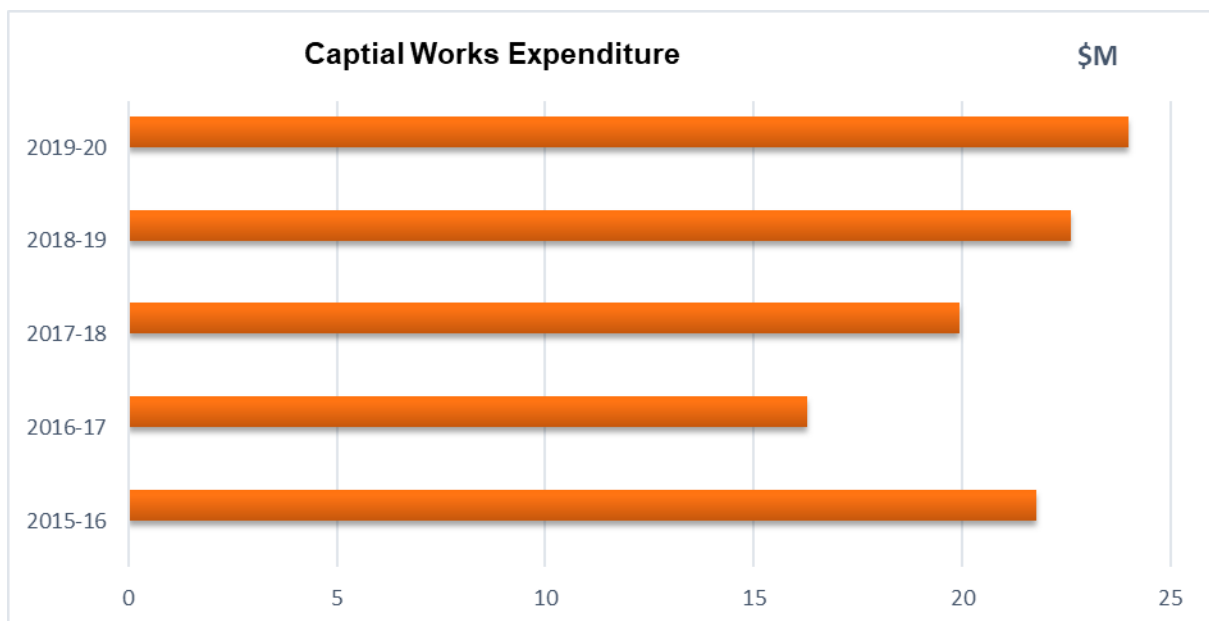
- Gardiner Reserve Netball/Umpires change rooms (\$0.89m)
- Woodend kindergarten renewal (\$0.45m)
- IR Robertson Reserve pavilion (\$0.34m),
- Kyneton library upgrade works (\$0.20m)
- Swinburne Avenue kindergarten refurbishment (\$0.15m)
- Transfer station eWaste buildings (\$0.13m)

The following graph provides a breakdown of Council’s capital works expenditure for 2019/20:



Capital expenditure fluctuates from year to year due to the scheduling of major one-off projects and the availability of grant funding.

The following graph shows the level of capital expenditure over the last five years:



Approval “in principle” and Certification of the Financial Statements

This report recommends that the financial statements for the year ended 30 June 2020 be approved “in principle”.

The *Local Government Act 1989* requires Council to authorise two Councillors to certify the Statements in their final form after they have been reviewed and approved by the Victorian Auditor-General’s Office.

It is recommended that Councillor Janet Pearce and Councillor Natasha Gayfer as Council’s delegates on the Audit and Risk Committee, be authorised to certify the Statements.

The statements will also be certified by the Chief Executive Officer and the Principal Accounting Officer.

Consultation and Engagement

The Financial Statements were reviewed by RSD Audit, agents of the Victorian Auditor-General’s Office (VAGO) and considered by the Audit Committee at its meeting on 13 August 2020.

Strategic Alignment

The Financial Statements are a key component of the Council Plan priority – Deliver strong and reliable government.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

There are no resource, Information Technology or asset management implications of this recommendation.

Policy and Legislative Implications and Risks

The Financial Statements have been prepared in accordance with the *Local Government Act 1989* (the Act) and the Local Government (Finance and Reporting) Regulations 2014 (the regulations). There are no requirements as a result of the *Local Government Act 2020* which will apply from 24 October 2020.

The Audit Committee is expected to become the Audit and Risk Committee by the time that Councillors need to certify the Financial Statements and as such reference in the resolution is made to this Committee and not the Audit Committee.

Sustainability Implications and Risks (Social and Environmental)

Nil

Charter of Human Rights Implications and Risks

The Financial Statements do not limit right set out in the Charter of Human Rights.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

Officers recommend that Council approve “in principle” the Financial Statements for the year ended 30 June 2020, that two Councillors be authorised to certify the Financial Statements in their final form, that is, after they have been reviewed by the Victorian Auditor-General’s Office and then for the Financial Statements to be submitted to the Minister for Local Government as part of Council’s Annual Report.

CC.5	QUARTERLY REPORT FOR THE PERIOD ENDED 30 JUNE 2020
Officer	John Hausler, Director Corporate Services
Council Plan Relationship	Deliver strong and reliable government
Attachments	Quarterly Report for the period ended 30 June 2020

Purpose and Overview

The Quarterly Report for the period ended 30 June 2020 is presented for Council's consideration and information. This report includes the following:

- Section 1 – Quarterly financial statements (including budget carry forwards and 2019/20 net budget result)
- Section 2 – Capital works progress report
- Section 3 – Council Plan actions – progress report
- Section 4 – Risk management report
- Section 5 – Implementation of Council resolutions
- Section 6 – Customer service standards responsiveness
- Section 7 – Governance schedule
- Section 8 – Councillor expenditure
- Section 9 – Councillor activities in the community

Recommendation

That Council:

- 1. Note the Quarterly Report for the period ended 30 June 2020.**
- 2. Note the budget carry forwards as listed in Section 1 page 10 (items 1 to 50) and approve the carrying forward of their remaining budgets from 2019/20 to 2020/21.**
- 3. Note the net budget result for 2019/20 after carryforwards is a balanced budget (\$12 surplus).**

Background

The quarterly report is provided in accordance with Section 138 of the *Local Government Act 1989* (Vic) ensuring that a statement comparing budgeted and actual revenue and expenditures is presented at an open Council Meeting. This report has been expanded to include a number of other status updates to provide transparency to the community. The final quarterly report of the financial year also provides an opportunity to assess full year performance against the Adjusted Budget, seek approval for revenue and expenditure that needs to be carried forward to 2020/21 and to advise Council of the net budget result for 2019/20.

Context

Financial performance to 30 June 2020

Council's income and expenditure at 30 June 2020 was reasonably close to the 2019/20 Adjusted Budget. Lower than budgeted income was more than offset by lower than budgeted expenditure resulting in an overall improved operating position for 2019/20. Whilst the pandemic has impacted Council's financial statements, particularly due to the closure of the Aquatic and Leisure Centres, other variations such as increased grants, rates and charges and fees and fines, combined with lower employee costs, materials and services and other expenses have offset the impact.

Capital works expenditure for the year totalled \$23.98m which is \$11.3m below the 2019/20 Adjusted Budget. Several capital projects have been delayed for varying reasons and have been requested to be carried over into the 2020/21 financial year.

After the impact of the pandemic is taken into account on the 2019/20 financial statements and all operating and capital carryover requests are considered the net budget result is a balanced budget (\$12 surplus). This outcome also accommodates the 2019/20 Mid-Year Budget Review deficit adopted by Council of \$175,061.

The quarterly report also contains a summary of Council's progress in regards to completing the actions outlined within the Council Plan for the 2019/20 financial year. The ability of the organisation to focus in on completing these actions over the last four months of the 2019/20 financial year was also impacted by the pandemic. Significant resource effort has had to be diverted to the response to the pandemic to ensure the organisation could manage the risks associated with this challenge, instigate new ways of working and ensuring compliance with relevant restrictions.

Consultation and Engagement

Officers from across the organisation have contributed to the preparation of the quarterly report.

Strategic Alignment

The Quarterly Report forms part of a legislative requirement, which assists Council to deliver on its priority of strong and reliable government, whilst achieving its vision by following good governance processes and providing transparency to the community.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

The Quarterly Report provides information on Council's operating and financial performance for the period 1 April to 30 June 2020.

Policy and Legislative Implications and Risks

This report has been prepared in accordance with the *Local Government Act 1989 (Vic)*. The financial statements have been prepared in accordance with Australian Accounting Standards.

From 24 October 2020, the preparation of a quarterly report will need to be completed in conjunction with the Section 97 of the *Local Government Act 2020*.

Sustainability Implications and Risks (Social and Environmental)

In terms of financial sustainability, the financial statements within the report indicate that the Council remains in a sound financial position.

Charter of Human Rights Implications and Risks

There are no human rights implications resulting from the completion of the Quarterly Report.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have a direct or indirect conflict of interest in this matter.

Conclusion

That Council note the Quarterly Report for the period ended 30 June 2020, approve carry forwards to 2020/21 and note the net budget result for 2019/20 – a balanced budget (\$12 surplus).

CC.6	AMENDMENTS TO THE LOAN GUARANTEE POLICY AND THE LEASING AND LICENCING POLICY
Officer	John Hausler, Director Corporate and Community
Council Plan Relationship	Deliver strong and reliable government
Attachments	1 – Amended Loan Guarantee and Community Contributions Policy 2 – Amended Leasing and Licencing Policy

Purpose and Overview

The Loan Guarantee policy was last reviewed and adopted by Council in August 2018. The policy is not due for review until August 2022, however, an earlier review has been undertaken due to an identified policy gap in relation to the management of community contributions to Council projects. It is proposed to expand the Loan Guarantee policy to cover community contributions to projects.

The Leasing and Licencing Policy was adopted by Council in 22 November 2017. The policy is not due for review until November 2021, however, approval for a minor amendment to the Policy is sought. The proposed amendment is in relation to undertaking works at Council owned or management properties occupied by tenants that are not under a lease agreement.

Recommendation:

- 1. That Council adopt the amended Loan Guarantee and Community Contributions Policy.**
- 2. That Council adopt the amended Leasing and Licencing Policy.**
- 3. That the updated policies be placed on Council's website.**

Background

The Loan Guarantee policy was last reviewed and adopted by Council in August 2018. The policy is not due for review until August 2022, however, an earlier review has been undertaken to expand the policy to cover community contributions to projects.

There have been some challenges with the collection of community project contributions, particularly if they are not paid before a project is started/completed. An informal process was developed that required community groups to pay the agreed contribution before a tender was awarded. The updated Policy seeks to formalise Council's position in regards to community contributions.

Having a policy position will provide clear guidance to community groups seeking to work with Council on joint projects, ensure consistency in Council's management of contributions and reduce uncertainty.

Sections have been added to the policy in regard to community contributions. There are also minor changes proposed in regard to policy around loan guarantees. The title of the policy is proposed to be changed to the Loan Guarantee and Community Contributions Policy to reflect the expanded scope.

The Leasing and Licencing Policy was adopted by Council in 22 November 2017. The policy is not due for review until November 2021, however an amendment is sought to the policy.

Section 2.2 of the Leasing and Licencing Policy states that:

“Any Tenant who occupies Council owned or managed premises shall only do so under a current lease or licence and in accordance with the terms and conditions of that lease or licence.

If a current lease or licence exists, the lease or licence shall remain in place and unchanged until –

- a) the terms and conditions of the lease or licence are re-negotiated for any reason; or*
- b) the lease or licence expires –*

after which a new lease or licence shall be prepared based on Council's Standard Lease template.

If a current lease or license does not exist, Council's Property Officer and relevant Department Manager shall contact the Tenant and advise the Tenant that a lease or license shall be prepared, based on the Standard Lease template and provided to the Tenant as a matter of priority.”

Having a lease or licence agreement in place reduces risk to Council and the tenant. Such agreements also clarify responsibilities in regard to maintenance and insurances. There are number of tenants occupying Council owned or managed facilities where there is no lease or licence agreement in place. In most cases the tenants have been sent a draft lease or licence agreement but they have not been finalised with the tenant for various reasons.

At some premises where there is no lease or licence, there have been a number of capital works projects undertaken by Council in conjunction with the tenant to upgrade and improve facilities for use by the tenant and their members. Having clarity regarding ongoing responsibility via a lease or licence agreement makes the ongoing relationship responsibility clear.

It is proposed that the following sentences be inserted at the end of section 2.2 of the Leasing and Licencing Policy:

“Council will only submit grant applications or commence capital works at facilities that are occupied by tenants who have a current lease or licence agreement in place with Council. This excludes works related to occupational health and safety. Tenants that are not under a current lease agreement will be ineligible for funding under Council grants programs.”

It is intended that these new requirements will apply from the date of adoption of these policies - that is from 26 August 2020. They are not intended to apply retrospectively, only for new projects that commence works after this date, which specifically will include all new projects that have been included in 2020/21 Budget and which are reliant upon funding in 2020/21 financial year and future financial years.

Context

Council regularly undertakes capital works projects at facilities on Council owned or managed land occupied by community groups. Community groups make valuable financial and in-kind contributions to Council led capital works projects, generally related to the facility managed or leased by the community group. In some cases community groups may also raise funds in relation to a facility that that do not manage or lease, e.g. a kindergarten committee.

It is proposed that guidance on community contributions be incorporated into this existing policy rather than creating a separate policy as contributions are often linked to requests for loan guarantees.

It is also proposed that a lease or licence agreement be in place before works are undertaken at Council owned or managed facilities that are occupied by a community group (tenant) to reduce risk and provide clarity of responsibilities.

Consultation and Engagement

There has been internal consultation in the development of the policy. Community groups will be made aware of Council’s position in relation to contributions as part of the development and planning of future joint projects.

All tenants were consulted on the Leasing and Licensing Policy when it was initially developed in 2013. The change proposed to the Policy is in line with the policy intent that all tenants have lease or license agreements in place.

Strategic Alignment

The Policies support Council’s priority of strong and reliable government and is part of Councils risk mitigation.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

The Loan Guarantee and Community Contributions Policy supports the financial management of project funding and management of projects related to Council Assets.

The Leasing and Licencing Policy seeks to reduce risk to Council and tenants by ensuring agreements are in place and responsibilities between Council and the tenant are clear.

There are no information technology implications.

Policy and Legislative Implications and Risks

There is no specific regulation in regard to managing project contributions. The proposed policy is in line with the Financial Management principles set out in Section 101 of the Local Government Act 2020, in that it provides stability and predictability in regards to the receipt of project contributions and looks to reduce the risk to Council of not receiving the contributions.

There are a number of Acts and Regulations related to the Leasing and Licencing Policy. They are outlined on the front cover of the Policy.

Notably from 1 July 2021 there are a number of similar leasing provisions in the Local Government Act 2020 (to the existing 1989 Act) which will apply, that will need to be considered in a future update of the Leasing and Licensing policy.

Sustainability Implications and Risks (Social and Environmental)

There are limited social and environmental risks associated with the revised and amended policies.

Charter of Human Rights Implications and Risks

The policy does not limit rights set out in the Charter of Human Rights.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

Officers recommend that Council approve the revised Loan Guarantee and Community Contributions Policy and the amendment to the Leasing and Licencing Policy.

CC.7	PROPOSAL TO SELL 20 JACOBS AVENUE, KYNETON
Officer	Hayley Drummond, Coordinator Property and Valuations
Council Plan Relationship	Improve the built environment
Attachments	Site Plan

Purpose and Overview

20 Jacobs Avenue, Kyneton comprises a vacant allotment located in an established residential area of Kyneton. Following a review of the current and potential future uses of the land it has been determined as surplus to Council requirements for open space purposes. It is therefore proposed to commence the process to sell the property, subject to community consultation and the legislative process under the *Local Government Act 1989*.

Recommendation

That Council:

- 1. Having determined that the property at 20 Jacobs Avenue, Kyneton is considered surplus to Council requirements commence the statutory process to sell the land by:**
 - a. Advertising a notice of intention to sell 20 Jacobs Avenue, Kyneton, in accordance with section 189 of the *Local Government Act 1989* (“the Act”);**
 - b. Noting that in accordance with section 223 of the Act, the public notice provides an opportunity to make a submission within 28 days of the day of the notice and if requested provides the submitter the opportunity to speak in support of their submission at a future Submitters Committee meeting;**
 - c. Notifying all neighbouring properties of the proposal and seeking submissions; and**
 - d. Considering all submissions prior to determining to proceed with the sale.**

- 2. Note that should there be no written submissions received under Section 223 of the Act to the Chief Executive Officer will:**
 - a. Proceed to sell the property by public auction (or subsequently by private treaty should it fail to sell at auction);**
 - b. negotiate the sale of the property based on a current market valuation obtained by an independent qualified valuer;**
 - c. be authorised to sign and seal any associated documentation in relation to the sale.**

3. Note that net proceeds from the sale will be allocated to the Open Space Financial Reserve for future capital works projects in the West Ward.

Background

20 Jacobs Avenue, Kyneton is vacant land located in an established area of Kyneton on a made road within 250 metres of the Kyneton Showgrounds and 650 metres from Mollison Street, Kyneton. It is surrounded by established homes.

The land lies between Tower Street and Jacobs Avenue, with a Council reserve fronting Tower Street that backs onto the subject property. The Tower Street reserve is not part of this proposal. 20 Jacobs Avenue, Kyneton is an allotment with an area of 903 square metres and is zoned Neighbourhood Residential Zone. The land has a wide frontage of 32.57 metres, and is rectangular in shape, with a depth on the northern boundary of 29.61 metres, a rear boundary of 32.13 metres and a southern boundary of 26.39 metres.

20 Jacobs Avenue, Kyneton was created as a reserve for municipal purposes in 1986 in accordance with lodged plan 205267G. Residential subdivisions during that time often provided for 'pocket parks' as part of developments where one lot in the street would be transferred to Council as open space. However, despite showing on the plan as a reserve, the Title remained in the ownership of the developer. Therefore, in 2005 Council commenced the process for the land to be vested in Council's name via a planning permit. The planning permit (Permit No: 205-0196) was issued in August 2005 that vested the land comprising the reserve for 'Municipal Purposes' on LP 2015267G into the name of Macedon Ranges Shire Council pursuant to section 24A of the Subdivision Act.

The site has remained vacant since the land was subdivided 1986. It was identified for potential sale as early as 2011 as it was deemed surplus to council requirements with no open space function. Consequently, Council officers commenced the process to remove the reserve status from the Title in preparation for the sale. This also required a planning permit and therefore in September 2011 a planning permit was issued to remove the reserve status from the Title and create it as a new Lot 1 on PS 600198F. A plan of the site comprises Attachment 1.

Context

20 Jacobs Avenue, Kyneton has been identified as an underutilised parcel of land that has had minimal use and there are no plans for it to be developed with play equipment. Despite having the reserve status removed from the land and the land being residentially zoned, 20 Jacobs Avenue was incorrectly marked as public open space in a map included in the 2013 Open Space Strategy. However, it is not mentioned in the Strategy with an identified purpose.

The Strategy does state that it encouraged the phasing out of small open space areas in favour of larger multi-purpose social/family recreation areas. The subject property is within close proximity to the Kyneton Showgrounds. In accordance with the Master plan for the Showgrounds that was developed in 2014, provided for an upgrade of pavilions, car parking, bike paths, change rooms and toilets.

The Master Plan also identified the potential for construction of a new playground within the Showgrounds and an upgrade to the existing playground on the corner of Mair Street and Victoria Street, which is approximately 250 metres west of 20 Jacobs Avenue, Kyneton.

Consultation and Engagement

In accordance with Council's Community Consultation Framework, it is proposed that all adjoining neighbouring properties in Jacobs Avenue are contacted by mail of the proposal and advised of the process to make a submission. The public notice will also be placed in the 'Have your say' section on Council's website and published in the local paper for Kyneton.

Submissions will be considered at a Submitters Council meeting. As part of the legislative requirements, Council must consider all submissions and provide officer responses to the submissions via a Council report. Additionally, once the decision has been made, written advice must be provided to all submitters with the outcome of Council's decision.

Strategic Alignment

The proposal to sell 20 Jacobs Avenue, Kyneton aligns with the achievement of priorities set out in the Council Plan 2017 – 2027: Our Priorities: Improve the built environment. This refers to maintaining our built environment in a fiscally, environmentally and socially sustainable way. This includes effective land use planning, which has a direct impact on the liveability of our shire.

Implications

Financial, Resource, Information Technology and Asset Management Implications and Risks

Council currently incurs costs in maintaining 20 Jacobs Avenue, Kyneton by undertaking regular mowing. Should the property be sold then Council would no longer incur these costs.

Should the sale proceed then legal costs, agency fees and advertising costs would comprise approximately 5% of the sale price. Additionally, valuation fees would be payable. These costs would be deducted from the sale price.

As noted below, there are also legislative requirements under the Subdivisions Act regarding use of the proceeds of land sales.

Policy and Legislative Implications and Risks

There are two legislative requirements that Council must consider when selling land.

Firstly, the *Local Government Act* ("the Act") 1989.

Section 189 of the Act requires councils to do certain things before selling or exchanging land:

- To give at least four weeks public notice of an intention to sell or exchange land before selling or exchanging this land;
- Obtain a valuation of the land which is not more than six months prior to the sale or exchange; and

- Allow interested persons to make a submission under section 223 of the proposed sale or exchange.

In summary, section 189 requires all councils to:

- Consult ratepayers and residents on any proposal to sell or exchange land;
- Give ratepayers and residents an opportunity to have their views heard; and
- Have a current valuation for the land that is proposed for sale or exchange.

The public notice is required to:

- Clearly identify the land that is proposed for sale;
- The timeframe for the proposed sale;
- How the property is to be sold;
- How submissions can be made;
- That persons making a submission can request to be heard in person; and
- Contact details at the council if further information is required.

Section 189 and Section 223 of the *Local Government Act 1989* are still in operation until 30 June 2021. From 1 July 2021, these provisions will be referred to in sections 112 – 116 of the *Local Government Act 2020*.

The second legislative requirement is under the *Subdivisions Act (SA) 1988*.

This states that Councils must comply with Section 20(2) of the SA when selling public open space. As the land did have reserve status on the Title (which was removed via a planning permit in 2005) Council must comply with this requirement.

Section 20 (2) of the SA requires councils to use the proceeds from the sale of any public open space to:

- Buy land for use for public recreation or public resort, as parklands or for similar purposes; or
- Improve land already set aside, zoned or reserved (by the Council, Crown, a planning scheme or otherwise) for use for public recreation or public resort as parklands or for similar purposes; or
- With the approval of the Minister administering the L, improve land (whether set aside on a plan or not) for use for public recreation or public resort, as parklands for similar purposes.

The SA also states that public open space can be used for municipal purposes in accordance with the planning scheme, or sold only if the Council has provided for replacement public open space.

Officers note that if submissions are received and need to be considered by Council, this matter will necessarily be held over to the new Council. Officers do not believe this decision is time critical and accordingly recommend the matter be held over to the new Council if submissions are received.

Charter of Human Rights Implications and Risks

No human rights implications have been identified at this stage.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

This report recommends that Council commence the statutory process to prepare the property known as 20 Jacobs Avenue, Kyneton for sale. This property is currently underutilised and has no identified open space purpose under Councils Open Space Strategy. The process comprises the publication of a Notice of Intention to sell and consideration of submissions made by the public.

Following review of the submissions, a further report will be presented to Council that will determine whether to proceed with the sale. If no submissions are received the Chief Executive Officer would proceed to sale as envisaged in the officer's recommendation.

AO.1	MACEDON RANGES SHARED TRAILS PROJECT UPDATE
Officer	Meaghan McNamara, Manager PMO Eleanor Crofts, Senior Project Officer
Council Plan Relationship	Promote health and wellbeing Improve the built environment
Attachments	Macedon Ranges Shire Council : Woodend - Macedon - New Gisborne - Riddells Creek Shared Trails – Feasibility Report

Purpose and Overview

The purpose of this report is to update Council on the Victorian Government's \$8.75 million funding contribution towards the Woodend to Riddells Creek Shared Trails Project. The report provides further detail on the project and funding agreement status, as well as financial, social and environmental implications arising from the project for Council's consideration.

Recommendation

That Council:

- 1. Note the information contained in this report.**
- 2. Endorse the Macedon Ranges Shared Trail (Woodend to Riddells Creek) project and its implementation.**
- 3. Grant delegated authority to the Chief Executive Officer to sign the Macedon Ranges Shared Trails (Woodend to Riddells Creek) funding agreement between Council and Regional Development Victoria.**

Background

Off road trails encourage people to walk, run and cycle in a safe environment. This results in improved physical and mental health, environmentally friendly transport options and enhanced economic benefits from associated tourism.

The Macedon Ranges community has expressed aspirations for off road trails over several years and a number of Council's strategic plans have responded by prioritising the planning and development of trails. These strategic directions subsequently led to Council funding two feasibility studies in 2018:

- Daylesford (Tylden) to Woodend, Kyneton and Hanging Rock Shared Trails
- Woodend - Macedon - New Gisborne - Riddells Creek Shared Trails

The Daylesford to Hanging Rock Rail Trail is seen as a regional and iconic experience for which the State Government and Federal Government have shown particular interest. Regional Development Victoria have identified this trail as the highest regional priority for trail development (Loddon Campaspe Regionally Significant Trails Strategy 2018-2023).

The Macedon Ranges Shared Trail (Woodend through to Riddells Creek) was identified in Council's *Walking and Cycling Strategy (2014)* as providing inter-township connections that are desired by the community.

Early in 2018 Council appointed consultant to undertake the two feasibility studies. Field work considering the different trail route alignments was also undertaken in 2018. The preferred alignment options were identified as offering the best trail experience. This field work, along with early stakeholder engagement, was key to the development of the feasibility studies. The studies were undertaken in tandem but published separately as they relate to the different aspirations of the *Walking and Cycling Strategy (2014)*.

The draft studies were finalised and Council endorsed the following recommendations at the Ordinary Council Meeting held on 19 December 2018:

“That Council endorse:

- 1. The Draft Daylesford (Tylden) to Hanging Rock Trails Feasibility Study to proceed to community consultation; and***
- 2. The Draft Macedon Ranges Trails Feasibility Study to proceed to community consultation.”***

The four-week public exhibition period for the draft shared trails feasibility studies closed on 25 March 2019. Feedback was assessed by consultant and Council officers, with amendments to the studies made, where warranted, and responses provided in other instances.

The draft studies were finalised in mid-2019 and Council adopted the following recommendations at the Ordinary Council meeting held on 28 August 2019.

“That Council:

- 1. Write to community group stakeholders, land owners/managers, authorities, and formal submitters involved in the development of the shared trails feasibility studies to thank them for their interest and input;***
- 2. Endorse the Daylesford (Tylden) to Woodend, Kyneton and Hanging Rock Shared Trails Feasibility Study.***
- 3. Endorse the Woodend - Macedon - New Gisborne - Riddells Creek Shared Trails Feasibility Study.***
- 4. Commence advocacy and funding efforts as outlined within the implementation strategy in this report for the staged implementation and development of the trails and report back to Council as required.***
- 5. Continue to provide regular updates on the shared trails project including advocacy progress to authorities, traditional owner groups, other groups and persons who have opted in to receive updates.”***

Planning the feasibility of these trails enabled them to be project ready should funding opportunities arise.

Context

In April 2020 Council received requests from Victorian government agencies and members of parliament about local projects that could be ready to commence if funding were to become available. Council officers compiled a list of key priority projects considered as shovel ready; the Daylesford to Hanging Rock and Woodend to Riddells Creek shared trails were identified as potential projects.

In May 2020 the Victorian Government announced the \$2.7 billion Building Works Package to build projects, create jobs and provide immediate benefit to communities across the state. Council was notified in late May 2020 that it will receive \$8.75 million from the Building Works Package to develop the \$9.75 million Woodend - Riddells Creek component of the shared trails. The shovel-ready nature of the project means that it complies with the funding eligibility requirement to commence construction works within the next six months (by December 2020).

The funding will enable the delivery of a combined shared use rail trail and commuting trail experience linking rural landscapes, towns and heritage places. The Macedon Shared Trail (Woodend to Riddells Creek) is a composite of three shared trails that will be established over a two-year funding period:

- Woodend to Macedon (8.5km trail)
- Macedon to New Gisborne (5.8km trail)
- New Gisborne to Riddells Creek (9km trail)

The trails will combine to form one, longer trail, running from Woodend in the north to Riddells Creek in the south, and provide links to existing and potential future trails in the region. The trails will be off-road, where possible, and safe for members of the community, encouraging shared, low-volume cycling, walking and running across a range of abilities and suitable for all bike types.

The trails will be accompanied by an effective and sustainable management model and trail management plan. Further, the project will be delivered in accordance with the relevant legislation, regulations, planning scheme, council policies and Australian Standards and guidelines (where specified).

The preferred trail alignment published in the feasibility study is complex and involves many different types of land tenure arrangements along with environmental and cultural heritage considerations. As such, trail sections will be delivered in stages, dependant on the level of stakeholder complexity as well as the environmental, cultural heritage and planning permit complexity associated. Trail construction will commence in low complexity sections first, followed by the more complex sections, where land agreements and approvals are required prior to construction.

Due to the significant value of the project, the project will be managed by Council's Major Project Management Office (MPMO). An Initiation Project Manager has been engaged to prepare the project initiation documentation, including the project plan. The project will follow the PRINCE2 project management methodology.

Regional Development Victoria (RDV) will administer this funding in its role as funding partner. In order to prepare the funding agreement, Council officers have completed RDV's Building Works Implementation Plan. RDV have advised that Council will receive a draft funding agreement for review in late July 2020.

Macedon Ranges Shire Council will continue to work in partnership with Regional Development Victoria and Hepburn Shire Council on joint advocacy efforts for the Daylesford to Hanging Rock Shared Trail.

Consultation and Engagement

Broad consultation occurred in the creation of the Macedon Ranges feasibility studies. It included extensive engagement with community group stakeholders and various land owners and managers. Consultation also occurred within Council across various departments via a project reference group.

There is an existing mailing list of interested parties who are provided email updates on the Macedon Ranges Shared Trail.

A number of internal stakeholders are assisting in project planning and delivery. Further consultation regarding approval processes and the establishment of land agreements with government agencies will occur.

If the detailed design differs significantly from the preferred trail alignments further community consultation will occur.

Strategic Alignment

A number of Council's strategic plans have responded by prioritising the planning and development of trails including:

- Council Plan 2017-2027: *Promote health and wellbeing* by improving infrastructure for walking and cycling across the shire, and *improve the built environment* by increasing walking and cycling connectivity and improving access to our spaces and streetscapes.
- Open Space Strategy (2013): identified nine key issues including "establishing a network of off road and local trail circuits" including "inter-town or regional routes along major waterways and (active or former) railway corridors". A shire-wide direction was to "plan off-road trail circuits in the shire as a priority, so that they are ready to take advantage of any funding opportunities" (2.3.2, page 38).
- Walking and Cycling Strategy (2014): two of the seven overarching themes in this strategy related to the development of "connections between towns" and "tourism trails". The off road inter-town tourism trail initiatives identified for Council consideration are:
 - Woodend to Hanging Rock shared trail
 - Gisborne to Riddells Creek off-road shared trail
 - Daylesford to Macedon Ranges rail trail
- Sports and Active Recreation Strategy (2018): reinforced the priorities outlined in the Walking and Cycling Strategy for shared trails because of their "large role in achieving the benefits of active recreation" (page 22).

- Macedon Ranges Visitor Economy Strategy 2019-2029: includes an action to progress the Daylesford to Hanging Rock Rail Trail – Work with Hepburn Shire Council to attract funding for delivery of the Daylesford to Hanging Rock Rail Trail (Action 3.7, p.42).

Implications

Financial, Resource, Information Technology and Asset Management Implications and Risks

The indicative total project cost as forecast in the feasibility study is \$9.75 million. The below table provides a summary of these costs for each section of the trail:

Table 1. Woodend – Riddells Creek Feasibility Study indicative costs

Item	Amount (\$)
Infrastructure Woodend to Macedon 8.5km Middle Gully Road Option	3,349,733
Infrastructure Macedon to New Gisborne Preferred routing via Norton Rd 5.8km	2,289,335
Infrastructure New Gisborne to Riddells Creek Route begins at New Gisborne Station 9km	4,115,185
Project Total* (GST exclusive)	9,754,253

* Based on 2021 figures, future anticipated indicative cost should factor in a suggested 3% annual rise

In accordance with the existing commitment, the Victorian Government will contribute \$8.75 million towards the project over the two-year agreement term. This leaves a total project budget shortfall of \$1.004 million. Council's 10-Year Financial Plan had marked this project to commence in 2027, however, the recent funding announcement offered Council an opportunity to meet a key action of the Council Plan 2017-2027 to "invest \$1.1M in planning, renewing and building new footpaths and cycling paths to improve access and community connections" by contributing funds to this shared trails project over the next two years.

The 2020/2021 Strategic Resource Plan has included a Council project contribution of \$1.004 million within the 2021/22 financial year (year two of the project). See the table below which outlines the project funding sources over the next two financial years:

Table 2. Proposed two-year project funding source

Funding Body	2020-21 (\$)	2021-22 (\$)	Total (\$)
Victorian Government	4,939,762	3,810,238	8,750,000
Macedon Ranges Shire Council	0.00	1,004,253	1,004,253
Total	4,939,762	4,814,491	9,754,253

As indicated, year one of the project would be entirely funded by the Victorian Government, whilst year two of the project will be funded by the Victorian Government with a \$1.004 million co-contribution from Council via the (2021/22 Budget).

Budget allowances for project management costs are sufficient to accommodate the appointment of a 1.0FTE project manager and a 1.0FTE project support officer for the two-year project duration. This level of personnel resource is required in order to meet the 24-month delivery timeframe.

Trail operation and maintenance costs are not included within the \$9.75 million budget, and are expected to be incurred during year one of operation (FY2021/22) to maintain trail sections which open before project close. It is recommended that these costs be considered in the next budget cycle. According to the feasibility study, the current estimated maintenance cost of the trail is \$200,000. This figure is based on annual maintenance being 2% of construction cost.

A detailed cost plan will be prepared as part of Council's due diligence, which will identify a detailed cost breakdown of trail and other infrastructure costs. Greater accuracy of the future maintenance costs will become available during the detailed design process.

The project expenditure is based on construction commencing in December 2020. The project is to be completed within two years from the signing of the grant agreement. A staged approach to delivery will enable construction works to commence on sections of the route which do not require land agreements, planning permits or where a Cultural Heritage Management Plan is not required. Construction on more complex sections of the routes is scheduled to commence from mid-2021. Advice on land agreement, cultural heritage, environmental and planning constraints is being sought from the relevant consultants. At this stage, securing the necessary permits, agreements and approvals, remains the largest risk to achieving construction commencement within the forecast timeframes.

A risk register will be prepared and maintained for the project and appropriate risk controls will be identified and implemented by the project team. Further, COVID-19 will be listed as a known risk within any procurement specifications and suppliers will be required to submit contingency plans outlining how they will meet delivery milestones in relation to potential capability and capacity issues arising from COVID-19 impacts.

The timing for execution of the funding agreement between RDV and Council is uncertain. Given this uncertainty, and due to the forecast constraints surrounding the 2020 Council Election caretaker period, it is recommended that Council grant delegated authority to the Chief Executive Officer to sign the Macedon Ranges Shared Trails (Woodend to Riddells Creek) funding agreement between Council and Regional Development Victoria.

Policy and Legislative Implications and Risks

The project's suppliers and products will be procured in accordance with Council's Procurement Policy and the Victorian Government's Local Jobs First policy. This ensures that local small and medium size enterprises get a fair opportunity to compete for government contracts.

Sustainability Implications and Risks (Social and Environmental)

The project will facilitate an effective and sustainable management model for the management, maintenance and marketing of the trails, which protects, enriches and contributes to regional biodiversity and the protection of heritage values and rural character.

A detailed analysis of the environmental and cultural heritage assessment and planning permit requirements were not within the feasibility study scope. As such, environmental and cultural heritage assessment requirements will be identified and completed as part of project due diligence, which will inform the detailed design; this will include any planning permit requirements.

The detailed design will look to include recycled and sustainable products as part of the construction.

Charter of Human Rights Implications and Risks

There are no known human rights implications or risks associated with this proposal. If at any time, any human rights issues arise, they will be carefully addressed and managed by the project team and other applicable council officers in consultation with the affected party.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflicts of interest in this matter.

Conclusion

The Macedon Ranges community has expressed aspirations for off road trails. These aspirations are reflected in a number of Council's strategic documents, leading to the completion of two shared trails feasibility studies in 2019.

In May 2020 the Victorian Government announced the \$2.7 billion Building Works Package, and Council has been informed that it will receive \$8.75 million from this package to develop the \$9.75 million Woodend - Riddells Creek component of the shared trails. Council is responsible for a \$1.004 million contribution to the project which is identified in the 10 year financial plan.

In order to deliver this project within the requirements of the funding agreement council officers recommend that Council endorse the project and its implementation and delegate the signing of the Regional Development Victoria funding agreement to the Chief Executive Officer.

AO.2	KERBSIDE COLLECTION AND ASSOCIATED SERVICES CHARGE POLICY
Officer	Gary Randhawa, Manager Engineering and Resource Recovery
Council Plan Relationship	Protect the natural environment
Attachments	Draft Kerbside Collection and Associated Services Charge Policy

Purpose and Overview

Provide an update to Council on the feedback received during the public exhibition of the draft *Kerbside Collection and Associated Services Charge Policy* and seek endorsement of the policy.

Recommendation:

That Council:

- 1. Endorse the Kerbside Collection and Associated Services Charge Policy.**
- 2. Note that the Kerbside Collection and Associated Services Charge Policy supersedes the Garbage and Recycling Charge Policy.**
- 3. Direct the Chief Executive Officer to write to submitters who provided feedback on the draft Policy and thank them for their involvement.**

Background

Council's existing *Garbage and Recycling Charge Policy* (2004 Policy) was adopted by Council on 15 December 2004. There have been many changes in Council's garbage and recycling processes since this policy was endorsed. These changes were in response to changes in the waste management industry and in contemporary practices. The 2004 Policy requires updating to reflect these changes.

The draft Kerbside Collection and Associated Services Charge policy was presented to Council at the Special Council Meeting of Friday 1 May 2020, where it was resolved:

“That Council:

- 1. Note the draft Kerbside Collection and Associated Services Charge Policy attached to this report.***
- 2. Approve the public exhibition of the draft Kerbside Collection and Associated Services Charge Policy for a period of six weeks.***
- 3. Note that feedback from the exhibition period will be presented at the August 2020 Ordinary Meeting of Council.”***

Context

The 2004 Policy focused on which properties received a compulsory garbage and recycling service, which properties might elect to receive a service and which properties would not be provided with a service.

Council is currently transitioning to a shire-wide four (4) bin collection system with full implementation to be achieved by 2021. The four-bin collection system includes services for rubbish, recycling, glass-only (glass) and food organics and garden organics (FOGO) collection. Council's objective is to minimise the amount of recoverable materials going to landfill by providing a comprehensive best value waste collection service to ratepayers and by supporting the community in waste minimisation.

A kerbside collection charge is levied annually under the *Local Government Act 1989* (the Act). Note: the 1989 Act is referenced in this report as the relevant sections of the *Local Government Act 2020* do not come into effect until October 2020.

In accordance with Council's *Strategic Resource Plan*, Council will continue to ensure that the revenue from waste collection and disposal charges are sufficient to cover all direct and indirect costs. These costs include but are not limited to: domestic waste collection and disposal; management of public place litter and litter bins; management of dumped rubbish; landfill rehabilitation; waste minimisation initiatives; management of waste contracts; and all associated administrative costs.

The introduction of new kerbside collection services for FOGO and glass means that the existing policy will not provide sufficient information to ratepayers on how charges for kerbside services are determined and applied. Because kerbside collection arrangements for FOGO and glass are not specified, the existing policy also restricts Council's *Strategic Resource Plan* intent to 'continue to ensure that the revenue from waste collection and disposal charges is sufficient to fully cover all direct and indirect costs of waste services'.

Council officers have prepared a draft *Kerbside Collection and Associated Services Charge Policy* to replace the 2004 Policy. The *Kerbside Collection and Associated Services Charge Policy* will apply to all properties within the kerbside collection zone, excluding vacant land.

Consultation and Engagement

Subject matter experts across Council were consulted during policy drafting.

Officers undertook a six-week public exhibition process for the draft *Kerbside Collection and Associated Services Charge Policy* in accordance with Council's Community Consultation Framework.

Council is directly influenced in its policy position by the Victorian Government's circular economy policy '*Recycling Victoria*'. This document sets an agenda for future waste services and their potential costs. Community feedback is important and is balanced against the principles of the '*Recycling Victoria*' document.

The draft policy was available for public review and comment from 28 May to 25 June 2020. This consultation invited feedback from the community on the draft policy, and four written submissions were received.

Key areas of feedback were:

- **Bin size options** – Multiple submissions suggested the option to downsize bins on a smaller property, in particular a 140L FOGO bin for units and those with small or no gardens.

The draft policy provides the option to upsize a general waste bin or have multiple bins on a property, however the opportunity to downsize all bins including general waste was also suggested. This would reward waste conscious residents who do not fill their bins and provide a financial incentive for a household to generate less waste by having smaller bins at a lower annual fee.

- **FOGO on larger rural properties** – One submission suggested the FOGO service should be opt-in for rural or large properties who manage their own organic waste as the service is not used. The resident felt this compulsory imposed cost was unfair to those who do not believe they require the service.
- **Ongoing complementary FOGO liners** – One submission suggested ongoing complementary FOGO liners to encourage residents to use their FOGO bin more than their general waste bin. It was noted that other Council areas such as Bendigo City Council provide liners at no additional cost outside of the waste charge to its residents.
- **Litter** – One submission addressed issues of litter in rural parts of the Shire. The concerns and suggestions did not directly relate to the Kerbside Collection and Associated Charge Policy, however litter and illegal dumping are focus areas in the Waste Management Strategy.
- **Residential properties that do not use the Council Kerbside Collection service** – One submission was concerned about the residential properties in a particular area of the shire that is part the compulsory kerbside collection zoning, yet have a one bin service provided by a local contractor or are believed to have no bin service at all. The resident suggested that local contractors servicing residential properties should comply with the three or four bin system in line with Council's policy and all residential properties should be paying for a waste service to discourage illegal dumping.

Other feedback to be noted included:

- The four bin system was found to be working well for households and resulting in a reduction in volume of their general waste.
- The proposed option of shared bins in some circumstances where properties have a common area was seen as a viable solution for the issue some properties face with bin storage, particularly multi-unit developments.
- One submission highlighted there was no mention of soft plastics as a waste stream in the policy and would like to see this addressed.
- Feedback on public place bin suggestions and education materials was also received.

During the public exhibition period, the Waste Management Strategy survey was also open for public consultation with over 120 respondents. Some feedback received in the survey applied to content in the Kerbside Collection and Associated Services Charge policy, in particular; feedback on size and number of bins and bin collection frequency.

As a result of feedback, the following amendments have been made to the draft policy:

- **3.7 Planning applications**
3.7.3 - Multi-unit development applications should complete a waste management plan in accordance with Council's '*Multi-Unit Developments Waste Management Plan – Guide for Applicants*'.
- **3.9 Contamination**
3.9.3 - Any Municipal Garbage Bin (MGB) containing contamination will not be collected unless the Contamination is removed and a subsequent bin collection request to Council is made. Collection of contaminated bins may not be possible until the next scheduled collection day.
3.9.4 - In the event of repeated contamination, Council reserves the right to remove a kerbside collection service and replace with a general waste only service comprising of 3 general waste bins at full cost to the resident.
- **4.1 Additional and Upsize Bin Guidelines**
Upsize Bin General Waste being a 240 litre MGB (limited to one per rated property)
- **4.2 Shared Bin Agreements Guidelines**
7 - Owners' Corporations will be required to ensure that residents sharing bins have access to bins through a communal bin area or areas.

These amendments respond to the community feedback raised in regards to unit developments and non-council waste pickup service. They also respond and resolve guidance to ensure that as a community we reduce contamination in the waste stream for the benefit of the environment, in keeping with sustainability outcomes in a cost effective manner.

The policy, as presented, does provide opportunity for bin size options; another of the community feedback items. At present the focus is to enable the community to access larger bins if required. In the future there may be an opportunity to look at smaller bins.

At present the intent is not to provide free compost bin liners beyond the first issue. As with other bins the intent is that local suppliers stock these liners and that residents can purchase these as required.

Further targeted consultation will be undertaken with rural properties who are currently outside of the FOGO service area in an upcoming survey. This survey will help officers understand the needs of these properties and provide an opportunity to tailor the service if appropriate and viable. Ongoing consultation will continue with multi-unit and commercial properties to ensure services are provided in the most effective manner.

Strategic Alignment

This report aligns with the following Council Plan objectives:

- Protect the natural environment – “*We will manage waste as a resource.*”
- Deliver strong and reliable government – “*We will demonstrate the qualities of good governance including a clear vision and culture, transparency, respect, consistency, accountability and responsiveness.*”

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

This policy influences how the municipal waste charge is determined and what is taken into consideration. The policy provides clarity for the community to ensure that their municipal waste charge is fair and equitable and only includes those costs allowable under the Act.

The waste sector is currently volatile, with changes in State Government policy (e.g. container deposit scheme, four bin system, (circular economy), distressed companies leaving the sector and the potential for new entrants and new technologies. This volatility will influence the cost of services to the community. It is important to have a robust and up-to-date policy to ensure that Council and community have guidance and transparency about Kerbside Collection and Associated Services and how the municipal waste charge is determined.

Policy and Legislative Implications and Risks

This report relates to the review and revision of the *Kerbside Collection and Associated Services Charge Policy* (formerly the *Waste and Recycling Charge Policy*).

The kerbside collection charge is levied annually under the *Local Government Act 1989* (the Act), in accordance with Council’s *Strategic Resource Plan*. Note: the 1989 Act is referenced in this report as the relevant sections of the *Local Government Act 2020* do not come into effect until October 2020.

Sustainability Implications and Risks (Social and Environmental)

Nil

Charter of Human Rights Implications and Risks

This proposal does not have any direct human rights implications.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

The policy has been updated to reflect changes in the waste management industry and changes in contemporary practices. It responds to the current kerbside bin processes and provides information on options and fees. Feedback received during the six week consultation period has resulted in some minor changes to the Policy. Officers recommend that Council endorse the draft *Kerbside Collection and Associated Services Charge Policy*.

AO.3	RESPONSE TO PETITION – TREES, TYLDEN
Officer	Scott Gilchrist, Coordinator Open Space
Council Plan Relationship	Protect the Natural Environment
Attachments	Nil

Purpose and Overview

This report provides a response to the petition tabled at the July Ordinary Council meeting. This petition was presented by residents from Tylden raising concerns regarding the planting of trees under power lines.

At the Ordinary Council Meeting on 26 July 2020, Council resolved:

‘That the petition signed by approximately 37 persons requesting

“Dear Mayor, last year Eucalypt trees were planted on the nature strips in Tylden. Several of these trees were planted directly under or near power lines particularly in Clowes Street. Objections were raised by residents including a letter from the Tylden CFA to object to planting under power lines. Last month another five trees were planted in Clowes Street and again directly under power lines. After the recent bushfire season, why is this practice allowed to continue? The undersigned residents of Tylden request that all trees under or near power lines be removed and replanted in an appropriate area”

be received and lay on the table until the next Council Meeting at which a report on the matter will be presented.’

This report provides a response to the issues raised in the petition.

Recommendation

That Council:

- 1. Note this report; and**
- 2. Direct the Chief Executive Officer to write to the first named petitioner advising them of the information provided in this report.**

Background

Council received the petition which consisted of 37 signatures requesting that Council remove the Eucalyptus Pauciflora ‘Little Snowman’ trees planted under power lines along Clowes Street, Tylden.

In 2018, Council engaged a consultant to inspect street and park trees in Tylden for the purpose of identifying high risk trees. As part of this process Council collected data on existing vacant tree sites within the townships to assist Council in prioritising sites and delivering its annual tree planting program.

This report identified a number of locations including Clowes Street where new planting could occur to support the appearance and functionality of the sites.

In March 2019, Council adopted the *Tree Management Policy*. This policy identified the following objectives:

- To strengthen the streetscapes within the Shire by preserving and enhancing streetscape amenity;
- Maintain best-practice tree management and maintenance standards;
- Ensure the protection of existing trees that may be impacted by a community event or proposed development works;
- To define the circumstances under which existing trees may be removed.

Context

Council conducted initial plantings of Eucalyptus Pauciflora ‘Little Snowman’ in 2018 as part of the annual tree planting program in Tylden, including along Clowes Street. Part of this process involved resident engagement through a ‘Tips for caring for your street tree information sheet’ and a bucket provided to residents where tree planting was undertaken. This fact sheet provided information on how to look after the tree, tips on watering, weed control, private planting, fertilising, mowing and maintenance. The fact sheet also provided a telephone number for residents to contact council officers if there were any queries or concerns.

Council officers assessed the site conditions, soil conditions, drainage and existing plantings in the area to determine the most appropriate tree species to plant in this location. Of particular consideration was the existing power lines at the site. Under the Electricity Safety (Electric Line Clearance) Regulations 2020 there is a need to keep trees outside the power lines clearance zone. It was determined that Eucalyptus Pauciflora ‘Little Snowman’ would be the most suitable species for this location, as its height at maturity would not impact the power line clearance zone. This species was chosen from Council’s Preferred Tree Species List.

On 4 October 2019 and again on 3 March 2020 council officers wrote to residents on Clowes Street, Tylden advising that there would be a need to remove trees as part of footpath works and that new trees would be planted. In the April 2019 letter it was clear that the replacement species, Eucalyptus Pauciflora ‘Little Snowman’, was one which would not grow to the height of the power lines. The March 2020 letter did not identify that the Eucalyptus Pauciflora ‘Little Snowman’ would not grow into the power lines. Both letters provided a telephone number for residents to contact council officers if there were any queries or concerns.

In choosing Eucalyptus Pauciflora ‘Little Snowman’ council officers have applied the objective from the *Tree Management Policy* – ‘to strengthen the streetscapes within the Shire by preserving and enhancing the streetscape amenity’.

It should be noted that whilst the tree tag identifies that the tree can grow to 10-12 metres, that the cultivar is generally accepted as growing to 6-8 metres under usual growing conditions. At this height it will not enter the clearance zone of the power lines, or if it did, it would require very little maintenance to remove it from the clearance zone.

Trees planted within municipal streets improve the liveability of towns and cities through reducing storm water runoff, increasing air quality, storing carbon, providing shade, reducing the urban heat-island effect and enhancing biodiversity by providing food, habitat and landscape connectivity for urban fauna (*Beecham, S & Lucke, T, 2015*).

Consultation and Engagement

The tree planting program is conducted between May and September each year, as this is the optimal time for planting and provides the trees with the best chance of survival. Residents are informed of the program through an annual media release coordinated through the Communications unit. All tree species are selected from Council's preferred species list.

Local residents are engaged at the time of planting through the provision of a bucket and an information brochure explaining how to look after the trees, especially during the warmer months.

Strategic Alignment

The planting of street trees supports our *Council Plan* priority to protect the natural environment by reducing storm water runoff, increasing air quality, storing carbon, providing shade, reducing the urban heat-island effect and enhancing biodiversity by providing food, habitat and landscape connectivity for urban fauna.

The *Tree Management Policy* sets the purpose and objectives for street trees in the Macedon Ranges. The planting of *Eucalyptus Pauciflora* 'Little Snowman' meets the requirements of the policy.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

The selection of tree species is undertaken to reduce the threat risk to people, place or property by accounting for the location of infrastructure (including power lines) and taking into account vehicle and pedestrian traffic.

Policy and Legislative Implications and Risks

The *Electricity Safety (Electric Line Clearance) Regulations 2020*, including the *Code of Practice for Electric Line Clearance* provide the clearance zone for power lines to reduce the risk of fire or electrical outage. The selection of *Eucalyptus Pauciflora* 'Little Snowman' takes into consideration these clearance zones and is intended to ensure that these trees will require no pruning to remain out of the clearance zone.

Sustainability Implications and Risks (Social and Environmental)

The planting of street trees supports the Council Plan priority to '*protect the natural environment*' by reducing storm water runoff, increasing air quality, storing carbon, providing shade, reducing the urban heat-island effect and enhancing biodiversity by providing food, habitat and landscape connectivity for urban fauna.

Charter of Human Rights Implications and Risks

This proposal does not have any direct or indirect human right implications.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect Conflict of Interest.

Conclusion

The petition presented to Council raised concerns around the planting of trees under power lines in the township of Tylden, with particular concerns raised regarding the potential for interference with the power lines.

A review by Council officers has determined that the current practice of planting Eucalyptus Pauciflora 'Little Snowman' under power lines is appropriate due to the likely height of the tree species and suitability to most soil conditions.

It should be noted that the Eucalyptus Pauciflora 'Little Snowman' does not pose a fire hazard to existing power lines in Clowes Street, Tylden and provides benefits to the existing streetscapes.

14. NOTICES OF MOTION

Notice of Motion No. 3/2020-21 – Councillor Radnedge

That Council:

- 1. Direct the Chief Executive Officer to advocate, in writing by 10 September 2020, to the State Government including Ms Mary-Anne Thomas, Member for Macedon, The Hon. James Merlino, Minister for Education, The Hon. Richard Wynne, Minister for Planning, The Hon. Lily D'Ambrosio, Minister for Energy, Environment and Climate Change, to retain and/or return the land at 120 Aitken Street, Gisborne, also known as the Gisborne Pine Plantation, to the community for the purpose of public open space, pedestrian linkage and a significant cultural heritage reflection site, along with (eventual) pine removal and replacement with indigenous vegetation.**
- 2. Direct the Chief Executive Officer to advocate, in writing by 10 September 2020, to the State Government including Ms Mary-Anne Thomas, Member for Macedon, The Hon. James Merlino, Minister for Education, The Hon. Richard Wynne, Minister for Planning, The Hon. Lily D'Ambrosio, Minister for Energy, Environment and Climate Change, to comprehensively consult with the Macedon Primary School and community as to the future use of the land known as the Macedon Primary School Pine Plantation on Cable Street, Macedon, having regard to its history of use as a vegetated space for over 100 years.**

15. URGENT AND OTHER BUSINESS

In accordance with Council's Local Law No. 11 Meeting Procedure, business which has not been listed on the Agenda may only be raised as urgent or other business by resolution agreed by Council.

16. CONFIDENTIAL REPORTS

16.1 Chief Executive Officer's biannual review