

Agenda

Council Meeting
Wednesday 26 June 2024 at 7pm
Gisborne Administration Centre
40 Robertson Street, Gisborne

Table of contents

1	Acknowledgement of Country	4
2	Recording of live streaming of this Council meeting.....	4
3	Present	4
4	Apologies	4
5	Conflicts of interest.....	4
6	Petitions	4
	Nil	
7	Deputations and presentations to Council	4
8	Adoption of minutes.....	4
9	Mayor's report	5
	9.1 Mayor's Report - May-June 2024.....	5
10	Record of meetings of Councillors and Council staff	8
	10.1 Record of Meetings of Councillors and Council Staff - May-June 2024	8
11	Director Planning and Environment reports	16
	PE.1 Draft Kyneton Urban Design Framework	16
	PE.2 Draft Stanley Park Infrastructure Master Plan	26
	PE.3 Smoke Free Outdoor Areas Policy - 2024 Review & Recommendations	41
12	Chief Executive Officer reports	51
	CX.1 Recognition of King's Birthday Honour Recipients.....	51
13	Director Corporate reports	52
	COR.1 Draft Financial Reserves Policy	52
	COR.2 Draft Lease and Licence Policy	73
	COR.3 Historic Council Resolutions	153
	COR.4 Contracts to be Awarded as at June 2024	156
	COR.5 Alteration of the Date of the September Scheduled Council Meeting	159
	COR.6 Audit and Risk Committee Biannual Report - June 2024.....	161

COR.7 First Right of Refusal - Former Malmsbury Juvenile Justice Centre, 30 Mollison Street Malmsbury	174
COR.8 Inquiry into Local Government funding and services	179
14 Director Community reports.....	198
COM.1 Goldfields Library transition	198
15 Director Assets and Operations reports	243
AO.1 Draft Fair Access Policy.....	243
AO.2 Draft Kyneton Movement Network Plan (2024-2033)	264
AO.3 Draft Riddells Creek Movement Network Plan (2024 - 2033)	272
AO.4 Draft Romsey Skate Park Design	281
AO.5 Response to Petition - Pedestrian Crossing Willimigongon Creek, Clarke Street, Mount Macedon	297
AO.6 Capital Works Monitoring.....	300
16 Notices of motion and rescission	313
No. 65/2023-24: Notice of Motion - Submission to Municipal Association of Victoria (MAV) August 2024 State Council.....	313
17 Urgent business	315
18 Confidential reports	315
18.1 Update on application for gaming premises.....	315

1 ACKNOWLEDGEMENT OF COUNTRY

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

2 RECORDING OF LIVE STREAMING OF THIS COUNCIL MEETING

This meeting is being recorded and streamed live on the internet, in accordance with Council's 'Live Streaming and Publishing Recordings of Meetings' policy, which can be viewed on Council's website.

3 PRESENT**4 APOLOGIES****5 CONFLICTS OF INTEREST****6 PETITIONS**

Nil

7 DEPUTATIONS AND PRESENTATIONS TO COUNCIL**8 ADOPTION OF MINUTES****Recommendation**

That Council confirms the minutes of the Scheduled Council Meeting of Macedon Ranges Shire Council held on 22 May 2023, as circulated.

9 MAYOR'S REPORT**9.1 MAYOR'S REPORT - MAY-JUNE 2024****Summary**

This report provides an update from the Mayor on recent Council activities and initiatives of a Shire wide nature.

Recommendation

That Council receives and notes the Mayor's report.

Mayor's report

The crisp winter days in the Macedon Ranges are perfect for exploring many of our wonderful local businesses and events organised by community groups. At Council, we are fortunate to have many opportunities to visit different places around our Shire – from the Daylesford Macedon Tourism (DMT) Conference at the Macedon Ranges Hotel and Spa to supporting a Scouts barbeque at a Farmers Market – we are able see the Macedon Ranges in action. So, it is no surprise that we are celebrating another success, this time for the award-winning Romsey Ecotherapy Park at the Australian Institute of Landscape Architects 2024 VIC State Awards. The Romsey Ecotherapy Park won one of three Regional Achievements Awards and a Landscape Architecture Award in the Parks and Open Spaces category for ACLA Consultants. The judging panel quoted 'Romsey Ecotherapy Park demonstrates an exemplary process and outcome - a park that sustains wellbeing of the community along with an active design process that prioritises the community through an educative approach'. Congratulations to all those involved.

Congratulations also to the local recipients of the King's Birthday Honours awards. The awards recognise the outstanding service and contributions of many different people from well-known recipients to unsung heroes. This year three recipients are from the Macedon Ranges - Ms Samantha Jane Turner (OAM), Ms Susan Mary Love (OAM) and Superintendent Murray James Fraser (APM). These awards are well deserved and, on behalf of Council thank you for your efforts and congratulations.

Coffee Concrete

Council has joined with RMIT University to conduct a world-first coffee concrete footpath trial, which aims to transform organic waste such as ground coffee and wood chips into a viable option for concrete and a valuable resource for the construction industry. As part of the trial, sections of a footpath in Gisborne were constructed using both roast coffee grounds and wood-chip biochar to test their viability.

Healthy Landscapes Event

Over 140 people attended the Healthy Landscapes – Growing the Community event at the Kyneton Town Hall on 24 May. The evening began with all attendees enjoying a meal featuring locally produced regenerative-grown beef and lamb. Following this, three panellists shared how their farming methods have improved through their involvement in the award-winning Healthy Landscapes program.

Reconciliation Week Event

A special event was held with the First People's Assembly in the Kyneton Town Hall on 28 May. The theme was 'Now More Than Ever' which acknowledged our shared history, celebrates diverse cultures and commits to building a more inclusive future together. The guest speakers were Joshua Carter and Levi Power, representatives of the First People's Assembly of Victoria. Attendees heard about the First People's Assembly and the Journey to Treaty, the initiatives to bringing First Nations People together and empowering them to be involved in the Treaty Journey.

Woodend Winter Arts Festival

Over 100 artists performed during this sell out festival - celebrating music, words and ideas and all things local in Woodend. The opening night had a fantastic turn out, we enjoyed performances from talented Braemar College students and watched the very impressive fireworks display. Congratulations to the organisers and thank you for your dedication to making this event happen for the last 19 years.

Councillor Listening Posts

The West Ward Councillors hosted a listening post outside of the newsagency in Kyneton on 4 June. The South Ward Councillors then hosted a listening post at the Gisborne Village Shopping Centre on 22 June. It was a great opportunity for residents to introduce themselves to their Ward Councillors and discuss a range of important local issues.

Events

Councillors were pleased to be invited to the following events/meetings since the last Scheduled Council Meeting:

- Braemar College Annual General Meeting on 23 May
- Municipal Association of Victoria (MAV) Emergency Management Committee Meeting on 24 May
- The Long Ride, a prostate cancer fundraiser in Kyneton on 25 May
- Graduation Nature Stewards Program in Woodend on 25 May
- MAV mayor and CEO Dinner in Melbourne on 30 May
- Visit with Mary-Anne Thomas MP to the Nurses, Medicine and Caring in the Macedon Ranges Exhibition at Kyneton Museum on 31 May
- Autumn Festival Industry Thank You event in Woodend on 4 June
- Workspace Board Meeting in Bendigo on 13 June
- North Central Catchment Management Authority - Natural Capital Forum in Bendigo on 13 June
- Kindness to Elders Open Day for World Elder Abuse Awareness Day in Macedon on 15 June
- Kyneton Foodbank's Op Shop Fashion Parade on 16 June
- Mayoral Taskforce Support People Seeking Asylum Meeting on 19 June
- Kyneton Lions Club Changeover Dinner in Malmsbury on 22 June
- DMT Conference networking event in Woodend on 25 June
- Community Refugee Integration and Settlement Pilot (CRISP) information session by Cassinia Community in Gisborne on 25 June

Current consultations

- Proposed amendment to Planning Scheme C147 to facilitate the development of a retirement village on land bound by Robertson Street, Neal Street and Hamilton Street in Gisborne: submissions close 12 July
- Macedon Ranges Heritage Strategy 2024-2034 – The draft Heritage Strategy 2024-2034: submissions close Monday 1 July
- Improved Mental Health Support for Young People: community survey open until 5pm Tuesday 2 July

Mayor Death

Macedon Ranges Shire Council

10 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF**10.1 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF - MAY-JUNE 2024****Summary**

Rule 66 of Council's Governance Rules requires a written record of matters discussed at specified meetings of Councilors and Council staff to be reported to the next practicable scheduled Council Meeting and recorded in the minutes of that meeting. This report provides a summary of meetings of Councillors and Council staff held since the last Council Meeting.

Recommendation

That Council receives and notes the record of meetings of Councillors and Council staff, as outlined in this report.

Record of meetings

Type of meeting	Councillor Briefing
Date and time	21 May 2024 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none">• Cr Annette Death (Mayor)• Cr Janet Pearce (Deputy Mayor)• Cr Jennifer Anderson• Cr Dominic Bonanno• Cr Rob Guthrie• Cr Geoff Neil• Cr Mark Ridgeway• Cr Christine Walker• Cr Bill West
Apologies - Councillors	NIL
Present - officers	<ul style="list-style-type: none">• Bernie O'Sullivan (Chief Executive Officer)• Shane Walden (Director Assets and Operations)• Rebecca Stockfeld (Director Planning and Environment)• Adele Drago-Stevens (Director Corporate)• Eng Lim (Manager Engineering and Resource Recovery)• Rob Ball (Manager Strategic Planning and Environment)• Bob Elkington (Manager Economic Development and Visitor Economy)

	<ul style="list-style-type: none"> • Bill Pemberton (Coordinator Resource Recovery) • Isobel Maginn (Senior Strategic Planner) • Hayley Drummond (Coordinator Property and Valuations) • Lucy Olson (Senior Governance Officer) • Jack Wiltshire (Strategic Planner) • Cindy Stevens (Business Support Officer)
Apologies officers and presenters	<ul style="list-style-type: none"> • Maria Weiss (Director Community) • Leanne Khan (Coordinator Strategic Planning)
Presenters	<ul style="list-style-type: none"> • Amanda Roberts – LAT Studios • Kim Delbridge – LAT Studios
Items discussed	<ul style="list-style-type: none"> • Councillor Only Session • CEO and Councillor Only Session • Soft Plastic Shire-Wide Pilot Project • Gisborne Futures - Framework plan revision and views assessment • Planning Matters • Council Meeting Agenda Review • Other Business
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>Cr West declared a material conflict with the Romsey Structure Plan discussed during the Councillor Only Session</p> <p>Did they leave the meeting? Yes 12:50pm – 1:18pm</p>
Conflicts of interest declared by officers	<p>NIL</p> <p>Did they leave the meeting? N/A</p>

Type of meeting	Councillor Briefing
Date and time	28 May 2024 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Annette Death (Mayor) • Cr Janet Pearce (Deputy Mayor) • Cr Jennifer Anderson • Cr Dominic Bonanno • Cr Rob Guthrie • Cr Geoff Neil • Cr Mark Ridgeway • Cr Bill West

Apologies - Councillors	<ul style="list-style-type: none"> • Cr Christine Walker
Present - officers	<ul style="list-style-type: none"> • Shane Walden (Director Assets and Operations) • Rebecca Stockfeld (Director Planning and Environment) • Adele Drago-Stevens (Director Corporate) • Sarah Annells (Manager Safer Communities) • Craig Byrne (Manager Facilities and Operations) • Althea Jalbert (Coordinator Local Laws) • Leila Anstice (Coordinator Environmental Health) • Martin Roberts (Coordinator Environment) • Justin Walsh (Coordinator Environment) • Leanne Khan (Coordinator Strategic Planning) • Jon Ground (Coordinator Aquatics and Fitness) • Milly Ingham-McQuade (Centre Manager Leisure Facilities) • Isobel Maggin (Senior Strategic Planner) • Lucy Olson (Senior Governance Officer) • Cindy Stevens (Business Support Officer) • Tanya Loos (Biodiversity Strategy Projects Officer)
Apologies officers and presenters	<ul style="list-style-type: none"> • Bernie O'Sullivan (Chief Executive Officer) • Maria Weiss (Director Community) • Rob Ball (Manager Strategic Planning and Environment) • Eng Lim (Manager Engineering and Resource Recovery)
Presenters	NIL
Items discussed	<ul style="list-style-type: none"> • Councillor Only Session • CEO and Councillor Only Session • Climate Emergency Working Group - Terms of Reference • Domestic Animal Plan Action - Review Schedules One and Two of the Dog and Cat Order 2019 • Response to Petition - Pedestrian Crossing Willmigongon Creek, Clarke Street, Mount Macedon • Council Briefing on Stanley Park Infrastructure Master Plan • Gisborne Futures - draft structure plan update for comment • MRSC Smoke Free Outdoor Areas Policy - 2024 Review and Update - Process • Planning Matters

	<ul style="list-style-type: none"> • Preview Planning Delegated Committee Agenda Review • Other Business • Visit to Macedon Ranges Regional Sports Precinct
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 meeting? N/A
Conflicts of interest declared by officers	NIL Did they leave the meeting? N/A

Type of meeting	Councillor Briefing
Date and time	4 June 2024 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Annette Death (Mayor) • Cr Janet Pearce (Deputy Mayor) • Cr Jennifer Anderson • Cr Dominic Bonanno • Cr Rob Guthrie • Cr Geoff Neil • Cr Mark Ridgeway • Cr Bill West
Apologies - Councillors	<ul style="list-style-type: none"> • Cr Christine Walker
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan (Chief Executive Officer) • Shane Walden (Director Assets and Operations) • Rebecca Stockfeld (Director Planning and Environment) • Maria Weiss (Director Community) • Adele Drago-Stevens (Director Corporate) • Simon Finlay (Manager Open Space and Recreation) • Bob Elkington (Manager Economic Development and Visitor Economy) • Naomi Scrivener (Manager Community Wellbeing) • Adele Hayes (Manager Statutory Planning) • Amy Holmes (Manager Community Strengthening) • Rob Ball (Manager Strategic Planning and Environment)

	<ul style="list-style-type: none"> • Daniel Trevillian (Coordinator Recreation) • Leanne Khan (Coordinator Strategic Planning) • Rebecca Pedretti (Coordinator Visitor Economy) • Nicholas Harrison (Senior Statutory Planning Officer) • Daniel Hall (Strategic Planner) • Cindy Stevens (Business Support Officer)
Apologies officers and presenters	NIL
Presenters	<ul style="list-style-type: none"> • Richard Simon – Simon Leisure Consulting • Mark Hands – Goldfields Library • Steve Wroe – Daylesford Macedon Tourism
Items discussed	<ul style="list-style-type: none"> • Councillor Only Session • CEO and Councillor Only Session • Draft Lancefield Park Master Plan 2024 • Goldfields Library update • Consideration of submissions and request planning panel – Amendment C154MACR AND PLN/2022/198 - 1 Wills Street Malmsbury • Daylesford Macedon Tourism Update • Planning Matters • Other Business
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 meeting? N/A</p>
Conflicts of interest declared by officers	<p>NIL</p> <p>Did they leave the meeting? N/A</p>

Type of meeting	Councillor Briefing
Date and time	11 June 2024 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Annette Death (Mayor) • Cr Janet Pearce (Deputy Mayor) • Cr Jennifer Anderson • Cr Dominic Bonanno • Cr Rob Guthrie • Cr Geoff Neil • Cr Mark Ridgeway

	<ul style="list-style-type: none"> • Cr Bill West
Apologies - Councillors	<ul style="list-style-type: none"> • Cr Christine Walker
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan (Chief Executive Officer) • Shane Walden (Director Assets and Operations) • Rebecca Stockfeld (Director Planning and Environment) • Maria Weiss (Director Community) • Adele Drago-Stevens (Director Corporate) • Travis Fitzgibbon (Manager Communications and Advocacy) • Amy Holmes (Manager Community Strengthening) • Rob Ball (Manager Strategic Planning and Environment) • Eng Lim (Manager Engineering and Resource Recovery) • Benup Neupane (Coordinator Engineering Services) • Julius Peiker (Coordinator Community Development) • Leanne Khan (Coordinator Strategic Planning) • Isobel Maginn (Senior Strategic Planner) • Lousie Dewberry (Senior Strategic Planner) • Jack Wiltshire (Strategic Planner) • Cindy Stevens (Business Support Officer)
Apologies officers and presenters	NIL
Presenters	<ul style="list-style-type: none"> • David Bergin – Eighth Street Planning
Items discussed	<ul style="list-style-type: none"> • Councillor Only Session • CEO and Councillor Only Session • Gambling Harm Prevention Policy Workshop • Draft Lease and Licence Policy • Gisborne Futures – Implementation • Kyneton Urban Design Framework - Draft document for community consultation • Draft Kyneton Movement Network Plan (2024-2033) • 30 Mollison Street, Malmsbury • Planning Matters • Planning Delegated Committee Agenda Review • Council Meeting Agenda Review • Other Business
Conflicts of interest declared by Councillors and record of them leaving the	<p>NIL</p> <p>Did they leave the meeting? N/A</p>

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

Type of meeting	Councillor Briefing
Date and time	11 June 2024 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Annette Death (Mayor) • Cr Janet Pearce (Deputy Mayor) • Cr Jennifer Anderson • Cr Dominic Bonanno • Cr Rob Guthrie • Cr Geoff Neil • Cr Mark Ridgeway • Cr Bill West
Apologies - Councillors	<ul style="list-style-type: none"> • Cr Christine Walker
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan (Chief Executive Officer) • Shane Walden (Director Assets and Operations) • Rebecca Stockfeld (Director Planning and Environment) • Maria Weiss (Director Community) • Adele Drago-Stevens (Director Corporate) • Stephen Pykett (Manager Economic Development and Visitor Economy) • Jeet Dahal (Manager Assets and Project Management Office) • Travis Fitzgibbon (Manager Communications and Advocacy) • Rob Ball (Manager Strategic Planning and Environment) • Rebecca Pedretti (Coordinator Visitor Economy) • Leanne Khan (Coordinator Strategic Planning) • Isobel Maginn (Senior Strategic Planner) • Jane Peterson (Team Leader Tourism) • Cindy Stevens (Business Support Officer)
Apologies officers and presenters	<ul style="list-style-type: none"> • Lisa Linton – Riddells Creek Planning Group • Steve Wroe – Daylesford Macedon Tourism

Presenters	<ul style="list-style-type: none"> • Paul Matthews – VE Tourism Consulting for Daylesford Macedon Tourism • Ross Colliver – Riddells Creek Planning Group • Rob McConville – Riddells Creek Planning Group
Items discussed	<ul style="list-style-type: none"> • Councillor Only Session • CEO and Councillor Only Session • DMT Visitor Servicing Strategy • Autumn Leaves management and Autumn Festival Overview • Capital Works Monitoring Report • Gisborne Futures - Draft Structure Plan June 2024 • Planning Matters • Other Business
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>Cr Bonanno declared a general conflict with the Giants Football Club in Other business.</p> <p>Did they leave the meeting? Yes from 1:53pm to 1:58pm</p>
Conflicts of interest declared by officers	<p>NIL</p> <p>Did they leave the meeting? N/A</p>

11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS

PE.1	DRAFT KYNETON URBAN DESIGN FRAMEWORK
Officer:	Louise Dewberry, Senior Strategic Planner
Council Plan relationship:	1. Connecting communities
Attachments:	1. Car parking analysis 2020-21 - Kyneton town centre (under separate cover) 2. Draft Kyneton Urban Design Framework for consultation (June 2024) (under separate cover)

Summary

The draft Kyneton Urban Design Framework has been prepared to support public realm improvements in and around High Street, Mollison Street and Piper Street in Kyneton. The range of projects outlined in the document is based on both background analysis and community consultation regarding issues and opportunities in the study area, and are intended to support improved amenity, social and sustainability outcomes for the township.

Community consultation on the draft is needed to ensure that the document has adequately captured the key issues identified by the community during previous consultation, prior to finalisation of the document for adoption by Council.

Recommendation

That Council endorses the release of the draft Kyneton Urban Design Framework for four weeks of community consultation, commencing in July 2024.

Background

An urban design framework was first prepared for Kyneton in 2008 as part of the background work supporting the Kyneton Structure Plan (finalised in 2013). This report however was not adopted by Council, and its extensive list of actions were generally not implemented.

The Kyneton Urban Design Framework (UDF) was identified as a Council Plan action in 2019-20.

Following consultation on the draft Kyneton Movement Network Study in early 2019, Council resolved in December 2019:

That Council:

- 1. Direct that work on the Kyneton Movement Network Study be suspended, pending the completion of the Kyneton Urban Design Framework.**
- 2. Direct that work on the Kyneton Movement Network Study will recommence on completion of the Kyneton Urban Design Framework.**
- 3. Direct that traffic and parking investigations are undertaken to support and inform the Kyneton Urban Design Framework.**
- 4. Resolves to suspend work on the Kyneton South Framework Plan, until the completion of the Kyneton Urban Design Framework.**

Preliminary background work commenced on the revised UDF in late 2019 and early 2020. The study area was determined based on the existing land in the Commercial 1 Zone (C1Z) in the areas in and around High Street, Mollison Street and Piper Street, as well as the Old Kyneton Primary School (OKPS) site. The intent for the UDF is to provide guidance on public realm improvements for these areas, which are the focus for day-to-day shopping and services in the township and are hubs for social activity. The main streets also form the alignment of the former Calder Highway, noting that since the opening of the Calder Freeway bypass in 1995, these streetscapes have not been significantly improved or upgraded to support this change in role from a car-oriented thoroughfare to destinations in their own right.

An initial round of community consultation was undertaken during January and February 2021 (see below), and parking assessments were carried out in February 2020 and April 2021 (see Attachment 1; survey dates were chosen to avoid conflicts with school holidays and COVID-19 restrictions). The UDF was initially intended to be completed in-house, however due to competing project priorities it was determined that a consultant would be engaged to complete the work. Following some delays, consultants Urban Fold were engaged in early 2023 to lead the project, with a focus on:

- Streetscape upgrades, including landscaping, seating, and amenity improvements
- Movement and access, in particular improving pedestrian and cycling opportunities and universal access
- Building design, including built form, heights, signage, and address to the public realm.

The draft Kyneton Movement Network Study was presented to Council at its 27 March 2024 Scheduled Council Meeting where Council resolved the following:

That Council:

- 1. Endorses the release of the draft Kyneton Movement Network Study for a 6- week consultation beginning in April 2024; and**
- 2. Endorses the progression of the Kyneton Movement Network Study as a separate process from the Kyneton Urban Design Framework.**

In response to the feedback from the consultation process on the draft Kyneton Movement Network Study (now the Kyneton Movement Network Plan (KMNP)) the draft Kyneton UDF is now complete (see Attachment 2), and community input is now required to ensure that it aligns with the community's aspirations for the town centre.

Discussion

The draft UDF provides the following:

- Establishes a future vision for Kyneton's main commercial area
- Identifies opportunities for tangible streetscape and public realm improvements, as well as built form guidelines for new development
- Indicative streetscape and precinct plans identifying the location for proposed projects
- A guide to implementation actions.

It is important to note that the UDF is a high level, strategic document. It identifies guiding principles, key projects and preferred locations based on needs identified by background analysis and community feedback. It does not address detailed design to the level which would be required for construction – this kind of detailed planning is intended to be done later as part of the implementation stage. It is also deliberately focused on physical

improvements to the public realm – it does not address land use as this has already been addressed via the Kyneton Structure Plan.

The draft UDF has been developed based on the following guiding principles (with more detail provided in section 3.2 of the document – see p. 23:

- (1) People first
- (2) Thriving business and activity
- (3) Identity and culture
- (4) Urban greening & environmental sustainability
- (5) Design excellence
- (6) Community driven

The document is structured as follows:

- **Section 1 – Introduction:** an overview of the purpose, scope and deliverables; the township and study area; our approach and key findings from consultation.
- **Section 2 – Existing conditions:** describing the town centre's character, layout and transport conditions; key streets and precincts, and opportunities for improvements in each of these areas.
- **Section 3 – Vision & key elements:** a vision for the town centre and each precinct; guiding principles; and an overview of the key proposals.
- **Section 4 – Urban design frameworks:** more detailed discussion of proposals by theme, including movement and transport; wayfinding, cultural and creative elements; public realm nodes (crossings and outstands); and guidance on street tree selection and species.
- **Section 5 – Precincts:** provides place-based detail for the reader on the proposed location for the above improvements within each precinct, using streetscape plans, street cross-sections, and concepts for individual project areas.
- **Section 6 – Streetscape palette:** proposes a series of standard materials, finishes and street furniture to provide consistency across the UDF area; includes seating, bins, paving, planters and bollards.
- **Section 7 – Built form:** guidance on the form and appearance of new developments, including height, setbacks, street frontages, materials, and signage.
- **Section 8 – Implementation:** timing and steps required to deliver the proposed improvements.

The proposals have been carefully selected to address key areas of community concern (outlined further below – see 'Consultation and engagement'). Though not an exhaustive list, key proposals include the following:

- Improve pedestrian safety and accessibility:
 - New pedestrian crossings on side streets and across main roads give pedestrians greater priority, make people easier to see and provide a continuous path of travel with fewer level changes.
 - Reduced speed limits for vehicles.
 - Improved pedestrian access through major car parks.
- Improve the appearance and amenity of streets:

- Landscaping to introduce greenery to streetscapes.
- New street trees to provide shade, cooling and aesthetic value.
- Expanded footpath areas (kerb outstands) to provide places for people to sit, rest and interact.
- Consistent seating, fixtures, and paving.
- Make it easier to get around:
 - Maintain parking availability and improve parking areas.
 - Introduce wayfinding signage to important destinations.
 - Improved cycling infrastructure.
 - More easily access businesses on both sides of main streets
- Improve the design of new buildings:
 - Guidelines for the design of new buildings including heights, setbacks, appearance and activation.
 - Provide guidance on appropriate signage placement.
 - Support affordable housing at upper level/s of buildings in the study area.

Prior to finalisation and adoption of the draft, community input and feedback is required to ensure that these proposals are appropriate.

Consultation and engagement

The draft UDF is informed by both community consultation and internal Council engagement.

Phase 1 consultation activities and participation

Phase 1 consultation was held over a period of six weeks from 18 January to 26 February 2021. This phase was about information gathering, providing an open call to residents, businesses, community groups and other stakeholders to share their views on issues and opportunities in the Kyneton town centre. Respondents were asked how they used the area, what they most valued about its appearance and function, and what should be improved.

The consultation was promoted via:

- Council's website and social media pages.
- Print media through the Council column, an article and a brochure insert in the 'Midland Express' newspaper distributed to households in Kyneton and surrounds.
- An article in the 'Kyneton Connect' community newsletter.
- Hand delivery of a summary brochure to all businesses on Piper Street, Mollison Street and High Street.

Respondents were able to provide their feedback through the following means:

- An online survey (hard copy made available on request).
- An online map where respondents could comment regarding a specific location.
- A drop-in session held over a full day and evening at the Kyneton Mechanics Institute.
- Written submission.

- A one-on-one meeting with project officers (available on request).

Officers also noted any comments by business owners made when brochures were delivered. A planned stall at the Kyneton Farmers Market was cancelled due to the 'snap' COVID lockdown of 13-17 February 2021.

Over the course of the consultation, just over 130 people participated and shared their views, including:

- 108 completed surveys
- 13 attendees at the drop-in session with officers
- Two one-on-one meetings
- Three 'pins' on the Pozi map page
- 18 written submissions

Phase 1 consultation findings

Community feedback on the key issues affecting the town centre are summarised below. These aligned closely with the issues identified by officers during background analysis for the project.

- **Pedestrian and cyclist safety:** including safety concerns with crossing the road on side streets and from one side of main roads to the other; the quality of footpaths; accessibility concerns for those with mobility issues in relation to steep pram crossings and gutters; lack of safe bicycle lanes and cycling infrastructure.
- **Trees and landscaping:** respondents were highly supportive of street trees (for shade and amenity) and other streetscape improvements even if this resulted in a small loss of on-street parking; suggested that these could be offset by better availability and signposting of off-street spaces, and improved provision of disabled spaces.
- **Public spaces:** a lack of quality public space was a concern, with support for more seating as well as new and improved open spaces, and better wayfinding signage with less clutter.
- **Appearance and upkeep:** concern that Kyneton appears neglected, noting its potential as a tourism destination has been let down by a lack of investment compared to other similar towns in regional Victoria.
- **Buildings:** strong support for maintaining Kyneton's heritage character and features, including bluestone gutters and buildings; reinstatement of verandas was suggested for shade and restoration of heritage character; very strong support for guidelines for the design of new buildings to ensure that they are respectful of the existing character and building heights.

As noted above, the projects proposed within the draft UDF have been selected in order to provide practical solutions to the problems identified through consultation.

Internal consultation

Collaboration between relevant internal Council departments has been undertaken in order to gauge general support for the proposals included, as well as to identify any issues or concerns which may require changes to the draft or proposals prior to consultation. Input from the Open Space and Recreation team in particular was invaluable in determining an appropriate selection of tree species suited to Kyneton's local environment.

As noted above, the outcomes of the UDF are linked to those of the KMNP. The draft UDF includes a range of proposals designed to improve movement and access within the town centre, and also supports a range of transport improvements relating to the broader township network. It is anticipated that the final UDF will provide a greater level of detail showing how some of the KMNP proposals will be implemented within the town centre.

The draft KMNP was placed on community consultation in April-May 2024. Submissions for the draft KMNP were reviewed so that any feedback relevant to the UDF could be incorporated into the draft if needed. The requests in the submission are broadly consistent with the principles and proposals of the UDF, including:

- Reduced speed limits
- Improved crossings, particularly at locations with known issues including the High/New, Mollison/Jennings and Mollison/Piper Street intersections
- Prioritisation of pedestrian and cycle movements
- Improved access to the train station via walking and cycling.

Collaboration

Given the study area is focused on three arterial roads, the transport arm of the Department of Transport and Planning (DTP) was engaged prior to finalisation of the draft UDF to identify any issues or concerns with the proposals. DTP was supportive of the proposals in the UDF, with key feedback being that the document should explicitly make reference to the department's Movement and Place framework. Movement and Place is the approach adopted by DTP to balance the various roles of streets as transport routes as well as locations for shopping, gathering and other day-to-day social activities, while improving opportunities for sustainable transport modes.

Ongoing collaboration with DTP and other stakeholders will be needed to ensure that the final UDF and any proposals implemented are in accordance with the requirements of responsible agencies.

Innovation and continuous improvement

The proposed resolution delivers on innovation and continuous improvement in two ways – firstly, by providing the community with an opportunity to read, consider and comment on the draft UDF, Council can ensure that the document meets community expectations for the future of the town centre, and importantly provides the opportunity to amend and improve the document where these expectations are not met.

Secondly, the UDF itself provides an important opportunity to deliver a more sustainable, more people-friendly town centre for Kyneton by updating the area for the current and future needs of the community, moving on from its previous role primarily as a highway and thoroughfare.

Relevant law

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment has been conducted in relation to the subject matter of this report. Characteristics including gender, mobility, age and socio-economic status all affect how people use public spaces. The principles underpinning contemporary urban design practice, and hence the draft UDF, are about making public spaces inviting, inclusive, and safe for all users. This means that they can be used by a wider range of people at different times of the day.

In relation to the proposals in the draft UDF, examples of likely benefits include:

- Upgraded pedestrian crossings create a safer environment for people on foot, including parents with prams and young children, people with reduced mobility (e.g. those using wheelchairs, walking frames, crutches etc.), and those without access to a car.
- Building design guidelines include the need for passive surveillance of public spaces and lines of sight between building interiors and the outside, increasing perceived safety in the public realm.
- Better lighting and pedestrian access through car parks make these spaces feel safer at all times of the day.
- Increased seating benefits the elderly, carers of young children and those with disabilities who may need more regular opportunities to stop and rest.

Earlier consultation revealed that many of the users identified above faced difficulties in accessing and moving around the town centre safely. The improvements identified in the draft UDF are therefore recommended as the preferred option compared to a 'do nothing' approach.

Relevant regional, state and national plans and policies

The UDF aligns to a number of regional and state plans, briefly:

- **Loddon Mallee South Regional Growth Plan** (Victorian State Government, 2014): Kyneton is noted as a regional peri-urban town with the capacity to accommodate some population growth, within a defined boundary, thanks to its established infrastructure. The report notes that "the town has a rich legacy of heritage buildings and streetscapes that need to be protected and enhanced" (p. 49).
- **Plan Melbourne 2017-2050** (Victorian State Government, 2017): Again notes Kyneton's role as a peri-urban town with the capacity for population growth. Policy 7.1.2 states that "strategies need to be developed for the timely delivery of state and local infrastructure to support growth and protect their significant amenity... development... must also be in keeping local character, attractiveness and amenity" (p. 131).
- **Macedon Ranges Statement of Planning Policy** (Victorian State Government, 2019): Supports the declaration of Macedon Ranges as a distinctive area and landscape by providing a framework for the protection of the shire's amenity, heritage and natural environment. The draft UDF supports a number of the Statement's objectives and strategies, specifically:

Objective 4: To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.

With Traditional Owners, acknowledge, protect, promote and interpret tangible and intangible Aboriginal cultural values, heritage and knowledge when planning and managing land use and development, water and other environmental resources.

Objective 5: To recognise, conserve and enhance the declared area's significant post-contact cultural heritage values.

Acknowledge, promote and interpret significant post-contact cultural heritage values in the planning, design, development and management of land uses, including infrastructure.

Objective 7: To provide for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area.	Protect the unique rural character of towns in the declared area.
Objective 8: To plan and manage growth of settlements in the declared area consistent with protection of the area's significant landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement.	Encourage infill development that respects the townships' character. Encourage a range of housing types within settlement boundaries to support a diverse range of housing needs.
Objective 9: To manage the provision of infrastructure consistent with protection of the area's significant landscapes and protection of environmental values to support the social and economic needs of communities and increase resilience to climate change effects.	Maintain and enhance transport connections that provide links between and within regional communities and to major cities. Reduce use of fossil fuels and reduce greenhouse gas emissions by prioritising active transport and public transport modes.
Objective 10: Respond to the challenges and threats of climate change and natural hazards with careful planning and mitigation strategies.	Support community and government planning for disaster preparedness and climate resilience.

Relevant Council plans and policies

As noted above, the Kyneton UDF was identified as a Council Plan action in 2019-20. This action was proposed as part of the implementation of Priority Area 3 – Improve the built environment, and specifically the following strategies:

- Foster township character and care for resources of historical significance.
- Advocate for better access to public transport.
- Increase walking and cycling connectivity.
- Improve access to our spaces and streetscapes.

In the Council Plan 2021-2031 (Year 3 Actions 2023/24), the UDF is included as an action to implement Strategic Objective 1. Connecting communities, and the strategic priority "Integrate land-use planning and revitalise and protect the identity and character of the shire".

With respect to other Council strategies, the proposals contained within the UDF are intended (in part) to:

- Improve walking and cycling opportunities to support physical activity, reduce transport emissions and promote a more connected community
- Increase tree canopy within the township to shade and cool the township environment, improve pedestrian amenity and support biodiversity and sustainability (see also 'Sustainability implications' below)
- Support the development of diverse housing opportunities

- Support universal access through safer footpaths, better parking infrastructure and increased seating.

In this way the draft UDF directly supports and helps to implement the following Council plans and policies:

- **Disability Action Plan 2023/24:**
 - Area 4: Access to buildings and places
- **Municipal Public Health and Wellbeing Plan 2021-2025** – Strategic objectives:
 - Create supportive environments for physical activity
 - Enable affordable, secure, safe and appropriate housing
 - Work with the community to reduce greenhouse gas emissions and adapt to the changing climate
 - Establish a local environment which is resilient to the changing climate
- **‘Participate’ Positive Ageing Plan 2020-2025** – Strategies:
 - 3.2: Deliver improvements that support older people to move around safely and easily
 - 3.4: Actively seek and respond to the needs of people of all ages and abilities in planning processes
- **‘Create’ Municipal Early Years Plan 2021-25** – Priority areas:
 - Children are socially connected and active
 - Children’s needs are recognised in infrastructure and the built environment
 - Children are respected and valued in their community

Climate Impact Assessment

The recommendation that the draft UDF be placed on consultation does not have climate impact implications – the below questions have therefore been answered in relation to the draft UDF itself.

How will the recommendation impact on Council’s energy usage and greenhouse emissions profile?

The draft UDF is anticipated to have a negligible impact on Council’s energy usage and greenhouse emissions profile. A small number of projects may call for improved lighting for public spaces – energy efficiency should be included as a consideration in the selection of any lighting fixtures to be installed.

How will the recommendation mitigate risks posed by climate change to Council operations and services?

The draft UDF does not have any foreseeable impact on the climate change risk profile of Council operations.

How will the recommendation help to prepare the community for future climate scenarios?

The draft UDF is expected to support community resilience to climate change and has been written in part with this goal. Initiatives contained in the draft UDF include support for sustainable transport modes, increased tree cover for the town centre (with associated benefits for urban cooling and pedestrian amenity), and support for

installation/reinstatement of awnings and verandahs to provide shade and shelter for people using the main streets of the township.

Financial viability

Consultation on the draft UDF is intended to be conducted using existing project budgets and staff resources.

Regarding the project itself, the Kyneton UDF, if adopted, will have implications for Council's future infrastructure planning and delivery processes, capital works budgets, and asset management. The draft UDF proposes a range of much-needed streetscape upgrades across the entirety of the study area to support both existing and future populations – Macedon Ranges has not previously delivered a project like this in any of its townships.

It is anticipated that the projects included in the draft UDF would require a mix of both Council and grant funding from state and/or federal budgets, as well as a coordinated approach to implementation (including planning and delivery) across Council departments, with targeted consultation with affected community stakeholders at each stage.

Sustainability implications

By supporting sustainable transport and increased tree cover in Kyneton's main streets, the draft UDF directly supports and helps to implement Council's Climate Emergency Plan 2023-2030, specifically the following actions:

- CRC13 – Urban cooling
- PFF8 – Uptake and engagement in active transport
- NN3 – Future-proof plantings

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

PE.2	DRAFT STANLEY PARK INFRASTRUCTURE MASTER PLAN
Officer:	Tanya Loos, Biodiversity Strategy Projects Officer
Council Plan relationship:	2. Healthy environment, healthy people
Attachments:	Draft Stanley Park Infrastructure Master Plan 2024 ↓

Summary

Stanley Park is valued by the Mount Macedon community for its biodiversity and social values. In 2023, the Environmental Management Plan (EMP) for Stanley Park was updated and informed the development of the draft Infrastructure Master Plan.

The draft Infrastructure Master Plan (IMP) for Stanley Park will guide future infrastructure works in the reserve. The draft IMP was released for community consultation in March 2024 and in response a total of 55 submissions have been received. The report outlines changes to the draft IMP in response to feedback from the community and presents the final draft Stanley Park IMP for adoption.

Recommendation

That Council adopts the draft Stanley Park Infrastructure Master Plan.

Background

The purpose of the Stanley Park IMP is to:

- Review current assets, infrastructure and community use of the reserve via community consultation
- Inform infrastructure needs to improve the use of the reserve for a range of users and peaks in visitation.
- Propose design solutions that manage threats to the reserve's ecological values through appropriate infrastructure
- Ensure infrastructure and asset management strives for a balance of social and ecological outcomes for the reserve and its surrounds and is supported by the local community.

The need to develop an infrastructure management plan for Stanley Park was outlined in a business case prepared as part of the 2021/2022 Council budget process. In response to a request from the former Stanley Park Committee of Management, Council included in the 2021/22 budget funds to develop the infrastructure management plan as well as updating the existing environmental management plan.

In 2022, Council appointed the Stanley Park Community Asset Committee (SPCAC) and adopted an Instrument of Delegation to define the role of the committee and responsibilities of both Council and the Committee.

In 2023, the Environment Unit worked with the SPCAC on updating the Environmental Management Plan (EMP) for the Stanley Park Reserve. After a community consultation process, the updated EMP was adopted at the 13 December 2023 Scheduled Council Meeting.

The draft Stanley Park IMP combines the recommendations of the Stanley Park EMP and the findings from community consultation and seeks a balance between ecological priorities

and passive recreation needs of the community. Passive recreation activities include bushwalking, picnicking and visiting the playground.

The development of an Infrastructure Master Plan for Stanley Park was informed by the updated EMP which was prepared by Geordie Scott-Walker in 2023. On September 1, 2023, the Stanley Park working group met at Stanley Park to explore both EMP and IMP considerations. Working group attendees included officers from the Environment Unit, Open Space, as well as one representative from Melbourne Water and three members of the SPCAC. The aim of this meeting was to provide feedback and guidance to the landscape architects, PLOT Landscape Architects, who then developed initial concept sketches for the working group to consider.

Submissions to the EMP were also considered at this time. After internal consultation with officers from the Open Space team, and another round of comments from Melbourne Water representatives, these initial sketches were sent back to PLOT with comments and guidance for the creation of the draft IMP.

Discussion

The objectives in the Stanley Park IMP broadly aim to maintain passive recreation opportunities whilst protecting the ecological values of the site's vegetation and waterways. Passive recreation includes walking, picnicking, using the rotunda, barbecue, and playground facilities, and viewing the waterfall. Most of the proposed actions in the draft IMP are straightforward, such as the replacement of an aging footbridge over Turitable Creek, and actions listed below:

- Proposed fencing and boardwalk infrastructure creates a safer experience for park visitors with improved visual amenity, while protecting native vegetation and other biodiversity values.
- The Stanley Park IMP explores educational opportunities such as interpretive signage to further enhance visitors' understanding of the values of Stanley Park.
- In addition, the Stanley Park IMP proposes to create maintenance buffer zones to control and ease concerns of bushfire risk, planting and or fencing to guide access as well as pedestrian gates to allow closure during times of high bushfire or other risks such as severe storms.

The most innovative feature of the draft IMP is the proposal to consolidate recreational infrastructure and facilities in the north-east corner of the site. This long-term vision sees the existing play equipment, surrounding mowed grass area and carpark removed, and the area rehabilitated in accordance with the EMP. The only recreational asset proposed for removal is the barbecue.

The playground and other recreational facilities will not be removed until the Council's Asset Register deems the equipment has become unsafe or unusable and is due for replacement, at 'end-of-life'. The new facilities such as a playground and picnic settings will be located near the existing toilet block and car park area on Salisbury Road and have the same footprint as the current playground, with potential for this space to be even larger than currently provided for. All new infrastructure is proposed within the footprint of the existing, disturbed area, in accordance with guidance from the EMP.

The advantages of this approach are as follows:

- One designated area for recreation infrastructure improves efficiency for infrastructure maintenance and mowing. A consolidated area also provides improved monitoring of vandalism impacts.
- At present, Stanley Park has multiple entrances, which complicates the erection of signage – both educational and safety signage and any controls e.g. dogs need to be on leash.
- Toilet blocks are not easily moved or cost-effective to relocate, and it is convenient to have playground facilities and picnic areas near amenities.

The implementation of the IMP will be completely dependent on the provision of funding to undertake the works or progressed within existing resources.

Consultation and engagement

Community consultation for the EMP and IMP has been undertaken as a two-stage process.

The Stage One consultation on the Stanley Park draft EMP was open from late July and closed on 17 August 2023. While the purpose of the consultation was to seek feedback on the draft EMP, the community was also invited to provide input and initial ideas into the infrastructure and assets of the reserve – namely to let us know how the community used Stanley Park, and what they valued about the park.

In the Stage One consultation process for the EMP, Council received several community submissions which disagreed with the EMP's guidance to 'limit public use of the site and associated disturbances to native vegetation' and emphasised the importance of Stanley Park to local residents, in particular families using the playground and picnic areas. Consideration of these submissions ensured that the long-term vision of Stanley Park in the draft IMP that went out for consultation included a nature play / playground area, retained the rotunda, the waterfall viewing platform and the public toilets.

The draft IMP proposed to remove the barbecue. The temporary fencing by the base of the falls was slated for upgrade to improve visual amenity of the site, while still protecting the revegetation works at the base of the falls and along Turitable Creek. When budget allows, a proposed boardwalk will also further limit any disturbance to vegetation and waterways, while still allowing visitor enjoyment of the site.

The SPCAC was provided a copy of the draft IMP in December 2023 for comment prior to formal community consultation process commencing. The SPCAC provided formal feedback on the draft IMP after their 27 February 2024 meeting, and their submission was included as part of Stage Two consultation.

Stage Two consultation involved another 'have your say' page, this time with a link to the draft IMP. This consultation process was similar to the consultation process for the development of the EMP and involved approximately 120 letters to residents surrounding and adjacent to Stanley Park. The draft IMP and invitation to comment was promoted in the Environmental Enews, and via media release and social media. The consultation period was from 22 March to 19 April 2024 and a total of 55 submissions were received. These submissions have been reviewed and considered in updating the draft IMP.

Community concerns for the future use and management of Stanley Park are highly divergent, with examples below:

"Our decisions, for the comments on this Stanley Park Infrastructure Master Plan, must support the conservation values as the highest priority and to reject all proposals for the development that this draft promotes. The Stanley Park IMP's purpose is to remove recreation within the reserve through a staged removal of existing infrastructure, such as the

existing playground, BBQ and Pavilion, picnic tables, bollards, drinking fountain, car park, mowing areas, toilet block, viewing platform, stone steps and the large interpretive sign (a new sign to be developed at the new entrance)."

"We write to object to the proposed Master Plan for Stanley Park which indicates partial closure as well as limiting access and in the long-term removal of public facilities. Stanley Park is an important recreational destination for both residents and tourists. There is no other place near the Mount Macedon village for the community or visitors to congregate and indulge in both passive and active recreation. We would in fact encourage expanding the existing playground and picnic area."

A summary of suggestions and officer responses are included in the table below. The overwhelming majority of submissions received expressed a preference for the retention of a playground within the park and this has prompted changes to the proposed "nature play" vision to include traditional playground infrastructure for children such as swings and climbing equipment.

Stanley Park has been protected and cared for since 1919, when the Upper Macedon Ranges Progress Association acquired the land for conservation purposes and for the use of the community as a natural space. The term used at this time was 'public recreation', and the Stanley Park IMP allows for continued use of the park by the community, including use of the rotunda, walking tracks, waterfall viewing, amenities and playground.

Theme	Comments	No. of comments	Officer response and changes/ additions to IMP
General comments	Stanley Park is for families and local recreation – maintain and extend existing infrastructure especially playground	35	Vision for IMP reworded to provide clarity and include recreation values.
	Stanley Park's primary purpose is biodiversity conservation – remove all playgrounds (present and proposed), park benches, toilets, car park	5	The purpose of the IMP is to ensure recreational uses of the park avoid damage to the waterways and vegetation, not to remove all visitor infrastructure. Cannot remove all the visitor facilities as the PCRZ zone allows for consideration of a wider range of uses, providing the natural environment isn't unreasonably impacted. Section 1 uses include Car park, Open sports ground, or Kiosk. Opportunities for passive recreation (walking, playground, picnic area) are complementary to Stanley Park's conservation function, as

Theme	Comments	No. of comments	Officer response and changes/ additions to IMP
			per other PCRZ sites like Hanging Rock, Macedon Regional Park, Black Hill etc.
Consolidation of assets in eastern zone	Retention of playground and facilities such as rotunda and car park in current location	35	Improve language on IMP to reassure that existing playground removed only at end of life, the new area is the same or bigger. Images of swings, monkey bars and other climbing equipment added to IMP. Removal of “nature play” in Master Plan Vision PLA594-L01.
	Staged removal of playground and new nature play area supported as proposed	10	Noted.
	Staged removal of playground and new nature play area supported – but only if area for nature play much larger in extent, and swings included	4	Proposed new area increases recreation play space/playground, new colours added and area listed on plan on PLA594-LO5.
Proposed northeast playground area	Concern for rising ground water in proposed playground area	3	Noted. Include a swale or acknowledgement to consult with Melbourne Water on PLA594-LO5.
	Request for swings and other climbing / active equipment to be included rather than nature play	3	Included on PLA594-LO5.
	Request for new playground area to be larger and located on decommissioned tennis court or in EVC 47	4	Melbourne Water representatives noted that the decommissioned tennis court area too close to sensitive creek line vegetation. The EMP guidance – avoid removal of native vegetation when consolidating recreational infrastructure.

Theme	Comments	No. of comments	Officer response and changes/ additions to IMP
	Concern that it is inappropriate to place playground near toilets	5	The toilets are on the main sewer, not septic, so there will not be an associated smell. It is common practice to have playgrounds and toilets near one another for convenience.
Rotunda	Retain rotunda	35	Rotunda will remain on site
	Remove rotunda	3	
Barbecue facilities	Retain barbecue	7	Barbecue will be removed to reduce litter impacts and fire risk.
	Remove barbecue	3	
Waterfall viewing platform	Maintain/ upgrade viewing platform, including boardwalk	5	Noted. Viewing platform will be upgraded / repaired subject to funding.
	Remove viewing platform	4	
	Request for security fencing along full length along top of escarpment	2	Cost of this fencing prohibitive, and fencing may not be effective. EMP notes difficulty in managing public activity around the falls. Increase warning messaging as appropriate signage in multiple languages / using icons.
Waterfall and creek	Retain full access to waterfall, improve access to waterfall at base of the falls including boardwalk	4	Proposed infrastructure – fencing and boardwalk will protect vegetation and creek values while still allowing visitor enjoyment of the falls, on PLA594-LO3.
	No boardwalk, no access	4	
	Upgrade or improve fencing along creek at waterfall base	5	
Paths and associated infrastructure	Retain/ upgrade stone steps	2	Stone steps will be upgraded / repaired subject to funding.
	Remove stone steps	1	
	Remove grassland gravel path	2	Retain path as it directs pedestrian traffic, and serves a fire break
	Reopen decommissioned bush trail on L04	3	Reopening this trail would involve extensive

Theme	Comments	No. of comments	Officer response and changes/ additions to IMP
			vegetation removal which is not in accordance with EMP guidance.
	Replace footbridge Turitable creek	1	Noted.
	No concrete or gravel paths	3	Only located in proposed northeast area, important for all ability access
Edge buffer zones	Support for zones as described	1	Noted.
	Request reduction in width of buffer zone on Waterfalls Rd – the grassland and wildflowers	2	Noted. On PLA594-LO3 Reduce width of the buffer zone to match width of other zones per LO2. Possible mowing guidance markers to protect wildflowers and grasslands
	Does not support buffer zones	2	Noted. Buffer zones are an important tool to mitigate fire risk and allay community concerns about fire risk.
Access and gates	Waterfalls Road maintenance access needs relocating up to the boundary fence line.	2	Vehicle access and parking area for maintenance to remain as is, for safety reasons as contractors can't park on road safely. Possibly erect "no parking, emergency vehicle access only" sign
	Proposal for electronic gate to close access to the reserve in extreme weather	3	Noted. Manual gates are preferred as this allows officers to check premises at the same time.
	Support for wildlife friendly fencing as proposed	5	Noted.
Other items	Concern about weeds especially in waterway – focus on weed problem not infrastructure	3	Noted. Melbourne Water have added the Turitable Creek waterway to their maintenance schedule so this will assist in waterway weed management.

Theme	Comments	No. of comments	Officer response and changes/ additions to IMP
	Request for rubbish bins	6	Noted. MRSC have no plans for new bins throughout.
	Concerns about fire risk	6	Noted. The gravel grassland path is an effective fire break. Management of fine fuels along edge buffers will address fire risk.

The emphasis and the language of the vision of the IMP was also changed as a result of the community consultation. The table below details these changes.

	Draft IMP	Proposed changes
PLA594 - L01 – Vision, Contents and Context Plan	The Stanley Park Infrastructure Master Plan (IMP) aims to balance the unique opportunities for nature experience associated with public recreation with the Park's ecological and biodiversity values.	The Stanley Park Infrastructure Master Plan (IMP) aims to balance the public recreation values of the Park whilst preserving the Park's ecological and biodiversity values.
	Manage threatening processes and reduce inappropriate human disturbances by reducing the "footprint" of recreation activities, carparking and associated management regimes (grass mowing) whilst maintaining passive recreation opportunities.	Maintain passive recreation opportunities at Stanley Park while protecting native vegetation and creek values by consolidating the "footprint" of recreation activities, car parking and associated management regimes (grass mowing).
	Provide opportunities for (appropriate) nature-based recreation and educational activities and limit the location and extent of these activities to protect the conservation values of Stanley Park.	Delete (as points above and below cover it)
	The Stanley Park IMP proposes to 'focus' passive recreation in the north-east corner of the site and stage the removal of existing infrastructure such as the existing play equipment, surrounding mowed grass and carpark as they require replacement / renewal over time. These areas (more than 0.5Ha) would be rehabilitated in accordance with the EMP.	The Stanley Park IMP proposes to consolidate recreational infrastructure and facilities in the north-east corner of the site. New facilities such as playground, picnic settings will occupy the same extent of area. All new infrastructure is proposed within the footprint of existing, disturbed area. This long-term vision involves the staged removal of aging infrastructure such as the existing play equipment, surrounding mowed grass and carpark as they

	Draft IMP	Proposed changes
	All new infrastructure is proposed within the footprint of existing, disturbed areas	require replacement / renewal over time. These areas (more than 0.5Ha) would be rehabilitated in accordance with the EMP.
		Proposed fencing and boardwalk infrastructure creates a safer experience for park visitors with improved visual amenity, while protecting native vegetation and other biodiversity values.
	In addition, the Stanley Park IMP proposes to create maintenance buffer zones to control and ease concerns of bushfire risk, planting and or fencing to guide and control access as well as pedestrian gates to allow closure during times of high bushfire or other risks.	In addition, the Stanley Park IMP proposes to create maintenance buffer zones to control and ease concerns of bushfire risk, planting and or fencing to guide access as well as pedestrian gates to allow closure during times of high bushfire or other risks such as severe storms.
	The Stanley Park IMP explores educational opportunities such as interpretive signage and nature-based play and picnic infrastructure to further enhance visitors understanding of the values of Stanley Park.	The Stanley Park IMP explores educational opportunities such as interpretive signage to further enhance visitors' understanding of the values of Stanley Park.

Collaboration

Melbourne Water was represented on the Working Group and attended on-site meetings and provided detailed feedback on the draft IMP prior to being released for consultation.

Innovation and continuous improvement

An ecological consultant was engaged to provide expert advice for the management of Stanley Park's bushland areas and waterways in the EMP. Landscape Architects PLOT were engaged to develop the plans.

Relevant law

Stanley Park is subject to the following zones and overlays under the Macedon Ranges Planning Scheme:

- Zoned as Public Conservation and Resource Zone (PCRZ);
- Schedule 1 to the Significant Landscape Overlay (SLO1) 'Mountain Ranges and Features';
- Schedule 2 to the Vegetation Protection Overlay (VPO2) 'Roadside Vegetation';
- Schedule 5 to the Environmental Significance Overlay (ESO5) 'Other Water Supply Catchments'; and

- Bushfire Management Overlay (BMO).

Gender Impact Assessment

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment has been conducted in relation to the subject matter of this report. Stanley Park provides important local open space and access to nature for the residents of Mount Macedon and surrounds. Women and children regularly utilise the park for picnics and playground.

Relevant regional, state and national plans and policies

Turitable Creek is identified in Melbourne Water's *Healthy Waterways Strategy 2018-2028* as a high priority waterway, and a tributary of the Jacksons Creek sub-catchment to Maribyrnong River.

Relevant Council plans and policies

This plan aligns with the Council Plan Strategic Objective 2 "Healthy environment, healthy people" which includes an action to "protect, preserve and enhance bushland and biodiversity". The development of the IMP meets key objectives of Council's Biodiversity Strategy 2018, including Objective 1: Protect existing biodiversity and native vegetation and Objective 4: Improve Council and the community's understanding and connection to biodiversity.

Climate Impact Assessment

How will the recommendation impact on Council's energy usage and greenhouse emissions profile? Not applicable

How will the recommendations mitigate risks posed by climate change to Council operations and services? Not applicable

How will the recommendation help to prepare the community for future climate scenarios? A Climate Impact Assessment found that the recommendation addresses the increased occurrence of severe weather events prompting the need for park closure such as wildfire and severe storm events. Updated pedestrian gates, a consolidated entrance and updated signage will address this need.

Financial viability

The implementation of the Infrastructure Master Plan is dependent on the provision of funding to undertake the works.

Council can use the plan to apply for different funding streams available through Council, State and Federal Governments, Melbourne Water, community environment grants, or other funding programs.

Sustainability implications

The IMP will ensure that the multiple values of Stanley Park are managed in a sustainable manner and ensure protection of the natural environment.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

CONTENTS:

- Drawing Number
PLA594-L01 Vision, Contents & Context Plan
PLA594-L02 Overall Infrastructure Master Plan
PLA594-L03 Stanley Park IMP - West
PLA594-L04 Stanley Park IMP - East
PLA594-L05 Enlargement - Recreation Area Concept

MASTER PLAN VISION

The Stanley Park Infrastructure Master Plan (IMP) aims to balance the public recreation values of the Park whilst preserving the Park's ecological and biodiversity values.

- Implementation of the Master Plan will achieve the following objectives.
- 1. Protect and enhance the ecological values and biodiversity of Stanley Park.
 - 2. Maintain passive recreation opportunities at Stanley Park while protecting native vegetation and creek values by consolidating the 'footprint' of recreation activities, car parking and associated management regimes (grass mowing).

The Stanley Park IMP proposes to consolidate recreational infrastructure and facilities in the north-east corner of the site. New facilities such as playground and picnic settings will occupy the same or more area. All new infrastructure is proposed within the footprint of existing, disturbed area. This long term vision involves the staged removal of aging infrastructure such as the existing play equipment, surrounding mowed grass and carpark as they require replacement / renewal over time. These areas (more than 0.5Ha) would be rehabilitated in accordance with the EMP.

Proposed fencing and boardwalk infrastructure creates a safer experience for park visitors with improved visual amenity, while protecting native vegetation and other biodiversity values.

In addition the Stanley Park IMP proposes to create maintenance buffer zones to control and ease concerns of bushfire risk, planting and or fencing to guide access as well as pedestrian gates to allow closure during times of high bushfire or other risks such as severe storms.

The Stanley Park IMP explores educational opportunities such as interpretive signage to further enhance visitors' understanding of the values of Stanley Park.

All projects are subject to funding.

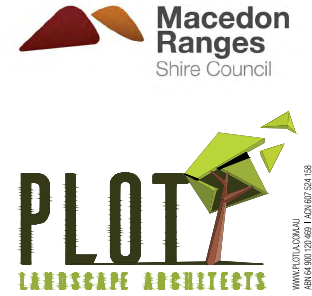
CONTEXT PLAN



B	Client Issue - amendment	AD	30.05.24
A	Client Issue	AD	07.05.24
P1	Preliminary Issue - For MRSC Review	RH	07.12.23
Revision	Description	Initials	Date
Status	CLIENT ISSUE		

Notes

1. This drawing is a Master Plan and is conceptual only and not for construction.
2. This Master Plan is based on aerial photography sourced from Nearmap, GIS data and the EMP (refer below). The location and alignment of paths, water courses, trees, planting and grassed areas and other site features is indicative.
3. This Master Plan should be read in conjunction with the *Environmental Management Plan - Stanley park, Mt Macedon* (EMP) prepared by GSW Ecological Consulting in May 2023.
4. All permits and approvals from relevant Authorities shall be sought and secured prior to any works on site. Works should be in accordance with the recommendations of the EMP.
5. Implementation of this plan is dependent on funding sought by MRSC and partner agencies.



Client / Project

Macedon Ranges Shire Council
Stanley Park
15 Salisbury Road, Mt Macedon
Wurundjeri Woi Wurrung Country

Drawing Title

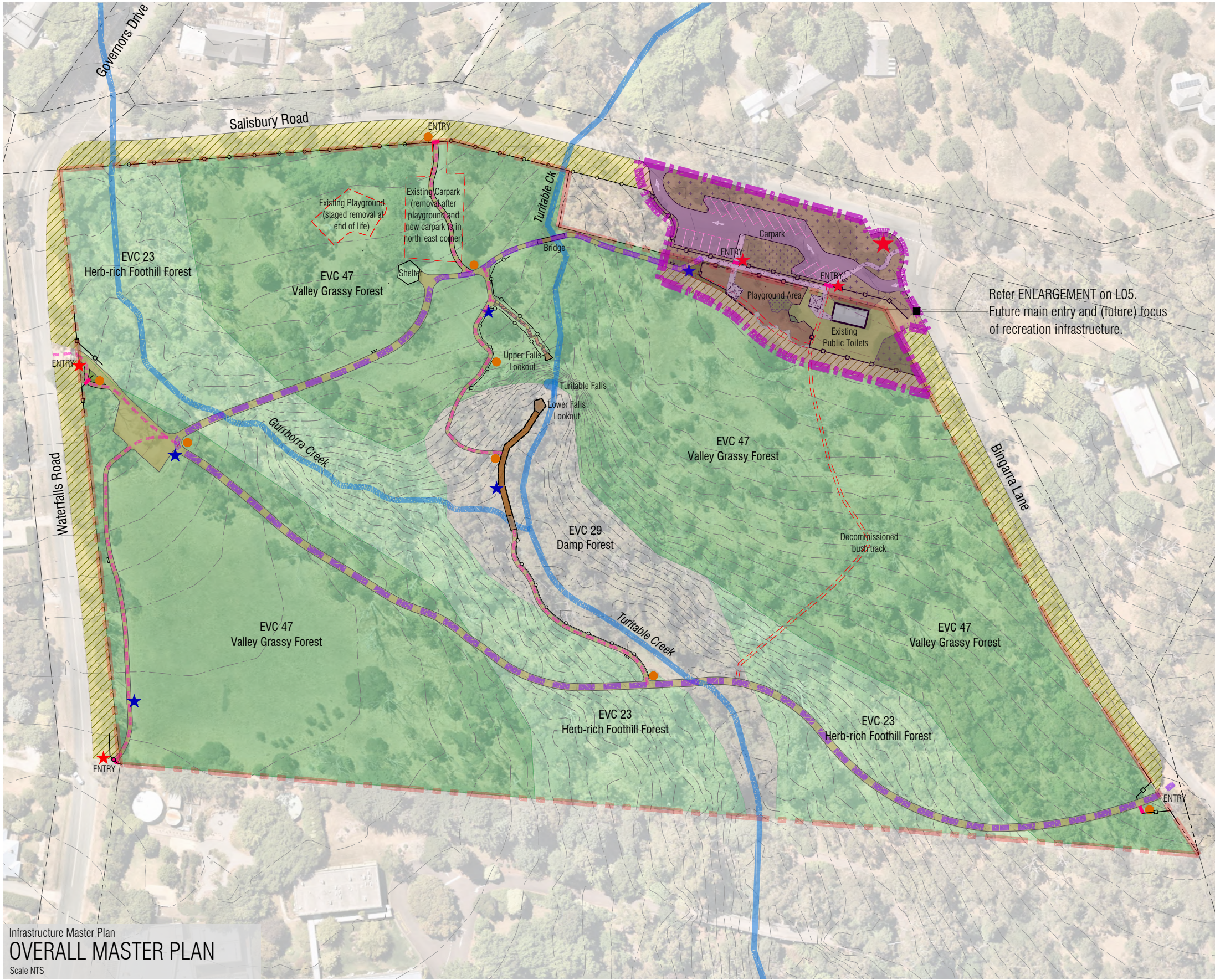
Vision, Contents and Context Plan

Drawn	Approved	Date	North
RH	AD	30.05.2024	
Scale (A3)	Scale (A3)	Sheet	
nts	nts	1 of 5	

This drawing and design is protected by copyright © PLOT Landscape Architects Pty Ltd.

Drawing Number

PLA594-L01 B

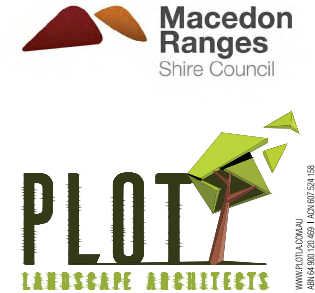


Infrastructure Master Plan
OVERALL MASTER PLAN
Scale NTS

B	Client Issue - amendment	AD	30.05.24
A	Client Issue	AD	07.05.24
P1	Preliminary Issue - For MRSC Review	RH	07.12.23
Revision	Description	Initials	Date
CLIENT ISSUE			

- Notes**
1. This drawing is a Master Plan and is conceptual only and not for construction.
 2. This Master Plan is based on aerial photography sourced from Nearmap, GIS data and the EMP (refer below). The location and alignment of paths, water courses, trees, planting and grassed areas and other site features is indicative.
 3. This Master Plan should be read in conjunction with the Environmental Management Plan - Stanley park, Mt Macedon (EMP) prepared by GSW Ecological Consulting in May 2023.
 4. All permits and approvals from relevant Authorities shall be sought and secured prior to any works on site. Works should be in accordance with the recommendations of the EMP.
 5. Implementation of this plan is dependent on funding sought by MRSC and partner agencies.

- Legend**
- MRSC Standard Signage
- ★ Park Entry Sign
 - ★ Interpretative Sign
 - Directional / Information Bollard
- Pedestrian Paths
- Main path
 - Path connections
 - Gravel surface
 - Concrete surface
 - Low boardwalk (with fence)
 - Lookout / Bridge structures
- Fences & Gates
- Timber post & rail fence
 - Fence / planting (access control)
 - Lockable pedestrian gate
- Existing feature to be removed or decommissioned (staged)
 - Edge Buffer Zone
 - Creek / Waterway



Client / Project

Macedon Ranges Shire Council
Stanley Park
15 Salisbury Road, Mt Macedon
Wurundjeri Woi Wurrung Country

Drawing Title

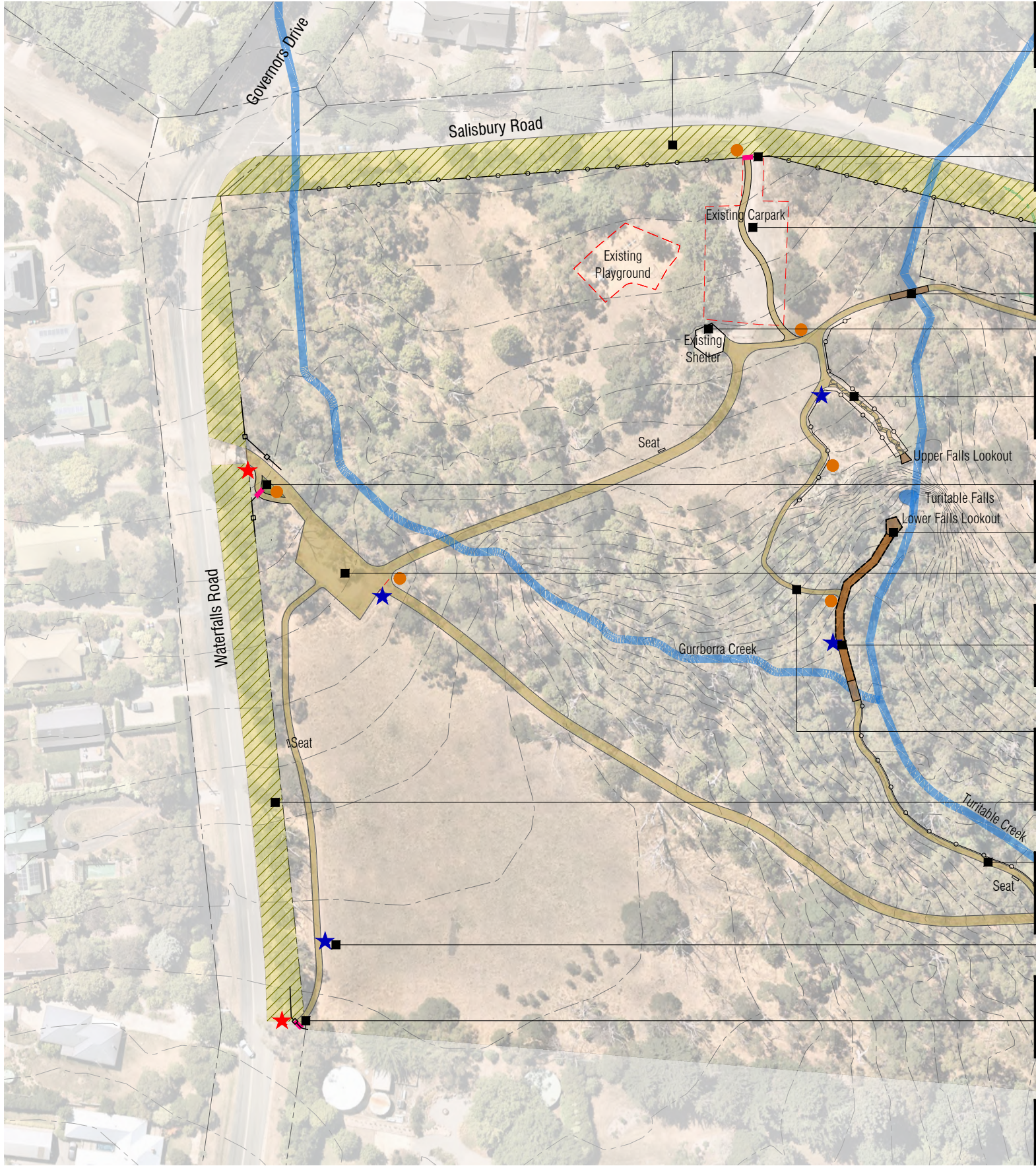
Overall Infrastructure Master Plan

Drawn	Approved	Date	North
RH	AD	30.05.2024	
Scale (A3)	Scale (A3)	Sheet	
nts	nts	2 of 5	

This drawing and design is protected by copyright © PLOT Landscape Architects Pty Ltd.

Drawing Number

PLA594-L02 **B**



Establish edge buffer maintenance zone including grass slashing and removal of fallen debris to maintain as low fuel zone to address potential fire risks. Explore options to limit access including large logs, prickly shrubs and wildlife friendly fencing.

Install lockable pedestrian gate and new path connection (through existing carpark) once carpark is removed.

Possible future (long-term) rehabilitation of carpark and playground site (at playground end of life) and consolidation into north east area. Rehabilitate "Western Grassy Slopes" area in accordance with EMP.

Replace pedestrian bridge due to poor condition of existing bridge.

Remove existing BBQ.

Possible upgrade of access (rockwork steps & handrail). Install fencing on both sides to limit access (and damage) off the path. Install safety signage (with symbols and multiple languages). Explore possible future fenced, boardwalk access and new falls lookout once replacement is necessary.

Install pedestrian entry gate next to vehicle maintenance gate and short length of timber post & rail fence to define entry. Plant additional shrubs to eliminate unauthorised vehicle access.

Widened and fenced lower lookout area (low boardwalk).

Retain gravel maintenance area. Remove gates and bollards that are no longer required.

Explore options for low boardwalk (and widened lower lookout area) to limit damage and allow access underneath for fauna. Install fence on boardwalk to eliminate all human access other than on the boardwalk. Install interpretive signage.

Install signage at top and bottom of existing track to provide visitor access information such as uneven surface / steps and slippery when wet.

Establish edge buffer maintenance zone to reduce fire hazard with options to limit access. Possible mowing guidance markers to protect wildflowers and grasslands.

Upgrade path surface. Possible future fence along creek-side to reduce impact of access on riparian vegetation.

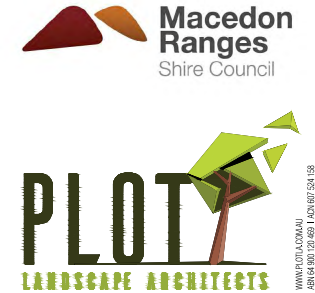
Install interpretive signage to provide information on the biodiversity values of Stanley Park.

Install lockable pedestrian entry gate and short length of timber post & rail fence to define entry and allow closure of park during high bushfire danger and severe storm events.

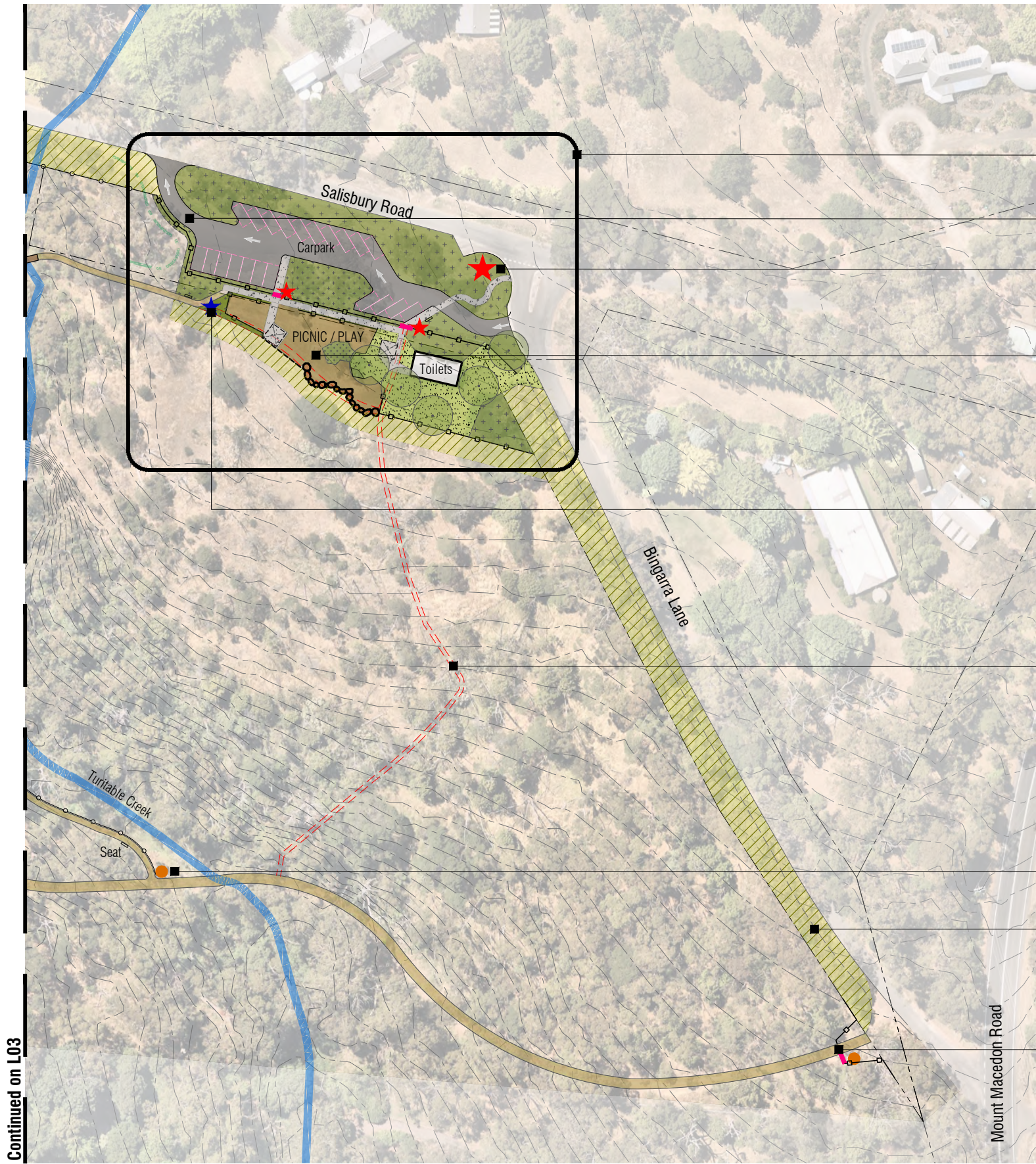
B	Client Issue - amendment	AD	30.05.24
A	Client Issue	AD	07.05.24
P1	Preliminary Issue - For MRSC Review	RH	07.12.23
Revision	Description	Initials	Date
CLIENT ISSUE			

- Notes**
1. This drawing is a Master Plan and is conceptual only and not for construction.
 2. This Master Plan is based on aerial photography sourced from Nearmap, GIS data and the EMP (refer below). The location and alignment of paths, water courses, trees, planting and grassed areas and other site features is indicative.
 3. This Master Plan should be read in conjunction with the *Environmental Management Plan - Stanley park, Mt Macedon (EMP)* prepared by GSW Ecological Consulting in May 2023.
 4. All permits and approvals from relevant Authorities shall be sought and secured prior to any works on site. Works should be in accordance with the recommendations of the EMP.
 5. Implementation of this plan is dependent on funding sought by MRSC and partner agencies.

- Legend**
- MRSC Standard Signage
 - ★ Park Entry Sign
 - ★ Interpretative Sign
 - Directional / Information Bollard
 - Pedestrian Paths
 - Gravel surface
 - Concrete surface
 - Low boardwalk (with fence)
 - Lookout / Bridge structures
 - Fences & Gates
 - Timber post & rail fence
 - Fence / planting (access control)
 - Lockable pedestrian gate
 - Existing feature to be removed or decommissioned (staged)
 - Edge Buffer Zone
 - Creek / Waterway



Client / Project	
Macedon Ranges Shire Council	
Stanley Park	
15 Salisbury Road, Mt Macedon	
Wurundjeri Woi Wurrung Country	
Drawing Title	
Stanley Park IMP - West	
Drawn	Approved
RH	AD
Scale (A3)	Scale (A3)
1:500	1:1000
Sheet	
3 of 5	
This drawing and design is protected by copyright © PLOT Landscape Architects Pty Ltd.	
Drawing Number	
PLA594-L03	B



Continued on L03

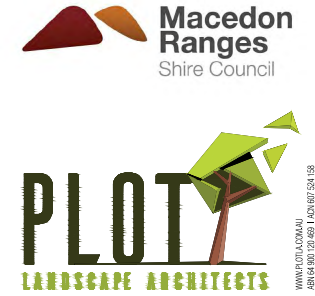
- Passive Recreation Area - refer ENLARGEMENT on L05.
- Possible future upgrade of gravel carpark with defined carparks (wheel-stops & buttons) and pedestrian access and entries, fencing and planting.
- Main Stanley Park entry sign. Consider future Park name change.
- New playground / play area / picnic facilities consolidated near car park and public toilets, once existing playground equipment reaches end of life. Recreation area to be fenced (wildlife-friendly) for child safety and to guide pedestrian movement.
- Install interpretive signage close to main entry that provides information on biodiversity values, Wurundjeri Woi Wurrung and European heritage.
- Decommissioned bush trail (no access).
- Install directional sign.
- Establish edge buffer maintenance zone including grass slashing and removal of fallen debris to maintain as low fuel zone to address potential fire risks.
- Install lockable pedestrian entry gate (next to maintenance vehicle gate) and short length of timber post & rail fence to define entry and allow closure of park during high bushfire danger and severe storm events.

B	Client Issue - amendment	AD	30.05.24
A	Client Issue	AD	07.05.24
P1	Preliminary Issue - For MRSC Review	RH	07.12.23
Revision	Description	Initials	Date
Status			

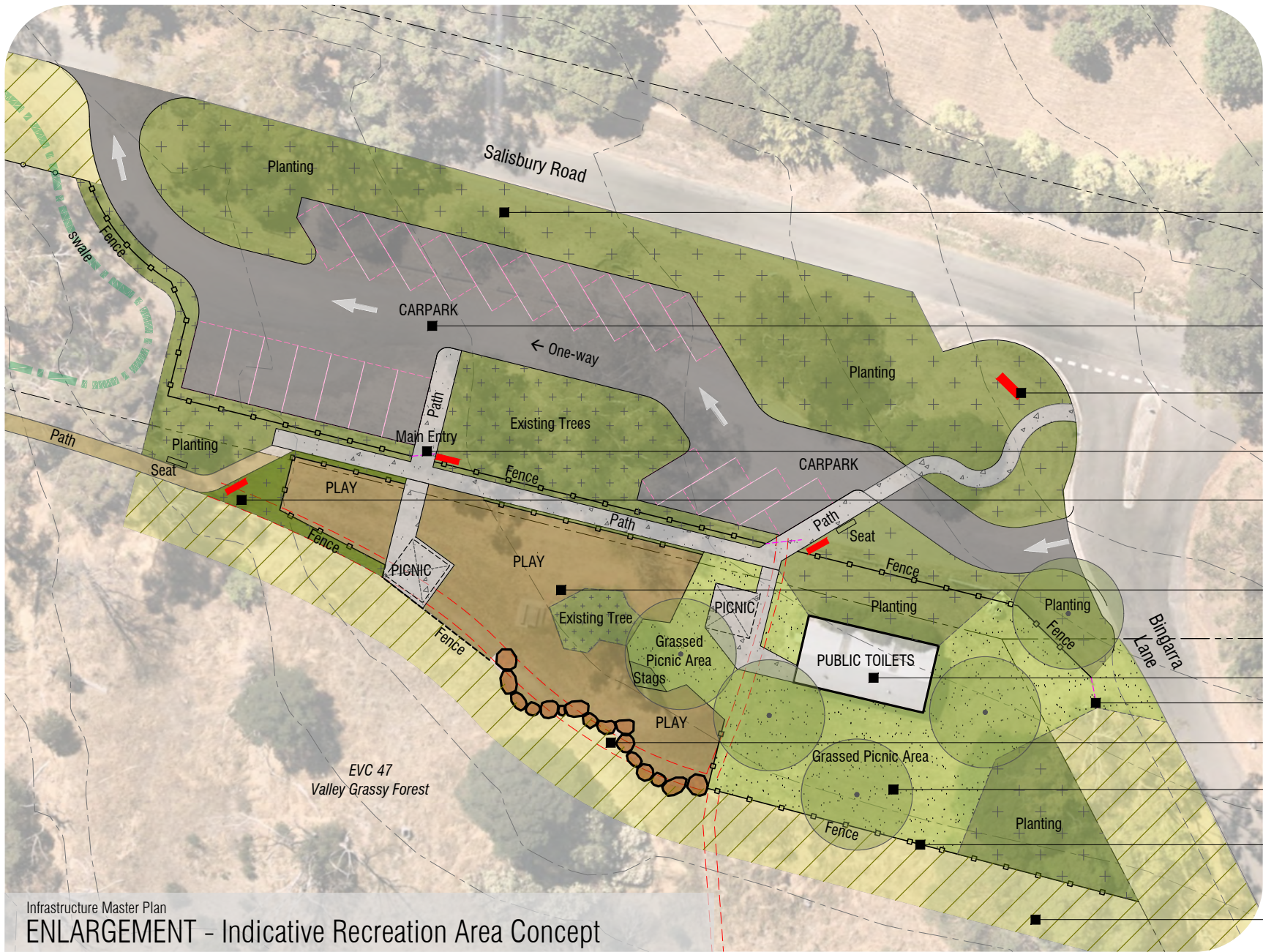
CLIENT ISSUE

- Notes**
1. This drawing is a Master Plan and is conceptual only and not for construction.
 2. This Master Plan is based on aerial photography sourced from Nearmap, GIS data and the EMP (refer below). The location and alignment of paths, water courses, trees, planting and grassed areas and other site features is indicative.
 3. This Master Plan should be read in conjunction with the Environmental Management Plan - Stanley park, Mt Macedon (EMP) prepared by GSW Ecological Consulting in May 2023.
 4. All permits and approvals from relevant Authorities shall be sought and secured prior to any works on site. Works should be in accordance with the recommendations of the EMP.
 5. Implementation of this plan is dependent on funding sought by MRSC and partner agencies.

Legend		MRSC Standard Signage
	Park Entry Sign	
	Interpretative Sign	
	Directional / Information Bollard	
Pedestrian Paths		
	Gravel surface	
	Concrete surface	
	Low boardwalk (with fence)	
	Lookout / Bridge structures	
Fences & Gates		
	Timber post & rail fence	
	Safety fence (to control access)	
	Prickly planting / boundary fence	
	Lockable (pedestrian) gate	
	Existing feature to be removed or decommissioned (staged)	
	Edge Buffer Zone	
	Indicative swale	
	Creek / Waterway	



Client / Project		Macedon Ranges Shire Council
		Stanley Park
		15 Salisbury Road, Mt Macedon
		Wurundjeri Woi Wurrung Country
Drawing Title		Stanley Park IMP - East
Drawn	Approved	Date
RH	AD	30.05.2024
Scale (A1)	Scale (A3)	Sheet
1:500	1:1000	4 of 5
This drawing and design is protected by copyright © PLOT Landscape Architects Pty Ltd.		
Drawing Number		
PLA594-L04		B



Infrastructure Master Plan
ENLARGEMENT - Indicative Recreation Area Concept



Indicative Image - Nature Play (Valley Reserve)

Planting of indigenous species across Salisbury Road frontage. Protect existing trees, shrubs & "stags" (where appropriate) within mulched areas.

Defined one-way 90° / 45° carparks and aisles (gravel). Drainage intercepted before entering creek. Timber post and rail fence around carpark with clearly defined pedestrian entries.

Main Stanley Park Sign.

Clearly defined, accessible pedestrian entries and paths, fence, pedestrian gate (lockable during high bushfire danger) and entry sign. Interpretative signage.

Recreation area (picnic & play) within existing mowed grass area including seats, picnic settings, shelter, nature-based and adventure play, drinking fountain and indigenous shade trees. Concept shown is indicative only.

Possible future refurbishment of public toilets.

Vehicle maintenance access gate.

Consult with Melbourne Water regarding rising groundwater / possible swale for drainage.

Mowed grass picnic areas.

Fence or other barrier along edge of defined picnic / play area to eliminate access into native vegetation areas and to catch litter.

Slashed edge buffer maintenance zone including planting and possible swale to capture drainage, weed seeds and litter.

B	Client Issue - amendment	AD	30.05.24
A	Client Issue	AD	07.05.24
P1	Preliminary Issue - For MRSC Review	RH	07.12.23
Revision	Description	Initials	Date
CLIENT ISSUE			

Notes

1. This is an indicative concept for illustration purposes only. All works are subject to funding, project scoping and detailed design.
2. This Master Plan is based on aerial photography sourced from Nearmap, GIS data and the EMP (refer below). The location of all existing and proposed features are indicative.
3. This Master Plan should be read in conjunction with the Environmental Management Plan - Stanley Park, Mt Macedon (EMP) prepared by GSW Ecological Consulting in May 2023.
4. Implementation of this plan is dependent on funding sought by MRSC and partner agencies.

Legend

	Carpark
	Concrete paving / path
	Gravel path
	Play area
	Planting / regeneration (indigenous sp)
	Mowed grass (possible native species)
	Edge Buffer (Maintenance) Zone
	Indicative swale
	Sign (entry / interpretive)
	Timber post & rail fence
	Fence / Barrier
	Lockable pedestrian gate
	Possible future shade shelter + accessible picnic table



Client / Project			
Macedon Ranges Shire Council			
Stanley Park			
15 Salisbury Road, Mt Macedon			
Wurundjeri Woi Wurrung Country			
Drawing Title			
Enlargement - Recreation Area Concept			
Drawn	Approved	Date	North
RH	AD	30.05.2024	
Scale (A1)	Scale (A3)	Sheet	
1:200	1:400	5 of 5	
This drawing and design is protected by copyright © PLOT Landscape Architects Pty Ltd.			
Drawing Number			
PLA594-L05			
B			



Indicative Image - Timber Post & Rail Fences (Valley Reserve)



Pedestrian Entry Gate (Bald Hills)



Indicative Image - Low boardwalk (Bald Hills Reserve)



(Obstacle course)



(Spinning)



Indicative Play Equipment



(Climbing, lookout)



(Slides)

PE.3	SMOKE FREE OUTDOOR AREAS POLICY - 2024 REVIEW & RECOMMENDATIONS
Officer:	Leila Anstice, Coordinator Environmental Health
Council Plan relationship:	2. Healthy environment, healthy people
Attachments:	Policy - Final - Smoke Free Outdoor Areas Policy - 2017 ↓

Summary

The Council's Smoke-Free Outdoor Areas Policy 2017 has played a significant role in protecting public health by restricting smoking in designated outdoor areas on public land.

A review of the current policy has highlighted that the state legislation has mostly now caught up to the policy. Consequently, the need for the Council to maintain a separate policy is redundant. A review of the policy presented several options for the future of the policy, with the recommended course of action being the sunset of the policy and instead utilising state legislation for regulatory oversight.

Recommendation

That Council repeals the Smoke-Free Outdoor Areas Policy effective 27 June 2024 and relies on state legislation to regulate smoking in outdoor areas.

Background

The Smoke-Free Outdoor Areas Policy 2017 was introduced to address public health concerns by limiting exposure to second-hand smoke in outdoor areas such as parks, playgrounds, sports fields, and public events. The policy aimed to:

- Provide community leadership to protect the health and social wellbeing of the community;
- Improve the health of the community;
- Improve public amenity and maintenance of council property;
- Raise community awareness of the negative health impact of smoking and de-normalise smoking

Subsequent developments in state legislation have resulted in comprehensive smoke-free laws that align with or exceed the provisions of the Council's Smoke-Free Outdoor Areas Policy.

These laws include the prohibition of smoking at:

- Outdoor dining areas, food fairs and other organised outdoor events, including festivals.
- Outdoor recreational areas, including playground equipment, skate parks and sporting venues during under-age sporting events
- Outdoor areas of public swimming pools
- Entrances to indoor children's play centres, public hospitals and registered community health centres, and certain Victorian Government buildings

- the grounds of, and entrances to, childcare centres, kindergartens, preschools and primary and secondary schools

Gaps in State Legislation Covered by the Policy

Per the Smoke Free Outdoor Areas Policy, smoking is banned in the following areas:

- within 5 metres of all Council-owned, operated and leased buildings (also not permitted within 10m in council's OHS policy).
- within 10 metres of the external perimeter of all sports fields and facilities (including clubrooms and pavilions). This can be incorporated into leasing agreements.
- at all times in outdoor dining/drinking areas located on Council land (enforced through Local Laws Outdoor dining permit conditions).

Discussion

The review of the Smoke-Free Outdoor Areas Policy 2017 considered the following factors:

- (1) **Redundancy:** The overlap between the Council's policy and state legislation creates redundancy. The state laws and other council policies (OHS, leasing agreements) may be sufficient to enforce smoke-free outdoor areas without the need for an additional local policy.
- (2) **Regulatory Efficiency:** Relying solely on state legislation streamlines regulatory oversight and reduces administrative burdens on the Council. This allows resources to be reallocated to other public health initiatives.
- (3) **Consistency:** Utilising state legislation ensures a consistent approach across the region, reducing confusion among the public regarding different regulations in different areas.

We have received minimal public comment or feedback since the implementation of the State Tobacco reforms and our associated Smoke Free Outdoor Areas Policy. There has not been any negative public feedback or significant numbers of CRM's regarding non-compliance with these laws and policies.

Since the most recent State tobacco reforms and our subsequent revision of the Smoke Free Outdoor Area Policy in 2017, State government has not introduced any new reforms, however vaping & e-cigarettes have been included in the existing legislation and are regulated in the same manner as tobacco/smoking.

Additionally, the new MRSC Community Local Law that came into effect in 2023 allows the council to proactively designate areas on any council land as 'smoke/vape' free.

Options to consider:

- (1) **Continue the Current Policy:** Maintain the existing Smoke-Free Outdoor Areas Policy alongside state legislation. This option may result in unnecessary duplication and administrative burden.
- (2) **Amend the Policy:** Update the policy to address gaps not covered by state legislation and explore further 'no smoking' areas on council land. City of Melbourne have recently implemented a total of 11 smoke-free areas in busy laneways and thoroughfares. This is something we could consider however our streets are nowhere near as busy or crowded as inner city Melbourne. Council would seek community and other stakeholder opinions via "Your Say" to clarify which outdoor areas they would like to see 'smoke-free' in Macedon Ranges. This option would require ongoing monitoring and adaptation to legislative changes, maintaining a level of administrative burden.

- (3) Sunset the Policy: Repeal the Smoke-Free Outdoor Areas Policy, relying on state legislation to regulate smoke-free outdoor areas, per our State Government funding agreement. This is the preferred option, as it ensures regulatory efficiency and consistency. Since 2017, we do not have evidence through CRM's/community feedback for the need for a separate policy.

Recommended Option: Sunset the Policy

Given the comprehensive nature of the state legislation now in place, it is recommended that the Council sunsets the Smoke-Free Outdoor Areas Policy 2017. This will streamline regulatory oversight and ensure a consistent, efficient approach to maintaining smoke-free outdoor areas.

Consultation and engagement

Internal consultation has been conducted key staff, who provided insights into the policy's effectiveness and the adequacy of state legislation. They confirmed that state laws sufficiently enforce smoke-free outdoor areas, therefore making the local policy redundant.

Unlike state laws, the policy was also not intended to be enforced. Having a smoke-free policy without enforcement undermined its effectiveness and validity. The policy was in-part intended to be a public health promotion measure, however ultimately smoking laws should be distinct because they target different aspects of tobacco control: laws regulate tobacco use in public spaces, while public health promotion focuses on education, reducing smoking rates, and healthy behaviour promotion. This separation enables targeted interventions, enhancing efforts to reduce tobacco-related harm and improve public health outcomes.

Part of this process will be engaging with impacted areas of council such as Local Laws and Property, Facilities, to ensure their processes are updated as required.

Collaboration

Collaboration with other councils, governments and/or statutory bodies was not required in relation to this report.

Innovation and continuous improvement

The decision to repeal the Smoke-Free Outdoor Areas Policy reflects the Council's commitment to innovation and continuous improvement by adopting a more streamlined and consistent regulatory approach. Research was conducted to evaluate the effectiveness of current state legislation compared to our local policy and the findings indicated that state laws sufficiently cover the protections previously enforced by our policy, making local regulations redundant.

Relevant law

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment has been conducted in relation to the subject matter of this report. This report is assessed as gender neutral. An outdoor smoking ban policy has been assessed as gender-neutral primarily because its design and implementation focus on universal public health benefits, applying the same restrictions and protections to all individuals regardless of gender. The policy aims to reduce second-hand smoke exposure and promote cleaner, healthier environments in public spaces, which are goals that benefit everyone equally.

Relevant regional, state and national plans and policies

- *Tobacco Act 1987* (Vic) – Council's Environmental Health Officers are appointed as inspectors and undertake education and regulatory activities at retailers, eating and

drinking areas and outdoor locations where state-wide smoking bans apply. This is funded through a Tobacco Activity Service Agreement 2021-2024 with MAV.

- *Public Health and Wellbeing Act 2008* (Vic)
- *The Local Government Act 1989* (Vic)
- *National Tobacco Strategy 2023–2030*
- *Victorian Public Health and Wellbeing Plan 2023–27*
- *Australian Government Guide to Policy Impact Analysis 2023*

Relevant Council plans and policies

- Council Plan 2021-2023
- Municipal Public Health and Wellbeing Plan 2021-2025
- Community Local Law 2023
- Roadside and Footpath Trading Policy
- VicHealth – Strengthening Tobacco Control at a Local Level 2022

Climate Impact Assessment

How will the recommendation impact on Council's energy usage and greenhouse emissions profile? Nil impact.

How will the recommendations mitigate risks posed by climate change to Council operations and services? Nil impact.

How will the recommendation help to prepare the community for future climate scenarios? Nil impact.

Financial viability

Repealing the policy will eliminate the administrative burden associated with maintaining and updating the policy. This includes costs related to policy development, public communication, and monitoring compliance.

Resources previously allocated to these tasks can be redirected to other Environmental Health activities.

Sustainability implications

The repeal might be perceived as a step back in public health advocacy, leading to public dissatisfaction and reduced community trust in the Council's commitment to health and well-being.

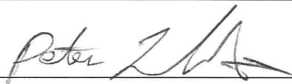
Remedial Actions

Clearly communicate that council still enforces smoke-free areas and tobacco control measures through state legislation.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.



Policy Title:	Smoke Free Outdoor Areas Policy
Date of Adoption:	27 September 2017
Adoption Method:	<input checked="" type="checkbox"/> Council <input type="checkbox"/> Executive <input type="checkbox"/> Other
CEO Signature:	<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">  </div> <div style="text-align: right;"> Date: 5-10-17 </div> </div>
Responsible Officer and Unit:	Manager Community Safety, Environmental Health Unit
Nominated Review Period:	<input type="checkbox"/> Annually <input checked="" type="checkbox"/> Other
Last Review Date:	June 2013
Next Review Date:	July 2019
Purpose / Objective:	<p>The purpose of this policy is to provide a local policy which further defines public outdoor areas where smoking is banned to create outdoor smoke free conditions.</p> <p>The objectives of Macedon Ranges Shire Council (MRSC) in banning smoking in various outdoor council areas are to:</p> <ul style="list-style-type: none"> • Provide community leadership to protect the health and social wellbeing of the community; • Improve the health of the community; • Improve public amenity and maintenance of council property; • Raise community awareness of the negative health impact of smoking and de-normalise smoking;
Background / Reasons for Policy:	<p>Amendments to the Tobacco Act in recent years have extended areas where smoking is banned across Victoria. Smoke-free areas include:</p> <ul style="list-style-type: none"> • entrances to indoor children's play centres, public hospitals and registered community health centres, and certain Victorian Government buildings • the grounds of, and entrances to, childcare centres, kindergartens, preschools and primary and secondary schools • outdoor recreational areas, including playground equipment, skate parks and sporting venues during under-age sporting events • outdoor areas of public swimming pools • enclosed workplaces • train stations, tram-stop platforms and tram and bus shelters <p>In addition to this, MRSC bans smoking within 5 meters of all council owned, operated and leased buildings and within 10 meters of the external perimeter of all playing fields, sporting grounds and sporting facilities and council owned sporting clubrooms/ pavilions.</p>

DOCUMENT HISTORY	Version	Date	Author
Initial Draft	1	07/7/2017	Michael Dyt
Second Draft	1.1	10/07/2017	Michael Dyt
Final Draft	1.2	13/07/2017	Michael Dyt
Approval	1.3	27/06/2017	Michael Dyt



Policy Title:	Smoke Free Outdoor Areas Policy	
Date of Adoption:	27 September 2017	
Adoption Method:	<input checked="" type="checkbox"/> Council <input type="checkbox"/> Executive <input type="checkbox"/> Other	
CEO Signature:		Date:
Responsible Officer and Unit:	Manager Community Safety, Environmental Health Unit	
Nominated Review Period:	<input type="checkbox"/> Annually <input checked="" type="checkbox"/> Other	
Last Review Date:	June 2013	
Next Review Date:	July 2019	
Purpose / Objective:	<p>The purpose of this policy is to provide a local policy which further defines public outdoor areas where smoking is banned to create outdoor smoke free conditions.</p> <p>The objectives of Macedon Ranges Shire Council (MRSC) in banning smoking in various outdoor council areas are to:</p> <ul style="list-style-type: none"> • Provide community leadership to protect the health and social wellbeing of the community; • Improve the health of the community; • Improve public amenity and maintenance of council property; • Raise community awareness of the negative health impact of smoking and de-normalise smoking; 	
Background / Reasons for Policy:	<p>Amendments to the Tobacco Act in recent years have extended areas where smoking is banned across Victoria. Smoke-free areas include:</p> <ul style="list-style-type: none"> • entrances to indoor children's play centres, public hospitals and registered community health centres, and certain Victorian Government buildings • the grounds of, and entrances to, childcare centres, kindergartens, preschools and primary and secondary schools • outdoor recreational areas, including playground equipment, skate parks and sporting venues during under-age sporting events • outdoor areas of public swimming pools • enclosed workplaces • train stations, tram-stop platforms and tram and bus shelters <p>In addition to this, MRSC bans smoking within 5 meters of all council owned, operated and leased buildings and within 10 meters of the external perimeter of all playing fields, sporting grounds and sporting facilities and council owned sporting clubrooms/ pavilions.</p>	

DOCUMENT HISTORY	Version	Date	Author
Initial Draft	1	07/7/2017	Michael Dyt
Second Draft	1.1	10/07/2017	Michael Dyt
Final Draft	1.2	13/07/2017	Michael Dyt
Approval	1.3	27/08/2017	Michael Dyt

	<p>From 1 August 2017, changes to the <i>Tobacco Act 1987</i> (Tobacco Act) mean that smoking will be banned in outdoor dining areas in Victoria. This includes outdoor dining areas:</p> <ul style="list-style-type: none"> • at cafes, restaurants • at food fairs eg Food and Wine Festival • within 10 metres of food stalls and food vendors at organised events (other than a food fair). <p>Under the Tobacco Act an outdoor area is either:</p> <ul style="list-style-type: none"> • An outdoor dining area: Smoking will be banned in these areas. • An outdoor drinking area: Smoking is not banned in these areas <p>Gaps in the new laws:</p> <p>Under the new laws venues can dedicate some or all of their outdoor areas to smoking and drinking by ceasing service of food (as defined within the Tobacco Act) to the area.</p> <p>Venues can change the status of their outdoor areas from smoking to non-smoking at different periods of the day and night.</p> <p>If smoking continues in outdoor drinking areas on Council footpaths this exposes staff, other patrons and the general public to harmful second hand smoke</p> <p>If smoking continues in outdoor drinking areas so too does the social connection between drinking and smoking. It does not provide a supportive environment for those trying to quit.</p> <p>Reasons for Policy:</p> <p>To make all outdoor dining and drinking areas on council land smoke free. This would include all council land where footpath trading occurs.</p> <p>Council is only able to make policies that relate to smoking on council land not private land.</p>
Definitions:	Refer to Policy
References:	<ul style="list-style-type: none"> • Website: Tobacco Control Section, Department of Health & Human Services: Tobacco Reform - smoke free areas https://www2.health.vic.gov.au/public-health/tobacco-reform/smoke-free-areas • D17-42372 - Letter and Information Sheet - smoking in outdoor drinking areas. Quit Victoria
Related Policies:	<p>Macedon Ranges Shire Council - General Purposes and Amenity Local Law No. 10</p> <p>Macedon Ranges Shire Council Community Consultation Framework</p> <p>Leisure/Community Facility Conditions Of Hire</p>

Related Legislation:	Public Health and Wellbeing Act 2008 Tobacco Act 1987. (Vic) The Local Government Act 1989 (Vic)
-----------------------------	--

Scope

This Smoke Free Outdoor Areas Policy is made under Council's current General Purposes and Amenity Local Law No. 10 which allows for Council to regulate this policy through the signage provisions and the conditions on the "permits for outdoor dining".

This policy applies to those areas that have been designated as smoke free outdoor areas. This includes:

- Council owned, operated and leased buildings,
- External perimeters of all playing fields, sporting grounds and sporting facilities and council owned sporting clubrooms/pavilions
- Outdoor dining areas on Council land to include drinking areas

Corporate Planning Framework:

Council Plan 2017–2027 - Priority Area - Promoting health and wellbeing - "We will contribute to positive health and wellbeing in our community by proactively supporting mental health, the prevention of violence against women, healthy lifestyles for all ages and abilities, social connection/inclusion, volunteers, community safety, and arts and culture."

Policy:**Smoking is banned in the following areas:**

1. All outdoor dining and drinking areas on Council footpaths and roads adjacent to a food premises.
2. Within 5 meters from the entrance of any Council owned, operated and leased building.
3. Within 10 meters from the external perimeter of all playing fields, sporting grounds and sporting facilities and council owned sporting clubrooms/ pavilions.

Other considerations**Events and Festivals:**

Smoke free initiatives will be considered in the scoring matrix of the Events and Festivals Grant Program. This program provides assistance to groups and organisations seeking funds and Council support for events that can demonstrate the delivery of successful, sustainable, safe, compliant and accessible events and festivals. Whilst food fairs must be smoke free under the legislation and any outdoor event which has food stalls as part of the event must have a 10m exclusion zone from the food stall, council is keen to encourage event organisers to make all outdoor events smoke free where practicable.

Non-council owned facilities:

We acknowledge that there are some facilities used by community and sporting groups that are not Council owned and therefore are not covered by this Policy. Committees and groups responsible for the management of these facilities are encouraged to develop their own Smoke Free Policies and council support is available to do this.

Definitions:

Outdoor dining areas on Council land require a permit to use this land. 'No smoking' in these areas is a requirement under the conditions of this permit. This includes where that use has a licence for the sale and consumption of alcohol under the Liquor Control Reform Act 1998.

Council owned, operated and leased buildings include the following service centres and libraries:

- Kyneton Administration Centre
- Gisborne Administration Centre
- Romsey Service Centre and Library
- Woodend Service Centre and Library
- Gisborne Library
- Kyneton Library

Playing fields, sporting grounds and sporting facilities include the following:

- Football, cricket and soccer fields
- Netball, basketball and tennis courts
- Athletics tracks
- Equestrian facilities
- Outdoor swimming pools
- Clubrooms, pavilions, change rooms and canteens
- Barbeques
- Toilets.

Enforcement of the policy

Enforcement of this policy has been supported by effective signage, persuasion and self-policing, rather than punitive enforcement by Council.

Notwithstanding this, Council's current General Local Law No.10 allows for Council to regulate this policy through the signage provisions and the conditions on the "permits for outdoor dining".

Signage

Signs are located in forty five playgrounds across the shire with the larger playgrounds requiring more than one sign. Signs are also located at twenty five buildings across the Shire including shire offices, libraries, leisure centres, pools, community hubs and visitor information centres.

Signage has been installed in prominent places at skate parks, playing fields, sporting grounds and sporting facilities and public outdoor events where smoking is banned.

The signs include the international 'No Smoking' symbol, the Macedon Ranges Shire Logo, the Council endorsed image for 'Smoke Free Zones' and the wording "within 10 meters of this skate park/ playing field/ change room/ sporting facilities/ pavilion.

Policy Review

This policy shall be reviewed every two years or as a result of further state legislation change. The results and recommendations of any review shall be presented to the Council.

12 CHIEF EXECUTIVE OFFICER REPORTS

CX.1	RECOGNITION OF KING'S BIRTHDAY HONOUR RECIPIENTS
Officer:	Lucy Olson, Senior Governance Officer - Council Business
Council Plan relationship:	1. Connecting communities
Attachments:	Nil

Summary

The 2024 King's Birthday Honours Awards included three people from the Macedon Ranges Shire Council Community:

- Ms Samantha Jane Turner of Macedon
- Ms Susan Mary Love of Malmsbury
- Superintendent Murray James Fraser of the Macedon Ranges

Ms Samantha Jane Turner is a recipient of the Medal of the Order of Australia (OAM) and was recognised for her volunteer work in Australia and overseas and her nursing.

Ms Susan Mary Love is a recipient of the Medal of the Order of Australia (OAM) and was recognised for her volunteer work with the Malmsbury Town Hall, Village Fayre Committee, Malmsbury Mail Committee, Farmers' Market, Advance Association; and the Collingwood Children's Farm.

Superintendent Murray James Fraser is a recipient of the Australian Police Medal (APM) and was recognised for providing exceptional service throughout his diverse and extensive 41+ year career with the Victorian Police Force.

Recommendation

That Council sends letters to Ms Samantha Jane Turner OAM, Ms Susan Mary Love OAM and Superintendent Murray James Fraser APM in recognition of their 2024 King's Birthday Honours Award.

13 **DIRECTOR CORPORATE REPORTS**

COR.1	DRAFT FINANCIAL RESERVES POLICY
Officer:	Travis Harling, Manager Finance and Reporting
Council Plan relationship:	1. Connecting communities 4. Delivering strong and reliable government
Attachments:	Draft Financial Reserves Policy ↓

Summary

This report presents to Council the proposed adoption of a revised Financial Reserves Policy, effective from 27 June 2024, replacing the previous policy. The policy supports Council in ensuring the sustainable and responsible management of Council's cash balances and financial reserves through a consistent and transparent approach to the identification, creation, administration, and use of externally and internally restricted financial reserve accounts.

Recommendation

That Council:

- 1. Adopts the draft Financial Reserves Policy as attached to this report, effective from 27 June 2024 and revokes the previous version;**
- 2. Approves the closure of the Public Open Space (Central) Statutory Reserve, effective from 27 June 2024; and**
- 3. Endorses the redistribution of the current balance of the Public Open Space (Central) Reserve to the Public Open Space (West) Statutory Reserve.**

Background

Financial Reserves are created where surplus operating cash is put to one side to be allocated to future expenditures. Council maintains two types of reserves, Statutory and Discretionary Reserves, Discretionary Reserves are not mandated but if they exist the cash held in the reserves is required to be available for its specified use.

The current policy is overdue for review and was last reviewed and adopted by Council in November 2017.

Discussion

The current Financial Reserves Policy has undergone a review, and it is proposed that the following updates are made to the current policy:

Draft Financial Reserve Policy (Summary of changes from current policy)

Purpose/Objective:	The purpose and objective section has been extensively revised to provide a more detailed description of the policy's intent and goals. It now includes information about the management of cash balances and financial reserves, as well as the objectives related to this policy.
---------------------------	---

Scope:	The scope section remains similar, stating that the policy is applicable to both discretionary and statutory financial reserves and covers the creation, transfers, and usage of funds from reserves.
Principles and Reasons for Policy:	The principles and reasons for the policy have been revised to provide more context.
Creation of Financial Reserves:	The section on the creation of financial reserves has been updated to include more specific scenarios in which reserves may be created. It also mentions that Council approval is required for the creation of new discretionary financial reserves.
Transfers of Funds to Financial Reserves:	The section on transfers of funds to financial reserves remains similar, explaining that funds can come from various sources, including developer contributions, operational surpluses, grants, and asset sales.
Funding of Projects from Financial Reserves for Projects:	This section discusses the funding of projects from financial reserves and mentions that projects must be directly related to the agreed purposes for which the financial reserve was created.
Closure of a Financial Reserve:	The section on the closure of a financial reserve has been retained, emphasising that Council approval is required to close a financial reserve.
Monitoring of Financial Reserve Balances:	The section about monitoring financial reserve balances discusses the responsibilities of the Finance Department and the inclusion of reserve balances in the Quarterly Report.
Appendix 1 & 2 – Statutory and Discretionary Reserves:	The list of discretionary and statutory reserves has been updated with new reserve names, sources of funds, and approved uses of funds.

The proposed updates improve the detail and breadth of information about the policy's purpose and objectives, the creation and management of financial reserves, and the responsible parties involved in the process. The inclusion of an updated list of financial reserves also enhances the policy's clarity and relevance.

Policy Inclusions:

The following items have been considered as part of this review, and officers are recommending inclusion in the draft policy.

- The policy includes more detail in relation to public open space reserves, providing purpose, conditions, and principles for the reserves.
- The Policy also includes how a Reserve may be closed, should it no longer be required (e.g. Hanging Rock). The policy includes the following *“Reserve accounts will be closed at the end of their useful lives via a decision made by resolution at a Council meeting. The resolution will determine the reallocation of funds from a financial reserve when it becomes obsolete for its initial purpose”*.
- The revised policy includes the consolidation of the existing four public open space reserves (East, West, Central and South) into three (East, West and South), aligned with Council's geographic Wards. The consolidation, coupled with the oversight

provided through a formally adopted Open Space work-plan, will ensure the appropriate allocation of funds to projects across the shire. The open space reserve contributions aim to address the increasing demand for open space venues as the shire experiences ongoing growth.

- The East Paddock Reserve has been recognised in the revised policy, being the most recently established reserve created to hold settlement funds from the sale of the Hanging Rock East Paddock site until a suitable project or initiative is able to be identified for using these funds.
- A Resource Recovery Reserve has been created as a statutory reserve. This reserve relates to surpluses generated from the Kerbside collection charge. Should a surplus be reported from the service the surplus is required to be transferred to the reserve. Long term, the reserve enables peaks and troughs related to kerbside collection expenditure to be managed efficiently and transparently.

The Open Space Workplan is an important new inclusion that will help to assess and prioritise projects funded from public open space reserves on an ongoing basis. Making this plan an explicit requirement of oversight in the policy, including the need for the plan to be formally adopted by Council, ensures that:

- relevant Council departments must be informed about proposed projects to be financed from open space reserves.
- the best advice, decision-making and advisory process are used for to inform recommendations that are put forth as part of the work plan.
- Council has a formally adopted document that can be appropriately aligned to Council's strategic objectives and will provide clear direction on the allocation of Public Open Space funds as part of the Budget and financial planning process.
- the community has full visibility of the long-term open space work plan, changes to the work plan, debate by Council on its contents, and transparency on the short and longer-term goals of investments made in Public Open Space across the shire.

Similar to Council's (Long Term) Financial Plan, the Open Space Workplan will include (as a minimum) for East, West and South Ward reserves:

- The forecast receipts and transfers to the reserve for 10 years.
- The forecast net income for the reserve for 10 years.
- The forecast balance of the reserve for 10 years.
- Committed projects proposed to be funded from the reserve for the coming 10 years, the amount of funding required, and the years the funds will be drawn down.
- Proposed projects (advocacy or unconfirmed) that may be funded from the reserve in the coming 10 years, the proposed amount of funding, and the proposed years the funds will be drawn down.
- Details of the strategic objectives or actions that establish the need for the project or proposed project.
- Relevant resolutions of Council that establish the need for the project or proposed project.

The final details of the structure and contents of the Open Space Workplan, and the process by which it is developed and adopted, will form part of an operational procedure that complements and supports the implementation of Council's updated Financial Reserves

policy. The community will have full visibility of the Open Space Workplan that is ultimately adopted in the first financial year of this policy's implementation.

Moving from four to three Public Open Space Reserves will trigger the closure of the Open Space (Central) Reserve, which is remnant from Council's amalgamation. The funds currently held within the Central Public Open Space reserve are entirely made up of contributions from the geographic area now within the boundaries of the West Ward. It is therefore also recommended that on the closure of this reserve, these funds are transferred into the Public Open Space (West) Reserve.

Consultation and engagement

The draft Financial Reserves Policy has been developed by officers and provided to Councillors at a Councillor Briefing. This draft Financial Reserve Policy was also presented to Council's Audit and Risk Committee at its February meeting for review.

Collaboration

Nil

Innovation and continuous improvement

Nil

Relevant law

Council's financial management activity is regulated by the *Local Government Act 2020* (Vic). Further legislative requirements are expressed in the *Planning and Environment Act 1987*, the *Subdivision Act 1988*, and Australian Accounting Standards.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

Nil

Relevant Council plans and policies

The draft Financial Reserve Policy ensure that Council delivers strong and reliable government as outlined in the Council Plan 2021-2031.

This draft Financial Reserves also supports several other key plans and policies for Council which are referenced in the draft policy.

Climate Impact Assessment

The recommendation to endorse the draft Financial Reserves Policy does not directly affect the Council's energy usage or greenhouse emissions profile. However, allocating funds from these reserves can support projects aimed at reducing energy consumption and greenhouse gas emissions, such as upgrading to energy-efficient infrastructure or investing in renewable energy sources. By having a Financial Reserves Policy, Council can allocate funds to address climate change risks, ensuring that operations and services remain resilient. This includes investing in infrastructure improvements, emergency response measures, and other adaptive strategies that reduce vulnerability to climate-related impacts.

Financial viability

The revised policy provides clear guidance to the management of Council's financial reserves ensuring the funds held in each reserve and are utilised for the appropriate purpose of the funds, in line with financial sustainability to plan for future expenditure and legal requirements.

Sustainability implications

As part of the review of this policy, officers assessed the use of Financial Reserves as a means of providing ongoing funding to support the continued management of Barrm Birrm and conservation of its environmental values. It was found that, in line with the principles in the policy, Council and the community are best served when the balance between retaining funds in reserve for effective long-term planning and maximising the funds available for services within a financial year, is achieved. It was therefore determined through careful consideration that the desired outcomes of the conservation of Barrm Birrm will continue to be delivered through advocacy and activities that may be assessed and budgeted for within a financial year, without a specific reserve required to be created.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

Policy



Financial Reserve Policy

Date of Adoption	XX June 2024		
Adoption Method	<input checked="" type="checkbox"/> Council	<input type="checkbox"/> CEO	<input type="checkbox"/> Other (<i>please specify</i>)
CEO Signature			Date
Responsible Officer and Unit	Finance and Reporting		
Nominated Review Period	<input type="checkbox"/> Annually	<input checked="" type="checkbox"/> Every 4 years	<input type="checkbox"/> Other (<i>please specify</i>)
Last Endorsement Date	22 November 2017		
Next Endorsement Date	June 2028		

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging. Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

DOCUMENT HISTORY	Version	Date	Author
Initial Draft	1.1		Manager Finance & Reporting
Second Draft	1.2	7/05/2024	Manager Finance & Reporting
Third Draft	1.3	30/05/2024	Manager Finance & Reporting
Final Draft	1.4	12/06/2024	Manager Finance & Reporting
Approval			



Financial Reserves Policy – V1.3 for Adoption by Council

Contents

1. Purpose/Objective	3
2. Scope	3
3. Principles and Reasons for Policy	3
4. Legislative Requirements	4
5. Roles and Responsibilities	4
6. Policy Non-Compliance	5
7. Policy	5
Gender Impact Assessment	8
Definitions	9
References	9
Related Policies and Strategies	10
Related Legislation	10
SCHEDULE 1	11
APPENDIX 1 – Statutory Reserves	12
APPENDIX 2 – Discretionary Reserves	15

1. Purpose/Objective

This policy is to ensure sustainable and responsible management of Macedon Ranges Shire Council's (Council's) cash balances and financial reserves through a consistent and transparent approach to the appropriate identification and creation, administration, and usage of statutory and discretionary restricted financial reserve accounts.

The objectives to be achieved under this policy support this aim by ensuring:

- Definitive classifications of Financial Reserve accounts, including cash-on-hand requirements;
- Appropriate levels of funds are available at the appropriate time to meet statutory and operating requirements and to prudently manage financial risk;
- Council's reserve activity is in accordance with legislative, governance and prudent financial principles;
- Processes are established around the creation and classification of Financial Reserves, as well as requirements of transfers of funds into and from these reserves; and
- Processes are established to administer the Financial Reserves, including restrictions of usage of funds in reserve, internal and external reporting of usage of funds in reserve and closure of reserves at end of useful life.

2. Scope

This policy is applicable to all reserves (referred to as discretionary and statutory reserves) created to account for income received for a specified future application.

It excludes the Asset Revaluation Reserve which is used under the Australian Accounting Standards to reflect changes in asset values rather than a collection of funds.

3. Principles and Reasons for Policy

The creation, retention, and use of funds in financial reserves must consider both the need for long-term financial sustainability and the delivery of Council's services within a single financial year.

The creation, contribution or retention of funds in reserves should not cause Council to forgo key opportunities for growth or improvement, or diminish Council's ability to deliver essential services by diverting, or unnecessarily withholding funds.

Discretionary reserves should be created in a manner that avoids over-stratification, or where the use of funds is tied to very limited purposes. It is important to avoid the creation of unnecessary reserves, as reserves tie up financial resources that may be utilised for essential projects, services, or community needs.

Generally, income and expenditure should be budgeted in the financial year in which it occurs and should not be "set aside" in reserves for future use. Financial reserves are created where:

- surplus operating cash and/or income from specific sources are allocated for committed future expenditure
- it is necessary to stratify monies held by Council that are linked to statutory requirements
- it is necessary to stratify monies held to deliver on large, long-term organisational objectives or strategies
- it is necessary to allow for volatility, unforeseen emergencies, or other unexpected needs.

In general, it is not necessary that these funds have bank accounts of their own but are a theoretical split up of the cash surplus that Council has on-hand.

4. Legislative Requirements

Council's financial management activity is regulated by the Victorian *Local Government Act 2020*. Further legislative requirements are expressed in the *Planning and Environment Act 1987*, the *Subdivision Act 1988*, and the Australian Accounting Standards.

5. Roles and Responsibilities

Council's Director Corporate has the overarching responsibility for enforcement and compliance with this policy. Creation of a new discretionary reserve may be recommended by Executive to Council and are subject to Council approval.

Council's Manager Finance and Reporting is responsible for the day-to-day management of the Policy, including:

- Ensuring that reserve activity is in accordance with legislative, governance and common law principles.
- Transfers to and from reserves are in accordance with section 7.5 of this Policy.
- Compliance.

6. Policy Non-Compliance

Non-compliance with this Policy has the potential to negatively impact on the reputation of Council.

In the event of policy non-compliance, an assessment will be conducted during the Council's next budget or mid-year budget cycle, whichever comes first. This evaluation aims to address any deviations from established policies and enact corrective measures to regain compliance.

7. Policy

7.1 Financial Reserves

All Statutory are required to be 100% cash backed and all Discretionary are required to be 50% cash backed.

Council will maintain a cash and cash equivalent balance equal to the total of holding deposits (trust funds), cash-backed financial reserves, and one month of operational expenditure.

Cash and cash equivalent balance refers to cash and cash equivalents which includes cash on hand, cash at bank, and term deposits maturing in 90 days or less. Other financial assets balance refers to term deposits maturing in 91 days or greater as per the annual financial report.

Reserve accounts will be closed at the end of their useful lives via a decision made by resolution at a Council meeting. The resolution will determine the reallocation of funds from a financial reserve when it becomes obsolete for its initial purpose. This discretionary power enables Council to make informed decisions on directing the remaining balance of the reserve towards alternative initiatives or projects that align with the evolving needs and priorities of the community.

Following the Council resolution to close a reserve account, the Finance department will process the necessary journal entries in the Finance system to close the reserve. These journal entries will align with the resolution, directing the balance to a specific project, another reserve, or the allocation of the amount to accumulated surpluses.

7.2 Statutory Reserves

Council's statutory reserves have been established to record revenues received from developers which are to be applied specifically to undertake future capital works for car parking, public open space and recreation, Infrastructure assets (roads, drainage and footpaths), community facilities and development contributions plans.

The use of funds from Statutory Reserves is governed by legislation (or other legal requirements) and records Council's future expenditure commitments. These are separately accounted for to ensure sound financial management of future operations.

Where statutory funds are collected to fund future infrastructure there are legal requirements that govern how the funds must be spent. This may include expending the funds in accordance with the terms and conditions of the funding, or on projects in the vicinity of the developments that the funds were collected in respect of.

A list of current Statutory Reserves is included in Schedule 1 to this policy.

7.3 Discretionary Reserves

Discretionary Reserves are funds held by Council and segregated from general revenues, based on Council directions, to finance future expenditures or to provide for a specific project to ensure funds are available as required. Discretionary Reserves may be varied from time to time where expenditure commitments may be created and retired.

Council may also create program specific reserves where capital purchases occur across multiple financial years, funded by operational surpluses generated by these assets.

A list of current Discretionary Reserves is included in Schedule 1 to this policy.

7.4 Establishment of Financial Reserves

Statutory Reserves - Statutory Reserves will be established for any value if there is a legislative requirement or a requirement under the Australian Accounting Standards

Discretionary Reserves - As a general rule, income and expenditure should be budgeted in the financial year in which it occurs and should not be "set aside" in reserves for future use. However, Council does in some instances create financial reserves where:

- 1) Large expenditure needs to be funded over a period of time; or
- 2) Funds are collected specifically for funding of a particular capital works project/program(s).

Approval is required via a decision made by resolution at a Council meeting for the creation of new discretionary financial reserves. If a new reserve is required a report will be prepared and submitted for consideration at a Council meeting for endorsement. The report will include details of:

- Why the financial reserve is required (including any legislative requirements);
- Where the funds to be transferred to the reserve will come from;
- What the funds will be expended on;
- When the funds will be spent;
- The length of time the reserve will be required;
- The dollar value of expected Reserve balance and transfer in/to the Reserve.

Discretionary reserves would not be created for a purpose where it is expected that the balance of the reserve would not reach \$300,000.

Council will hold one Reserve for each category of statutory and discretionary reserve.

7.5 Financial Reserve Transfers

Transfers to Reserves:

Statutory Reserves	<p>Transfers into the reserve account occur on a monthly basis on receipt of the funds with the exception of the Resource Recovery (Kerbside Collection) charge reserve which occurs annually.</p> <p>Use of funds can only be in line with the funding agreement or statutory requirement of the reserve and maybe endorsed by Council in two manners:</p> <ul style="list-style-type: none"> • Upon approving the budget at a Council meeting; or • By resolution at a Council meeting outside of the budget process.
Discretionary Reserves	<p>Transfer of funds are restricted by the internal purpose of the reserve. All transfers to and from the reserve account must be authorised at a Council meeting in the following manner:</p> <ul style="list-style-type: none"> • Identified in the budgeting or forecasting process as funds committed to be transferred to the reserve account; or • By Council resolution at a Council meeting after the end of financial year results are completed and surplus funds are identified.

Transfers **from** Reserves:

Transfers approved in Annual Budget	Works identified in Capital Works program, or as part of service area work plans, are required to detail project funding including planned usage of reserves. The project funding proposal is then endorsed at a Council meeting as part of the Annual Budget process.
Transfers exceeding approved Annual Budget (non-program specific)	In cases where a transfer of funds from a reserve was approved in the budget but subsequently a higher level of funding is required from reserves, approval must be sought by resolution at a Council meeting prior to transfers being made.
Transfers exceeding approved Annual Budget (program specific)	In cases where a transfer of funds is required to balance the budget of a program specific discretionary reserve, the Manager of Finance and Reporting or Coordinator Accounting is authorised to make the appropriate transfer to balance the budget throughout the year. A final reconciliation is completed at year end.
Transfers not approved in Annual Budget	From time to time there may be a requirement to transfer funds from a reserve for purposes not foreseen when the Annual Budget was developed. Any such transfer must be endorsed at a Council meeting through resolution.

7.6 Reporting on Financial Reserves

Reporting on Financial Reserves occurs as part of Quarterly Financial Management Reports which are endorsed at a Council meeting, including:

- creation or closure of Financial Reserves
- transfers into and from Financial Reserves, as stipulated in Section 7.5 of the Policy.

7.7 Monitoring, Evaluation and Review

Compliance will be evaluated and reviewed on an annual basis.

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter the effect or purpose of this Policy, such a change may be made administratively. Examples include a changed name of internal roles, a Federal or State Government department, or a minor update to legislation which does not have a material impact.

However, any change or update which materially alters this document must be endorsed by resolution at a Council meeting.

Gender Impact Assessment

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this policy.

Definitions

Term	Definition
Council meeting	A meeting of Councillors as per Section 61 of the <i>Local Government Act 2020</i> .
Discretionary Reserves	Are financial reserves established at a Council meeting to fund works over a period of time, there are no legislative or legal requirements governing the use of these funds.
Executive	Executive Leadership Team of the Macedon Ranges Shire Council
Non Program Specific Reserve	Projects may have allocated amount designated for transfer from a reserve. The annual budget will specify the amount transferred from the reserve. This specified amount is the maximum permitted transfer unless further approval is obtained from the Council.
Program Specific Reserve	Are utilised to balance the day-to-day operations of specific services. This includes services such as Hanging Rock, Maintenance of Senior Citizens Accommodation, and Resource Recovery (Kerbside Collection). Funds may be transferred to or from these reserves to ensure the financial performance of the service aligns with the budget.
Reserves	Are funds that have been set aside from operating and capital incomes for future funding of projects. From an accounting perspective the value of these funds is recorded in equity balance sheet ledger accounts.
Statutory Reserves	Are financial reserves where the usage of the funds is governed by Legislation or other legal requirements, e.g., public open space contributions.
The Act	<i>Local Government Act 2020</i>

References

- > FinPro Reserves Policy, procedure, and guidelines (2022)
- > Financial Plan
- > Annual Budget
- > Asset Plan

Related Policies and Strategies

- > Privacy Policy
- > Investment Policy
- > Climate Emergency Plan
- > Macedon Ranges Shire Council Planning Scheme
- > Developer Contribution Plan – Gisborne
- > Developer Contribution Plan – Romsey

Related Legislation

- > Australian Accounting Standards
- > *Gender Equality Act 2020*
- > *Local Government Act 2020*
- > *Planning and Environment Act 1987*
- > *Subdivision Act 1988*
- > *Privacy & Data Protection Act 2014*

SCHEDULE 1

The following list of **Statutory Reserves** are Reserves Council currently has in place. A summary of each Reserve at Appendix 1 of the Financial Reserve Policy outlines the purpose of each current statutory reserve and its typical inflows and outflows:

- a) Public Open Space (East, West and South)
- b) Community Facilities
- c) Car Parking
- d) Roadworks
- e) Drainage
- f) Footpaths
- g) Developer Contribution Plans (DCP)
- h) Resource Recovery (Kerbside Collection)

The following list of **Discretionary Reserves** are those that Council currently has in place. A summary of each Reserve at Appendix 2 outlines the purpose of each current statutory reserve and its typical inflows and outflows:

- a) Plant and Fleet Replacement (*program, specific*)
- b) Gravel Pit Operations (*program, specific*)
- c) Asset Conversion
- d) Hanging Rock (*program, specific*)
- e) Maintenance Senior Citizens Accommodation (*program, specific*)
- f) Commercial Development
- g) Debt Repayment
- h) East Paddock

APPENDIX 1 – Statutory Reserves

Public Open Space (East), Public Open Space (West), Public Open Space (South)

Purpose: These three separate Reserves collect Public Open Space Contributions and manage funds in accordance with the Subdivision Act 1988.

These Contributions provide an important source of revenue to fund new acquisition and improvement for each Ward by upgrading Public Open Space to meet the needs of the new population to be accommodated by the subdivision.

Council will use these three Reserves to fund projects that respond to the demand created by new development within each Ward, rather than addressing an existing shortfall in the level of service in the Public Open Space network

Principles: The following five principles underpin the open space reserves:

- Transparency – Council must demonstrate where Contributions have been collected from, how much has been collected, and the projects to which the Reserve funds will be allocated.
- Accountability – Council must spend the funds in each Reserve in accordance with the relevant Acts.
- Accessibility – Public Open Space funded by each Reserve must be accessible and not include elements that frequently restrict access for the purposes of charging an entry fee or for exclusive use by any user group.
- Alignment – There must be a clear connection and alignment between new development and projects funded by the Reserve within the geographic Ward area.
- Equity – Council must aim for an equitable distribution of quality Public Open Spaces to serve the shire's population and the needs of each Ward.

Oversight: Management will ensure appropriate and regular planning, oversight and review of the allocations from and contributions to the each of the three Public Open Space Reserves.

This includes a long term, annually updated Open Space Workplan. The Workplan will be prepared by officers across Council, including projects planned to be funded from each Public Open Space reserve and must be endorsed at a Council meeting. This will enable a future plan of works to be provided to Council for transparency and review and will inform Council's annual Budget and Financial Plan.

For each Public Open Space Reserve (East, West and South):

Typical sources of inflows:	Criteria to enable outflows:
<ul style="list-style-type: none"> Developer contributions (open space) from the respective Ward's geographic area. Funds associated with the sale of any Public Open Space from the respective Ward's geographic area. 	<p>Public Open space projects within the relevant geographic Ward area. Public open space is defined in legislation and further in Council's policies and strategies. It is land set aside in a plan or land in a plan zoned or reserved under a planning scheme -</p> <ul style="list-style-type: none"> for public recreation or public resort; or as parklands; or for similar purposes. <p>Outflows exclude maintenance and other operational expenditure in public open space.</p>

Community Facilities

Purpose: The purpose of these reserves is to set aside developer contributions (infrastructure levy) for future infrastructure projects that are a result of growth in the areas.

Typical sources of inflows:	Typical outflows:
Developer contributions (infrastructure levy). <i># These contributions are no longer collected where there is a DCP in place.</i>	Funds may be spent on buildings and works for or associated with the construction of: - a maternal and child health centre - a childcare centre - a kindergarten, or - any centre which provides these facilities in combination.

Car Parking

Purpose: This reserve is established to hold funds contributed by developers. The financial contributions must be made before the use or development commences unless a permit condition allows payments by instalments under the Section 173 agreement provisions of the Planning and Environment Act 1987. This agreement may provide for the payment of the contribution in instalments plus an interest component equivalent to the interest payable on unpaid rates and charges under the Local Government Act 1989 and it must provide that all instalments and accrued interest are paid within 5 years of the first instalment.

Council is required to have a Car Parking Plan to be able to charge financial contribution cash-in-lieu rate per car spaces. Whilst Council does not have a Car Parking Plan it is not able to charge financial contribution cash-in-lieu rate per car spaces.

Typical sources of inflows:	Typical outflows:
Unable to be further collected until a car park plan is endorsed	Public Car Parking

Infrastructure Reserves – Drainage, Roadworks and Footpaths

Purpose: The purpose of these reserves is to set aside funding for drainage, roadworks and footpath works in growth areas, some contributions will have nominated areas for future works to be carried out.

Typical sources of inflows:	Typical outflows:
Council has charged a development contribution for drainage, roadwork or footpath levy per subdivided lot to facilitate future upgrades to infrastructure.	Outflows from these Reserves will be in the form of agreed projects for drainage, roadworks and footpath works as may be determined by Council. Some contributions have specific areas nominated for spending.

Developer Contribution Plans

Purpose: These reserve accounts hold contributions received by Council from developers in line with Council's Developer Contribution Plan (DCP). Restrictions apply as set out in both the Plan and under provisions outlined in the *Planning and Environment Act 1987*. It is a mechanism used to levy developers of new developments for contributions to planned infrastructure required by the future communities of those developments.

Council holds two Developer Contribution Plans:

- Gisborne Developer Contribution Plan
- Romsey Developer Contribution Plan

Typical sources of inflows:	Typical outflows:
<ul style="list-style-type: none"> • Council charges a development contribution that will enable future planned infrastructure required by the future communities and developments. 	Outflows from this Reserve will be in the form of agreed projects that fund approved community infrastructure projects in line with the requirements of the DCP. Contributions must be expended on infrastructure projects that service the developments from which the contributions are received.

Resource Recovery (Kerbside Collection)

Purpose: Kerbside Collection service charges are utilised to support the collection and cartage for providing the kerbside collection waste service. This reserve is a part of the mechanism employed by Council to ensure any surpluses generated from the service charge are only utilised of providing the service in future years. Funds held will take account of any annual surplus kerbside service charge. Long term, the reserve enables peaks and troughs related to waste expenditure to be managed efficiently and transparently.

Typical sources of inflows:	Typical outflows:
The surplus from allowable Kerbside Collection service charges will be transferred to the Resource Recovery Reserve (Kerbside Collection) on an annual basis	Contributions may be utilised to support the following: <ul style="list-style-type: none"> • Assist in accounting for any overspends in providing the Kerbside Collection service. • Capital works directly associated with providing the Kerbside Collection service. • Purchase of capital items related to the collection and disposal of kerbside waste (e.g. garbage trucks)

APPENDIX 2 – Discretionary Reserves

Plant and Fleet Replacement

Purpose: To fund the financing of Council's annual plant and fleet replacement program.

Typical sources of inflows:	Typical outflows:
The surplus of internal charges to projects from plant usage less the cost of operating the plant is transferred to the plant replacement reserve.	Outflows are for the following purposes: <ul style="list-style-type: none"> Plant and fleet able to be funded include graders, mowers, trucks and motor vehicles (excluding plant and fleet relating to the Kerbside Collection service).

Gravel Pit Operations

Purpose: To accumulate surplus operating funds (favourable to budget) to enable rehabilitation works to be undertaken on the site.

Typical sources of inflows:	Typical outflows:
Any surplus operating funds from Gravel Pit site operations.	Rehabilitation of Council Owned Gravel Pits and supporting infrastructure

Asset Conversion

Purpose: To accumulate net proceeds from the sale of Council land that are not classified open space to support future property purchases.

Typical sources of inflows:	Typical outflows:
Net proceeds from the sale of Council land that is not classified as open space. It also excludes the proceeds of sale from the development of commercial / industrial land which is covered under the Commercial Development reserve.	Capital expenditure to support Council property purchases.

Hanging Rock

Purpose: To accumulate operating surpluses and deficits, the reserve balance will assist in funding future capital expenditure and one-off operational projects. The Reserve is also utilised to hold any unspent grants that may remain unspent at year end, enabling the funds to be accessed in future years.

Typical sources of inflows:	Typical outflows:
Surplus operating funds from Hanging Rock and East Paddock operations and government grants for works at Hanging Rock.	<ul style="list-style-type: none"> Capital expenditure. Contribute to unfavourable budget variations from operations and Operational projects at Hanging Rock funded by a government grant. An example of an operational project would be the preparation of a masterplan.

Maintenance Senior Citizens Accommodation

Purpose: To accumulate annual surpluses from operating Council's stock of Senior Citizens accommodation units. These surpluses are utilised in funding major maintenance and capital works required to adequately maintain the accommodation.

Typical sources of inflows:	Typical outflows:
Surplus funds from operating the seniors' units are transferred to this reserve.	<ul style="list-style-type: none"> Major maintenance and Other capital works at Council owned senior citizens units

Commercial Development

Purpose: To ensure Council has the ability to fund the investigation, establishment or stimulate commercial activity throughout the shire.

Typical sources of inflows:	Typical outflows:
Net proceeds from the sale of Council commercial or industrial land.	<ul style="list-style-type: none"> Activities designed to investigate, establish or stimulate the demand for commercial activity throughout the Macedon Ranges Shire. The definition of commercial activity in this regard can be anything that is a permitted use in the Industrial or Commercial zones.

Debt Repayment

Purpose: To ensure sufficient funds are available so debt can be repaid when it falls due. Council drew down a loan under the Local Government Funding Vehicle, annual repayments are interest only with the principal due at the end of the loan term in 2025.

Typical sources of inflows:	Typical outflows:
The amount allocated and endorsed as part of the Annual Budget.	<ul style="list-style-type: none"> To repay Council loans or debt issued under the Local Government Funding Vehicle. The reserve may also be used to repay any future liability for the Local Authorities Defined Benefit Superannuation Plan.

East Paddock

Purpose: To hold the net proceeds from the sale of the East Paddock until Council decides to allocate the proceeds to a project or initiative.

Typical sources of inflows:	Typical outflows:
Net proceeds from the sale of the site	<ul style="list-style-type: none"> Project / Initiative to be decided by Council.

COR.2	DRAFT LEASE AND LICENCE POLICY
Officer:	Hayley Drummond, Coordinator Property and Valuations
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	1. Draft Lease and Licence Policy ↓
	2. Summary of responses to submissions received ↓
	3. Submissions received (redacted) ↓

Summary

The purpose of this report to provide the outcomes of the community engagement and consultation process regarding the proposed Lease and Licence Policy and for Council to consider adopting the revised policy.

Recommendation

That Council:

- 1. Adopts the Lease and Licence Policy as attached to this agenda, effective from 27 June 2024 and revokes the previous version.**
- 2. Notes the responses to be provided to all submitters as per Attachment 2 to this report.**

Background

Council's Lease and Licence Policy was last adopted in 2017 (with a minor review undertaken in 2020) and was due for review in November 2021. This policy applies across all Council premises and provides a clear, consistent policy on the rights and responsibilities between Council and tenants. The policy aims to optimise the use of Council's premises and generate a better outcome for the whole community.

At the May Council Meeting, Council endorsed that a community engagement and consultation process be undertaken for a period of 28 days to provide the community an opportunity to review the draft Lease and Licence Policy.

Discussion

A review was undertaken and outlined in the report provided to the May Council Meeting. Officers noted in this report that the draft policy proposes the following key objectives:

- Ensure Council managed properties are appropriately maintained, developed and occupied, having regard to the interests of local communities and the care of the assets.
- Ensure Council managed properties are used to meet demonstrated community needs consistent with the Council Plan, and in-kind support from Council, including subsidised rent, is recognised and transparently applied in light of the community benefit to be achieved.
- Provide guidance to Council and the broader community regarding the eligibility, use, length of lease and rental structures to meet the diverse needs of the community and provide information to ensure consistently applied terms and conditions.

The revised policy has been structured to offer detailed guidelines across different categories of agreements, specifying eligibility indicators for community and commercial use, setting out the terms for maintenance and outgoings, and clarifying the process for agreement renewals and overholding to emphasise transparency, equity and community benefit in the leasing and licensing process.

Feedback from community engagement and consultation process

The community engagement and consultation process has been undertaken in accordance with Council's Community Engagement Policy.

This comprised the following:

- Promotion of the proposed draft Lease and Licence Policy in the local newspaper and Council's social medial channels.
- Inclusion of draft Lease and Licence Policy to Council's "Have your say" website.
- An email mailout to approximately 30 tenants from a broad section of categories that provided them with a link to the website to make a submission.
- The Coordinator Property and Valuations appeared on the Mayor's wrap-up for April promoting the new policy and encouraging submissions from the community.
- Additionally, Council's Property and Valuation team actively sought feedback by contacting several tenants individually seeking their input.

Six written submissions were received during this period. Additionally, one verbal submission was received, with officers meeting with one Committee to discuss the policy and the implications for their lease arrangements.

A detailed summary of the submissions is provided as an Attachment 1 to this report, a copy of the redacted submissions is also provided.

Revised draft Lease and Licence Policy

As a result of the submissions received, it is proposed to further amend the policy as follows:

- Change the neighbourhood house leases from a Category 2 to a Category 1 user. This will result in them being charged a minimum rental that will bring it in line with the Neighbourhood House Policy that was recently adopted by Council.
- Refer to council owned 'land' and buildings - in several places the policy only referred to buildings. This will provide certainty to sites, such as the Kyneton Airfield as they are on ground leases and therefore are land only.
- For category 3 - Commercial/General Use – currently only provided for companies but will be amended to add individuals as well (many of the Airfield Hangars are with individuals).
- Criteria for the community category to be amended to state that it must be a 'volunteer based' organisation - rather than 'managed mostly by volunteers.'
- Add in a reference to Section 16 leases for Crown land.
- Add Men's Sheds to the Category 1 tenants list examples.

Additionally, the policy was updated with references to Council's Zero Net Emissions Plan and the Waste and Resource Management Strategy. A new section was also added about 'No smoking areas' around Council facilities.

Consultation and engagement

The community engagement and consultation process was undertaken in accordance with Council's Community Engagement Policy. This process included a community engagement process on our website, undertaking a mailout to existing tenants and inviting community groups who may be impacted to respond from 2 April until 7 May 2024.

Collaboration

The review of the draft Lease and Licence Policy has been undertaken by officers across the organisation, this draft policy has also been presented to Councillors at Councillor Briefing. This draft Policy was also presented to Council's Audit and Risk Committee for feedback.

Innovation and continuous improvement

Council regularly reviews its strategies and policies to support continuous improvement in line with delivering good public value. The improvements proposed to this policy provide ongoing improvements to Council's approach to leasing and licensing property held for the benefit and use of the community.

Relevant law

The Leasing and Licensing of Council property is strictly regulated from several Acts which have been outlined in the policy.

Additionally, in accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment (GIA) was undertaken and presented as part of the May Council Report, where officer sought to undertake a community and consultation process.

The GIA ensured the inclusion of people from all genders and ages in the consultation and engagement activities and that the community consultation process aimed to be inclusive, and reflective of the diverse needs and perspectives of the community.

The GIA considered three key considerations – access to information about the policy, timing and methods of the consultation and encouraging a broad range of participation from tenancy groups. Consultation was provided through local newspapers and online platforms, with staff being available to assist with enquiries and submissions.

Relevant regional, state and national plans and policies

Department of Energy, Environment and Climate Action (DEECA) Crown Land Leasing Policies – Leasing Policy for Victorian Crown Land 2023.

Relevant Council plans and policies

The review of the Lease and Licence Policy supports Council's priority of strong and reliable government. There are numerous Council policies that are referred to in the Policy document.

Financial viability

The policy proposes several changes that will have financial implications, including increases to minimum lease fees. Community groups currently on a minimum rental will not be affected by this change as lease fees will remain unchanged until their lease term ends, and a new lease is negotiated.

Currently the average rental for Council's community leased properties is \$155 per annum and Council has approximately 50 community leased properties. Consequently, under the

new policy, if these leases were increased to \$300 p.a. Council's community lease income could increase by approximately \$7,500 per annum. This would assist Council in covering part of the cost of administration and support for these leases and community groups. Implementing increased shared use facilities should also have a financial impact.

The policy is proposing that Council transition some lease holders to licences for suitable community groups to enable several groups to share one building or facility at varying times. There will be some minor costs associated with this in relation to Council providing communal facilities and more storage facilities.

However, by sharing facilities there is also the potential to maximise the utilisation of Council's assets to decrease costs and help to reduce the need for new infrastructure.

Sustainability implications

Council is committed to protecting the environment and will require Tenants to use the premises in an environmentally responsible manner. Tenants must comply with Council's directions in relation to environmental initiatives on Council Property, particularly the policies in relation to sustainable buildings and waste management. Tenants may also approach Council to support grant applications to improve the energy efficiency and environmental performance of the building.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

Policy



Draft Lease and Licence Policy

Date of Adoption	TBC		
Adoption Method	<input checked="" type="checkbox"/> Council	<input type="checkbox"/> CEO	<input type="checkbox"/> Other (<i>please specify</i>)
CEO Signature			Date
Responsible Officer and Unit	Manager Finance and Reporting		
Nominated Review Period	<input type="checkbox"/> Annually	<input checked="" type="checkbox"/> Every 4 years	<input type="checkbox"/> Other (<i>please specify</i>)
Last Endorsement Date	August 2020		
Next Endorsement Date	TBC		

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging. Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

DOCUMENT HISTORY	Version	Date	Author
Initial Draft	1	19 March 2024	H Drummond
Second Draft	2	20 March 2024	H Drummond
Final Draft	3	18 June 2024	A Drago-Stevens
Approval			

Contents

1. Introduction	3
2. Purpose	3
3. Scope	4
4. Principles	4
5. Using a Lease or Licence	5
6. Vacant Properties and Agreement Renewals	7
7. Risk, Liability and Insurance	8
8. Liquor and gaming licences	10
9. Delegations	10
10. Standard Conditions	11
11. Breach of Agreements and Termination of Agreements	11
12. Monitoring and management of Leases and Licences	11
13. Key Lease Terms	12
14. Community Engagement	19
15. Gender Impact	19
16. Policy Breaches	20
17. Discretion	20
18. Definitions	20
19. References	21
20. Related Policies	21
21. Related Legislation	22
APPENDIX 1: Tenant Categories	23

Lease and Licence Policy

1. Introduction

Council is the custodian of land on behalf, and for the benefit, of its community. This land includes property owned by Council, Crown Land where Council is the Committee of Management (CoM) and land leased or licenced by Council for identified purposes. Some Council-managed properties are leased for commercial purposes and generate market rents for Council. Most properties are leased at subsidised rates for community and not for profit purposes to deliver a tangible community benefit. This includes properties used for community centres, childcare centres, senior citizens centres, scout halls, club rooms, recreation spaces and sporting facilities. These uses deliver a range of public policy objectives, including health and well-being, recreation and community building.

This Lease and Licence Policy has been developed to provide a framework for leasing and licencing of Council owned and managed land and buildings across the Shire.

It is intended as a framework that will assist Council in providing a fair, equitable and transparent process for all types of tenants who occupy Council owned or managed property.

2. Purpose

Council is responsible for the sustainable management of assets and maximising the community benefit arising from its property use. This policy provides a foundation for the negotiation, establishment and administration of leases and licences, with the aim of meeting the following objectives:

- **Sound custodianship:** Ensure Council managed properties are appropriately maintained, developed and occupied, having regard to the interests of local communities and the care of the assets. This requires that any Tenant who occupies Council owned or managed land or premises does so under the terms and conditions of a current lease or licence.
- **Community Benefit:** Ensure Council managed properties are used to meet demonstrated community needs consistent with the Council Plan, and in-kind support from Council, including subsidised rent, is recognised and transparently applied in light of the community benefit to be achieved.

- **Consistency:** Provide guidance to Council and the broader community regarding the eligibility, use, length of lease and rental structures to meet the diverse needs of the community and provide information to ensure consistently applied terms and conditions.
- **Equity:** A framework for fair, inclusive, transparent and equitable leasing and licencing of Council managed properties to organisations, businesses, agencies and community groups. Ensure leasing and licencing promotes and reflects Council's commitments to diversity and inclusion, social equity and wellbeing.
- **Financial sustainability:** Ensure sound financial management and effective administration of Council managed properties to allow for an appropriate financial return.
- **Legal compliance:** Ensure compliance with relevant legislation as applicable to each property type, particularly in relation to the *Local Government Act 2020* ("the Act"). Ensure tenants comply with the legal use of Council managed properties.
- **Protection:** Ensure strong processes and clear agreements are in place to protect all interested parties.

3. Scope

This policy applies to leases and licences of Council owned buildings and land across the Shire, and sites owned by the State Government (Crown Land) where Council is the designated Committee of Management and therefore can enter into leases or licences with tenants.

This policy does **not** apply to:

- seasonal club agreements;
- casual hire agreements;
- leases or licences where Council is tenant; or
- sponsorship or commercial hiring of advertising space on Council property.

4. Principles

Council will apply the following principles when considering and entering into leases and/or licences. Council will:

- Ensure that community groups and not for profit service providers are given first preference for Council's community facilities to meet the Macedon Ranges community's service needs.
- Preference licences rather than exclusive lease agreements to ensure the optimisation and sustainable management of assets by obtaining maximum community utilisation through co-habitation, agglomeration and/or sharing of facilities.
- Ensure all lease and licence agreements reflect Council's commitment to diversity, inclusion, and social equity.
- Seek to enter into agreements that balance the risks and benefits to Council across liability for capital asset maintenance, income and expenditure, service delivery, and administrative overheads.

5. Using a Lease or Licence

Granting of exclusive possession and other leasehold rights is not necessary for all land uses and may not deliver the greatest benefit of the community or prospective tenants. To ensure that Council property is used to its greatest potential and to optimise access for all community groups, Council will encourage the shared use of facilities, and in the first instance give preference to a licence agreement rather than a lease for prospective tenants.

If it can be demonstrated that exclusive rights to a property is in the best interests of the community, then a lease will be offered.

5.1. Lease Agreements

A lease may be appropriate where the tenant requires exclusive use of land and/or premises for the permitted use in the interests of the community. This may include delivery of long-term projects or groups delivering specific services, for example:

- sensitive and important community services such as the provision of child-care or health facilities and services;
- provision of education services, such as by a TAFE or VET training provider;
- commercial or other purposes where the operator will undertake a specialist fit-out and installation to meet the stated purpose and requires exclusive access (e.g. café, long-term telecommunications infrastructure installation).

5.2. Licence Agreements

Licences enable access for multiple groups and support the shared use of facilities between Council and each licence holder. Examples of where a licence of land may be appropriate include:

- a recreation or sporting club with a year-round requirement for access and use of Council property;
- special event licences for community, cultural or sporting events;
- licences for the installation of services utility infrastructure (e.g. electric vehicle charging stations).

To encourage the use of licence agreements and shared use of facilities, the fees for licence agreements shall be reduced in comparison with lease fees. This will depend on the facility and the hours of usage by the group and will be determined on a case-by-case basis.

5.3. Ground Leases

For certain types of properties, it is appropriate for Council to provide a ground lease of the site. A ground lease is a lease of the land component only, with the tenant responsible for the construction or installation of buildings and any ongoing maintenance or works related to them. The tenant must also ensure that they obtain and comply with all appropriate planning and building permits. This occurs for example at the Kyneton Airfield where Council leases the site, and the tenants construct the hangar buildings. The lease is therefore described as a ground lease and the rental is assessed based on the land value only. At the end of the lease term, and in the event a renewed lease is not offered by Council, the building may be removed by the tenant, or the ownership of the building reverts to Council.

Ground leases are generally used for long-term agreements and require the tenant to be responsible for all maintenance and management of the building during the term of the lease. This has the benefit of no ongoing maintenance obligations for Council, reducing both costs and risks.

5.4 Crown Land Leases

Where Council is appointed to manage Crown land either directly or as the Committee of Management,, Council shall seek approval from the Department of Energy, Environment and Climate Action (DEECA) to enter into a lease or licence with a Tenant. Council must ensure that it complies with DEECA's Crown Land Leasing Policy and Guidelines and agreements must be in the prescribed forms as provided by DEECA.

5.4. Categories of Tenants

Council has three categories of tenants to enable differential rates and terms to be set in lease agreements. Further information on these categories is provided in Appendix 1 to this policy.

Category	Description
Category 1:	Community – Minimum Rental
Category 2:	Community – Subsidised rental
Category 3:	Commercial/General use – Market Rental

5.4.1. Requirements for Community-Category Tenants

To be considered for a community use lease agreement, prospective tenants must:

1. Be able to demonstrate they are a not-for-profit organisation;
2. Be a registered legal entity;
3. Be a volunteer based organisation;
4. Manage the lease primarily for the community; and
5. Meet public benefit criteria such as: social engagement, non-discriminatory services, no barriers to participation and a demonstrable demand for the service.

6. Vacant Properties and Agreement Renewals

When considering leasing or licensing vacant properties and renewals, Council will undertake a public process to identify the organisation that will provide best value and greatest community benefit. This may include requests for information such as business plans, membership details, and financial sustainability. Applications received through a public process will be assessed by Council officers with evaluation criteria that will be created to meet the specific requirements of the site. These criteria must consider diversity, equity and inclusion principles, and be informed by the completion of a Gender Impact Assessment at the time of development where required.

Under certain circumstances, agreements will be directly negotiated with organisations or the current tenants, provided there are justifiable reasons that a direct negotiation is appropriate. Such circumstances include those where the proposed tenant (new or existing) will provide significant

community benefit, the tenant has made or will make significant capital contributions, a specific need that cannot otherwise be met, and/or there is an absence of competition.

At the end of a lease term where the tenant remains in occupation of the property, they may continue on a month-to-month basis whilst a new lease is negotiated, in agreement with Council. This period of time outside the initially agreed lease term is known as 'overholding.' Tenants must continue to pay the rent and abide by all the terms of the lease during the overholding period.

Should lease negotiations extend beyond a twelve-month period of overholding without satisfactory progress, Council may terminate the lease with one month's notice.

7. Risk, Liability and Insurance

Council will require appropriate risk management measures in all agreements that includes but are not limited to:

- Appropriate security measures.
- Ensuring that appropriate documentation and insurance are in place for occasional or hired use of the premises by third parties.
- Implementation of appropriate Emergency Evacuation procedures and other Essential Services Measures as required.
- Implementation of an appropriate Risk Management Plan that identifies the risks associated with the tenant's use of the premises and how such risks will be managed.
- Use of appropriately qualified Council approved tradespeople to undertake maintenance and repairs.

As a landowner, Council has a duty of care, which is a legal obligation to avoid doing things that could foreseeably cause harm to another person or property. Through lease agreements, Council can reduce exposure to the risks of liability and limit the amount of compensation payable by introducing more certainty in the agreement with tenants.

7.1 Indemnity Clause

Indemnity clauses are commonly used to define who bears the risk. As standard practice, Council will not agree to indemnify any other party and Council will not agree to any form of limitation of liability of any third party in lease and licencing agreements. It is considered reasonable that any

party engaged with Council be liable for loss or damage caused by its own negligence, without limit.

7.2 Insurance requirements

All tenants or licence holders are required to hold current Public Liability Insurance to a minimum of \$20 million to enter an agreement with Council.

7.3 Indemnity and insurance clauses with State Government

An agreement exists between Victorian council members of the Liability Mutual Insurance (LMI) scheme (Macedon Ranges Shire Council) and the Victorian Managed Insurance Authority (VMIA) (which also includes VicRoads, VicTrack, Victoria Police and others) regarding indemnity and insurance clauses.

When entering agreements with State Government, Council should refer to the series of recommended indemnity and insurance clauses developed by VMIA and LMI.

7.4 Essential Safety Measures (ESM's)

Essential Safety Measures are the safety features required in a building to protect occupants in the event of a fire. ESM's may include fire detection and alarm systems (smoke alarms), fire doors, emergency lighting and fire hydrants. In order to comply with these requirements, tenants are required to keep emergency exit pathways clear and emergency fire equipment such as fire extinguishers and smoke alarms operational and accessible at all times. Council shall provide tenants with emergency evacuation plans that must also be clearly displayed to facility users at all times. Council will also ensure the installation of emergency and exit lighting.

Tenants must also arrange for 'test and tagging' to occur for any portable electrical items by an authorised contractor on an annual basis. This includes all freestanding electrical appliances such as all kitchen equipment, fridges/freezers, kettles, office equipment, phone chargers etc. The authorised contractor will test each appliance and then put a 'tag' on the appliances cord to show it complies with the Australian Standard (AS 3760).

During the term of the lease Council officers shall undertake regular inspections of the facility to ensure that the ESM's are complied with and the 'test and tagging' has been completed. Tenants must comply with any inspections requested by Council officers or their contractors.

8. Liquor and gaming licences

Liquor licence applications require Council approval in addition to any relevant statutory approval and is determined on a case-by-case basis.

Council prohibits any new or additional gaming licences on Council owned or managed land. Management of leases with existing tenants who are current gaming licence holders on Council owned or managed land will be undertaken in line with Council policies regarding Gambling Harm.

9. Delegations

The approval process for lease and licence agreements will be in accordance with statutory requirements under the Act. Leases or licences must be signed by both Council and the tenant to be binding. The following delegations apply when entering into and executing leases:

Council via a Council resolution	<p>Is authorised to enter into leases that:</p> <ul style="list-style-type: none"> • have a current market rental of \$100,000 per annum or more (and are for a term of 1 year or more); or • have a term of 10 years or more; <p>subject to complying with Section 115 of the Act.</p>
Chief Executive Officer	<p>Is authorised to:</p> <ul style="list-style-type: none"> • Execute leases which have a term of 5 years or greater and less than 10 years; and • are less than \$100,000 rental per annum.
Directors	<p>Are authorised to:</p> <ul style="list-style-type: none"> • Execute leases which have a term of less than 5 years; and • Are less than \$100,000 per annum. • Execute all licences.

10. Standard Conditions

All leases and licences shall be based on Council's standard lease or licence templates, as applicable to either premises or land. This is to ensure standard conditions shall be applied consistently to all Council owned and managed premises.

Each lease or licence shall include the following:

- a) A plan indicating the leased or licenced area;
- b) A Maintenance Schedule; and
- c) A list of tenants improvements.

Special Conditions may be included in a lease or licence, if necessary, to meet specific requirements of Council or the proposed Tenant. Any variations proposed to the standard lease or licence terms must be referred to Council's Property Department and approved by one of the Manager of Finance and Reporting, the Director Corporate, or the CEO.

Key Lease terms are outlined in Section 13 of this policy.

Any requests for variations to leases during the lease term must be requested in writing and will be considered by the appropriate Manager and Council's property team.

11. Breach of Agreements and Termination of Agreements

All lease documents have a termination clause that provides the terms under which Council can terminate the lease. In addition to the non-payment of rental, there are essential terms of the lease that if breached are considered so serious that Council is entitled to treat the agreement as terminated. This includes undertaking improvements without appropriate approvals or utilising the property for a non-permitted use. If a serious breach occurs by a tenant, then Council will seek to terminate the lease unless the tenant is willing to undertake remediation works to the satisfaction of Council.

Additionally, there is a dispute resolution clause as outlined in Section 13.12 of this policy.

12. Monitoring and management of Leases and Licences

Council will undertake an inspection of all properties prior to the commencement of a new agreement. This will record the condition of the building prior to the tenant/licencee taking

occupation. Council will also inspect the property at the end of the agreement to ensure that the building is returned in a satisfactory condition to Council.

During the term of the agreement, Council officers will monitor the building and inspect when required for maintenance purposes. Maintenance shall be undertaken by Council in accordance with the maintenance schedule attached to the agreement. Minor maintenance remains the responsibility of the tenant/licencee.

During the term of the agreement, Council may request information from tenants/licencees to support the ongoing assessment of community or public benefit as proposed when entering into the agreement. This may include data on membership and demographics, services provided, facility utilisation and financial performance of the tenant/licencee organisation.

Council maintains a lease register. This includes key dates for each tenancy such as rental review dates, renewal and expiry dates, and performance data. Council shall contact tenants when leases are up for renewal and renegotiate new lease terms. Council shall also issue rental invoices for payment on an annual, quarterly, or monthly basis depending on the lease term.

New agreements shall be prepared at Council's cost. Tenants can seek their own legal advice on proposed leases, this will be at their cost.

13. Key Lease Terms

13.1. Payment of Rental

The rental amount shall be determined based on the three different categories of tenant outlined in Appendix 1. The categories are –

13.1.1 Category 1 - Community Leases – Minimum rental (\$300 p.a.)

13.1.2 Category 2 - Community Leases – Subsidised rental (\$500 - \$5000 p.a.)

13.1.3 Category 3 - Commercial/General Use – Market value

The Minimum Rental fee for Community Leases takes into consideration the annual administration costs that Council incurs in managing leases including raising invoices, reviewing annual public liability insurance statements and annual reporting and audit requirements.

There is some discretion regarding this rental payment and Council may consider providing a rental waiver or reduction to Category One tenants only, due to financial hardship, where the tenant shall provide funds to enhance the building, or other 'in kind' benefits, as agreed. In these

situations, the tenant should apply to Council in writing stating their reasons for seeking the rental reduction or waiver for the year ahead. Council shall consider each request on a case-by-case basis and will require Directors approval in line with Council's relevant financial and debt management policies.

Category 1 and Category 2 leases shall also have an annual rental review fixed at 3% increases. This is in preference to a CPI review as it is easier for Council and tenants to implement from an administrative perspective and for budgeting purposes.

13.2. Length of Lease or Licence

Generally, licence agreements will be offered for a three-year period and leases will be five years up to a maximum term of nine years. Council may, at its discretion, offer a longer term where a tenant has made or shall make a substantial contribution to building, structural and infrastructure works on the premises and fully maintains those works for the duration of the lease or licence.

The proposed term will be assessed on a case-by-case basis, and is dependent on several factors, including:

- a) the applicable legislation;
- b) the proposed tenant's contribution to building, structural and infrastructure works including new, renewal/refurbishment or upgrade works;
- c) the financial stability of the tenant;
- d) any State Government requirements/legislation (where Council is Committee of management);
- e) the suitability of the premises for the tenant's use; and
- f) Council's long-term plan(s) for the premises.

13.3. Outgoings

Under lease agreements, the tenant shall be responsible for the payment of all outgoings (to the extent that they apply).

This includes:

- a) Electricity
- b) Gas
- c) Water
- d) Waste Water
- e) Contents Insurance
- f) Public Liability Insurance
- g) Telecommunications
- h) Rubbish bins
- i) Council rates (*note community groups are non-rateable*)
- j) Fire Services Property Levy (where an individual rates notice is issued).

Tenants in a shared multi-use premises shall be responsible for the payment of their proportion of these outgoings. The proportion of costs attributable to each tenant shall be included as a special condition of the agreement.

Council has a target to reach a zero net emissions status for its operations by 2030. As part of this strategy Council may assume responsibility for payment of electricity bills for Category 1 and Category 2 tenants over time (for example upon renewal of the lease or licence). The process would require Council to receive the electricity bills directly for payment and then the cost would be invoiced to the tenant. Additionally, under the strategy, Category 3 tenants may be requested to report on electricity usage and associated greenhouse gas emissions.

Tenants should also note that the use of gas will be phased out from all council owned buildings over time.

13.4. Building Insurance

Council shall insure all Council owned improvements on Council owned land or Crown Land where Council is the landlord.

13.4.1. Property and Contents Insurance

The Tenant should maintain insurance for its own property. This includes structures that are not Council owned that have been constructed by the tenant, such as sheds and hangars. The insurance of all chattels, fixtures and fittings, furniture, floor coverings, equipment and contents belonging to the Tenant are the responsibility of the tenant.

Damage or loss to the tenants property including structures such as sheds and hangars, chattels, fixtures and fittings, furniture, equipment and contents belonging to the Tenant shall be the responsibility of the Tenant.

13.5. Assignment of Lease

Assignment is the legal term for when a tenant transfers their whole interest in a rental property to another party.. For example, if a tenant signed a 12-month tenancy agreement (lease) but decided to leave after 6 months, they can arrange for another party to move in and take over their lease. The new tenant would take the place of the original tenant, paying rent directly to the landlord, and having all the rights and responsibilities of the original tenant.

Tenants shall not assign a lease unless approved by Council. Council shall assess any proposed new tenant in accordance with this policy and in line with how the original tenant was considered. Any cost associated with an assignment of lease is the responsibility of the Lessee.

13.6. Subletting of lease

Sub-letting is when a tenant transfers their interest under a tenancy agreement to another party, but the original tenant remains party to the tenancy agreement with the landlord, which continues. The first tenant is called the head-tenant and the second tenant is called the sub-tenant. The agreement between them is called a sub-lease.

Head tenants must formally request in writing approval from Council for any sublease arrangement they wish to enter into.

If Council does give approval to a sub lease of the premises, the sub lease shall, to the extent that it is practical, be subject to this Policy and the terms and conditions as the head lease.

If Council agrees to a sub lease of the premises and if there is any financial gain to the Tenant, Council may review and adjust the rent of the head lease. Council may also claim from the Tenant reasonable legal costs incurred in connection with an assignment of lease or sub-lease.

13.7. Casual Hire

Tenants may make the premises available for casual hire or occasional hire where it is irregular use or "one off" events that can be hired on an hourly rate. The Tenant shall ensure the activities of the hirer and the use of the premises do not contravene the Tenant's Lease or Licence.

The Tenant shall ensure that casual hire of the premises is subject to a written agreement that makes the hirer responsible for all activities and use of the premises and makes the hirer accountable for any damage whatsoever that occurs whilst the agreement is in place. Tenants may use examples or templates available from Council.

The Tenant shall ensure that all activities and use of the premises are covered by the appropriate insurance whilst the hire agreement is in place.

The Tenant shall ensure that the activities undertaken by the hirer do not interfere with the primary purpose of the premises, adversely affect the amenity of nearby neighbours, and meets all legal requirements such as liquor licencing.

13.8. End of Lease or Licence

13.8.1. Early termination

It is assumed that all parties will continue with the lease for the full term of the contract. Early termination requested by the tenant must be negotiated and should be consistent with the terms of

the agreement, including minimum notice periods. Early termination requests will be considered by Council on a case-by-case basis.

13.8.2. Tenant shall vacate

At the end of the lease or licence (which is the end of the term or the earlier termination of the lease or licence) the Tenant shall vacate the premises and ensure that it is in a condition consistent with the Tenant having complied with its obligations under the lease or licence.

13.8.3. Ownership of Improvements

Unless otherwise agreed by both parties in writing, all permanent buildings, structural improvements to those permanent buildings and essential safety measures constructed or installed on the premises (by Council, the Tenant or any other person or organisation) during the term of the lease or licence shall become the property of Council.

Unless otherwise agreed by both parties in writing, all structures (including sheds) fixtures or fittings installed on the premises by the Tenant during the term of the lease or licence shall be removed by the Tenant at the end of the lease or licence. The Tenant shall make good any damage caused by the removal.

Any plant, furniture, equipment, vehicles or contents placed on the premises by the Tenant during the term of the lease or licence shall be removed by the Tenant at the end of the lease or licence at the tenant's expense.

13.8.4. Agreement Renewals and Overholding

At the end of a lease term, on agreement with Council, tenants may continue into overholding on a month-to-month basis while a new lease is negotiated. During the overholding period, tenants must continue to pay the rent and abide by all the terms of the lease during the overholding period.

Council shall contact tenants prior to the end of their lease to commence negotiating a new lease. Should these negotiations extend beyond a twelve-month period of overholding without satisfactory progress, Council may terminate the lease with one month's notice.

13.9. Maintenance

Council's lease template includes a maintenance schedule that outlines the responsibilities of Council and tenants in relation to each property. Council will conduct an inspection of the property prior to the commencement date of the occupancy agreement to record the condition of the premises. The schedule specifies the responsibilities of Council and the Tenant, including

electrical, essential services (also known as essential safety measures), plumbing, grounds maintenance, internal fittings, security, pest maintenance and external infrastructure.

The Tenant will be required to clean and keep clean the premises including the grounds, building, fixtures and fittings. The Tenant shall not alter, remove, add to or replace the roof, walls, structures, fixtures, windows and external doors, without first obtaining the written consent of Council.

13.10. External Funding Agreements

Tenants must seek permission from Council prior to any applications for external funding for any works applicable to the leased premises.

13.11. Signage on Leased and Licenced Premises

Tenants must not write, paint, display, hang or affix any sign, advertisement, placard, name, honour board, flagpole, flag or notice on any part of the Premises or land that they lease or licence without the prior written consent of Council.

Signs that promote gambling or may be considered discriminatory against a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability, or political beliefs are prohibited.

13.12. Dispute Resolution

If Council and the Tenant cannot agree to lease terms or there is a dispute in relation to an existing lease that cannot be resolved, an external mediator may be engaged to assist in settling the dispute. This could also extend to disputes that occur between tenants or licencees in a shared facility. An external mediator will only be engaged where approval is given by the Council CEO. Any costs associated with the engagement of a mediator will be shared equally between the disputing parties.

13.13. Environmental Sustainability

Council is committed to protecting the environment and will require Tenants to use the Premises in an environmentally responsible manner. Tenants must comply with Council's directions in relation to environmental initiatives on Council Property, particularly the Waste and Resource Management Strategy and the Sustainable Buildings Policy. Tenants may also approach Council to support applications for external grants, to improve the energy efficiency and environmental performance of

the leased or licenced building. Any proposed works that require a building or planning permit must be approved by Council prior to works commencing.

13.14. Occupational Health and Safety

Tenants must have in place compliant emergency evacuation plans and procedures associated with the Premises and ensure that their employees and/or volunteers participate in emergency training and drills.

Tenants must provide and maintain a safe working environment and must ensure that the systems, procedures and practices necessary for the protection of the health and safety of all persons is implemented.

Council and/or Councils authorised agents/contractors may enter the property to inspect essential safety measures including compliance with Child Safe Standards.

Tenants must not change locks or install alarm systems without the prior permission of Council. Tenants must not change an alarm code without the prior permission of Council.

13.15 No Smoking Policy

Smoking and the use of e-cigarettes is prohibited in the following areas:

- All enclosed spaces and public spaces where members of the public gather and within 10 metres of all Council-owned, operated and leased buildings.
- At all times in outdoor dining/drinking areas located on Council land (enforced through Local Laws Outdoor dining permit conditions).
- Within 10 metres of the external perimeter of all sports fields and facilities (including clubrooms and pavilions). This shall be incorporated into all new leasing and licencing agreements where applicable.

13.15. Emergency management measures

Some agreements may contain a clause which designates the premises for use as an Emergency Relief Centre or an Emergency Recovery Centre in the case of an emergency, which would exclude the tenant from the property until the premises was no longer required for emergency purposes.

In addition, Council facilities within the townships of Macedon, Mount Macedon and Woodend must be closed on Catastrophic Fire Rating Days.

13.16. Child Wellbeing and Safety and Working with Children

Tenants must adhere to the requirements of the *Child Wellbeing and Safety Act 2005*, and must ensure that the Tenant's employees and volunteers, where required, hold a Working with Children Check under the *Working with Children Act 2005*. before working with children on Council owned or managed land.

13.17 Waste Management

Council has a Kerbside Collection and Associated Services Charge Policy that outlines the policy and charges for our four bin service. The four-bin system consists of a FOGO bin (Food Organics Garden Organics), a recycling bin, a glass only bin and a rubbish, general waste bin. Tenants must ensure they use the appropriate recycling, glass or general bins.

Tenants must also comply with Council's Single Use Plastic Policy. This policy aims to:

- eliminate single-use plastics from Council operations, activities and events;
- eliminate single-use litter and waste from Council buildings, facilities and events;
- encouraging the community to eradicate single-use plastics.

Single use plastics are banned from Council facilities effective from 1 February 2023, and tenants must comply with this requirement.

Further information about both these policies is available on Council's website.

14. Community Engagement

The community engagement process for new and renewal of leases and licences will be in accordance with Council's Community Engagement Policy, the requirements of the Act, and following the completion of a Gender Impact Assessment.

15. Gender Impact

Gender Impact Assessments should be carried out in accordance with this policy and the *Gender Equality Act 2020*, particularly ahead of public processes inviting interest in a property, when developing criteria for evaluation of prospective tenants, or prior to public consultation on proposed agreements. All consultation will be undertaken in accordance with Council's community engagement policy.

All prospective tenants will be provided access to this policy in printed documents for those that may not have access to computers or the internet. Additionally, Council officers are available to explain key terms and tenant responsibilities.

16. Policy Breaches

This policy contains several enforceable elements that tenants are required to comply with. Should there be serious breaches of this policy, Council's Chief Executive Office is authorised to terminate agreements. All new tenants or licencees will be required to abide by the conditions of this policy by signing and acknowledging that they have read and understood this policy document. Any changes to this policy will be notified to the tenant or licencee.

17. Discretion

This policy lays out the expectations, standard terms and clauses for Council's lease and licence agreements and how Council will manage them. However, Council reserves the right to exercise discretion in the application of this policy, and options within agreements. For example, a clause within an agreement may give Council the right, but not the obligation, to exercise that option (provided that any applicable conditions are met). In such cases, Council will consider equity, fairness, the public good and community benefit, and any limits on exercising discretion before making a decision on when to apply an option, or not.

18. Definitions

Term	Definition
Crown Land	Lands reserved and/or administered under the <i>Crown Land (Reserves) Act 1978</i> .
Council Managed Property	Property that Council is responsible for. This includes property owned or leased by Council and Crown Land where Council is Committee of Management or has been appointed the Land Manager.
Lease	A right granted by an owner of property (lessor) to another person / organisation (lessee) to have exclusive possession of that property for a fixed duration in return for rental payment.
Licence	A right granted by an owner of property (licensor) to another (licencee) to have shared use of that property for a fixed duration in return for rental and permits a person (licencee) to occupy property (or part thereof) on particular conditions.
Not for Profit Organisation	For the purposes of this policy, a not-for-profit is a registered and incorporated entity that does not operate for the profit, personal gain or other benefit of particular people (for example, its

Term	Definition
	members, the people who run it or their friends or relatives). Evidence that the organisation is registered on the Australian Charities and Not for Profits Commission (ACNC) will be required prior to entering into the lease or licence.
Occupancy Agreement	The agreement providing rights granted for occupancy of a property. Can comprise either a lease or a licence.
Overholding	A tenant remaining in occupancy of a leased premises with the landlord continuing to accept rent, despite the term of the lease having expired.
Property	The land and or buildings to be leased or licenced.
Ground Lease	Lease of the land only, where the building has been or will be constructed by the tenant. The rental does not include the value the building – it is a lease of the site only.
Service Manager	The relevant Council Officer who manages the relationship (including lease/licence negotiations) with existing or prospective tenants or landlords. The Service Manager is allocated based on the purpose of the agreement, including the type of use.
Term	the period of time from the commencement of the lease to its termination, including any further terms.

19. References

- > Department of Energy, Environment and Climate Action (DEECA) Crown land Policies – Leasing Policy for Victorian Crown Land 2023.

20. Related Policies

- > Asset Plan 2021 - 2031
- > Risk Management Framework
- > Sale of Land Policy and Procedure
- > Community Engagement Policy
- > Open Space Strategy
- > Procurement Policy
- > Zero Net Emissions Plan
- > Sustainable Buildings Policy
- > Single Use Plastics Policy

- > Kerbside Collection and Associated Services Charge Policy
- > Waste and Resource Recovery Management Strategy
- > Gambling Harm Prevention Policy (in draft, not yet adopted).
- > Kyneton Airfield Local Law No. 12
- > Occupational Health and Safety Policy

21. Related Legislation

- > *Local Government Act 2020* – section 115 provides the statutory obligations for Council when entering into a lease agreement.
- > *Crown Land (Reserves Act) 1978* – governs Council's responsibilities when appointed as managers of Crown Land. Section 16 applies to leases where Council has been appointed under direct land management of the site. Section 17 outlines requirements relating to Crown land leases and licences.
- > *Residential Tenancies Act 1997* – outlines rights and responsibilities for landlords and tenants in relation to the leasing of residential properties.
- > *Retail Leases Act 2003* – outlines requirements for leases which are used wholly or predominantly for retail provision of goods or services.
- > *Planning and Environment Act 1987* – provides for permitted use of land through Council's planning scheme.
- > *Telecommunications Act 1997* – provides for the rights of telecommunication companies in relation to the installation of telecommunications transmission towers and associated infrastructure.
- > *Occupational Health and Safety Act 2004* – provides a framework for improving standards of workplace health and safety to reduce work-related injury and illness.
- > *Child Wellbeing and Safety Act 2005* – provides child safe standards and requires any tenant that is engaged in activities which involve children to comply with this Act.
- > *Working with Children Act 2005*
- > *The Wrongs Act 1958* - is the principal statute in Victoria that governs claims for damages for personal injury and death. The Act covers economic and non-economic loss as a result of negligence or fault and encompasses a wide variety of wrongs.
- > *Tobacco Act 1987*

APPENDIX 1: Tenant Categories

Category 1: Community Leases – Minimum Rental	
Eligibility Indicators	
Community Benefit:	provides significant community benefit that is in high demand by the local community. The type of community benefit provided could not be delivered unless supported by Council.
Use:	aligns with a Council service and the Council Plan. Proposed use will increase social inclusion, equity and promote health and wellbeing for the Macedon Ranges Shire Council community. Examples include: <ul style="list-style-type: none"> - sporting clubs, - senior citizens, - Men's Sheds, - historical societies, - CFA and SES, - Neighbourhood Houses (as described in Council's Neighbourhood House Policy), - pony clubs, - theatre clubs.
Funding:	receives limited funding from organisations other than Council.
Revenue:	Limited capacity to generate revenue from use of the site and activities associated with the organisation (i.e. no sub-leasing activities)
Fit for Purpose:	The proposed use of the site is appropriate, taking into account building and planning requirements.
Operational:	Not for profit organisation or community group or club run by volunteers.
Compliance:	Not for profit organisation, registered legal entity (incorporated), has an ABN, complies with all relevant legislation governing its activities, holds all relevant certificates, have a committee of management or board with appropriate governance arrangements.
Annual Rental	
\$300 per annum administration fee. This is the minimum rental for leases under this policy. Rental to be reviewed annually, with increases applied on the anniversary date with 3% fixed increases. Where community groups are unable to pay the minimum rental fee, they can apply for a rental waiver. Please refer to clause 13.1 for further details.	
Preferred Term	
<ul style="list-style-type: none"> • The base term offered by Council for Category 1 is up to 5 years. • Under certain circumstances shorter or longer terms will be considered on a case-by-case basis. 	
Maintenance and Outgoings	
<ul style="list-style-type: none"> • Council will have a Standard Maintenance Template that provides for shared maintenance responsibilities. • All outgoing will be the responsibility of the tenant. 	

Category 2: Community Leases – Subsidised Rental	
Eligibility Indicators	
Community Benefit:	provides significant community benefit of which is in higher demand by the local community. The type of community benefit provided could not be delivered unless supported by Council.
Use:	aligns with a Council service and the Council Plan. Proposed use will increase social inclusion, equity and promote health and wellbeing for the Macedon Ranges Shire Council community. Examples are: - community health centres, - business incubators.
Funding:	receives no or minimal funding from organisations other than Council.
Revenue:	has some capacity to generate revenue from use of the site (i.e. sub-leasing) or activities consistent with the organisational purpose. They may derive income such as fees for service, course fees, sponsorship and rent from sub tenancy arrangements.
Fit for Purpose:	the proposed use of the site is appropriate taking into account building and planning requirements.
Operational:	Not for profit organisation or community group or club run by volunteers or paid workers.
Compliance:	Not for profit organisation, registered legal entity, has an ABN, financially viable, complies with all relevant legislation governing its activities, holds all relevant certificates, have a committee of management or board with appropriate governance arrangements.
Annual Rental	
A range of rentals from \$500 - \$5000 depending on the capacity of the group to pay, rental income received from sub-letting and the standard of the building. The amount will be determined on a case-by-case basis. Rental to be reviewed annually with fixed 3% increases.	
Preferred Term	
The base term offered by Council for a subsidised rental lease is 5 years. Under certain circumstances shorter or longer lease terms will be considered.	
Maintenance and Outgoings	
<ul style="list-style-type: none"> • Council will have a Standard Maintenance Template which provides for a partnership approach in which maintenance responsibilities will be reasonably and equitably shared. • All other outgoings will be the responsibility of the occupants. 	

Category 3: Commercial/General use– Market Rental	
Eligibility Indicators	
Community Benefit:	desirable to provide community benefit.
Use:	Aligns with and not detrimental to Council strategic objectives. Examples include: - telecommunication towers, - cafe, - hospitality - airfield hangars.
Funding:	Receives significant funding from organisations other than Council or is a profit-based organisation.
Revenue:	Has increased capacity to generate revenue from use of the site or activities consistent with the organisational purpose.
Fit for Purpose:	The proposed use of the site is appropriate taking into account building and planning requirements.
Compliance:	Tenants may be individuals or companies. Where they are companies, they need to be a registered legal entity, have an ABN, be financially viable, comply with all relevant legislation governing its activities and hold all relevant certificates.
Annual Rental	
<ul style="list-style-type: none"> • Determined by obtaining a market rental assessment from a registered valuer. • Rental to be reviewed annually with fixed or CPI reviews – to be determined on a case by case basis. 	
Preferred Term	
The base term offered by Council is 5 years. Under certain circumstances longer terms will be considered, particularly if the arrangement involves significant capital investment. Terms longer than ten years will require a community consultation process prior to entering into the lease.	
Maintenance and Outgoings	
Commercial terms for maintenance and outgoings apply.	



Submissions to the Draft Lease and Licence Policy

Submission	Comment/Query	Officer Response
Submission 1	This policy should be consistent with the Neighbourhood House Policy, in particular the issue of a minimum rent.	<p>The Neighbourhood House Policy refers to an 'annual minimum rental contribution' being required. It is proposed that the Leasing Policy be amended to be consistent with the Neighbourhood House Policy.</p> <p>Therefore, Neighbourhood Houses have been moved from Category 2 to the Category 1 Lease category with a minimum rental fee applicable.</p>
	It should also be consistent with the Gambling Harm Prevention Policy	<p>As the Gambling Harm Prevention Policy has not yet been adopted by Council, this Leasing Policy states: 'Management of leases with existing tenants who are current gaming licence holders on Council owned or managed land will be undertaken in line with Council's policies regarding Gambling Harm.'</p> <p>The Leasing Policy also prohibits any new or additional gaming licences on Council owned or managed land.</p>
Submission 2	Overall an excellent document. On page 3 in relation to the purpose suggest to add 'land' or premises to reflect land only leases.	Noted – have amended – sentence now amended to state – "This requires that any Tenant who occupies Council owned or managed land or premises does so under the terms and conditions of a current lease or licence."
	Section 5.3 Ground Leases – add in a section about not renewing the lease	Noted – have amended – sentence now amended to state "At the end of the lease <i>term, and in the event a renewed lease is not offered by Council</i> , the building may be removed by the tenant, or the ownership of the building reverts to Council."



Submission	Comment/Query	Officer Response
	Section 6 – Agreement Renewals – need to acknowledge that the tenant will have made the improvements for ground leases	Noted – have amended – Policy now amended to state “Under certain circumstances, agreements will be directly negotiated with organisations or the current tenants, provided there are justifiable reasons that a direct negotiation is appropriate. Such circumstances include those where the proposed occupant (new or existing) will provide significant community benefit, <i>the tenant has made, or will make</i> , significant capital contributions, a specific need that cannot otherwise be met, and/or there is an absence of competition.”
	Section 10 – add in reference to land.	Noted – have amended - Policy now amended to state “All leases and licences shall be based on Council's standard lease or licence templates, <i>as are applicable to either premises, or land.</i> ”
	Category 3 – Commercial/General use – under Compliance it refers to tenants being a registered legal entity and/or has an ABN. This may not work for the Airfield Hangars as they are mostly owned by individuals.	Noted – policy amended to state “Tenants may be individuals or companies. Where they are companies, they need to be a registered legal entity, have an ABN, be financially viable, comply with all relevant legislation governing its activities and holds all relevant certificates.”
Submission 3	<p>Appreciated the opportunity for feedback on the policy and that the leasing policy options are being explored.</p> <p>Provides us with some certainty as a long term tenant of Council. The building is in poor condition and we have been liaising with council officers with plans for it to be repaired and renovated.</p> <p>We look forward to the council approving these works as soon as possible.</p>	Noted – no amendments made to the policy however Council officers will continue to liaise with the tenant regarding their renovations.



Submission	Comment/Query	Officer Response
Submission 4	<p>Requesting for Council to look at a longer term Ground lease for the Kyneton Airfield due to the substantial costs associated with hangar construction and upkeep by Hangar owners.</p> <p>A longer term ground lease would show that Council is very committed to the longer term strategy as in the Airfield Masterplan. Such longer term ground leasing would enhance the viability of the Airfield and its activities to the Hangar owners, the aeroclub and the community.</p>	<p>Council officers are currently reviewing the Kyneton Airfield hangar leases as a number of them are in overholding and require renewal.</p> <p>A draft lease document has been prepared and it is proposed that all airfield hangar leases will be in this new format to provide a consistent approach. The rental will also be assessed based on a current market valuation based on the area of each hangar footprint.</p> <p>The airfield hangar leases are a Category 3 – commercial/general use and the length of the lease is a minimum of five years. The policy states that longer terms will be considered particularly if the arrangement involves significant capital investment. As this is the case with the Airfield Hangars, terms of ten years or more may be negotiated. However, in accordance with the <i>Local Government Act</i> this will require community consultation prior to entering into the lease.</p>
Submission 5	<p>Needs to make more distinction between council property leasing and ground leases.</p> <p>Needs to accommodate the acceptance of long-term leases – especially in cases such as the ones at the Kyneton Airfield – where lessees commit substantial investments towards infrastructure development.</p>	<p>Noted – no change to policy – Clause 5.3 refers to ground lease arrangements at the Kyneton Airfield so it is clear that this is applicable.</p> <p>Noted – as per submission 4 above. Long term leases of ten years or longer may be available however they will be subject to community consultation.</p>



Submission	Comment/Query	Officer Response
Submission 5A	<p>Question 1</p> <p>If an application for long-term leases for the airfield goes to community consultation, what is the standard process Council follows and what would be the expected timeframes?</p>	<p>The process would be that a council report is prepared that proposes to commence community consultation on the proposed lease. A community consultation plan is prepared, and the lease is advertised in the public notices section of the local paper and on Councils website on the 'Have your Say' page. The public has 28 days to make a submission. If people wish to speak in support of their submission then a Committee of Council is arranged for the submitters to speak to the Councillors. Following consideration of the submissions, a second Council report is prepared that outlines the submissions and provides an officer recommendation to -</p> <ol style="list-style-type: none"> 1) proceed with the lease; 2) proceed with the lease under certain conditions; or 3) not proceed with the lease. <p>The councillors then determine whether to adopt the officers recommendation at the council meeting. Depending on the outcome of this meeting, the lease is then finalised and can be completed. This process can take approximately six months to complete.</p>
	<p>Question 2</p> <p>If Council votes to issue long term leases, can objectors challenge this decision at VCAT as was the case with the retrospective planning permits</p>	<p>There are no VCAT appeal rights for objectors to challenge the decision for Council to enter into a lease.</p>
	<p>Question 3</p> <p>As these leases are agreements between individuals and the Council, is there a possibility that the Council would issue leases of varying terms for those individuals not wanting to pursue anything longer than nine years?</p>	<p>The new leases proposed for the Kyneton Airfield are yet to be negotiated with the tenants and the length of the leases has not been determined. This will be done in conjunction with the Airfield Hangar users. As there are approximately 30 airfield hangars, from an administrative perspective, having a consistent lease term is the preferred option, however it may be possible to provide varying lease terms.</p>



Submission	Comment/Query	Officer Response
	<p>Question 4</p> <p>If the leases are still being ratified when Council goes into caretaker mode what effect will this have on the timeline of finalising the lease?</p>	<p>During caretaker period Council will not be entering into any new leases or hearing submissions in relation to proposed leases. Therefore, from 18 September until the 26 October 2024 the process will be on hold and will have to wait until after the caretakers period to recommence.</p>
	<p>Question 5</p> <p>As the Lease and Licencing Policy is awaiting adoption would Council ratify any lease arrangements prior to this occurring and when is the policy likely to be considered by Councillors?</p>	<p>Any new leases negotiated prior to the adoption of this new lease policy will occur in accordance with Councils existing Lease and Licence Policy. The new policy is proposed to be considered by Councillors at the June 2024 Council meeting.</p>
	<p>Question 6</p> <p>If Council, for whatever reason, decided to close the airfield and overturn the MRSC Statement of Strategic Intent and the Airfield Master Plan, what process would need to occur?</p>	<p>The current lease agreements at the Airfield provide a clause that Council can terminate the agreement with three months written notice if in the future the land is no longer to be utilised for the purpose of an airfield. If a decision such as this was to occur, it is likely that more than three months written notice would be provided to tenants.</p>



Submission	Comment/Query	Officer Response
Submission 6	<p>Question 1</p> <p>Concerned that some community groups disproportionately control facilities often to the exclusion of others.</p> <p>There are too many facilities that are controlled by small groups that restrict access to those that are not members.</p>	<p>Council is aware of this issue and the policy seeks to address these concerns through proposing to introduce more licences rather than lease agreements. This will promote more shared use of facilities and support collaboration between groups as there will be fewer groups having exclusive use of buildings where not required to undertake their activities.</p> <p>Additionally, during the term of the agreement, Council may request information from tenants/licensees to support the ongoing assessment of community or public benefit. This may include data on membership and demographics, services provided, facility utilisation and financial performance. This monitoring will assist in identifying whether facilities are being underutilised or whether membership is being limited to certain groups and excluding others.</p>
	<p>Question 2</p> <p>Concern about the criteria provided to assess whether a lease or licence is appropriate.</p>	<p>Council is responsible for determining whether a lease or licence is appropriate and this will be considered on a case by case basis. Clearly the proposed use of the facility will be a criterion, along with the amount of time the tenant will be utilising the space and whether the building can support a shared use arrangement. As noted in the policy, exclusive use is required for some users when delivering specific services such as child-care or health facilities.</p>
	<p>Question 3</p> <p>Is there a mechanism by which to appeal against a decision about whether it is a lease or licence? Is this a done deal if this policy is adopted in regards to when a decision is made that its final?</p>	<p>The decision for offering a lease or licence will be determined by Councils Property Department in the first instance and then if this becomes an issue of concern, it shall be escalated to the appropriate Manager and/or Director.</p>



Submission	Comment/Query	Officer Response
	<p>Question 4</p> <p>Question regarding the requirements for Community Category Tenants in clause 5.4.1 – specifically, as a Neighbourhood House, we are not managed mostly by volunteers.</p>	<p>The policy provides for five criteria that must be met for tenants to be considered for Category 1 or Category 2 tenants. (clause 5.4.1)</p> <p>As a neighbourhood house, it is considered that they are a community category and meet these criteria.</p> <p>For the sake of clarity, it is proposed to amend the 3rd criteria from :</p> <ul style="list-style-type: none"> - be managed mostly by volunteers to - be a volunteer based organisation.
	<p>Question 5</p> <p>Question regarding Councils role in ensuring a building is safe and how Council can inspect properties to reduce its risk.</p>	<p>As noted in Clause 7.4 Council officers shall undertake regular inspections of buildings to ensure that the Essential Safety Measures are complied with and the 'test and tagging' has been completed. Additionally, Council may require appropriate risk management plans from tenants. Tenants must comply with any inspections requested by Council officers or their contractors.</p>
Phone Conversation	<p>The policy appears to cover Section 17 Crown land leases but does not make provision for Section 16. Confirm the scope and applicability of the policy to Section 16 leases.</p> <p>Confirm if the same principles and rates would apply for Section 16 leases.</p>	<p>Section 16 leases only apply in Crown land leases where the Governor in Council has approved the lease.</p> <p>Currently Council only holds one Section 16 lease.</p> <p>Where Council is acting as Landlord on behalf of the state, we do not have pecuniary interest in the asset or responsibility for its maintenance, insurance, or other responsibilities as an asset of Council.</p> <p>This is not a model that Council would seek to pursue in the future, however amendments are being made to the policy to add reference to Section 16 Leases where clauses relate to Crown Land Leases. The Policy covers Section 16 where Council has been directly appointed to manage Crown land and Section 17 where Council is "Committee of Management."</p>



Submission	Comment/Query	Officer Response
		<p>Section 5.4 Crown Land Leases amended to state 'to manage Crown Land directly or'</p> <p>Added further details in Related Legislation in relation to the application of Section 16 and 17 of the <i>Crown Land (Reserves Act) 1978</i>.</p>
On site meeting	<p>Question from the Club about whether their current lease agreement was a Ground Lease</p> <p>Concern that they will have to pay a Fire Service Levy Charge as it is listed in the Policy as an outgoing.</p> <p>They requested confirmation that they were a Category 1 tenant and could Men's Sheds be added to the list if that is the case.</p>	<p>At the meeting it was confirmed that:</p> <ul style="list-style-type: none"> - they have a Crown land lease for the land only. - As they do not receive an individual rates notice they will not be charged for the Fire Service Levy - They are a Category 1 tenant. <p>It was agreed to add them to the Category 1 tenant list in the policy.</p>

SUBMISSIONS

From: Social Pinpoint <noreply@socialpinpoint.com>
Sent: Thursday, 2 May 2024 3:04 PM
To: [Redacted due to Privacy Reasons]
Subject: Submissions - Draft Lease and Licence Policy Form Submission

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Submissions - Draft Lease and Licence Policy Form Submission

There has been a submission of the form Submissions - Draft Lease and Licence Policy through your Your Say Macedon Ranges website.

Please provide an email address (optional).

[Redacted due to Privacy Reasons]

Please provide your full name (optional).

[Redacted due to Privacy Reasons]

Tell us what you think about the draft policy:

It is very important that the endorsed Lease and License Policy is consistent with the Neighborhood House Policy, in particular the issue of peppercorn rent.

It should also be consistent with the Gambling Harm Prevention Policy.

To view all of this form's submissions, visit

https://yoursay.mrsc.vic.gov.au/index.php/dashboard/reports/forms_new/data/18

This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Your Say Macedon Ranges.

SUBMISSION 002

Kaitlin Evans

From: [Redacted due to Privacy Reasons]
Sent: Thursday, 2 May 2024 9:15 AM
To: [Redacted due to Privacy Reasons]
Subject: Lease and Licence Policy - comments from [Redacted due to Privacy Reasons]
Attachments: Draft_Lease_and_Licence_Policy [Redacted due to Privacy Reasons] Comments.docx

From: [Redacted due to Privacy Reasons]
Sent: Tuesday, April 30, 2024 2:41 PM
To: [Redacted due to Privacy Reasons]
Subject: RE: Draft Lease and Licence Policy

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon [Redacted due to Privacy Reasons]

Just a quick update to say the Site Lease Working Party met yesterday and went through the Draft document in an effort to ensure it more accurately reflected a "Site" as opposed to a Hall or some other form of Council premises.

We are still reviewing the amendments we discussed and intend to get counsel to make sure we haven't missed any "clangers", therefore, may I ask you hold off for now on going back to Council's legal service provider to have the Draft lease modified, as it would be better to do so with all of our comments in hand.

Also, I have attached the Draft Leasing and Licensing Policy you provided with my few comments and edits. Overall I think this is an excellent document, and my comments/edits are limited to clarifying a couple of matters specific to land/sites, and where high capital value improvements have been made etc.

Thanks and regards
[Redacted due to Privacy Reasons]

Redacted due to Privacy Reasons

Redacted due to Privacy Reasons



Redacted due to Privacy Reasons



Redacted due to Privacy Reasons





Draft Lease and Licence Policy

Date of Adoption	TBC		
Adoption Method	<input checked="" type="checkbox"/> Council	<input type="checkbox"/> CEO	<input type="checkbox"/> Other (please specify)
CEO Signature		Date	
Responsible Officer and Unit	Manager Finance and Reporting		
Nominated Review Period	<input type="checkbox"/> Annually	<input checked="" type="checkbox"/> Every 4 years	<input type="checkbox"/> Other (please specify)
Last Endorsement Date	August 2020		
Next Endorsement Date	TBC		

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging. Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

DOCUMENT HISTORY	Version	Date	Author
Initial Draft			
Second Draft			
Final Draft			
Approval			

Contents

1. Introduction	3
2. Purpose	3
3. Scope	4
4. Principles	4
5. Using a Lease or Licence	5
6. Vacant Properties and Agreement Renewals	7
7. Risk, Liability and Insurance	8
8. Liquor and gaming licences	10
9. Delegations	10
10. Standard Conditions	11
11. Breach of Agreements and Termination of Agreements	11
12. Monitoring and management of Leases and Licences	11
13. Key Lease Terms	12
14. Community Engagement	19
15. Gender Impact	19
16. Policy Breaches	19
17. Discretion	19
18. Definitions	20
19. References	21
20. Related Policies	21
21. Related Legislation	21
APPENDIX 1: Tenant Categories	23

Lease and Licence Policy

1. Introduction

Council is the custodian of land on behalf, and for the benefit, of its community. This land includes property owned by Council, Crown Land where Council is the Committee of Management (CoM) and land leased or licenced by Council for identified purposes. Some Council-managed properties are leased for commercial purposes and generate market rents for Council. Most properties are leased at subsidised rates for community and not for profit purposes to deliver a tangible community benefit. This includes properties used for community centres, childcare centres, senior citizens centres, scout halls, club rooms, recreation spaces and sporting facilities. These uses deliver a range of public policy objectives, including health and well-being, recreation and community building.

This Lease and Licence Policy has been developed to provide a framework for leasing and licensing of Council owned and managed land and buildings across the Shire.

It is intended as a framework that will assist Council in providing a fair, equitable and transparent process for all types of tenants who occupy Council owned or managed property.

2. Purpose

Council is responsible for the sustainable management of assets and maximising the community benefit arising from its property use. This policy provides a foundation for the negotiation, establishment and administration of leases and licences, with the aim of meeting the following objectives:

- **Sound custodianship:** Ensure Council managed properties are appropriately maintained, developed and occupied, having regard to the interests of local communities and the care of the assets. This requires that any Tenant who occupies Council owned or managed land or premises does so under the terms and conditions of a current lease or licence.
- **Community Benefit:** Ensure Council managed properties are used to meet demonstrated community needs consistent with the Council Plan, and in-kind support from Council, including subsidised rent, is recognised and transparently applied in light of the community benefit to be achieved.

Commented ~~Redacted~~ This is not only relevant to the Ae Club, but I assume the 4 Clubs on Rollinson Reserve only occupy the "site" and the Building are if not all, largely, owned by the Clubs.

- **Consistency:** Provide guidance to Council and the broader community regarding the eligibility, use, length of lease and rental structures to meet the diverse needs of the community and provide information to ensure consistently applied terms and conditions.
- **Equity:** A framework for fair, inclusive, transparent and equitable leasing and licensing of Council managed properties to organisations, businesses, agencies and community groups. Ensure leasing and licensing promotes and reflects Council's commitments to diversity and inclusion, social equity and wellbeing.
- **Financial sustainability:** Ensure sound financial management and effective administration of Council managed properties to allow for an appropriate financial return.
- **Legal compliance:** Ensure compliance with relevant legislation as applicable to each property type, particularly in relation to the *Local Government Act 2020* ("the Act"). Ensure tenants comply with the legal use of Council managed properties.
- **Protection:** Ensure strong processes and clear agreements are in place to protect all interested parties.

3. Scope

This policy applies to leases and licences of Council owned buildings and land across the Shire, and sites owned by the State Government (Crown Land) where Council is the designated Committee of Management and therefore can enter into leases or licences with tenants.

This policy does **not** apply to:

- seasonal club agreements;
- casual hire agreements;
- leases or licences where Council is tenant; or
- sponsorship or commercial hiring of advertising space on Council property.

4. Principles

Council will apply the following principles when considering and entering into leases and/or licences. Council will:

- Ensure that community groups and not for profit service providers are given first preference for Council's community facilities to meet the Macedon Ranges community's service needs.
- Preference licences rather than exclusive lease agreements to ensure the optimisation and sustainable management of assets by obtaining maximum community utilisation through co-habitation, agglomeration and/or sharing of facilities.
- Ensure all lease and licence agreements reflect Council's commitment to diversity, inclusion, and social equity.
- Seek to enter into agreements that balance the risks and benefits to Council across liability for capital asset maintenance, income and expenditure, service delivery, and administrative overheads.

5. Using a Lease or Licence

Granting of exclusive possession and other leasehold rights is not necessary for all land uses and may not deliver the greatest benefit of the community or prospective tenants. To ensure that Council property is used to its greatest potential and to optimise access for all community groups, Council will encourage the shared use of facilities, and in the first instance give preference to a licence agreement rather than a lease for prospective tenants.

If it can be demonstrated that exclusive rights to a property is in the best interests of the community, then a lease will be offered.

5.1. Lease Agreements

A lease may be appropriate where the tenant requires exclusive use of land and/or premises for the permitted use in the interests of the community. This may include delivery of long-term projects or groups delivering specific services, for example:

- sensitive and important community services such as the provision of child-care or health facilities and services;
- provision of education services, such as by a TAFE or VET training provider;
- commercial or other purposes where the operator will undertake a specialist fit-out and installation to meet the stated purpose and requires exclusive access (e.g. café, long-term telecommunications infrastructure installation).

5.2. Licence Agreements

Licences enable access for multiple groups, and support the shared use of facilities between Council and each licence holder. Examples of where a licence of land may be appropriate include:

- a recreation or sporting club with a year-round requirement for access and use of Council property;
- special event licences for community, cultural or sporting events;
- licences for the installation of services utility infrastructure (e.g. electric vehicle charging stations).

To encourage the use of licence agreements and shared use of facilities, the fees for licence agreements shall be reduced in comparison with lease fees. This will depend on the facility and the hours of usage by the group and will be determined on a case-by-case basis.

5.3. Ground Leases

For certain types of properties, it is appropriate for Council to provide a ground lease of the site. A ground lease is a lease of the land component only, with the tenant responsible for the construction or installation of buildings and any ongoing maintenance or works related to them. The tenant must also ensure that they obtain and comply with all appropriate planning and building permits. This occurs for example at the Kyneton Airfield where Council leases the site and the tenants construct the hangar buildings. The lease is therefore described as a ground lease and the rental is assessed based on the land value only. At the end of the lease term, and in the event a renewed lease is not offered by Council, the building may be removed by the tenant, or the ownership of the building reverts to Council.

Ground leases are generally used for long-term agreements and require the tenant to be responsible for all maintenance and management of the building during the term of the lease. This has the benefit of no ongoing maintenance obligations for Council, reducing both costs and risks.

5.4 Crown Land Leases

Where Council is appointed as the Committee of Management over Crown Land, Council shall seek approval from the Department of Energy, Environment and Climate Action (DEECA) to enter into a lease or licence with a Tenant. Council must ensure that it complies with DEECA's Crown Land Leasing Policy and Guidelines and agreements must be in the prescribed form as provided by DEECA.

5.4. Categories of Tenants

Council has three categories of tenants to enable differential rates and terms to be set in lease agreements. Further information on these categories is provided in Appendix 1 to this policy.

Category	Description
Category 1:	Community – Minimum Rental
Category 2:	Community – Subsidised rental
Category 3:	Commercial/General use – Market Rental

5.4.1. Requirements for Community-Category Tenants

To be considered for a community use lease agreement, prospective tenants must:

1. Be able to demonstrate they are a not-for-profit organisation;
2. Be a registered legal entity;
3. Be managed mostly by volunteers;
4. Manage the lease primarily for the community; and
5. Meet public benefit criteria such as: social engagement, non-discriminatory services, no barriers to participation and a demonstrable demand for the service existing.

6. Vacant Properties and Agreement Renewals

When considering leasing or licensing vacant properties and renewals, Council will undertake a public process to identify the organisation that will provide best value and greatest community benefit. This may include requests for information such as business plans, membership details, and financial sustainability. Applications received through a public process will be assessed by Council officers with evaluation criteria that will be created to meet the specific requirements of the site. These criteria must consider diversity, equity and inclusion principles, and be informed by the completion of a Gender Impact Assessment at the time of development where required.

Under certain circumstances, agreements will be directly negotiated with organisations or the current occupiers, provided there are justifiable reasons that a direct negotiation is appropriate. Such circumstances include those where the proposed occupant (new or existing) will provide

significant community benefit, the occupant has made, or will make, significant capital contributions, a specific need that cannot otherwise be met, and/or there is an absence of competition.

At the end of a lease term where the tenant remains in occupation of the property, they may continue on a month-to-month basis whilst a new lease is negotiated, in agreement with Council. This period of time outside the initially agreed lease term is known as 'overholding.' Tenants must continue to pay the rent and abide by all the terms of the lease during the overholding period.

Should lease negotiations extend beyond a twelve-month period of overholding without satisfactory progress, Council may terminate the lease with one month's notice.

7. Risk, Liability and Insurance

Council will require appropriate risk management measures in all agreements that includes but are not limited to:

- Appropriate security measures.
- Ensuring that appropriate documentation and insurance are in place for occasional or hired use of the premises by third parties.
- Implementation of appropriate Emergency Evacuation procedures and other Essential Services Measures as required.
- Implementation of an appropriate Risk Management Plan that identifies the risks associated with the tenant's use of the premises and how such risks will be managed.
- Use of appropriately qualified Council approved tradespeople to undertake maintenance and repairs.

As a landowner, Council has a duty of care, which is a legal obligation to avoid doing things that could foreseeably cause harm to another person or property. Through lease agreements, Council can reduce exposure to the risks of liability and limit the amount of compensation payable by introducing more certainty in the agreement with tenants.

7.1 Indemnity Clause

Indemnity clauses are commonly used to define who bears the risk. As standard practice, Council will not agree to indemnify any other party and Council will not agree to any form of limitation of liability of any third party in lease and licensing agreements. It is considered reasonable that any

party engaged with Council be liable for loss or damage caused by its own negligence, without limit.

7.2 Insurance requirements

All tenants or licence holders are required to hold current Public Liability Insurance to a minimum of \$20 million to enter an agreement with Council.

7.3 Indemnity and insurance clauses with State Government

An agreement exists between Victorian council members of the Liability Mutual Insurance (LMI) scheme (Macedon Ranges Shire Council) and the Victorian Managed Insurance Authority (VMIA) (which also includes VicRoads, VicTrack, Victoria Police and others) regarding indemnity and insurance clauses.

When entering agreements with State Government, Council should refer to the series of recommended indemnity and insurance clauses developed by VMIA and LMI.

7.4 Essential Safety Measures (ESM's)

Essential Safety Measures are the safety features required in a building to protect occupants in the event of a fire. ESM's may include fire detection and alarm systems (smoke alarms), fire doors, emergency lighting and fire hydrants. In order to comply with these requirements, tenants are required to keep emergency exit pathways clear and emergency fire equipment such as fire extinguishers and smoke alarms operational and accessible at all times. Council shall provide tenants with emergency evacuation plans that must also be clearly displayed to facility users at all times. Council will also ensure the installation of emergency and exit lighting.

Tenants must also arrange for 'test and tagging' to occur for any portable electrical items by an approved licenced electrical contractor on an annual basis. This includes all freestanding electrical appliances such as all kitchen equipment, fridges/freezers, kettles, office equipment, phone chargers etc. An electrician will test each appliance and then put a 'tag' on the appliances cord to show it complies with the Australian Standard (AS 3760).

During the term of the lease Council officers shall undertake regular inspections of the facility to ensure that the ESM's are complied with and the 'test and tagging' has been completed. Tenants must comply with any inspections requested by Council officers or their contractors.

8. Liquor and gaming licences

Liquor licence applications require Council approval in addition to any relevant statutory approval, is separate to statutory approval, and is determined on a case-by-case basis.

Council prohibits any new or additional gaming licences on Council owned or managed land. Management of leases with existing tenants who are current gaming licence holders on Council owned or managed land will be undertaken in line with Council policies regarding Gambling Harm.

9. Delegations

The approval process for lease and licence agreements will be in accordance with statutory requirements under the Act. Leases or licences must be signed by both Council and the tenant or licensee to be binding. The following delegations also apply when entering into and executing leases:

Council via a Council resolution	Is authorised to enter into leases that: <ul style="list-style-type: none"> • have a current market rental of \$100,000 per annum or more (and are for a term of 1 year or more); or • have a term of 10 years or more; subject to complying with Section 115 of the Act.
Chief Executive Officer	Is authorised to: <ul style="list-style-type: none"> • Execute leases which have a term of 5 years or greater and less than 10 years and • are less than \$100,000 rental per annum.
Directors	Are authorised to: <ul style="list-style-type: none"> • Execute leases which have a term of less than 5 years and • Are less than \$100,000 per annum. • Execute all licences.

10. Standard Conditions

All leases and licences shall be based on Council's standard lease or licence templates as are applicable to either premises, or land. This is to ensure standard conditions shall be applied consistently to all Council owned and managed premises.

Each lease or licence shall include the following:

- a) A plan indicating the leased or licenced area;
- b) A Maintenance Schedule; and
- c) A list of tenants improvements.

Special Conditions may be included in a lease or licence, if necessary, to meet specific requirements of Council or the proposed Tenant. Any variations proposed to the standard lease or licence terms must be referred to Council's Property Department and approved by one of the Manager of Finance and Reporting, the Director Corporate, or the CEO.

Key Lease terms are outlined in Section 13 of this policy.

Any requests for variations to leases during the lease term must be requested in writing and will be considered by the appropriate Manager and Council's property team.

11. Breach of Agreements and Termination of Agreements

All lease documents have a termination clause that provides the terms under which Council can terminate the lease. In addition to the non-payment of rental, there are essential terms of the lease that if breached are considered so serious that Council is entitled to treat the agreement as terminated. This includes undertaking improvements without appropriate approvals or utilising the property for a non-permitted use. If a serious breach occurs by a tenant, then Council will seek to terminate the lease unless the tenant is willing to undertake remediation works to the satisfaction of Council.

Additionally, there is a dispute resolution clause as outlined in Section 13.12 of this policy.

12. Monitoring and management of Leases and Licences

Council will undertake an inspection of all properties prior to the commencement of a new agreement. This will record the condition of the building prior to the tenant/licencee taking

occupation. Council will also inspect the property at the end of the agreement to ensure that the building is returned in a satisfactory condition to Council.

During the term of the agreement, Council officers will monitor the building and inspect when required for maintenance requirements. Maintenance shall be undertaken by Council in accordance with the maintenance schedule attached to the agreement. Minor maintenance remains the responsibility of the Tenant/licencee.

During the term of the agreement, Council may request information from Tenants/licencees to support the ongoing assessment of community or public benefit as proposed when entering into the agreement. This may include data on membership and demographics, services provided, facility utilisation and financial performance of the tenant/licencee organisation.

Council maintains a lease register. This includes key dates for each tenancy such as rental review dates, renewal and expiry dates, and performance data. Council shall contact tenants when leases are up for renewal and renegotiate new lease terms. Council shall also issue rental invoices for payment on an annual, quarterly, or monthly basis depending on the lease term.

New agreements shall be prepared at Council's cost. Tenants can seek their own legal advice on proposed leases, this will be at their cost.

13. Key Lease Terms

13.1. Payment of Rental

The rental amount shall be determined based on the three different categories of tenant outlined in Appendix 1. The categories are –

13.1.1 Category 1 - Community Leases – Minimum rental (\$300 p.a.)

13.1.2 Category 2 - Community Leases – Subsidised rental (\$500 - \$5000 p.a.)

13.1.3 Category 3 - Commercial/General Use – Market value

The Minimum Rental fee for Community Leases takes into consideration the annual administration costs that Council incurs in managing leases including raising invoices, reviewing annual public liability insurance statements and annual reporting and audit requirements.

There is some discretion regarding this rental payment and Council may consider providing a rental waiver or reduction to Category One tenants only, due to financial hardship, where the tenant shall provide funds to enhance the building, or other 'in kind' benefits, as agreed. In these

situations, the tenant should apply to Council in writing stating their reasons for seeking the rental reduction or waiver for the year ahead. Council shall consider each request on a case-by-case basis, and waiver's require Director's approval in line with Council's relevant financial and debt management policies. This waiver or reduction is only available for Category One tenants.

Category 1 and Category 2 leases shall also have an annual rental review fixed at 3% increases. This is in preference to a CPI review as it is easier for Council and tenants to implement from an administrative perspective and for budgeting purposes.

13.2. Length of Lease or Licence

Generally, licence agreements will be offered for a three-year period and leases will be , up to a maximum term of nine years. Council may, at its discretion, offer a longer term where a tenant has made or shall make a substantial contribution to building, structural and infrastructure works on the premises and fully maintains those works for the duration of the lease or licence.

The proposed term will be assessed on a case-by-case basis, and is dependent on several factors, including:

- a) the applicable legislation;
- b) the proposed tenant's contribution to building, structural and infrastructure works including new, renewal/refurbishment or upgrade works;
- c) the financial stability of the tenant;
- d) any State Government requirements/legislation (where Council is Committee of management);
- e) the suitability of the premises for the tenant's use; and
- f) Council's long-term plan(s) for the premises.

13.3. Outgoings

Under lease agreements, the tenant shall be responsible for the payment of all outgoings (to the extent that they apply).

This includes:

- a) Electricity
- b) Gas
- c) Water
- d) Waste Water
- e) Contents Insurance
- f) Public Liability Insurance
- g) Telecommunications
- h) Rubbish bins
- i) Council rates (*note community groups are non-rateable*)
- j) Fire Services Property Levy.

Tenants in a shared multi-use premises shall be responsible for the payment of their proportion of these outgoings. The proportion of costs attributable to each tenant shall be included as a special condition of the agreement.

13.4. Building Insurance

Council shall insure all Council owned improvements on Council owned land or Crown Land where Council is the landlord.

13.4.1. Property and Contents Insurance

The Tenant should maintain insurance for its own property. This includes temporary structures that are not Council owned, such as sheds and hangars. The insurance of all chattels, fixtures and fittings, furniture, floor coverings, equipment and contents belonging to the Tenant are the responsibility of the tenant.

Damage or loss to the temporary structures (such as sheds and hangars), chattels, fixtures and fittings, furniture, equipment and contents belonging to the Tenant shall be the responsibility of the Tenant.

13.5. Assignment of Lease

Assignment is the legal term for when a tenant transfers their whole interest in a rental property to another person. For example, if a tenant signed a 12-month tenancy agreement (lease) but decided to leave after 6 months, they can arrange for another party to move in and take over their lease. The new tenant would take the place of the original tenant, paying rent directly to the landlord, and having all the rights and responsibilities of the original tenant.

Tenants shall not assign a lease unless approved by Council. Council shall assess any proposed new tenant in accordance with this policy and in line with how the original tenant was considered. Any cost associated with an assignment of lease is the responsibility of the Lessee.

13.6. Subletting of lease

Sub-letting is when a tenant transfers their interest under a tenancy agreement to another party, but the original tenancy agreement with the landlord continues. The first tenant is called the head-tenant and the second tenant is called the sub-tenant. The agreement between them is called a sub-lease.

Head tenants must formally request in writing approval from Council for any sublease arrangement they wish to enter into.

If Council does give approval to a sub lease of the premises, the sub lease shall, to the extent that it is practical, be subject to this Policy and the terms and conditions as the head lease.

If Council agrees to a sub lease of the premises and if there is any financial gain to the Tenant, Council may review and adjust the rent of the head lease. Council may also claim from the Tenant reasonable legal costs incurred in connection with an assignment of lease or sub-lease.

13.7. Casual Hire

Tenants may make the premises available for casual hire or occasional hire where it is irregular use or "one off" events that can be hired on an hourly rate. The Tenant shall ensure the activities of the hirer and the use of the premises do not contravene the Tenant's Lease or Licence.

The Tenant shall ensure that casual hire of the premises is subject to a written agreement that makes the hirer responsible for all activities and use of the premises and makes the hirer accountable for any damage whatsoever that occurs whilst the agreement is in place. Tenants may use examples or templates available from Council.

The Tenant shall ensure that all activities and use of the premises are covered by the appropriate insurance whilst the hire agreement is in place.

The Tenant shall ensure that the activities undertaken by the hirer do not interfere with the primary purpose of the premises, adversely affect the amenity of nearby neighbours, and meets all legal requirements such as liquor licencing.

13.8. End of Lease or Licence

13.8.1. Early termination

It is assumed that all parties will continue with the lease for the full term of the contract. Early termination requested by the tenant must be negotiated and should be consistent with the terms of the agreement, including minimum notice periods. Early termination requests will be considered by Council on a case-by-case basis.

13.8.2. Tenant shall vacate

At the end of the lease or licence (which is the end of the term or the earlier termination of the lease or licence) the Tenant shall vacate the premises and ensure they are in a condition consistent with the Tenant having complied with its obligations under the lease or licence.

13.8.3. Ownership of Improvements

Unless otherwise agreed by both parties in writing, all permanent buildings, structural improvements to those permanent buildings and essential safety measures constructed or installed on the premises (by Council, the Tenant or any other person or organisation) during the term of the lease or licence shall become the property of Council.

Unless otherwise agreed by both parties in writing, all temporary structures (including sheds) fixtures or fittings installed on the premises by the Tenant during the term of the lease or licence shall be removed by the Tenant at the end of the lease or licence. The Tenant shall make good any damage caused by the removal.

Any plant, furniture, equipment, vehicles or contents placed on the premises by the Tenant during the term of the lease or licence shall be removed by the Tenant at the end of the lease or licence at the tenant's expense.

13.8.4. Agreement Renewals and Overholding

At the end of a lease term, on agreement with Council, tenants may continue into overholding on a month-to-month basis while a new lease is negotiated. During the overholding period, tenants must continue to pay the rent and abide by all the terms of the lease during the overholding period.

Council shall contact tenants prior to the end of their lease to commence negotiating a new lease. Should these negotiations extend beyond a twelve-month period of overholding without satisfactory progress, Council may terminate the lease with one month's notice.

13.9. Maintenance

Council's lease template includes a maintenance schedule that outlines the responsibilities of Council and tenants in relation to each property. Council will conduct an inspection of the property prior to the commencement date of the occupancy agreement to record the condition of the premises. The schedule specifies the responsibilities of Council and the Tenant, including electrical, essential services (also known as essential safety measures), plumbing, grounds maintenance, internal fittings, security, pest maintenance and external infrastructure.

The Tenant will be required to clean and keep clean the premises including the grounds, building, fixtures and fittings. The Tenant shall not alter, remove, add to or replace the roof, walls, structures, fixtures, windows and external doors, without first obtaining the written consent of Council.

13.10. External Funding Agreements

Tenants must seek permission from Council prior to any applications for external funding for any works applicable to the leased premises.

13.11. Signage on Leased and Licenced Premises

Tenants must not write, paint, display, hang or affix any sign, advertisement, placard, name, honour board, flagpole, flag or notice on any part of the Premises or land that they lease or licence without the prior written consent of Council.

Signs that promote gambling or may be considered discriminatory against a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability, or political beliefs are prohibited.

13.12. Dispute Resolution

If Council and the Tenant cannot agree to lease terms or there is a dispute in relation to an existing lease that cannot be resolved, an external mediator may be engaged to assist in settling the dispute. This could also extend to disputes that occur between tenants or licencees in a shared facility. An external mediator will only be engaged where approval is given by the Council CEO. Any costs associated with the engagement of a mediator will be shared equally between the disputing parties.

13.13. Environmental Sustainability

Council is committed to protecting the environment and will require Tenants to use the Premises in an environmentally responsible manner. Tenants must comply with Council's directions in relation to environmental initiatives on Council Property, particularly the policies in relation to Sustainable buildings and waste management. Tenants may also approach Council to apply for grants as the building owner, to improve the energy efficiency and environmental performance of the building. Any works must be approved by Council prior to any application for funding.

13.14. Occupational Health and Safety

Tenants must have in place compliant emergency evacuation plans and procedures associated with the Premises and ensure that their employees and/or volunteers participate in emergency training and drills.

Tenants must provide and maintain a safe working environment and must ensure that the systems, procedures and practices necessary for the protection of the health and safety of all persons is implemented.

Council and/or Councils authorised agents/contractors may enter the property to inspect essential safety measures including compliance with Child Safe Standards.

Tenants must not change locks or install alarm systems without the prior permission of Council.
Tenants must not change an alarm code without the prior permission of Council.

13.15. Emergency management measures

Some agreements may contain a clause which designates the premises for use as an Emergency Relief Centre or an Emergency Recovery Centre in the case of an emergency, which would exclude the tenant from the property until the premises was no longer required for emergency purposes.

In addition, Council facilities within the townships of Macedon, Mount Macedon and Woodend must be closed on Catastrophic Fire Rating Days.

13.16. Child Wellbeing and Safety and Working with Children

Tenants must adhere to the requirements of the *Child Wellbeing and Safety Act 2005*, and must ensure that the Tenant's employees and volunteers, where required, hold a Working with Children Check under the *Working with Children Act 2005*, before working with children on Council owned or managed land.

13.17 Waste Management

Council has a Kerbside Collection and Associated Services Charge Policy that outlines the policy and charges for our four bin service. The four-bin system consists of a FOGO bin (Food Organics Garden Organics), a recycling bin, a glass only bin and a rubbish, general waste bin. Tenants must ensure they use the appropriate recycling, glass or general bins.

Tenants must also comply with Councils Single Use Plastic Policy. This policy aims to:

- eliminate single-use plastics from Council operations, activities and events;
- eliminate single-use litter and waste from Council buildings, facilities and events;
- encouraging the community to eradicate single-use plastics.

Single use plastics are banned from Council facilities effective from 1 February 2023, and tenants must comply with this requirement.

Further information about both these policies is available on Council's website.

14. Community Engagement

The community engagement process for new and renewal of leases and licences will be in accordance with Council's Community Engagement Policy, the requirements of the Act, and following the completion of a Gender Impact Assessment.

15. Gender Impact

Gender Impact Assessments should be carried out in accordance with this policy and the *Gender Equality Act 2020*, particularly ahead of public processes inviting interest in a property, when developing criteria for evaluation of prospective tenants, or prior to public consultation on proposed agreements. All consultation will be undertaken in accordance with Council's community engagement policy.

All prospective tenants will be provided access to this policy in printed documents for those that may not have access to computers or the internet. Additionally, Council officers are available to explain key terms and tenant responsibilities.

16. Policy Breaches

This policy contains several enforcement elements that tenants are required to comply with. Should there be breaches of this policy, Council's Chief Executive Office is authorised to terminate agreements. All new tenants or licencees will be required to abide by the conditions of this policy by signing and acknowledging that they have read and understood this policy document. Any changes to this policy will be notified to the tenant or licencee.

17. Discretion

This policy lays out the expectations, standard terms and clauses for Council's lease and licence agreements and how Council will manage them, however, Council reserves the right to exercise discretion in the application of this policy, and options within agreements. For example, a clause within an agreement may give Council the right, but not the obligation, to exercise that option (provided that any applicable conditions are met). In such cases, Council will consider equity,

fairness, the public good and community benefit, and any limits on exercising discretion before making a decision on when to apply an option, or not.

18. Definitions

Term	Definition
Crown Land	Lands reserved and/or administered under the <i>Crown Land (Reserves) Act 1978</i> .
Council Managed Property	Property that Council is responsible for. This includes property owned or leased by Council and Crown Land where Council is Committee of Management.
Lease	A right granted by an owner of property (lessor) to another person / organisation (lessee) to have exclusive possession of that property for a fixed duration in return for rental payment.
Licence	A right granted by an owner of property (licensor) to another (licencee) to have shared use of that property for a fixed duration in return for rental and permits a person (licencee) to occupy property (or part thereof) on particular conditions.
Not for Profit Organisation	For the purposes of this policy, a not-for-profit is a registered and incorporated entity that does not operate for the profit, personal gain or other benefit of particular people (for example, its members, the people who run it or their friends or relatives). Evidence that the organisation is registered on the Australian Charities and Not for Profits Commission (ACNC) will be required prior to entering into the lease or licence.
Occupancy Agreement	The agreement providing rights granted for occupancy of a property. Can comprise either a lease or a licence.
Overholding	A tenant remaining in occupancy of a leased premises with the landlord continuing to accept rent, despite the term of the lease having expired.
Property	The land and or buildings to be leased or licenced.
Ground Lease	Lease of the land only, where the building has been or will be constructed by the tenant. The rental does not include the value the building – it is a lease of the site only.
Service Manager	The relevant Council Officer who manages the relationship (including lease/licence negotiations) with existing or prospective tenants or landlords. The Service Manager is allocated based on the purpose of the agreement, including the type of use.
Term	the period of time from the commencement of the lease to its termination, including any further terms.

19. References


- > Department of Energy, Environment and Climate Action (DEECA) Crown land Policies – Leasing Policy for Victorian Crown Land 2023.

20. Related Policies

- > *Asset Plan 2021 - 2031*
- > *Risk Management Framework*
- > *Sale of Land Policy and Procedure*
- > *Community Engagement Policy*
- > *Open Space Strategy*
- > *Procurement Policy*
- > *Zero Net Emissions Plan*
- > *Sustainable Buildings Policy*
- > *Single Use Plastics Policy*
- > *Kerbside Collection and Associated Services Charge Policy*
- > *Gambling Harm Prevention Policy (in draft, not yet adopted).*

21. Related Legislation

- > *Local Government Act 2020* – section 115 provides the statutory obligations for Council when entering into a lease agreement.
- > *Crown Land (Reserves Act) 1978* – governs Council's responsibilities when appointed as Committee of Management of Crown Land, section 17B outlines requirements relating to Crown Land Licences and section 17D outlines requirements relating to Leases.
- > *Residential Tenancies Act 1997* – outlines rights and responsibilities for landlords and tenants in relation to the leasing of residential properties.
- > *Retail Leases Act 2003* – outlines requirements for leases which are used wholly or predominantly for retail provision of goods or services.
- > *Planning and Environment Act 1987* – provides for permitted use of land through Council's planning scheme.
- Telecommunications Act 1997* – provides for the rights of telecommunication companies in relation to the installation of telecommunications transmission towers and associated infrastructure.
- Occupational Health and Safety Act 2004* – provides a framework for improving standards of workplace health and safety to reduce work-related injury and illness.

- 
- > *Child Wellbeing and Safety Act 2005* – provides child safe standards and requires any tenant that is engaged in activities which involve children to comply with this Act.
- The Wrongs Act 1958* - is the principal statute in Victoria that governs claims for damages for personal injury and death. The Act covers economic and non-economic loss as a result of negligence or fault and encompasses a wide variety of wrongs.

DRAFT

APPENDIX 1: Tenant Categories

Category 1: Community Leases – Minimum Rental	
Eligibility Indicators	
Community Benefit:	provides significant community benefit that is in high demand by the local community. The type of community benefit provided could not be delivered unless supported by Council.
Use:	aligns with a Council service and the Council Plan. Proposed use will increase social inclusion, equity and promote health and wellbeing for the Macedon Ranges Shire Council community. Examples include: <ul style="list-style-type: none"> - sporting clubs, - senior citizens, - historical societies, - CFA and SES, - pony clubs, - theatre clubs.
Funding:	receives limited funding from organisations other than Council.
Revenue:	Limited capacity to generate revenue from use of the site and activities associated with the organisation (i.e. no sub-leasing activities)
Fit for Purpose:	The proposed use of the site is appropriate, taking into account building and planning requirements.
Operational:	Not for profit organisation or community group or club run by volunteers.
Compliance:	Not for profit organisation, registered legal entity (incorporated), has an ABN, complies with all relevant legislation governing its activities, holds all relevant certificates, have a committee of management or board with appropriate governance arrangements.
Annual Rental	
\$300 per annum administration fee. This is the minimum rental (peppercorn amount) for leases under this policy. Rental to be reviewed annually, with increases applied on the anniversary date with 3% fixed increases. Where community groups are unable to pay the minimum rental fee, they can apply for a rental waiver. Please refer to clause 13.1 for further details.	
Preferred Term	
<ul style="list-style-type: none"> • The base term offered by Council for Category 1 is up to 5 years. • Under certain circumstances shorter or longer terms will be considered on a case-by-case basis. 	
Maintenance and Outgoings	
<ul style="list-style-type: none"> • Council will have a Standard Maintenance Template that provides for shared maintenance responsibilities. • All outgoings will be the responsibility of the tenant. 	

Category 2: Community Leases – Subsidised Rental	
Eligibility Indicators	
Community Benefit:	provides significant community benefit of which is in higher demand by the local community. The type of community benefit provided could not be delivered unless supported by Council.
Use:	aligns with a Council service and the Council Plan. Proposed use will increase social inclusion, equity and promote health and wellbeing for the Macedon Ranges Shire Council community. Examples are: - community health centres, - neighbourhood houses, - further education centres, - business incubators.
Funding:	receives no or minimal funding from organisations other than Council.
Revenue:	has some capacity to generate revenue from use of the site (i.e. sub-leasing) or activities consistent with the organisational purpose. They may derive income such as fees for service, course fees, sponsorship and rent from sub tenancy arrangements.
Fit for Purpose:	the proposed use of the site is appropriate taking into account building and planning requirements.
Operational:	Not for profit organisation or community group or club run by volunteers or paid workers.
Compliance:	Not for profit organisation, registered legal entity, has an ABN, financially viable, complies with all relevant legislation governing its activities, holds all relevant certificates, have a committee of management or board with appropriate governance arrangements.
Annual Rental	
A range of rentals from \$500 - \$5000 depending on the capacity of the group to pay, rental income received from sub-letting and the standard of the building. The amount will be determined on a case-by-case basis. Rental to be reviewed annually with fixed 3% increases.	
Preferred Term	
The base term offered by Council for a subsidised rental lease is 5 years. Under certain circumstances shorter or longer lease terms will be considered.	
Maintenance and Outgoings	
<ul style="list-style-type: none"> • Council will have a Standard Maintenance Template which provides for a partnership approach in which maintenance responsibilities will be reasonably and equitably shared. • All other outgoings will be the responsibility of the occupants. 	

Category 3: Commercial/General use– Market Rental**Eligibility Indicators**

Community Benefit:	desirable to provide community benefit.
Use:	Aligns with and not detrimental to Council strategic objectives. Examples include: - telecommunication towers, - cafe, - hospitality - airfield hangars.
Funding:	Receives significant funding from organisations other than Council or is a profit-based organisation.
Revenue:	Has increased capacity to generate revenue from use of the site or activities consistent with the organisational purpose.
Fit for Purpose:	The proposed use of the site is appropriate taking into account building and planning requirements.
Compliance:	Registered legal entity, has an ABN, financially viable, complies with all relevant legislation governing its activities, holds all relevant certificates.

Annual Rental

- Determined by obtaining a market rental assessment from a registered valuer.
- Rental to be reviewed annually with fixed or CPI reviews – to be determined on a case by case basis.

Preferred Term

The base term offered by Council is 5 years. Under certain circumstances longer terms will be considered, particularly if the arrangement involves significant capital investment. Terms longer than ten years will require community consultation to be considered prior to entering into the lease.

Maintenance and Outgoings

Commercial terms for maintenance and outgoings apply.

Commented [Redacted]: Not sure how the Registered Legal Entity and Holds an ABN is going to be applied to the Air Hangars, that are mostly owned by individuals.

SUBMISSION 000

Redacted due to Privacy Reasons

From: Social Pinpoint <noreply@socialpinpoint.com>
Sent: Saturday, 4 May 2024 7:37 AM
To: Redacted due to Privacy Reasons
Subject: Submissions - Draft Lease and Licence Policy Form Submission

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Submissions - Draft Lease and Licence Policy Form Submission

There has been a submission of the form Submissions - Draft Lease and Licence Policy through your Your Say Macedon Ranges website.

Please provide an email address (optional).

Redacted due to Privacy Reasons

Please provide your full name (optional).

Redacted due to Privacy Reasons

Tell us what you think about the draft policy:

The Redacted due to Privacy Reasons is pleased to know that a review of publicly owned assets within the shire is being undertaken and that leasing policy options are being explored.

The proposal brings long term certainty to us with this leasing agreement. As a long term tenant Redacted due to Privacy Reasons we can continue providing our voluntary service Redacted due to Privacy Reasons.

As your councillors and staff are fully aware Redacted due to Privacy Reasons is in a poor and unsafe state. Therefore we are pleased with the collaborative discussions

between council staff and our committee that have taken place in the past year. The subsequent repair and renovations proposals/plans have now been finalised by your staff. We look forward to the council approving these works as soon as possible

Optional - attach files

- [Draft Lease and Licence Policy.DOCX](#)

To view all of this form's submissions, visit

https://yoursay.mrsc.vic.gov.au/index.php/dashboard/reports/forms_new/data/18

This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Your Say Macedon Ranges.

SUBMISSION 007

Redacted due to Privacy Reasons

From: Redacted due to Privacy Reasons
Sent: Monday, 13 May 2024 9:20 AM
To: Kaitlin Evans
Subject: FW: Kyneton Airfield Ground Leases

Redacted due to Privacy Reasons

Subject: Kyneton Airfield Ground Leases

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To: Macedon Ranges Shire Council and Councillors

This submission is about the MRSC Draft Lease and Licence Policy of looking at the differences of Council Property Leases and Ground Leases (Kyneton Airfield)

I believe Council should look at a longer term Ground Lease for the Kyneton Airfield due to the substantial costs associated with hangar construction and upkeep by Hangar owners.
A longer term Ground Lease by Council would show that Council is very committed to the longer term strategy as in the Airfield Master Plan. Such longer term Ground Leasing would enhance the viability of the Airfield and its activities to the Hangar owners, the Aero Club and the Community.

As we all know the Airfield is a vital Council asset for the Community, especially during Fire Emergencies and also Community aviation activities that are held at the Airfield.

Thanks for considering my submission.

Yours Sincerely

Redacted due to Privacy Reasons

SUBMISSION 000

Redacted due to Privacy Reasons

From: Redacted due to Privacy Reasons
Sent: Sunday, 12 May 2024 8:51 PM
To: Kaitlin Evans
Subject: FW: Submission Draft Lease and Licence Policy

From: Redacted due to Privacy Reasons
Sent: Saturday, May 11, 2024 8:28 PM
To: Macedon Ranges Shire Council <mrsccmail@mrsc.vic.gov.au>; Redacted due to Privacy Reasons
Subject: Submission Draft Lease and Licence Policy

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Redacted due to Privacy Reasons

Please accept our submission in Support of MRSC Draft Lease and Licence Policy. As I can't get it to load on the Shire home page. I am emailing it Can we please be listed for progress updates.

To Macedon Ranges Sire Council

This submission requests the consideration of the following regarding deliberations of the MRSC Draft Lease and Licence Policy with a particular emphasis on including in the policy recognising the distinction between council property leasing and ground leases, as outlined in the draft. I wish to draw attention to the importance of considering to accommodate the acceptance of long-term leases, especially in cases such as the ones at the Kyneton Airfield, where lessees commit substantial investments towards infrastructure development.

The Kyneton Airfield holds significant importance not only as a council asset but also as a vital community resource. The Council has already adopted a Master Plan for the Airfield, outlining strategic objectives aimed at enhancing its utility and value. Additionally, the Statement of Strategic Intent underscores the airfield's role as a cornerstone of community engagement and economic development.

Central to the Master Plan's vision is the development of infrastructure that fosters aviation activities and community engagement. Recognising this, lessees willing to invest in the construction of hangars contribute directly to realising the objectives outlined in the Master Plan. Such investments signify a commitment to the long-term sustainability and growth of the airfield, aligning with the Council's strategic goals.

In this context, the flexibility provided by long-term leases becomes imperative. Unlike standard council property leases, ground leases at the Kyneton Airfield involve significant capital outlay by lessees for infrastructure development and previous issued leases of 9yr x 9yr which are no longer possible provided stability and security for such an outlay.

By accommodating and embedding long-term ground leases within the Lease and Licence Policy the Council demonstrates its commitment to facilitating sustainable development and fostering partnerships with stakeholders invested in the airfield's success.

Furthermore, the draft policy's recognition of the unique circumstances surrounding ground leases reflects a nuanced understanding of the airfield's strategic importance. It acknowledges that encouraging substantial investments requires a corresponding assurance of lease tenure, providing lessees with the confidence needed to commit to long-term development projects and long term employment opportunities.

In conclusion, I urge careful consideration and adoption of the MRSC Draft Lease and Licence Policy, with particular attention to the provisions addressing ground leases. Embracing long-term lease arrangements for lessees investing in infrastructure development at the Kyneton Airfield aligns with the Council's strategic vision and underscores its commitment to fostering sustainable growth and community development.

Thank you for considering my submission.

Sincerely

Redacted due to Privacy Reasons

SUBMISSION 000

Redacted due to Privacy Reasons

From: Redacted due to Privacy Reasons
Sent: Friday, 17 May 2024 1:53 PM
To: Macedon Ranges Shire Council; Cr Rob Guthrie
Cc: Cr Annette Death; Cr Geoff Neil; bwest@mrsc.vic.gov.au; Cr Dominic Bonanno; Cr Christine Walker; Cr Jennifer Anderson; Cr Janet Pearce; Cr Mark Ridgeway
Subject: Kyneton Airfield

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Redacted due to Privacy Reasons

Thank you for your response

As we noted in our submission to the Council's Lease and Licence policy, the Kyneton Airfield is identified in the Council's Airfield Master Plan as a vital community resource and a significant council asset.

Currently, there are 33 individual leases under negotiation for hangar sites at the airfield. Many of these leases expired some time ago, and the sites are now on a month-to-month holdover basis pending new leases. Following the VCAT hearing on the retrospective planning permits, Council has started lease renewal negotiations.

To help streamline this process, all the 33 hangar owners nominated a small working group to liaise with the Council in an effort to create a workable process while negotiating all these individual leases at once.

Presently, there seems to be uncertainty regarding the effects of the changes under the current review of the Council's Lease and Licence policy and the inclusion of such things as ground leases with specific mention of the sites at the Kyneton Airfield.

A draft lease has been drawn up by Council staff for consideration by the working party and even though it is a ground lease under the revised policy, it seems to be based on a standard lease relating to leasing a premise as it contains clauses that seem to be outside the definition of a ground lease in the MRSC policy. It is quite perplexing as it restricts the use within the tenant-constructed building. Annexure A in particular is quite restrictive nominating what can be stored in the hangar along with prohibiting sub-leasing and commercial activity which seem at odds to the Airfield master plan.

Annexe A

The land being leased is permitted for the storage of an aircraft owned by the tenant and associated workshop facilities for the purposes of maintaining the aircraft

- *No subletting permitted*
- *No commercial activity permitted.*

Prohibiting subleasing prevents the opportunity for other aircraft owners to operate from the airfield who are unable to secure or build a hangar of their own. This seems counterintuitive and unsupportive of the Master Plan's vision of developing infrastructure that fosters aviation activities

and community engagement. With no commercial activity permitted it excludes any aviation related employment opportunities.

Another arising issue is the uncertainty surrounding what may occur if a long-term lease were requested, and the potential of a long and drawn out community consultation similar to the contentious process experienced with the retrospective planning permits issued by Council for the hangars. Section 115 of the Local Govt Act and recently Council approved 20-year lease in Lancefield are points for us to consider whilst we are navigating a lease agreements that is acceptable to Council whilst being fair and reasonable to the commitment we have made in the construction of a hangar at the airfield.

To assist us make an informed decisions we would like to explore the feasibility of requesting such things as a long-term lease, changes in Annexe A and ways to navigate any eventualities of these requests may cause, we hope you can assist us in clarifying the following:

- If an application for long-term leases for the airfield goes to community consultation, what is the standard process Council follows and what would be the expected timeframe.?
- If Council votes to issue long-term leases, can objectors challenge this decision at VCAT as was the case with the retrospective planning permits?
- As these leases are agreements between individuals and the Council, is there a possibility that the Council would issue leases of varying terms for those individuals not wanting to pursue anything longer than nine years. For some the thought of engaging in the Community Consultation process is not that appealing due to the experience of the retrospective planning permit issue that was prolonged and unpleasant. Is there a possibility that the Council would consider issuing leases of different lengths to accommodate those comfortable with going to community consultation and opposed to those who would rather not engage in community consultation and who might accept a 9yr lease to address the over holding situation they are presently in.
- If the leases are still being ratified when Council goes into caretaker mode what effect would this have on the timeline of finalising a lease?
- As the Council Lease and Licence policy is awaiting adoption would Council ratify any lease arrangements be ratified prior to this occurring and when is the policy likely to be considered Councillors?
- If Council, for whatever reason, decided to close the airfield and overturn the MRSC Statement of Strategic Intent and the Airfield Master Plan, what process would need to occur?

Thankyou in advance for your attention to these matters.

Redacted due to Privacy Reasons

SUBMISSION 000

Redacted due to Privacy Reasons

From: Redacted due to Privacy Reasons
Sent: Sunday, 19 May 2024 8:01 PM
To: Kaitlin Evans
Subject: FW: Draft Lease and Licence Policy
Attachments: Feedback Draft Lease and License Policy.docx

From: Redacted due to Privacy Reasons
Sent: Wednesday, May 15, 2024 11:05 PM
To: Redacted due to Privacy Reasons
Subject: Re: Draft Lease and Licence Policy

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi there Redacted due to

my apologies for taking so long to get this feedback to you

Please find attached

Warm Regards

Redacted due to Privacy Reasons

On Tue, Apr 23, 2024 at 3:05 PM Hayley Drummond <hdrummond@mrsc.vic.gov.au> wrote:

Redacted due to Privacy

Following on from our catch-up a couple of weeks ago please see attached the link to the draft lease and licence policy I was referring to –

<https://yoursay.mrsc.vic.gov.au/LLP>

If you would like to provide some feedback that would be appreciated.

Please note that your lease is until July 2028 and there would be no change to your current lease agreement.

This policy on affects new leases.

Cheers,

Redacted due to Privacy Reason

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.



Feedback Draft Lease and License Policy (Council)

There are a variety of issues that the **Redacted due to Privacy Reasons** thinks Council needs to consider in its draft lease/ licence policy, including specific aspects of general facility management

Importantly, there are a number of different community facility scenarios that exist within the Macedon Ranges and Council should be cautious of creating policy that does not allow for nuance or that inhibits opportunities to create agreements to accommodate unique scenarios that have obvious benefit to the community.

Control of facilities

For example, on the one hand, some community groups disproportionately control facilities often to the exclusion of others. It is inappropriate for Council to allow this when the facility is a Council facility. On the other hand, those that do have facility responsibility have significant financial burdens as the costs of maintaining and opening facilities increases. This is exacerbated when those facilities are old and were not purpose built.

Currently, there are too many facilities that are controlled by small groups, usually based around a particular demographic e.g. men or older people. The control of these facilities means that either no other demographic or person outside the membership of the group can access the building, or access is prohibitively expensive. This is restricting access to other ratepayers. In circumstances where Council is allowing that restriction unnecessarily or through lack of good management, this is unacceptable to the whole Council community. We are therefore supportive of the policy in that it does outline a reasonable framework for a more equitable system for leases and licenses. For example the policy places a priority on shared facility usage with licensing agreements a preference.

Criteria for determining a lease or license

The policy in this regard however does present some concerns in that a number of statements are not specific in regards to what criteria will be used, and what processes will be undertaken to determine the type of agreement put in place. Below are some examples that need to have clearer criteria.

"If it can be demonstrated that exclusive rights to a property is in the **best interests** of the community, then a lease will be offered"

"A lease may be appropriate where the tenant requires exclusive use of land and/or premises for the permitted use in the **interests of the community**. "

The policy outlines that depending on the category, the determination as to whether it is a lease or license will be delegated - in some cases to a Director. Is there any mechanism by which an appeal against a decision could be made especially where sufficient evidence can be produced against predetermined criteria? Is it a done deal if this policy is adopted in regards to when a decision is made that its final?

Leasing and Licensing Costs

On the other hand, those that do manage facilities under existing leases can experience prohibitive costs in maintaining those facilities, especially where they are older. The cost of opening the doors, in our case of our Neighbourhood House, is unsustainable due to a range of financial, legal, policy and safety reasons. Of course, not all of these are something that Council can address. However, there are some opportunities

The opportunity outlined in the policy to more equitable weight lease and license amounts is good. There are however some questions in regards to the minimum amount criteria outlined in 5.4.1. Does every one of the criteria need to be met in regards to minimum rental. For example, while Neighbourhood Houses are heavily reliant on volunteers, they are not managed by them. If we were assessed at a higher rate this would be more problematic.

Exclusive use

Council can, however, ensure fairness in lease arrangements and should have very strict criteria for those that are using Council facilities in a restrictive way that is particularly excluding or prohibits reasonable use by other community members. For example, where tenants have the capacity to hire out the Council leased premises, the hiring should be done so in an equitable way. For example, not-for-profit groups should have access to hiring at reduced and accessible rates.

Where a particular group has exclusive use of council facilities, they should demonstrate that they meet requisite safety and reasonable inclusive membership standards.

One way that Council could facilitate this is to require that the leasing organisation have in their Rules of Association (assuming the predominant tenants are NFPs) the NFP has a membership clause that does not allow them to reject membership applications on a discriminatory basis. The Associations Incorporation Reform Act was recently updated to require this and, therefore, this requirement will be consistent with the current law.

The clause required is as follows:

The Committee is not required to provide reasons but must, upon request, be able to demonstrate that the rejection of any membership application was for reasons other than the personal characteristics of the applicant such as, without limitation, their age, gender, sexual orientation, race or background.

Whilst this does allow the organisation to maintain membership based on a certain demographic, such as men only for men's sheds, it also means that the NFP cannot be exclusive in its membership.

Ensuring facilities are safe

We also believe that the Council needs to take a more active role in ensuring and enforcing safety standards, rather than relying on the NFP tenant to do the right thing. This may look like regular safety checks that have, where issues are identified, real and effective consequences. For example, the issuing of remediation notices that set the terms of remediation, including what is required and the date it must be done by. This will create improved safety in Council facilities and reduce risk of litigation.

Council should, however, take an approach that is commensurate with the way the facility is used. For example, a building used principally for administrative or low risk purposes, should have a safety check on an annual basis. A facility that has gym facilities, including machines and heavy objects, should have shorter timeframes for a safety check. As should a facility that has a significant number of electrical appliances.

-

COR.3	HISTORIC COUNCIL RESOLUTIONS
Officer:	Lucy Olson, Senior Governance Officer - Council Business
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Historic Council Resolutions Recommended for Closure ↓

Summary

This report has been prepared in response to a request for a review of historic and undischarged resolutions, presenting to Council a proposed lists of recommendations for closure.

Recommendation

That Council endorses resolutions listed in Attachment 1 to this report be closed, effective from 27 June 2024.

Background

Earlier this year, Councillors requested a review of the historic and undischarged resolutions.

The aim was to help clarify regular governance reporting to remove ‘aged’ resolutions that may have altered in execution over time, have been mostly enacted, or have transitioned to ‘business as usual’ activity.

Discussion

Officers across the organisation reviewed 18 outstanding resolutions made prior to 1 January 2023. As a result of this review, officers are now proposing that four outstanding resolutions are closed.

The most suitable time to do this is prior to the end of the 2023/2024 financial year at this Council meeting to enable the greatest benefit in helping to simplify regular reporting before the commencement of the new financial year.

Council’s Governance Rules do not explicitly outline a process for ‘closing’ resolutions, however sub-rule 28(a) states

“Where a situation has not been provided for under these Governance Rules, Council may determine the matter by resolution.”

As these resolutions were made by Council it is transparent and good governance to return to Council for a resolution to close them.

If Council resolves to close the four resolutions as proposed in Attachment 1, officers will ensure these decisions are communicated as needed to interested parties and the community, and provide confirmation once this correspondence has been completed.

Consultation and engagement

Consultation on this report has occurred across all Council directorates to identify the resolutions recommended for closure. Relevant officers will engage with impacted parties if Council resolves to close these resolutions.

Collaboration

Not applicable.

Innovation and continuous improvement

Not applicable.

Relevant law

The *Local Government Act 2020* sets out the requirements, responsibilities and powers of Council in its governance. Council's Governance Rules under this Act set out the specific governance mechanisms by which the actions in this report can be undertaken.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

Not applicable

Relevant Council plans and policies

The closure of historic Council resolutions is in line with the Council Plan 2021-2031 strategic objective of delivering strong and reliable government. The closure provides transparency to the community that Council is reviewing the feasibility of its past decisions and acting accordingly.

An assessment of the relevant Governance Rules was undertaken as part of this report.

Climate Impact Assessment

The closure of these resolutions has no impact on future climate scenarios.

Financial viability

Nil

Sustainability implications

Nil

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

Directorate	Date	Meeting type	Report link	Reason for Closure from Officers
Planning and Environment	28-Aug-19	Scheduled	<p>Proposed changes to flood mapping in Kyneton – Request to proceed with a Planning Scheme Amendment That Council:</p> <ol style="list-style-type: none"> 1. Endorse that the amendment proceed as a local amendment to the Macedon Ranges Planning Scheme; 2. Note the findings from the community consultation and thank the community for their participation; and 3. Request authorisation from the Minister for Planning and prepare draft amendment documents for the purposes of proceeding to a formal exhibition of the amendment. 	<p>Kyneton Flood Study will be implemented through the planning scheme as part of a broader amendment expected to be funded through a Department of Transport and Planning Funding Program that has been established to support Council's in ensuring the latest flood mapping is included in the planning scheme. Officers have commenced the application process for this funding to implement the Kyneton and Woodend Flood Studies as well as introduce permanent flood controls in Darraweit Guim.</p> <p>All possible steps under this resolution have therefore been undertaken and further steps to fully realise would form part of the broader amendment being undertaken.</p>
Corporate	16-Dec-20	Scheduled	<p>Proposal to name part of an unnamed Kyneton laneway "Turners Lane" That Council:</p> <ol style="list-style-type: none"> 1. Approves the naming of the southern part of an unnamed laneway running between High Street and Market Street Kyneton - affecting land parcels Lot 1 TP318437, Lot 2 TP326174, Lot 3 PS441508 and Lot 1 TP22292 and ending at the southern boundary to Lot 2 TP584557 - as "Turners Lane". 2. Notes that, if approved, the naming will be submitted to the Registrar for Geographic Names for endorsement and gazettal. 3. Notes that officers will write to the naming applicant, surrounding property owners and those community members who responded to the public consultation process to advise them of the decision. 	<p>All possible steps have been taken by Council on this matter. A subsequent resolution on 27 July 2022 deals with unresolved actions, is now also to be closed. Contact to be made with community members to close out all steps taken.</p>
Corporate	25-Aug-21	Scheduled	<p>Petition to rename Hutton Street, Kyneton Council received a petition with 164 signatures, formally requesting Council to consult with the traditional owner group to rename Hutton Street, Kyneton so that it acknowledges the region's indigenous history. That Council:.</p> <ol style="list-style-type: none"> 1. Receives and notes the petition. 2. Refers it to the Manager Legal and Corporate Governance for investigation and reporting back to Council by December 2021. 3. Notifies the petition organisers accordingly. 	<p>Council has taken all possible steps to facilitate this resolution at this time. Progress for this matter will be added to Business-as-Usual naming backlog to be addressed. Communication with petitioners and residents of Hutton Street will be undertaken to provide this update.</p>
Assets and Operations	27-Jul-22	Scheduled	<p>Naming of Turner Lane, Kyneton "Confidential"</p>	<p>To be closed. Council has taken all possible steps to deliver resolution on this matter. Contact to be made with community members to close out all steps taken.</p>

COR.4	CONTRACTS TO BE AWARDED AS AT JUNE 2024
Officer:	Corinne Farley, Coordinator Contracts
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Nil

Summary

This report provides details of contracts proposed to be awarded under a delegation from Council, from the date of the last. Although this report recommends noting the power delegated to Council officers, Council has the power to:

- a) direct that the Chief Executive Officer (CEO) award the contract under the direct delegation from Council; or
- b) specifically delegate the power to the CEO.

Recommendation

That Council notes that the following contracts will be awarded by Council officers under delegated authority:

- 1. C2024-69 Roadside Slashing**
- 2. C2024-70 Township Hazard Reduction**
- 3. C2024-71 Design and Construct Kyneton Viewing Platform**
- 4. C2024-72 Design and Construct Slope Failure Mitigation**

Background information

Council's delegated authority to its officers to award a contract is controlled by the financial value of the contract. The various financial limits of the authority are specified in Appendix 1 of the Procurement Policy.

Opportunity to review delegated authority

This report provides Council with a brief summary of proposed contracts, which are being advertised and also indicates whether or not delegated authority to award the contract exists.

C2024-69 Roadside Slashing

This contract will replace the existing contract that is due to expire on 1 November 2024. The 3-year contract with an option to extend a further 2 years is for the annual roadside slashing program undertaken on Council roadsides for fire prevention purposes to reduce fuel loads.

The CEO has delegated authority to award this contract.

C2024-70 Township Hazard Reduction

This contract will replace the existing contract that is due to expire on 1 November 2024. The 3-year contract with an option to extend a further 2 years is for slashing of Council

owned blocks and slashing of private properties when property owners have failed to comply to the conditions on a fire prevention notice.

The CEO has delegated authority to award this contract.

C2024-71 Design and Construct Kyneton Viewing Platform

This contract is for the replacement of the Kyneton Viewing platform located in Campaspe Place Kyneton damaged by the October 2022 flood event. This is a design and construct contract.

The CEO has delegated authority to award this contract.

C2024-72 Design and Construct Slope Failure Mitigation

During October 2022 Storm events, a section of Simons Hill Road, Darraweit Guim between 170 and 230 Simons Hills Road was reported to have failed due to slope failures. This design and construct contract is to mitigate and construct an appropriate infrastructure and associated elements for the slope failure. Funding for this procurement will be sought as a grant through the Disaster Recovery Funding arrangements.

The CEO has delegated authority to award this contract.

Consultation and engagement

The nature of this report does not require any consultation or community engagement.

Collaboration

The nature of this report does not require collaboration with other councils, governments or statutory bodies.

Innovation and continuous improvement

Council reviews its Procurement Policy regularly, in accordance with the *Local Government Act 2020*. These reviews consider options for innovation and are part of continuous improvement processes.

Relevant Law

The *Local Government Act 2020* provides for Council to delegate powers to staff, including the power to award contracts.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

There are no regional, state or national plans and policies that are relevant to the subject matter of this report.

Relevant Council plans and policies

The awarding of contracts is undertaken in accordance with the provisions of Council's Procurement Policy.

Financial viability

Funds for all contracts to be awarded, as listed above, have been provided in the capital operational budget and future annual budgets.

Sustainability implications

Council's Procurement Policy requires staff to procure goods, services and works from suppliers who actively employ sustainable practices in their operations.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

COR.5	ALTERATION OF THE DATE OF THE SEPTEMBER SCHEDULED COUNCIL MEETING
Officer:	Lucy Olson, Senior Governance Officer - Council Business
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Nil

Summary

It is proposed that Council reschedule the September Scheduled Council Meeting from Wednesday 18 September 2024 to Monday 16 September 2024.

Recommendation

That Council reschedules the September Scheduled Council Meeting from Wednesday 18 September 2024 to 7pm Monday 16 September 2024 at the Gisborne Administration Centre.

Background

There is an existing Council resolution scheduling the September Scheduled Council Meeting for Wednesday 18 September 2024. On 30 April 2024, the Government introduced the *Local Government Amendment (Governance and Integrity) Bill 2024* which proposed changes to the timeframes of key dates leading up to the 2024 Local Election including the start date for the Election Period. Due to this change the current date for the September Scheduled Council Meeting falls within the Election Period. Therefore, it is proposed to reschedule the September Scheduled Council Meeting to 7pm Monday 16 September 2024 at the Gisborne Administration Centre.

Discussion

In accordance with Council's Governance Rules (sub-rule 13(a)) '*The dates, times and places of scheduled meetings will be fixed by a Council resolution from time to time*' and (sub-rule 13(b)) "*Subject to the requirements of sub-rule (a), the date, time or place of a scheduled Council meeting may be altered by resolution of Council.*"

Meetings of Council have typically been held on the fourth Wednesday of each month at 7pm, except January, when no meeting is proposed to be held.

At the Scheduled Council Meeting held on 22 November 2023, Council adopted its meeting schedule for 2024, which included a Scheduled Council Meeting on Wednesday 18 September 2024 at 7pm, a date already brought forward so that it could be held prior to the previous commencement date for the Election Period.

The *Local Government Amendment (Governance and Integrity) Bill 2024* proposes that the Election Period now commence at 12:00 noon on Tuesday 17 September 2024. Rescheduling the September Scheduled Council Meeting to 7pm Monday 16 September 2024 allows the meeting to still be held prior to the commencement of the Election Period.

Consultation and engagement

No consultation or engagement was required due to the nature of this matter.

Collaboration

No collaboration was required due to the nature of this matter.

Innovation and continuous improvement

This matter is not the subject of any measures for innovation and continuous improvement.

Relevant law

Council governance mechanisms are prescribed under the Local Government Act 2020.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

Not applicable.

Relevant Council plans and policies

Since the meeting date was scheduled by a Council resolution, a Council resolution is required to reschedule it consistent with Council's Governance Rules.

Climate Impact Assessment

Not applicable.

Financial viability

There are no impacts on financial viability.

Sustainability implications

No sustainability impacts have been identified.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

COR.6	AUDIT AND RISK COMMITTEE BIENNIAL REPORT - JUNE 2024
Officer:	Travis Harling, Manager Finance and Reporting
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Audit and Risk Committee Biannual Report June 2024 ↓

Summary

This report ensures Council transparently discloses a summary of the key matters discussed at the Audit and Risk Committee meetings for the first six months of 2024.

The report also ensures the requirements of the Audit and Risk Committee Charter are met by providing a biannual report to Council that summarises the work of the Committee performed, to fully discharge its responsibilities.

The Audit and Risk Committee Biannual Report - June 2024 is attached and the Chairperson, Vinitha Pinto will attend the Council Meeting to present the report.

Recommendation

That Council notes the Audit and Risk Committee Biannual Report - June 2024 and thanks the committee for the report.

Background

The Audit and Risk Committee was formally appointed under section 53 of the *Local Government Act 2020* (LGA) as an advisory committee to Council.

Discussion

The biannual report of the Audit and Risk Committee has been prepared and tabled for Council to consider. The provision of this report to Council is in line with the requirement in the Audit and Risk Committee Charter to, on a biannual basis, provide an audit and risk report that describes the activities of the committee. It also ensures Council is compliant with section 54 (5) (a) of the LGA.

A summary of the work performed by the committee during quarters 3 and 4 of the 2023/24 financial year is as follows:

- Internal Audit:
 - Customer Service Enquiries and Complaints
 - Initiation, prioritisation and delivery of the Capital Works Program
- External Audit:
 - Confirmation that the Victorian Auditor General's Office will be undertaking the audit at 30 June 2024
 - Audit Strategy for the 30 June 2024 audit
- Internal / Management Reports:

- Risk Management:
 - Key highlights and emerging risks
 - Risk Management report
- Information Services:
 - Information Services Update (including minutes from Information Services Steering Committee meeting)
- Finance and Reporting
 - Finance report
 - Report of Operations
 - Fraud and Corruption report
 - Reimbursement of Expenditure for Councillors and Delegated Committees
 - Budget 2024-25 and Council Plan 2021-2031 (Year 4 Actions 2024-25)
 - Management progress outstanding responses – audit actions
- Other Reports
 - Emergency Relief and Recovery Biannual report
 - Draft Borrowing Policy
 - Draft Financial Reserves Policy
 - Draft Cashing Handling Policy
 - Draft Payroll Policy
 - Draft Lease and Licence Policy

Consultation and engagement

The Audit and Risk Committee received a draft version of the attached report at its June 2024 meeting and were encouraged to provide feedback.

Collaboration

Collaboration with other councils, governments and/or statutory bodies was not required in relation to this report.

Innovation and continuous improvement

The operation of the Audit and Risk Committee provides a structured, systematic oversight of Council's governance, risk management and internal control practices.

The committee reviews those practices and provides Council with independent advice and guidance regarding the adequacy and effectiveness of management's practices and potential improvements to those practices.

The Audit and Risk Committee is an important communication forum between the external auditor, internal auditor, management, and Councillors.

Relevant law

The Audit and Risk Committee is established in line with the LGA 2020.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

Nil

Relevant Council plans and policies

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. Council has an adopted Charter for the Committee.

Financial viability

Council's Audit and Risk Committee provides oversight of Council's risk framework effectiveness, including monitoring financial performance, fraud prevention and other key risks. This report makes transparent how the work the Committee undertakes helps to ensure sufficient oversight of these matters, as well as meeting legislative requirements.

Sustainability implications

Council's Audit and Risk Committee provides oversight of Council's risk framework effectiveness, including management of environmental risks and the impact of climate change. This report makes transparent how the work of the Committee helps to ensure sustainability is considered by Council in line with strategies, plans and policies, as well as legislative requirements.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.



Audit and Risk Committee

Biannual Report June 2024

MACEDON RANGES SHIRE COUNCIL

Audit and Risk Committee

Biannual Report June 2024

1. Introduction
2. External Audit
3. Internal Audit
4. Summary of Work Performed

Ms Vinitha Pinto
Chairperson
Audit and Risk Committee
5 June 2024

1. Introduction

As part of its governance obligations to its community, Council has established an Audit and Risk Committee. The Audit and Risk Committee is an Advisory Committee to Council, acting in accordance with Sections 53 and 54 of the Local Government Act 2020.

The Local Government Act under section 5(a) requires the Audit and Risk Committee to produce a biannual audit and risk report describing the activities of the Audit and Risk Committee, including its findings and recommendations. The biannual audit and risk report must be provided to the Chief Executive Officer for tabling at the next Council meeting.

This is the first biannual Report of 2024, prepared by the Audit and Risk Committee and presented to Council.

The Committee members through January 2024 to June 2024 were:

- Ms Vinitha Pinto, Independent Member and Chairperson (Appointed 2021 to 2025)
- Ms Magdalena Williams, Independent Member (Appointed 2021, extended to 2027)
- Mr Jonathan Kyvelidis, Independent Member (Appointed 2021 to 2024)
- Cr. Geoff Neil, Councillor Delegate from 30 November 2022 to 25 October 2024
- Cr. Mark Ridgeway, Councillor Delegate from 30 November 2022 to 25 October 2024
- Mr David Gunn was appointed to the Committee as an Independent Member for four years in February 2024 and attended his first meeting in April 2024.

Councillor delegate terms are until the Council election is held, after which nominations to the Audit and Risk Committee will be reconfirmed by Council.

The following Councillors attended meetings as observers:

- Cr. Jennifer Anderson (February, April and June meeting)
- Cr. Janet Pearce (February, April and June meeting)

During the first six months of 2024, the Committee has discharged its duties at the following meetings:

- 21 February 2024
- 17 April 2024
- 5 June 2023

Meetings were in person at the Gisborne Council Chambers from 8:30am – 12:00pm.

Committee Actions

The Committee continues to work in a constructive and collaborative manner with Councillors, both delegates and observers, and with Officers.

The Committee thanks Officers who consistently provide comprehensive and timely reports and who are responsive to Committee requests for additional information or clarifications.

2. Internal Audit

The Internal Auditor is a consultant to Council. HLB Mann Judd were appointed the internal auditors in 2019 and are fulfilling the role of the internal auditor for the 2023-24 financial year. Mr Mark Holloway is the Audit Partner.

The purpose of an internal audit is to provide assurance to the Executive, Audit and Risk Committee, and Council by reviewing and testing the existence and effectiveness of policies, procedures and practices of an area of operation. An internal audit is aimed at reviewing operational risks and implementing controls to eradicate or minimise the risk. The Internal Auditor will both offer an opinion on the existing policies and procedures and provide recommendations to improve the policies and procedures to mitigate systemic risk.

2.1 Internal Audit Reports

The Internal Auditor prepares a Memorandum of Audit Plan prior to each Review, which is considered by the relevant Director. The Internal Auditor, in consultation with the relevant Department Manager and other key staff, conduct an entry meeting and discuss the scope and objectives of the review. Following the site interviews, the Internal Auditor prepares a report and recommendations. The report also includes the Department Manager's responses.

The following reports were presented to the Committee in the first half of 2024:

- Customer Service Enquiries and Complaints – presented at the 17 April 2024 meeting
- Initiation, prioritisation and delivery of the Capital Works Program presented at the 5 June 2024 meeting.

The following internal audit is scheduled in the remainder of 2024:

- Business Continuity Planning and Disaster Recovery to commence April 2024 and to be presented at the August 2024 meeting.

2.2 Council Progress on Internal Audit Action Items

The Committee regularly reviewed Council's progress on open action items from prior year internal audits. The reporting provided the Committee with insights into the risk profile, ageing and status updates on the progress of finalising the internal audit action items.

3. External Audit

3.1 Financial Statements

The Victorian Auditor-General's Office (VAGO) will undertake the financial audit for the year ended 30 June 2024. VAGO were represented at relevant Committee meetings by Travis Derricott and Jung Yau.

At the Audit and Risk Committee meeting held 21 February 2024, VAGO presented their draft Audit Strategy for the financial year ending 30 June 2024. The final Audit Strategy was presented at the Committee meeting held on 17 April 2024. This strategy addressed the key risks and areas of audit focus for both the financial report and performance report and outlined the audit approach and timetable.

The Financial Audit protects the interests of Councillors and Ratepayers and enables the Auditor-General to form an opinion on whether Council's financial report and performance statement meet the requirements of the *Audit Act 1994*. The Financial Audit focuses on the accuracy of recording income and expenditure, the existence and measurement of assets and liabilities, and compliance with Accounting Standards.

3.2 Performance Statement

The Performance Statement Audit enables the Auditor-General to form an opinion on whether Council's Performance Statement meets the requirements of the *Local Government Act 2020*. The Performance Statement Audit focuses on a range of measures, including roads, planning, animal management and waste and reports to the community on how well Council has performed against the Victorian Government's performance indicators.

The Performance Statement includes the results for:

- Nine prescribed service performance indicators;
- Seven sustainable capacity indicators; and
- Eleven financial performance indicators.

3.3 External Audit Report

The Committee received regular updates from VAGO on external audit matters and activities including:

- VAGO Annual Work Plan
- Current or planned Performance Audits undertaken by VAGO

- Parliamentary Reports tabled by VAGO
- Operations undertaken by the Independent Broad-based Anti-corruption Commission
- Local Government Reports
- Active governance matters across Victorian Municipal Councils
- Performance Audits within local government sector undertaken by other Australian audit offices

4. Summary of Work Performed

This section provides a summary and update on the work performed by the Committee during the first six months of 2024 (Quarters 3 and 4 of the 2023-24 financial year).

4.1 Financial Reports

Council financial reports to 31 January 2024, 29 February 2024 and 30 April 2024 were presented to the Committee at the meetings of February, April and June, respectively.

4.2 Risk Management

The Committee received briefings at each meeting from the Chief Executive Officer addressing key highlights and emerging risks that had impacted Council since the preceding Committee meeting.

Council's Risk Management Report provided the Committee with an update on Council's risk management practices including strategic and operational matters, Business Continuity Planning, Insurance Claims and the minutes of meetings of Council's Risk Management Committee (RMC).

Council has joined the National Local Government Vulnerability Program. This initiative is led by JLT Risk Solutions and JMAPP. It aims to assess Council's vulnerability to natural disasters, support national resilience efforts and standardise risk assessment. It was recommended that the Committee send a representative and at the February meeting the Committee nominated Maggie Williams.

4.3 Council Fraud Control Report

The Committee was briefed on Council's Fraud Controls at the February and June 2024 meetings.

4.4 Council Compliance Report

At the February, April and June meetings the Committee was provided with Council's Governance Schedule noting compliance with statutory obligations. The report provided the Committee with the assurance that Council is complying with the statutory obligations under the *Local Government Act 1989* and the *Local Government Act 2020*.

4.5 Emergency Relief and Recovery Biannual Report

Twenty actions were identified as part of the storm debrief and lessons learnt process that was

undertaken early in 2023 and presented to the Audit and Risk Committee on 6 September 2023. The work achieved against the identified actions was presented to the meeting of 17th April 2024. The Committee agreed to receive an annual financial year storm event response and lessons learnt report from 2024-25, pending any further storm event activity.

4.6 Reimbursement of Expenditure for Councillors and Delegated Committees

Under S40 (2) of the *Local Government Act 2020* the Audit and Risk Committee must be provided with details of all reimbursements of expenses of Councillors and members of delegated committees. The Committee was provided with a report on this expenditure at the February and June meetings for the October to December 2023 and January to March 2024 quarters respectively.

4.7 Council Response to Local Government Reports and Publications

The Committee reviewed Council's response to the recent reports and publications that have an impact on the Local Government Sector on the matters of:

- Cybersecurity: Cloud Computing Products – February 2024 meeting
- Operation Sandon special report and related amendments – June 2024 meeting.

4.8 Information Services Update

The Committee continued to receive Information Services updates after this was highlighted as an area of interest at the beginning of 2021. An Information Services update is now provided at every meeting, with particular focus placed upon the status of software and technology, posture of Council's ICT Disaster Recovery and Information and Cyber Security position, updates on KPIs and Information Services' strategic and operational risks. The reports include the minutes of recent Information Services Steering Committee meetings.

4.9 MRSC Strategy development Framework

At the February 2024 meeting the Committee was provided with an update on the progress of work to redevelop the Macedon Ranges Shire Council Strategy, Plan and Policy Development and Review process, including the Strategy Development Pilot and Policy Development Model. This work is ongoing with updates to the Committee on its progress.

4.10 Council Policy

The Committee reviewed the following Council policy documents and provided feedback:

- Borrowing Policy – February 2024 meeting
- Financial Reserves Policy – February 2024 meeting

- Cash Handling Policy – February 2024 meeting
- Payroll Policy – February 2024 meeting
- Lease and Licence Policy – April 2024 meeting

4.11 Budget 2024-25 and Council Plan 2021-2031 (Year 4 Actions 2024-25)

The Committee were provided with Council's Budget 2024-25 and Council Plan 2021-2031 (Year 4 Actions 2024-25) at the June meeting.

4.12 Review of changes to the Local Government Performance Reporting Framework (LGPRF) and Local Government Model Financial Report (LGMFR)

A summary of changes to the LGRPF and LGMFR, provided by the Local Government Victoria Better Practice Guide 2023-24, was provided to the Committee at the April meeting, which noted no significant reporting changes. These changes inform the process and preparation of Council's Annual Report.

COR.7	FIRST RIGHT OF REFUSAL - FORMER MALMSBURY JUVENILE JUSTICE CENTRE, 30 MOLLISON STREET MALMSBURY
Officer:	Hayley Drummond, Coordinator Property and Valuations
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Nil

Summary

The following information is provided to Council regarding Council's opportunity as part of the Victorian Government First Right of Refusal Process (FRoR) to negotiate to acquire the former Malmsbury Juvenile Justice Centre located at 30 Mollison Street, Malmsbury. This report also outlines options for Council's consideration for future advocacy opportunities for this site.

Recommendation

That Council

- 1. Endorses the refusal of the offer to enter negotiations to acquire the former Malmsbury Juvenile Justice Centre site at 30 Mollison Street, Malmsbury.**
- 2. Writes to Minister Mary-Anne Thomas MP, Member for Macedon, advocating for:**
 - Thorough consideration of the community preferences for this site, including Traditional Owners.**
 - Ongoing engagement by the Victorian Government to collaborate with the community, Traditional Owners, and Council.**
 - Assurance that future development and use of this site will be sensitive to local, environmental, and planning conditions, to ensure future use of the site that aligns with the community's needs and values.**
 - Investment by the Victorian Government in the necessary structural planning to support sustainable long-term outcomes for the Malmsbury community.**
- 3. Provides a copy of this correspondence to the Minister for Corrections and Youth Justice, the Minister for Housing, and the Minister for Planning.**

Background

Council received notification from Department of Energy, Environment, and Climate Action (DEECA) of its invitation as an interested party for the First Right of Refusal for the former Malmsbury Juvenile Justice Centre located at 30 Mollison Street, Malmsbury.

Discussion

First Right of Refusal Process

Every year, Victorian Government agencies declare a significant number of properties as surplus to requirements. Under the First Right of Refusal (FRoR) process, this surplus land

must first be offered for sale/transfer to other Victorian government agencies, local governments, and Commonwealth government agencies before it is offered for sale/transfer outside government.

Agencies and local government then have 60 days to express interest in acquiring the surplus land for a public or community purpose.

If no expression of interest is received within 60 days, then the land may be disposed in accordance with the *Victorian Government Land Transactions Policy and Guidelines*.

Council was notified on 21 April that the property at 30 Mollison Street, Malmsbury was listed on the FroR, with a closing date of 21 June 2024.

Site Description

The property is described as 30 Mollison Street, Malmsbury. It is a large parcel of land comprising approximately 28.72 ha (70 acres). The land is in three Crown Allotments with the Title identifying it as Crown land under the administration of the Department of Justice and Community Safety. The land has a temporary reserve purpose for 'Social Welfare.'

The property is divided into three zones: -

- The majority is within PUZ 3 – Public Use Zone (Health and Community).
- The land to the south site of the property that is not built on is General Residential Zone 1.
- The land to the west with frontage to Ross Street is zoned Low Density Residential Zone.

This site consists of various infrastructure, built between 1983 to 2017.

Site Constraints

To alter the purpose of this site, the current Public Use zoning would need to be reviewed and if appropriate an alternative zone identified by the State Government prior to the land being transferred.

Additionally, as it is Crown land it is 'Reserved' for a specific purpose – that is 'Social Welfare'. Therefore, in addition to the zoning change, the Crown land reserve status must be removed for an alternative use.

Site Visit

On 21 May 2024, Councillors, Council's Executive Team members, and officers attended a site visit, hosted by the Department of Justice and Community Safety (DoJCS) to tour the facilities and understand the quality and scope of the premises.

The inspection identified numerous purpose-built facilities, all in reasonable condition, but that, nonetheless, would be difficult to repurpose for community use without significant investment.

Following research and internal consideration of the confidential indicative value provided, potential uses, planning opportunities and restrictions, Council service alignment, and the information gathered through the site visit, it is recommended that it would be in the best interest of the community for the State Government to find a purpose for this site that is either aligned with the current configuration of the facilities, acquired by another party that could bear the considerable investment and ongoing maintenance to reprogram the buildings for other services, or redeveloped for another purpose, including options for sustainable social and affordable housing.

Most of the possible future uses identified through this process and through community consultation do not align with services currently provided by Council, or actions within Council's remit.

Advocacy

Despite not proceeding with negotiations for acquiring the site, officers recognise that there is an important role for Council in advocating on behalf of the community to the relevant Ministers, urging that they consider the community's preferences for this site, and that the Victorian Government continues to work closely with the community, Council, and Traditional Owners to ensure future development delivers the best possible long-term outcomes for the community.

Council would seek to collaborate with Djarra, the Dja Dja Wurrung Clans Aboriginal Corporation as the Traditional Owners to advocate to the Victorian Government and facilitate a positive outcome for the site that reflects the community's needs and values.

Consultation and engagement

A community meeting was held at the Malmsbury Town Hall on the 21 April that considered possible alternative uses for the site as noted above. The feedback from the meeting included the desire for the facilities to be turned into something positive, which will benefit the community and improve Malmsbury. Community feedback from the Malmsbury Community has identified a wide range of alternative uses for the site, such as:

- University campus or TAFE with residential accommodation.
- Community facility with swimming pool, gym, oval, community gardens, caravan/camping space.
- Residential aged care facility.
- Drug rehabilitation centre.
- Community co-operative with rented working space for businesses.
- A cultural performance centre.
- Australian Defence Force use.
- Crisis accommodation centre.
- Community sustainable energy resource centre.
- A drive-in cinema.

These ideas, together with other information on the community's preferences, needs and values gathered during Council's engagement with community, will be included in advocacy correspondence.

Collaboration

Council is committed to an ongoing partnership with the Victorian Government and Djarra, Dja Dja Wurrung Clans Aboriginal Corporation as Traditional Owners, and the local community, to ensure the best possible outcome for the site.

Innovation and continuous improvement

Council, by advocating to the Victorian Government, can ensure that community feedback is incorporated into both the current and long-term plans for this site.**Relevant law**

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not undertaken in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

The First Right of Refusal Process is a Victorian government policy, which establishes a requirement that the Victorian government agencies must first offer to sell surplus land to other Victorian government agencies, Traditional Owners, local government agencies or the Commonwealth, before it can be sold to the public.

Relevant Council plans and policies

There is an opportunity for Council to provide the Minister with information regarding how future considerations for this site may align with Council's policies to support our community. These may include, but are not limited to Council's policies and strategies on:

- Affordable Housing
- Economic Development
- Environmental Protection
- Climate Change responses

Council currently has no strategy or plans that support the acquisition of this site for a community purpose.

Climate Impact Assessment

A Climate Impact Assessment is not required for this report.

Financial viability

The scale and variety of facilities at the site would mean considerable investment required for acquisition, ongoing maintenance, and/or works to reprogram the premises for Council services.

Council currently has no funding allocated for this purpose; and a significant acquisition of this nature within Malmsbury is not included in any long-term financial planning.

Advocacy as outlined for future use of this site can be met within Council's current operational budget. Any additional advocacy efforts or planning may require funding through future budget processes.

Sustainability implications

By advocating to the Victorian Government, Council can ensure that community feedback shapes the site's future, aligning with long-term community needs and environmental and sustainable protection.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

COR.8	INQUIRY INTO LOCAL GOVERNMENT FUNDING AND SERVICES
Officer:	Adele Drago-Stevens, Director Corporate
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Draft Submission into the Inquiry into Local Government Funding and Service Delivery in Victoria for Macedon Ranges Shire Council ↓

Summary

This report is presented to Council to seek endorsement for the Chief Executive Officer to make a submission to the Victorian Legislative Council Economy and Infrastructure Committee's Inquiry into Local Government Funding and Service Delivery in Victoria on behalf of Macedon Ranges Shire Council.

Recommendation

That Council endorses the submission to the Victorian Legislative Council in response to its inquiry into Local Government Funding and Services, as attached to this report.

Background

The Victorian Legislative Council's Economy and Infrastructure Committee will investigate local government funding and service delivery in Victoria. On 3 May 2023, the Legislative Council agreed to the following motion:

That this house requires the Economy and Infrastructure Committee to inquire into, consider and report, by 28 November 2024, on local government funding and service delivery in Victoria, including but not limited to -

- 1. the effects of cost shifting from the state and federal governments to local councils in an examination of vertical and horizontal fiscal imbalances;*
- 2. whether local councils are adequately delivering on their core service delivery objectives;*
- 3. the overall revenue structure of local government;*
- 4. whether the existing revenue structure is sustainable and appropriate or if alternative models of funding would be more sustainable and appropriate; and*
- 5. any other related matters.*

Macedon Ranges Shire Council has been invited to provide a submission to this inquiry, which are being accepted until 28 June 2024

Discussion

Macedon Ranges Shire Council welcomes the opportunity to provide a submission to this important inquiry into local government funding and service delivery. This represents an

opportunity for the State Government to better understand and address challenges and limitations of the operating environment for local government within Victoria.

Council seeks to work closely with both State and Federal Governments to address the financial pressures and constraints faced by our sector, especially the increasing expectations of service delivery, increased cost bases, and revenue limitations impacting local council, especially through the rate capping mechanism and cost-of-living pressures placed upon our community.

Our submission underscores our desire to see greater recognition of the nuances of these challenges that particularly impact rural and regional councils, including the limited capacity to grow alternative sources of revenue, limited community capacity to pay increased rates, and difficulties generating significant user fees or charges.

The submission covers:

- Overall revenue structures of local government, focusing on the appropriateness of revenue constraints (particularly the rate capping mechanism), and grant funding models.
- Cost shifting from state to local government, and examples of how this impacts Macedon Ranges Shire council directly.
- Infrastructure and Service Delivery challenges, including declining community satisfaction, and the responsibilities left to local councils to manage gaps in servicing from state and federal government and the market.
- The significant, and aging, capital and road assets maintained by local councils at increasing cost.
- The impact of emergency management and response, and increasingly frequent extreme weather.
- Workforce challenges for regional councils.

These challenges are significant.

Council's submission proposes the following:

- Reviewing the inputs for the rate capping mechanism, including consideration of a 'Local Government Cost Index', and the advice sought from the Essential Services Commission on its level and the financial sustainability of local governments.
- Engaging across three tiers of government to provide predictable, longer-term funding to councils, incorporating the needs of regional and rural councils and considering the cost or responsibility shifting from other levels of government.
- Addressing funding imbalances by meeting commitments across shared service delivery, or formally revising service delivery levels within the available funding.
- Providing opportunities for structural adjustment funding to support innovations including digital technology enablement and implementation of more efficient and shared service models.
- Contributing to a national strategy to support regional councils to adjust to infrastructure challenges, including improving transport links and responding to the additional costs and service requirements of roads in a changing climate.
- Supporting a consistent approach to proactive 'build back better' funding responses to emergency events for Victorian councils.

Consultation and engagement

Consultation and engagement have occurred with various advocacy bodies, including the Municipal Association of Victoria, Regional Councils Victoria, the Loddon Campaspe Group

and FinPro. Additionally, information has been gathered from managers across the organisation to share their experiences and insights.

Collaboration

Macedon Ranges Shire Council has collaborated with other councils, government, and statutory bodies to address the financial and operational challenges we face. We have shared information across the local government sector and received support from key advocacy bodies such as the Municipal Association of Victoria, Regional Councils Victoria, Loddon Campaspe Group and FinPro. We have also provided data and insights to these organisations to enhance their submissions, ensuring a unified and robust advocacy effort across the sector. A submission was also provided to the Federal Parliamentary inquiry into local government financial sustainability, aligning our efforts with broader regional and national initiatives.

Innovation and continuous improvement

In preparing a submission to this inquiry, Macedon Ranges Shire Council aims to address common issues faced across the local government sector, including significant financial challenges resulting from cost shifting by state and federal governments. These challenges impact our ability to effectively deliver core services and maintain sustainable revenue structures. The Legislative Council's Economy and Infrastructure Committee's Inquiry provides an important opportunity to advocate for more equitable and sustainable funding models. By engaging in this inquiry, we are committed to pursuing innovation and continuous improvement, ensuring that our strategies and practices evolve to meet the changing needs of our community while addressing financial sustainability.

Relevant law

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

This is an external inquiry led by the Legislative Council's Economy and Infrastructure Committee to examine and improve financial sustainability and service delivery capabilities of local governments across Victoria and Australia. By providing a submission to this inquiry, we can address key issues such as cost shifting, revenue structures, and funding models, ensuring our perspectives and challenges are considered in shaping future policies and support mechanisms.

Relevant Council plans and policies

This submission, will particularly support the Council Plan 2021-2031 theme of "Delivering Strong and Reliable Government." By addressing cost shifting and advocating for equitable funding models, the proposal supports long-term financial planning and budgeting, ensuring financial sustainability and consistent service delivery.

Climate Impact Assessment

This submission will present an opportunity to address the financial challenges that hinder our ability to effectively respond to climate impact. Improved funding models and equitable resource distribution will enable Council to invest in necessary climate adaptation and resilience measures, ensuring long-term sustainability and safety of our community and environment.

Financial viability

Providing information regarding the challenge and issues of cost shifting and advocating for more equitable and sustainable funding models will help secure the necessary resources to maintain and improve our services and infrastructure. By ensuring a stable and predictable revenue stream, Council can undertake long-term financial planning and budgeting more effectively, reducing the risk of deficits and financial shortfalls. This will support the Council's ability to meet community needs, invest in key projects, and sustain overall financial health.

Sustainability implications

This submission will present an opportunity to address the financial challenges that hinder our ability to effectively respond to sustainability concerns. Improved funding models and equitable resource distribution will enable Council to invest appropriately and be incentivised to continue to support necessary measures, ensuring long-term sustainability and safety of our community and the environment.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.



Our Ref: F770

20 June 2024

Committee Secretary
Legislative Council Economy and Infrastructure Committee

Dear Secretary

Re: Inquiry into Local Government Funding and Service Delivery in Victoria

Macedon Ranges Shire Council is grateful for the opportunity to contribute to the inquiry into Local Government funding and service delivery. Our submission highlights some of the shared issues we face as a sector, and some of the current challenges for our Council that bring the circumstances of Macedon Ranges Shire to the fore.

The overall revenue structure of local government

Macedon Ranges Shire Council seeks to work closely with State and Federal Governments to address the financial pressures and constraints faced by our sector, including increasing expectations of service delivery, increased cost bases and revenue limitations through the rate capping mechanism and cost-of-living pressures on our community.

We have a strong desire to see greater recognition of the nuances of these challenges that particularly impact rural and regional councils, including the limited capacity to grow alternative sources of revenue, limited community capacity to pay increased rates, and difficulties generating significant user fees or charges.

Most of our revenue comes in the form of rates, over 46%. By far the biggest revenue challenge is the rate cap, which in Victoria has been consistently less than CPI, less than the recommendation of the Essential Services Commission, and less than the inflation in key categories of cost that mostly impact councils over the past few years.

The capping of rates income at such low levels makes delivering these services extremely difficult due to costs increasing at a greater rate than income.

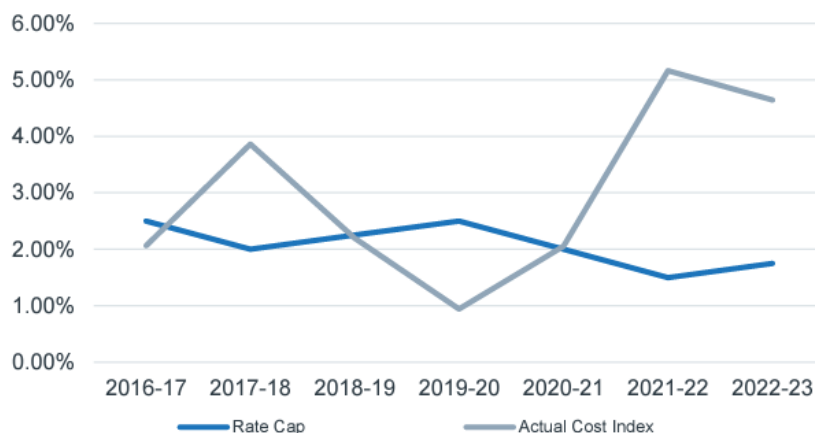
Figure 1, below, highlights this issue, comparing the rate cap over the past few years (pre- and post- COVID-19), with an 'Actual Cost Index', that better represents inflationary pressures for local government.

ABN 42 686 389 537
PO Box 151 Kyneton Victoria 3444
T 03 5422 0333 F 03 5422 3623 E mrsc@mrsc.vic.gov.au
www.mrsc.vic.gov.au





Figure 1 Rate Cap Compared to Actual Cost Index



Source: FinPro Submission to Legislative Council Economy and Infrastructure Committee Inquiry into Local Government Funding and Service Delivery in Victoria, May 2024

In line with the position of groups such as FinPro who undertook this analysis, Council advocates that a cost-index more representative of the inflationary pressures that most impact local government be used to provide better input into setting the rate cap. This would enable a truer forecast of the level of income required to continue delivering effective services to the community.

The timing of the release of the rate cap is also challenging, in late December each year, with our Council well into the budget development cycle for the following financial year.

There also remains an inherent inequity with rate capping for rural councils. Rural councils do not have the same ability to raise revenue from other sources as metropolitan or regional city councils, which are able to generate additional income sources unavailable to rural councils including more significant user fees, car parking or enforcement revenue.

A key contributor to the financial sustainability of councils is the funding received through the Commonwealth Government's Financial Assistance Grants Program, administered through the calculations of the Victorian Local Government Grants Commission's (VLGGC) annual grants administration program. At Macedon Ranges Shire Council, nearly 20% of operating revenue is derived from operating grants. This is true for nearly a quarter of Councils across Australia.

The VLGGC models, which are regularly reviewed and used to allocate funding considering the distribution principles set by the Commonwealth and the relevant cost adjusters and modifiers, are robust, and take into account the particular characteristics of individual councils which may impact on the cost-of-service provision on a comparable basis.



We support the continued, considered provision of these important revenue sources to enable the delivery of essential services and infrastructure for our community. As an 'untied' source of income, sufficient, reliable, and predictably timed Financial Assistance Grants, and Local Roads Grants, are critical to enable better planning and prioritisation for Council in each budget year.

That said, research undertaken on behalf of the Australian Local Government Association (ALGA) supports 'fair increases to Financial Assistance Grants' in line with the Federal Government's continued commitment to local government to deliver the breadth and quality of services expected of them. State Government support for this advocacy is welcome.

While the funding model, being based on CPI and population growth, avoids a 'per capita' loss, it does not recognise the challenges and increased expectations placed upon local government.

Unlike State and Federal Governments who benefit from economic growth increasing their tax base, local government has not received real growth in funding through Financial Assistance Grants, or other sources, over the past few years. This Vertical Fiscal imbalance is demonstrated particularly through the increasingly large spending responsibilities of Local Governments, exacerbated through cost shifting, and the constraints placed on the growth of such revenue streams.

Bringing forward a proportion of the Financial Assistance Grants into the current year has also been the practice of the Commonwealth for some time, however, in recent years the proportion of this 'early' payment has increased, distorting the cash results at end of year for councils and concealing the true underlying result; a deficit for some councils. This is highlighted in the end of year reviews and audits undertaken by the Victorian Auditor General's Office, that further cements the misrepresentation of the Unrestricted Cash position of Local Government in Victoria.

Table 1 *Macedon Ranges Cash position at 30 June 2023.*

Macedon Ranges Council Cash at 30 June 2023	30 June 2023
Cash and Other Financial Assets	\$49,577,000
Less	
Trust Funds	-\$6,952,000
Discretionary Reserves*	-\$8,248,500
Statutory Reserves	-\$9,254,000
Carry Forward Capital Works	-\$19,040,000
2023/24 Financial Assistance Grants paid early	-\$9,370,000



Macedon Ranges Council Cash at 30 June 2023	30 June 2023
Add	
Outstanding Storm Claims	\$2,978,000
Total Unrestricted and Allocated Financial Assets	-\$309,500

**Excludes proceeds of one-off property transactions over \$1m with restrictions. MRSC 2022/23 Annual Report*

The reconciliation of Macedon Ranges Shire Council's cash position in Table 1 demonstrates that if Council cash-backed all cash and other financial assets, we would report a cash deficit of \$309,500. These numbers have been extracted from the 2022/23 Annual Report.

Following the principles of good financial management, as a public organisation, Council aims for a balanced budget each year, ensuring appropriate reserves for future planning, contingency for unexpected events and risk, and the maximum and best service delivery to the community within each financial year.

This means that significant unexpected costs such as emergency weather responses can rapidly and negatively impact Council's cash position, as shown above. This further exacerbates the need to reduce an already shrinking service provision to the community as we accommodate costs that are increasing at a greater rate than income.

As will likely be noted by others as part of this process, the adjusted underlying results of many councils shows that the financial burden is stacking up. This is also true for Macedon Ranges Shire Council; while we remain in a balanced position, each year is increasingly tight, with some services needing to be reduced to fund greater priorities.

As the revenue and expenditure gap continues to grow, deficits will become increasingly common, with cash reserves deteriorating.

State Government recurrent grants are received for numerous co-funded services provided by the Local Government sector. The annual increase in these grants would also be better aligned with a specific index for local government, like the 'Actual Cost Index' referenced earlier, to ensure they keep pace with rising costs. The variety of services for which we are receiving funding from the State Government, includes School Crossing Supervisors, Environmental Health, Immunisation, Preschools, Maternal Child Health, and several youth service programs.

Council also receives non-recurrent grants from the State Government to deliver various services including Customer Support (distribution of Rapid Antigen Tests), Septic Tank and Waste-Water Management, Emergency Management, Children, Youth and Family Services, Prevention of Violence Against Women, Planning Services, and Tourism. These contributions also remain crucial for the delivery of



important services provided by Local Government, and in some instances, specifically mandated or requested by the State Government to be provided by Local Government.

Some of the programs listed above under recurrent and non-recurrent grants will be highlighted further in the submission, particularly in the section on cost shifting, demonstrating that the rate of growth in State Government grants is not keeping pace with the costs of providing these services or matching the contributions made by councils.

The State Government has historically provided funding to local councils through the Growing Suburbs Fund, representing an investment of \$425 million over 8 years in critical local infrastructure in Melbourne's diverse and fast-growing outer suburbs (2015/16 - 2022/23). While the average of this funding is approximately \$53 million per year, the budget allocation in 2023/24 was reduced to \$10 million, and was recently reduced to \$5m in 2024/25.

Given the increasing pressure on existing and new infrastructure needs in peri-urban local government authorities, ideally the funding for this program would be restored to previous levels, including reasonable growth, and the eligibility for such programs aligned with all growth areas across the state to effectively support this for good community outcomes.

The Commonwealth has also historically provided flexible ongoing capital grants to local government through Roads to Recovery (RTR) and the Local Roads and Community Infrastructure (LRCI) programs. These programs are important funding streams and positive examples of stable, flexible and relatively predictable sources of revenue that appropriately recognise the priorities of the local community and the costs of delivering these essential services to the community. Unfortunately, the LRCI has not been topped up in the past few years.

Cost shifting

Cost shifting is a growing problem as each tier of government seeks to maximise services to the community while containing their own costs, and organisations move costs onto one another.

This includes the withdrawal or reduction of financial support once a program is established, resulting in councils needing to decide if a service or program is continued, or ceased – bearing either the financial or political cost of that choice.

Assets are also transferred without appropriate funding support for their ongoing maintenance, and many fees and charges for prescribed services are not indexed under relevant regulations.



At Macedon Ranges Shire Council, cost shifting occurs where Council is meeting the gap in necessary funding required for delivering services such as:

- school crossing supervision,
- family and early years services including maternal and child health,
- inspection and registration of private pool fencing,
- libraries,
- maintenance of crown land and premises, and
- some roads.

It also includes the requirement for Council to provide concessions and rebates without compensation payments, increasing service levels through legislation without a related increase in the relevant funding stream, or rapid changes to recurrent programs that fall short of the community's expectations and needs.

Included below are several examples of cost shifting impacting the Macedon Ranges Shire Council.

Library services

Councils currently provide around 75 per cent of the operational funding required to cover the daily running costs of libraries – from paying staff to opening the doors, purchasing new books and other resources, and providing internet access and computers for community use.

Historically, library funding was equally shared between the State Government and local government on a 50:50 basis. Today, however, the State Government contributes only 20% of the necessary funding through its Public Libraries Funding Program.

As part of the Goldfields Library Corporation, Macedon Ranges Shire Council, being one member of four, contributes 19% of the necessary funding – on par with the State's contribution.

Table 2 Member Councils, MRSC and State, Goldfields Library Corporation, services contribution summary

Goldfields Library Services	2024 Budget	2020 Actuals
All contributions	\$7,557,216	\$6,944,779
Member council contributions	\$5,644,987	\$5,188,215
Member councils % of all contributions	75%	74%



Macedon Ranges council contribution	\$1,447,484	\$1,331,560
Macedon Ranges Council % of all contributions	19%	19%
State contribution	\$1,478,364	\$1,301,002
State % of all contributions	19.5%	18.7%

Further, the State Government share is likely to decrease moving forward with the recent announcement of program freezing for a three-year period.

Council contributions to library services will need to increase during the program funding freeze. This increase is necessary to maintain the level of services provided by libraries to the community.

School Crossing Supervisors

As an important service to provide safe access for children to get to school. The provision of School Crossing Supervisors has been designed as a shared responsibility between State and Local Governments, originally a 50:50 split between the two levels of government to enable this service to be provided.

For several years now, the Local Government sector wait for the State Government Budget to be handed down to find out whether the State Government intends to continuing to fund its share of the School Crossing Supervisor Program.

This uncertainty makes it difficult for councils to budget effectively and creates uncertainty for supervisors and the school community.

Table 3 MSRC and State School Crossing Supervisors summary

School Crossing Supervision	2023 Actuals	2020 Actuals
Total Cost of Service	\$361,449	\$302,301
Council	\$221,096	\$184,995
Council % of Service Cost	61%	61%
State Government	\$140,353	\$117,306
State Government % Service Cost	39%	39%

In addition to the gap in current funding levels, the State Government's rollout of its new risk assessment framework for crossings, which requires council engineers to conduct assessments, is an increasing cost burden on councils. This outcome of audits completed under this framework are expected to inform future funding decisions,



and as a result, some currently funded crossings may lose their funding entirely, reducing the service to the community.

Council would encourage the State Government to return this funding model to an equal 50:50 contribution and give thorough consideration to a rolling multi-year investment commitment.

Waste management and Environment Protection Authority (EPA) Levies

Waste management is a critical service delivered by local government. The waste levy must be paid for all forms of waste that are received at permissioned landfills. One of the key purposes of the waste levy is to help reduce waste; the levies encourage waste generators to look for ways to reduce the amount of waste they generate and send to landfill.

In acknowledging the above, and in line with Council's policies on protecting and enhancing the environment, Council has been very active in diverting waste from Landfill. The expenditure on Council's expanded kerbside collection service and related waste education has increased each year over the past four years in line with this commitment.

Table 4 MSRC kerbside collection and waste education costs over time.

Actuals	2023	2022	2021	2020
Kerbside and Waste Education Costs	\$ 7,332,303	\$ 6,781,764	\$ 5,931,802	\$ 5,740,656

The data in Table 5, reported within Council's Annual Reports as part of the Local Government Performance Reporting Framework, demonstrates the efforts Council is making to encourage residents to use the multi-bin kerbside collection service is working, diverting waste from landfill at increasing rates each year.

Table 5 MSRC kerbside waste diversion from landfill over time.

Diverted Waste	2023	2022	2021	2020	2019
Kerbside waste diversion Kerbside from Landfill	70.52%	71.08%	64.67%	53.46%	44.78%

Council's efforts in increasing the investment in this outcome, and success in increasing kerbside waste diverted from landfill correlates with Council's reduction in total tonnage of waste to landfill. In contrast, while the total tonnage to landfill has decreased the EPA Landfill Levy paid to the State Government has increased by 47% from 2021-2023, as shown in Table 6.



Table 6 MSRC tonnage to landfill and EPA Landfill Levy Paid

	2023	2022	2021
Total annual tonnage to Landfill	5,886	5,910	7,042
EPA Landfill Levy Paid	\$979,886	\$915,918	\$667,983

Effectively, the ongoing increases in EPA levy are working against councils and do not appropriately reward or incentivise the efforts of councils to achieve best practice operations.

Additionally, there is little reinvestment from the EPA levy funds back into council areas that have paid the levy to generate better long term environmental outcomes.

Finally, the recent changes to the Minister's Good Practice Guidelines for Service Rates and Charges will result in a financial impact of approximately \$1.8 to \$2.0 million for Macedon Ranges Shire Council in its implementation.

This represents a significant challenge to revenue and has implications for the quality and level of service that Council can deliver to support positive outcomes in the community. As an early part of our implementation plan, Council has introduced a user-pays models at our Resource Recovery Centres for 2024/25, charging for some services (such as dropping off green waste and mixed-recycling) that were previously free to residents.

This can provide mixed messages to the community on what are desirable behaviours, and the speed of the changes has repercussions for Council's relationship with our community.

Maternal Child Health (MCH)

Council's MCH service provides support for children from birth to school age and their families in the areas of parenting, health, and development. The service regularly refers to other professionals and encourages links between families in the local community.

Overall, in 2022/23, the total cost to deliver Universal MCH services was \$1,091,978, with Council funding \$677,347, supplemented by \$414,631 of State Government funding. Under the agreement between the Department of Health and Municipal Association of Victoria (on behalf of Council), the Enhanced MCH Service (for more vulnerable and complex needs families) is fully funded and Universal MCH is funded on a 50:50 basis between Council and the State Government. As demonstrated in Table 7, in contravention of this agreement, Council has been contributing up to 63% of the required funding over the past few years.

**Table 7 MRSC and State Breakdown of Universal MCH Services**

	2023 Actual	2021 Actual
Total Cost	\$1,091,978	\$998,431
Council	\$677,347	\$628,918
Council % Contribution	62%	63%
State Government	\$414,631	\$369,513
State Gov % Contribution	38%	37%

Restoring funding between council and the State Government to 50:50 remains a high priority, and there are also other very impactful MCH changes the State Government can implement including:

- breastfeeding support – creating a permanent fully funded breastfeeding support service to provide a minimum of two days per week breastfeeding support.
- longer appointments – permanently increasing the standard Key Age and Stage (KAS) appointment time from 30 to 45 minutes per session to allow families more time with MCH nurses.

Compliance and regulatory change

Increased compliance and regulatory requirements on the back of renewed legislation and expanded powers support positive and important reforms, however, these also add cost through the burden of new obligations on all councils – regardless of their size. These costs are not considered in the current funding models, and often insufficient time is provided to adequately plan for their full adoption.

For example, the effort required by local councils to update the planning scheme, whether that be for flood-related amendments, housing strategy or planning initiatives and reforms, comes at considerable cost, and given the strained capacity of the planning workforce, regularly requires third party support to provide additional capacity and expertise to progress amendments appropriately.

Most recently the previously mentioned Minister's Good Practice Guidelines for Service Rates and Charges were released in December 2023, during the 2024/25 budget process for the Local Government sector. Despite a late extension/reprieve for implementation, the timing and substantial change in practice were not well prepared for, and as a result, not well-received by the sector. The significant revenue impact for Macedon Ranges Shire Council that is the result of this change was a considerable challenge to rapidly find revenue and or adjust funding sources within the budget to



cover. This has ultimately impacted the range and quality of services available to our community.

Much better, and early engagement with the local government sector is required when it comes to the introduction of policies or legislation that may have unintended consequences and financial implications for local government. Without appropriate consultation councils may be faced with the undesirable choices of reducing service delivery or our asset base, or degrading conditions of assets, to support unplanned initiatives.

Infrastructure and Service Delivery

Community Satisfaction Survey results across Victorian local councils indicate that the community remains mostly ambivalent towards council services. A slow decline in satisfaction across most measures for the state can be observed. It is difficult to see a clear pathway to improving the sentiment of the community towards council services while many are reducing the same services in highly visible areas to maintain financial sustainability.

Councils have obligations under various legislative instruments to provide certain services including animal management, local roads, food safety, and statutory planning. We also offer many services that are not legally mandated but are provided to meet a range of community needs and expectations, such as footpaths and trails, sporting facilities, libraries, open space, environmental protection measures, economic support to businesses, tourism support, children and family support services, and community safety.

As a principles-based Act, the *Local Government Act 2020*, does not prescribe minimum or 'core' services that Local Governments must deliver. This has both benefits and challenges, in that councils have flexibility regarding the delivery of services that best align with their community's aspirations, but that there is also no size to which Councils can 'shrink' to ensure affordability and sustainability as a 'minimum viable product' that is formally prescribed under the *Local Government Act 2020*.

The ongoing tension between community expectations, the capacity to deliver services, gaps left by market, and responsibility shifting between levels of government, feeds directly into the community's dissatisfaction with Local Government service provision. As the most accessible level of government to our residents and businesses, local governments hear the feedback from the community most loudly and directly.

Notably, in rural and regional areas, there is often a need expressed by communities that local government provide services where the 'market' including state or federal governments, or commercial operations, may not. This may mean that councils are covering the cost gap for non-essential services that are important to the community,



not legislated, and are highly likely to be unable to generate sufficient revenue to cover the cost of delivery (e.g. kindergarten, libraries).

Land management is one good example of increased pressure on councils to 'meet the gap'. Numerous Crown Land properties managed by Committees of Management appointed by the State exist within the Macedon Ranges Shire. While Council acts formally in our capacity as land manager for many of these sites, a number are also led by volunteer-based, community-based Committees of Management.

Unfortunately, in some cases, these Committees have limited capacity to raise capital, or meet their obligations, particularly regarding managing, improving, and maintaining the land to a safe and proper purpose. As these reserves provide important services for our local community, Council readily steps in to fill the gap left by the State in supporting these groups to provide maintenance, upgrades, grants, or other funding, ensuring that facilities and properties are safe and fit for purpose.

As many of these Crown Land Assets age and further degrade without proper support for Committees to meet their obligations, we remain concerned that Council is increasingly being asked to fill this gap, with ratepayers receiving the bill.

Service delivery improvements

As community needs continue to change with growing pace, councils need robust processes for service planning and review to ensure all services continue to provide value for money and are in line with community priorities and expectations.

Investing in reviews that enable councils to continue to seek community feedback and prioritise resources to balance service provision against responsibilities, such as asset maintenance and capital works, is also a growing cost of doing business, but one that is critical to understanding our priorities, performance, and opportunities for improvement.

The increasing complexity of infrastructure requirements, including climate change adaptation, gender and all-ability provisions, digital platforms, and connectivity, strains council resources. Further support for structural review and adjustment is one way that the State Government can support local councils to increase their rate of adaptation.

Councils in regional areas face magnified challenges from the impacts of changing climates, including erosion and bushfire risk, storms, and flooding, requiring significant investment from all levels of government to respond appropriately.

It is also true that many local councils have historically underinvested in technology innovations in the recent past as a means of making ends meet. The staff capability and capacity, as well as the financial investment required, to catch up, is substantial. Insufficient enabling technologies and systems exacerbates some of the challenges



of accommodating the increasing complexity of Council's work effectively and efficiently.

In a recent announcement by Minister Horne, Councils from the Loddon Campaspe Region have been successful in obtaining support for their collaboration on a pilot to develop a shared services model for cyber security, procurement, and legal services. Macedon Range Shire Council is one of five participating councils who will contribute funds to this project, supplementing the State Government's \$50K in support for the project. This initiative is a cautious yet promising move towards structural realignment and modernisation.

The rate base and infrastructure responsibilities at rural and regional councils are unequal, and the asset renewal gap will continue to grow if this is not addressed. This horizontal fiscal imbalance is exacerbated by the increasing requirements on all local governments to meet the housing and population growth needs, advocate for appropriate supportive infrastructure, and meet the rapidly expanding obligations under the variety of new regulations introduced by State Government.

Severe weather events and emergencies also accelerate the speed of asset deterioration, and the challenges of rapidly increasing material costs within a rate-capped environment are significant. Regional and rural councils also have significant road networks that must be maintained and renewed when storm damage occurs. Macedon Ranges Shire Council has had nine, nationally declared, severe and/or emergency weather events over the past few years, including flooding, wind, rain, hail, and bush fire.

Further, the Macedon Ranges became the first area to be declared a Distinctive Area and Landscape under the *Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018*. This designation highlights the unique environmental and cultural values of the area, placing additional obligations on our operations regarding environmental conservation and sustainability, land, and emergency management. It also underscores the importance of properly engaging with the three traditional owners within the shire, the Dja Dja Wurrung, Taungurung, and Wurundjeri Woi Wurrung Peoples.

When it comes to maintaining extensive road networks, responding to emergencies, or ensuring recognition of the rights and interests of First Nations people in land and water, it is not possible to do more with less.

Emergency Management funding and response

The Federal-State Disaster Recovery Funding Arrangements (DRFA) is the primary emergency recovery funding source for Victorian councils. Making eligible claims under the program is time-consuming and the claims process protracted. Macedon Ranges Shire Council incurred approximately \$21m of expenditure during the



response to the severe June 2021 windstorm that impacted our community. Our final claim for this event was processed in May 2024. It has taken nearly three years to process all claims arising from that single event, and significant costs in excess of \$5.6 million have been borne by council that were not able to be claimed.

While the administrative challenges of the program are being progressively addressed, the current administration of the DRFA in Victoria does not actively support 'build back better' principles following emergencies. The current Victorian guidelines only support the reinstatement of infrastructure to pre-existing standards, and councils must cover the funding gap to upgrade the infrastructure to a more robust standard.

This contrasts with other states where betterment programs are established, thereby meaning that infrastructure better withstands the next emergency, and reduces the cost to all levels of government longer term. Given our vulnerability to severe weather events, this has a significant impact on our ongoing financial risk and sustainability. Consistent national guidelines and regular reviews for this funding would help to improve this outlook.

Workforce

Macedon Ranges Shire Council's workforce turnover remains at a reasonable level. While we have invested substantially in the development of flexible working arrangements, learning and development, and staff recognition and culture, our rural location impacts our competitiveness compared with metropolitan and regional city councils.

Increased competition for skilled workers in areas of high need at councils (i.e. planning, building, engineering, governance, IT, environmental health, local laws), the ongoing impact of constrained revenue on wages growth, and a smaller portfolio of services being delivered, combine to result in rural councils ultimately becoming less attractive as employers.

The difficulty in attracting and retaining a skilled workforce in regional and rural areas is exacerbated by a lack of housing, a lack of public transport infrastructure, less options in other employment fields, fewer schools and health infrastructure, generally lower wages, and limited career progression opportunities compared with metropolitan counterparts. Initiatives such as regional employment incentives, migration incentives, improved training programs, and career development pathways could enhance the attractiveness of local government careers.

Further investment in regional connectivity, including transport, housing, telecommunications, and digital infrastructure, will help to stimulate economic activity and improve the well-being of regional communities.



The State Government's role

While some funding levers are controlled by the Australian Government, the State plays a critical role in helping to support the turnaround of the local government sector and ensuring the viability and effectiveness of important community services. This might include:

- Reviewing the inputs for the Rate capping mechanism, including consideration of a 'Local Government Cost Index', and the advice sought from the Essential Services Commission on its level and the financial sustainability of local governments.
- Engaging across three tiers of government to provide predictable, longer-term funding to councils, incorporating the needs of regional and rural councils and considering the cost or responsibility shifting from other levels of government.
- Addressing funding imbalances by meeting commitments across shared service delivery, or formally revising service delivery levels within the available funding.
- Providing opportunities for structural adjustment funding to support innovations including digital technology enablement and implementation of more efficient and shared service models.
- Contributing to a national strategy to support regional councils to adjust to infrastructure challenges, including improving transport links and responding to the additional costs and service requirements of roads in a changing climate.
- Supporting a consistent approach to proactive 'build back better' funding responses to emergency events for Victorian councils.

The ongoing success of Victoria's thriving communities relies on a local government sector that is adequately funded, equipped and staffed. We are grateful for the opportunity to contribute to this inquiry, and hope that this submission will help to deliver this objective.

We look forward to the Committee's findings.

Yours sincerely

Bernie O'Sullivan
Chief Executive Officer

14 DIRECTOR COMMUNITY REPORTS

COM.1	GOLDFIELDS LIBRARY TRANSITION
Officer:	Maria Weiss, Director Community
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	1. A Value and Efficiency Analysis of Collective Services ↓
	2. Financial Analysis Library Models spreadsheet with notes ↓
	3. Collective Model Transition Risk Assessment ↓

Summary

The report recommends Council commit to taking actions to transition its public library services (Goldfields Library Corporation) to a Beneficial Enterprise under Section 110 and 111 of the Local Government Act 2020.

Recommendation**That Council:**

- 1. Commits to establishing a new collective Library Service Beneficial Enterprise under section 110 and 111 of the Local Government Act, 2020.**
- 2. Instructs the Goldfields Library Corporation (GLC) to engage appropriate legal and accounting services to develop the following key documents in accordance with Section 110 of the Local Government Act 2020:**
 - (a) A draft constitution for the new entity (based on the parameters of the existing library agreement).**
 - (b) A draft library agreement for Councils to review, setting out roles, rights and responsibilities of all member Councils.**
 - (c) A draft transfer of business agreement.**
 - (d) A risk assessment for business transition.**

Background

The North Central Goldfields Regional Library Corporation (GLC) commenced in 1996, consisting of members from the City of Greater Bendigo and the shires of Loddon, Macedon Ranges and Mount Alexander, and provides library services to these municipalities. In Macedon Ranges, libraries are located across four sites – Kyneton, Romsey, Woodend and Gisborne – engaging approximately 36 per cent of residents in 2022-23FY (18,767 individuals). Council contributes \$1.4 million for the delivery of local library services from a total of \$5,454,093 member contributions. Cost of library service in 2022-23 FY per resident member averaged \$74.65 per annum.

Macedon Ranges is the second highest financial contributor after Bendigo, with allocation based on population, resulting in a 26% contribution.

2022-23FY summary

City of Greater Bendigo	3,297,881
Loddon Shire	205,410
Mount Alexander Shire	549,766
Macedon Ranges Shire	1,401,036
Total member contributions	5,454,093

While Council is not legislated to provide a Library Service for its residents, the GLC works closely with Council on shared projects and activities that align to Council Plan and Municipal Public Health and Wellbeing Plan actions, such as priorities that engage children and young people, community engagement, safety and inclusion and respecting First Nations Peoples and Cultures.

The Local Government Act 2020 (LG Act) removes the Sections from the Local Government Act 1989 (s.196) providing for the establishment of Regional Library Corporations (RLCs) and instead provides for the establishment of Beneficial Enterprises (s.110 and 111 of the 2020 Act).

This approach is aimed at allowing councils to consider delivering any service, including libraries, that might benefit from a collective approach with other councils, to provide economies of scale or improved service levels for any council delivered service.

Due to the removal of RLCs sections within the LG Act, RLCs must be dissolved by 1 July 2030 as part of a sunset clause provided by the state government.

Prior to this amendment, just over half the public library services in Victoria were provided through RLCs (44 of 79 services) and the model particularly served regional areas well in creating collective economic benefit.

Since this amendment, the following actions have taken place across the RLCs.

RLC	Councils	Action taken
West Gippsland RLC New entity: Myli	Bass Coast Shire, Baw Baw Shire and South Gippsland Shire	Moved all councils and combined Cardinia Shire into an NFP Company limited by guarantee.
Eastern RLC New entity: Your Library	Knox City, Maroondah City, Yarra Ranges Shire	Moved all councils into an NFP Company limited by guarantee.
Casey Cardinia RLC New entity: Connected Libraries	Casey City, Cardinia Shire	City of Casey has approved the NFP model and will be a single member of this company whilst Cardinia has merged with the new West Gippsland model also an NFP Company limited by guarantee.
Geelong RLC	Golden Plains Shire, Greater Geelong City, Borough of Queenscliff, Surf Coast Shire	Resolution by Board move to a Not for Profit (NFP) Company limited by guarantee and this now includes Colac Otway Shire.

RLC	Councils	Action taken
Goulburn Valley RLC	Moira Shire, Greater Shepparton City, Strathbogie Shire	All member councils, have approved the move to an NFP company and will remain a shared service.
Yarra Plenty RLC	Banyule City, Nillumbik Shire, Whittlesea City	All councils committed to a shared service and Board has recommended moving to an NFP limited by guarantee. Legal consultants are now drafting a constitution.
Whitehorse Manningham RLC	Manningham City, Whitehorse City	Currently still operating as an RLC without further action at this time.
Wimmera RLC	Hindmarsh Shire, Horsham Rural City, Northern Grampians Shire, West Wimmera Shire, Yarriambiack Shire	<p>RLC dissolved.</p> <p>Hindmarsh Shire now run a council service. Northern Grampians has joined the Central Highlands Library Network (administered by Ballarat Council).</p> <p>Horsham Council runs services for Horsham and West Wimmera Shire.</p> <p>Yarriambiack Shire runs small libraries and a library van service.</p>
Corangamite RLC	Colac Otway Shire, Corangamite Shire, Moyne Shire, Warrnambool City	<p>Dissolved – Warrnambool Council run their single library service (Warrnambool Library) with some services purchased from Yarra Plenty RLC.</p> <p>Colac Otway Shire have joined with Geelong RLC and will move to the new NFP company.</p> <p>Corangamite and Moyne Shire provide a combined service, coordinated by Moyne Shire Council, with each council employing staff directly.</p>

Discussion

The GLC Board and CEO have undertaken preliminary work to both review the current library service and provide for informed decision-making for each member council in considering a commitment to continue providing services as a collective.

This preliminary work by GLC has included the following elements:

- **Service Review/Value Analysis (see Attachment 1):**

The Service Review and Value Analysis for GLC has been completed by independent consultants, I and J Management Services, who also collate and analyse annual

statewide library performance data in Victoria and developed the National Standards and Guidelines for Australian Public Libraries.

The report noted the following key findings:

- The statewide VAGO audit released in November 2019 ranked GLC as the most efficient service at delivering core services compared to all other public libraries in Victoria.
- The VAGO report noted that “Sharing services makes libraries more efficient, enabling them to deliver more services to the community with fewer resources. Our data analysis shows that, overall, RLCs and co-operative models deliver core library services more efficiently than most standalone council libraries.”
- The cost per capita to fund GLC services is around \$5.00 per capita less than the Victorian average:
 - Goldfields Libraries: \$36.39 per capita
 - Victorian Library Average: \$41.36 per capita
- GLC has capacity to attract diverse funding sources using internal resources. Of all services, GLC had the fifth highest income from other sources outside government of all services in Victoria.
- A collective approach has specific areas where collective benefits are tangible and can be supported with evidence. These include:
 - Movement of staff across municipalities to ensure continuity of operations, allowing efficiency in direct service delivery workforce and ensuring smaller libraries are staffed and remain open when absences occur. GLC regularly has staff crossing municipal boundaries and working across multiple branches.
 - Collective arrangements and partnerships that benefit all municipalities are negotiated with partners at local, state and national levels. GLC negotiates services with organisations such as the Sydney Writers Festival, Orchestra Victoria, Australian Ballet to deliver programs across the region.
 - Agility to shift focus and respond to community without high level approval or delays that may be required in Council decision making. GLC rapidly develops partnerships and programs that can benefit Council and community, such as story walks and Healthy Heart of Victoria initiatives that link directly to delivering Council outcomes.
 - Dedicated collective resources to strategically plan a community driven service, alongside and aligned with member councils. In 2019, VAGO noted that “...audited councils do not document their service plans or link library services to the achievement of overall council objectives.” GLC has consistently developed a defined strategy that outlines measurable outcomes and explicitly aligns with Council plans.
 - Providing a skilled workforce with a diversity of capacity to match library service delivery requirements. GLC has 100 staff with a range of professional accreditation and experience that transfers across the region, supporting management, program delivery and IT support.
 - Collective agreements with partners and service providers deliver a coordinated and economically scaled level of service across all member councils. Agreements for library management systems (catalogue,

collection management, rostering, IT security, email, website) are all collectively negotiated by GLC at significant saving.

- A dedicated management structure focused on library industry best practice and library operations management. Collective structures provide dedicated management resources, focused solely on library services. GLC provides a CEO, senior operational managers and dedicated technical managers for IT, Collections, Programs and Communications, removing the need for any day-to-day management resource from Council at any level.

- **Financial Analysis (see Attachment 2):**

An independent desktop analysis of both collective costs and individual council costs was undertaken by City of Greater Bendigo Financial Services. City of Greater Bendigo supports the financial reporting and payroll management under a fee for service arrangement with GLC and was in a position to access detailed financial data for this purpose. The key findings independently supported the conclusions of the Service Review and Value Analysis.

The calculations undertaken in the financial review assume a total separation of library services, with each council effectively operating as a stand-alone service, and that service levels would be maintained to the existing levels of the GLC. This allowed for fair and equitable comparison.

The analysis noted the following key losses in efficiency for a stand-alone council service model:

- (1) Increased staffing due to loss of capacity to shift staff across municipal boundaries to backfill or provide specialist skills/programs.
- (2) Repeated provision of specialised staff across areas such as communications, graphic design, IT management, program, and event management for each council.
- (3) Strategy, HR functions and operational support is separated between councils and absorbed within existing structures, with some additional resources required.
- (4) Current cost savings through scaled agreements for internal services such as library management software, IT security, courier services (collection movement), collection purchasing power, finance management and payroll services are reduced.

Based on these assumptions, a minimum collective cost increase per annum is estimated at \$710,008.00 for the four member councils, outside of one-off changeover costs and redundancies.

Description of inclusions	Key functional library service areas	GLC costs	Individual council costs	Difference
Front facing customer service staff with most having a minimum Diploma in Information Services. Band 4/5	Branch Staff (47 FTE)	\$3,467,000	\$3,709,690	-\$242,690

Specialist or Technical staff operating on a regional basis- Band 6	Specialist / Program Staff (8 FTE)	\$612,000	\$734,400	-\$122,400
Strategic and Leadership staff- Band 7 and above	CEO and team leadership (2.4 FTE)	\$370,000	\$518,000	-\$148,000
Other expenses particularly related to library operations that may not be currently accessed through current Council activities or resources	Total admin and other expenses (including ICT support, licensing; Programs; Logistics;	\$1,312,786	\$1,509,704	-\$196,918
TOTAL COSTS		\$5,761,786.00	\$6,471,794.00	(\$710,008.00)

- **Risk Assessment (see Attachment 3):**

Assessing and mitigating risk associated with movement to any new model with questions answered on the most common and preferred model - a not for profit company limited by guarantee.

- **Accounting and legal service support requirements:**

Ensuring expert advice on any transition to enable all accounting standards and legal requirements for dissolution and transfer of business to a new service model to be met under Section 110 and 111 of the LG Act.

- **Environmental Analysis**

Seven of the 10 RLCs have either enacted or recommended a transition to a not-for-profit company limited by guarantee.

This model has been analysed by the public library sector as the most appropriate model to transition to as it:

- (1) Is a common legal structure with associated rules that provide for high levels of governance, transparency, regular reporting and regulation.
- (2) Reflects very similar functions and processes to the existing RLCs, allowing for a constitution and member agreement that can mirror the current library service agreements.
- (3) Meets requirements for libraries to continue registration with the Australian Charities and Not for Profits Commission to maintain gift tax deductibility and tax exemption status.
- (4) Aligns with the requirements of the LG Act definition of a Beneficial Enterprise and therefore allows councils to and the new entity to continue to work within the requirements of the LG Act.

Given the completed transition to this new model by two RLCs, the GLC Board has access to and has reviewed the risk assessments, constitutions and agreements that have been established and are successfully operating for Myli (West Gippsland) and Your Library (Knox, Maroondah and Yarra Ranges).

The GLC Board recommends progressing the formation of a Beneficial Enterprise, commencing from endorsement by each member council scheduled for consideration in June 2024, in order for:

- (1) The collective commitment from all member councils toward a clear outcome, allowing GLC to confidently invest funds in the process - there are significant costs associated with undertaking this work that will require legal and accounting consulting services. Although the work will not cost councils any additional funds, it does require a commitment of funds of up to \$200,000 from GLC to transfer business, assets and employees to a new entity.
- (2) Certainty for library staff – providing a commitment to move to a Beneficial Enterprise provides certainty and stability for the 100 library staff members across the region.

Based on the experience of both RLCs that have completed the process, the transition has taken around 18 months to two years to move from establishing a new entity through to transferring resources and winding up the existing RLC. With a deadline of 2030, this work is seen as important to get underway, so completion occurs in 2026/27 at the latest.

Consultation and engagement

The nature of this report did not require any consultation or community engagement.

Collaboration

Macedon Ranges Shire Council officers work closely with partner councils as part of the North Central Goldfields Regional Library Corporation. This includes members from City of Greater Bendigo and the shires of Loddon and Mount Alexander.

All four partner councils are currently going through the same process of considering the transition their public library services to a Beneficial Enterprise under Section 110 and 111 of the Local Government Act 2020.

Innovation and continuous improvement

A VAGO report on all Council libraries in Victoria found that GLC was the most efficient service in the state based on comparable and measurable data across all services. The recommended transition to a Beneficial Enterprise under Section 110 and 111 of the Local Government Act 2020 will enable the service to continue operating as close to current arrangements as possible. As detailed throughout the report, significant analysis has been undertaken to determine this as the recommended approach for the continued provision of library services to the Macedon Ranges community.

Relevant law

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Legislation around regional library services under the Local Government Act 1989 and 2020 has been noted throughout this report.

Relevant regional, state and national plans and policies

There are no regional, state or national plans or policies to be considered in relation to this report.

Relevant Council plans and policies

- Council Plan 2021-31

- Municipal Public Health and Wellbeing Plan 2021-2025

Financial viability

The proposed model of service delivery has been analysed at a local and state level with results consistently showing that the provision of library services as a collective approach is highly efficient and provides a valued and effective service.

Moving to a library service delivered through a single Council approach is noted as less effective and/or more costly based on data analysed and evidence presented by VAGO and the Service and Value Analysis commissioned by the GLC Board.

The cost to deliver the transition is covered by the existing Corporation and will require no further funding from Council.

Sustainability implications

There are no social, economic or environmental sustainability implications to be considered in relation to this report. The recommended transition will maintain consistent and continued access to library services for all residents.

A Climate Impact Assessment is not relevant to this matter.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.



A Value and Efficiency
Analysis of Collective Library
Services.
2023



An analysis of Collective Management and Provision of Public Library Services based on a value and efficiency framework.

Goldfields Library Corporation (GLC) is one of the largest collective public library services in Victoria, serving four Local Government Areas (LGAs) in Central Victoria.

GLC was established as a Regional Library Corporation (RLC) in 1996 under the provisions of the *Local Government Act (1989)*. The Act allowed Councils that chose to collaborate, to deliver library services at a scale that provided best value for the collective funds invested with the intent of creating economies of scale and shared value.

Changes to the Local Government Act in 2020 removed the legal structure of Regional Library Corporations as an option and requires all RLC's to transition to a new governance model by 2031.

The first decision for each of GLC's four member Councils is whether they wish to continue in some sort of shared service approach or to individually deliver library services to their community as stand-alone Council services.

All Victorian public library services were audited in 2019 by the Victorian Auditor General's Office (VAGO), as a lead up to the proposed changes to the Local Government Act. RLC's were noted by VAGO as generally being the most efficient approach to providing good value library services. In addition to economies of scale that create efficiencies in service delivery, it is also pertinent to consider the value to member Councils and communities that is delivered through collaboration in a dedicated regional library service.

This briefing paper seeks to provide a structured review of the potential value and potential economies of scale that may be developed through collective delivery of public library services. The framework for analysis is drawn from the APLA/ALIA *Standards and Guidelines for Australian Public Libraries*. Specific GLC case study examples are used where possible to illustrate the potential value and efficiencies of a collective approach.

Executive Summary

1. Goldfields Library Corporation (GLC) was formed in 1996 under s. 196 of the Local Government Act 1989 and delivers library services to 200,000 people in four LGAs in central Victoria – the City of Greater Bendigo and Loddon, Macedon Ranges and Mount Alexander Shires.
2. The Local Government Act (2020) removed the section providing for Regional Library Corporations, giving all Corporations and member Councils a 10-year timeframe to shift to a new structure for library service delivery.
3. Independent analysis by both the Victorian Auditor General's Office (VAGO) and Libraries Victoria shows that GLC is **one of the most efficient and well-performed Victorian libraries**, delivering positive outcomes for its community in terms of literacy and lifelong learning, personal wellbeing, social and digital inclusion, and community resilience.
4. The statewide VAGO audit released in November 2019 ranked Goldfields Library Corporation as the **most efficient service at delivering core services compared to all other public libraries in Victoria**.
5. The cost per capita to fund GLC services is around \$5.00 per capita less than the Victorian average. This equates to an approximate \$1,000,000 saving in comparison to the average cost to provide library services in Victoria.
6. GLC is able to invest in a dedicated group of managers and strategic leadership to coordinate effort across the region because of the collective investment and management approach (provision of a representative Board and executive management team). This leads to efficiencies in service delivery through coordinated and shared programs, staff and physical resources.

7. GLC attracts and retains staff because (unlike single-LGA libraries, especially those in regional and rural areas) it can leverage the resources of the four member Councils' collective investment in people and systems that deliver a community focused and customer focused service.
8. A collective approach does not deliver significant benefits across all aspects of library operations, but there are areas where the benefits are tangible and can be supported with evidence. These include:
 - i. Movement of staff across municipalities to ensure continuity of operations, allowing efficiency in direct service delivery workforce.
 - ii. Collective arrangements and partnerships that benefit all municipalities.
 - iii. Agility to shift focus and respond to community without high level approval or delays that may occur in Council decision making.
 - iv. Dedicated collective resources to strategically plan a community driven service, alongside and aligned with member Councils.
 - v. Providing a skilled workforce with a diversity of capacity to match library service delivery requirements.
 - vi. Collective agreements with partners and service providers that delivers a coordinated and economically scaled level of service across all member Councils.
 - vii. A dedicated management structure focused on library industry best practice and library operations management.
9. The review presents multiple, specific examples and evidence that collective investment, particularly in regional and rural areas can deliver higher value outcomes through the recruitment of specialist staff that improves strategic capability and results in innovation, community aligned outcomes and industry leadership.
10. Of the ten pre-existing Regional Library Corporations across the state (representing 44 of 79 Councils), the following actions have occurred:
 - Three have now moved to a new structure (a Not for Profit Company limited by guarantee)
 - Four have board approval and Council commitments to move to a Not for Profit Company Limited by Guarantee
 - Two have dissolved and restructured either as shared services or stand-alone Council libraries.
 - One has yet to make any decision on a future delivery model
 - GLC Board has approved the development of information and a report for all member Councils to work towards a collective Beneficial Enterprise, particularly the Not-for-Profit Company limited by guarantee.

1. INTRODUCTION

This review analyses and quantifies the efficiency and value potential of a collective approach to management and delivery of public library services and has been undertaken for the Board of the Goldfields Library Corporation by Corporation staff and I & J Management Services (IJMS).

IJMS is an independent library consulting service based in Sunbury, Victoria. IJMS wrote *Guidelines, Standards and Outcome Measures for Australian Public Libraries* for the Australian Public Library Alliance (APLA) and Australian Library and Information Association (ALIA) in 2016. IJMS updated the national standards and guidelines for APLA/ALIA in 2021. Among other planning and review work for libraries across Australia, in the last 8 years IJMS has undertaken comprehensive service reviews for Corangamite RLC (2016), Wimmera RLC (2018), Glenelg Shire (2020), Murrindindi Shire (2022), Mitchell Shire (2022-2023), Northern Grampians Shire (2023) and Wellington Shire (2023). IJMS has also developed strategic library plans for Geelong RLC (2017) and the Central Highlands Library Network (2021). Annually since 2013-14, IJMS has, for Public Libraries Victoria (PLV), compiled and analysed statistical and financial data for all Victorian public library services to inform statewide planning and advocacy activities.

2. GOLDFIELDS LIBRARIES – EVIDENCE OF A HIGH-PERFORMING LIBRARY SERVICE

Independent and separate analysis of GLC's operating efficiency, service provision and use indicate that GLC is one of Victoria's most efficient and consistently well-performed libraries. This is a vital consideration in any individual Council's decision about its future library service model.

2.1. VAGO 2019 audit

In November 2019, the Victorian Auditor General's Office (VAGO) released a study reviewing the efficiency and effectiveness of public library services across Victoria. VAGO's primary source data included information on library staff numbers, collection size, loan numbers and opening hours compiled through the annual PLV statistical survey. The VAGO analysis broadly showed that:

- overall, Regional Library Corporations and co-operative models were more efficient than stand-alone Council libraries because their longer opening hours and higher volume of loans offset their larger investments
- rural Councils tended to be more operationally efficient than metropolitan ones, as they have found ways to deliver core library services to their communities with less financial investment, for example, by sharing facilities with other Council or community services.

VAGO noted that at the time, 'shared library services' were used by 44 of 79 local governments in Victoria (56%) and generally fell into one of two models.

- Regional Library Corporations – Under the *Local Government Act (1989)* two or more councils can form an RLC, a separate legal entity to its member Councils that matches some of the provisions under the Act that apply to Councils. For example, RLCs must publish their own annual report and develop a four-year Library Plan which outlines their strategic objectives. VAGO noted that the new Local Government Act proposed the abolition of the Regional Library Corporation as an entity formed under the Act, which duly occurred, with a 10-year time period to transition to new arrangements.
- Co-operative models – The co-operative model is where one Council library service delivers or leads key operational activities on behalf of neighbouring councils (for example, collections management, purchasing and technological support). Rather than form a separate legal entity,

the councils in this model use a service agreement to define roles, responsibilities, and the cost of services.

VAGO's conclusion on a shared services approach was clear.

"Sharing services makes libraries more efficient, enabling them to deliver more services to the community with fewer resources. Our data analysis shows that, overall, RLCs and co-operative models deliver core library services more efficiently than most stand-alone council libraries."

VAGO had ranked all library services in the state in terms of efficiency and effectiveness based on a Data Envelopment Analysis covering comparable variables that included both inputs (Employee FTE, Collection size) AND outputs (Loans, Opening hours, Program attendance).

The ranking table below is taken directly from the VAGO report and places GLC as the most efficient service when considering both core library services and the delivery of programs and events.

Data Envelopment Analysis results, Victorian Libraries VAGO 2019 Report

Library	Service delivery model	Core library services	Programs and events
Goldfields RLC	RLC	1.00	1.00
Glenelg Shire	Council	1.00	1.00
East Gippsland Shire	Council	1.00	1.00
Towong Shire	Council	1.00	1.00
Indigo Shire	Council	1.00	1.00
Eastern RLC	RLC	1.00	1.00
Whitehorse Manningham RLC	RLC	0.90	0.90
Yarra Plenty RLC	RLC	0.87	1.00
Glen Eira City	Council	0.84	1.00
Murrindindi Shire	Council	0.82	0.96
Casey-Cardinia RLC	RLC	0.82	0.82
Mornington Peninsula	Council	0.81	0.81
West Gippsland RLC (now Myli)	RLC	0.78	0.89
Campaspe Shire	Council	0.74	0.79
Central Highlands Network	Co-operative	0.73	0.73
Geelong RLC	RLC	0.69	0.86
Corangamite RLC	RLC	0.68	0.68
Gannawarra Shire	Council	0.67	0.68
Hobsons Bay City	Council	0.67	0.91
Wyndham City	Council	0.65	0.73
Mitchell Shire	Council	0.63	0.95
Melbourne City	Council	0.63	0.71
Goulburn Valley RLC	RLC	0.63	0.78
Monash City	Council	0.62	0.69
Yarra City	Council	0.60	0.69
Darebin City	Council	0.60	0.60
Boroondara City	Council	0.60	0.60
Stonnington City	Council	0.59	0.59
Moonee Valley City	Council	0.59	0.78
Greater Dandenong City	Council	0.59	0.60
Melton City	Council	0.56	0.82
Wellington Shire	Council	0.56	0.66

Library	Service delivery model	Core library services	Programs and events
Frankston City	Council	0.56	0.58
Maribyrnong Shire	Council	0.55	0.56

At the time of the VAGO report there were 10 RLCs and 2 library networks operating in Victoria. Collaborative approaches have historically been preferred by Councils in regional and rural Victoria as they have allowed smaller councils to achieve service efficiencies through aggregation and economies of scale. In 2019, 71% of regional and rural LGAs had library services delivered through an RLC or library network, compared with only 32% in metropolitan Melbourne.

Service Model	Metropolitan	Regional/Rural	Total
RLC	4 RLCs / 10 LGAs	6 RLCs / 23 LGAs	10 RLCs / 33 LGAs
Library network	-	2 Ntwks / 11 LGAs	2 Ntwks / 11 LGAs
Stand-alone	21 LGAs	14 LGAs	35 LGAs
Total	31 LGAs	48 LGAs	79 LGAs
% in collective model	32%	71%	56% LGAs

The current situation for Regional Library Corporations (RLC) continues to change and over the last four years the following movement has occurred:

- The transition of Eastern RLC to a Not For Profit (NFP) Company limited by guarantee (trading as "Your Library")
- The transition of West Gippsland RLC to an NFP Company limited by guarantee (trading as your Myli, also joined by Cardinia Council)
- Board agreements to move to an NFP Company limited by guarantee for Goulburn Valley RLC, Geelong RLC, Yarra Plenty RLC and Casey RLC.
- The break up of Wimmera RLC (Hindmarsh and Yarriambiack are now stand-alone, Northern Grampians joined the Central Highlands Network, Horsham provides services to Horsham and West Wimmera)
- the break up of Corangamite RLC (Warrnambool is now stand-alone, Colac-Otway joined Geelong RLC, Corangamite and Moyne continue to collaborate)
- the break up of Casey-Cardinia RLC (Casey is moving to an NFP Company, Cardinia joined Myli).

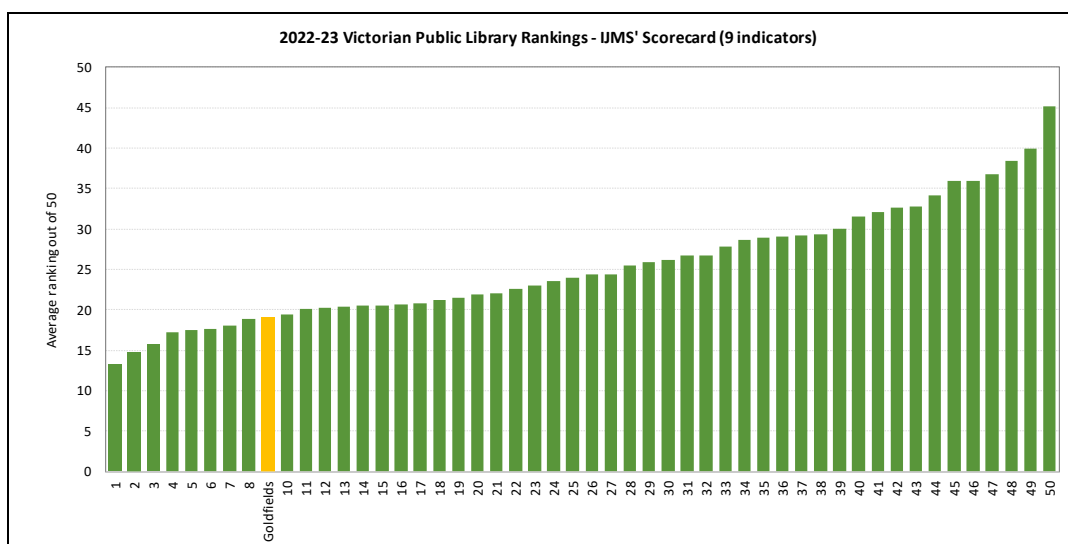
The majority of RLC's now appear to be moving to a beneficial enterprise as regulated in the Local Government Act with the preferred approach being the Not For Profit Company limited by guarantee. See Appendix 1 for more details.

2.2. Independent library service benchmarking

Since 2013-14 IJMS has been engaged by PLV to manage the collection, aggregation and analysis of annual statistical data from all Victorian public libraries. This data is included in national reporting of library statistics and is used locally for benchmarking and advocacy purposes. All data is published on the PLV website (<https://www.plv.org.au/resources/>).

IJMS has independently developed a library scorecard that compares the performance of all 50 Victorian library services (excluding Vision Australia). The scorecard combines 9 different indicators of library

service provision, service efficiency and library use. Overall library rankings are based on the performance of each library service against all 9 indicators. Analysis of the 2022-23 PLV survey data indicates that GLC is ranked 9th of 50 Victorian library services.



GLC's highest ranking on the 9 individual indicators is also 9th – for collections items per capita (a measure of the size of fit of the collection to the target population). GLC's overall 9th ranking is based on performing at or above average against 8 of the 9 indicators.

Focus	Indicator	GLC 2022-23	Victoria average 2022-23
Service provision	Funding per capita	\$36.39	\$41.36
	Staff FTE per '000 population	0.26	0.29
	Collection items per capita	1.24	1.38
Efficiency	Turnover (loans per item)	3.3	4.4
Use	Membership as % of population	30.5%	29.2%
	Visits per capita	3.6	3.1
	Loans per capita	6.1	6.0
	Program attendance per capita	0.34	0.26
Satisfaction	Customer satisfaction	8.9	8.7

The conclusion from this analysis is that GLC is one of Victoria's highest performing library services. And this level of performance is not the result of excellence against any single indicator, but sustained good performance against ALL key library indicators.

As noted in the VAGO analysis, when this performance position is compared against cost of service, VAGO found that GLC ranked highest in the state in terms of return on investment.

It should also be noted that the recent experience of rural Victorian Councils that have left collectives in pursuit of a 'cheaper' library service is not positive.

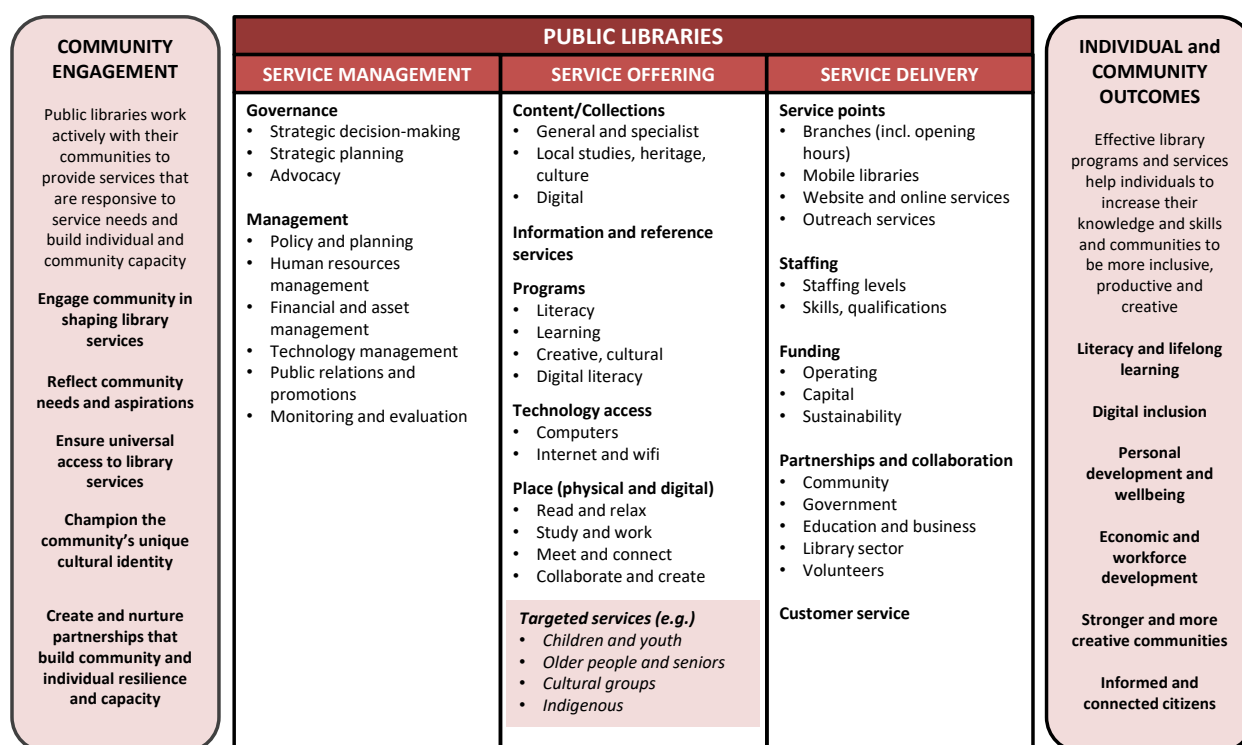
Some have struggled to integrate library services back into Council operations, not fully appreciating the value of dedicated library management, specialist library skills and experience, and industry connections.

As a result, communities in Buloke, Hindmarsh and Yarriambiack (for example) now have access to possibly less costly but fewer and lesser quality library services that rank among the least well-used (on a per capita basis) and lowest performers in the state based on PLV collated data (overall rankings from 43 to 49 out of 50).

3. USING THE FRAMEWORK FOR AUSTRALIAN PUBLIC LIBRARIES TO ANALYSE VALUE.

In 2020 APLA and ALIA released an updated version of *Standards and Guidelines for Australian Public Libraries* (the Guidelines).¹ The Guidelines are presented through a comprehensive framework that brings together and illustrates the essential operational components of a contemporary public library within the Australian context – from strategic community engagement to service governance and management, service offering, service delivery, and the ultimate impact on individual users and the communities that public libraries serve (see diagram below).

A FRAMEWORK FOR AUSTRALIAN PUBLIC LIBRARIES



The Framework indicates five key areas where guidance can be provided to enhance the effective and efficient operation of public libraries.

- At its core, a public library is defined by:
 - i) the services it offers
 - ii) the way it delivers those services to the community
 - iii) the way in which it is managed.

¹ APLA/ALIA, *Standards and Guidelines for Australian Public Libraries*, December 2020.

- The quality and value of the library is defined by:
 - i) the way in which it understands and strategically responds to the particular needs of its community
 - ii) the extent to which it has a positive impact on library users' knowledge, skills, attitudes and behaviours, and enables communities to be more inclusive, productive and creative.

Investment in public libraries is an investment in the strength, capability and resilience of the community. Therefore, public **libraries must work actively with their communities** to provide services that are responsive to community needs and that build individual and community capacity.

The way in which a public library is **governed and managed** has a significant impact on its capacity to achieve its community-focused goals efficiently and effectively. This includes issues related to:

- leadership, strategic planning and policy, and advocacy
- management of human resources, finance, facilities, capital assets and technology
- public relations and promotions, and monitoring and evaluation.

A modern library offers **five core services** to meet the recreational, educational, social, information and employment-related needs of library users of all ages, interests and backgrounds. These services are:

- physical and digital content and collections
- information and reference services
- reading, literacy, learning, wellbeing, cultural and creative programs
- access to computers, the internet, printers, scanners and other mainstream technology
- places and spaces where people can relax, work, meet, learn, connect and create.

A library's service offerings can be **delivered in different ways** to different users in different places at different times. Traditional and well-loved branch libraries are now complemented by online and outreach services that take the library out and into the community. Libraries are increasingly developing partnerships and alliances with community, education, government and business organisations to leverage resources and broaden access for a wide range of users.

Library programs and services help individuals to increase their knowledge and skills, to change their attitudes and behaviours, and to access information and increase awareness of what is happening in their community. Libraries also have a **positive impact on community, economic and cultural outcomes**.

In its entirety, the Framework provides a structure that can be used to analyse and describe value elements of a shared service model outside of scaled economic efficiency.

4. A VALUE ANALYSIS OF COLLECTIVE LIBRARY SERVICES BASED ON THE NATIONAL FRAMEWORK.

As indicated in Section 3, this analysis steps progressively through the 14 key elements of the Framework for Australian Public Libraries, giving consideration to the value a collective approach may provide under each key heading. For this analysis, the 14 elements of the framework noted below are presented in an order that highlights the value of collective approaches, NOT the sequential order that they appear in the Framework.

- | | |
|-------------------------------------|--|
| 4.1. Management | 4.8. Programs |
| 4.2. Staffing | 4.9. Service Points |
| 4.3. Partnerships and Collaboration | 4.10. Technology Access |
| 4.4. Governance | 4.11. Individual and Community Outcomes |
| 4.5. Community Engagement | 4.12. Places and Spaces |
| 4.6. Funding | 4.13. Customer Service |
| 4.7. Content/Collections | 4.14. Information and Reference Services |

4.1. Service Management – Management

APLA/ALIA Guideline	<p>Establish and implement management policies and approaches that are consistent with the general principles of good organisational management and address the specific requirements of an effective and efficient public library. This includes management of:</p> <ul style="list-style-type: none"> - library policies and planning - human resources - finance and assets - technology assets and infrastructure - risk management - marketing and promotion - monitoring and evaluation.
Value of a Collective Approach	<ul style="list-style-type: none"> ▪ A collective approach to provision of library services has major implications for the management of high quality community-focused library services. <ul style="list-style-type: none"> - Pooling resources enables the recruitment of a CEO or high level management team with significantly higher levels of experience, skills and connections than any single LGA Library Manager would possess. This is especially true in regional and rural areas. This has potential to enhance every aspect of organisational performance. - Aggregation of functions across Councils means the collective can also afford to employ middle level staff with specialist skills and expertise (e.g. library programming, community engagement, IT). This experience can result in more coordinated management of operations and allows customer-facing library staff to focus on customer service. - Direct control of management functions (e.g. HR, finance, OHS policy, risk management) provides flexibility and agility in organisational decisions.

	<ul style="list-style-type: none"> - Collective management of a dedicated library website efficiently allows for development of a library-focused user interface which enhances the user experience (e.g. eLibrary, online programming).
Specific GLC examples	<ul style="list-style-type: none"> ▪ The ability to employ management that reduces load on Council staff to actively manage operations of the service. ▪ GLC provides dedicated program, collections, operations, HR, IT and outreach managers and coordinators that are overseen by an Executive Officer. This negates the need for each Council to separately consider employment of these positions and provides a coordinated approach both geographically and organisationally. ▪ Ability to deliver specific surveying of community on library service e.g. “libraries of the future” survey that delivered feedback from more than 1000 respondents locally and informed strategic direction for the service. ▪ Capacity to provide inhouse strategic advice to Councils and develop library strategy with no additional resourcing by Councils.

4.2. Service Delivery – Staffing

APLA/ALIA Guideline	Ensure that the size, qualifications, capabilities and mix of the library workforce support delivery of a range of services and programs which meet the needs of the community.
Value of a Collective Approach	<ul style="list-style-type: none"> ▪ Aggregation significantly increases the capacity to attract and retain qualified library staff. ▪ Libraries are a customer service business, with customer satisfaction closely tied to the quality of the professional and personal interactions between library customers and staff. On average, 71% of total library expenditure is on staff costs. ▪ The APLA/ALIA standard is for one staff member (FTE) with industry-recognised qualifications per 10,000 population. At least two Victorian library services currently have no staff with library qualifications. Many rural library services have only one staff member with library qualifications. ▪ A collective approach creates a larger workforce and the opportunity to work with a team of library professionals or community of practice. ▪ A larger workforce also provides the opportunity for: <ul style="list-style-type: none"> - specialization in key functional areas (e.g. children’s services, readers’ advisory, programming, IT) - employment of people with a mix of complementary skills relevant in a contemporary library service (e.g. education, community development, social work). ▪ A larger, more qualified and diverse workforce fosters innovation, increases the quality of the service provided and improves community outcomes.
Specific GLC examples	<ul style="list-style-type: none"> • The ability to transfer staff between municipalities, under a collective agreement, reducing the need for casual and part time staff requirements.

	<ul style="list-style-type: none"> • The ability to diversify staff skills (IT, story time, STEM, collection managers, youth, catalogue specialists etc.) that operate regionally and share that skill base. GLC employs teachers, early years specialists, science communicators, social workers as well as staff with local government and community development backgrounds. • Dedicated staff that collectively contribute to region wide: <ul style="list-style-type: none"> IT management and IT staff support Collection management Graphic Design Communications (press, promotions, printing, social media) Program coordination and event management Managing collective partnerships or agreements Attracting and managing significant additional grants money Coordination of Home Library Service, agencies and volunteers.
--	---

4.3. Service Delivery – Partnerships and Collaboration

APLA/ALIA Guideline	<p>Develop partnerships and collaborate with individuals and organisations to leverage the complementary knowledge, expertise and resources of the library and partners in order to:</p> <ul style="list-style-type: none"> - raise awareness of and promote library services to targeted population cohorts, thereby increasing library membership, use and impact - expand service offerings and service delivery options - improve service reach, quality and efficiency.
Value of a Collective Approach	<ul style="list-style-type: none"> ▪ Strategic partnerships with community organisations and Council Departments benefit libraries into two main ways: i) leveraging the resources of both partners to provide service efficiencies; and ii) increasing the reach of the library service into that partner's target audience. These benefits are particularly important in library programming as they enable the library to efficiently offer a more diverse offering to the community. ▪ Collective approaches to library management make it much more efficient to develop and maintain strategic partnerships. Rather than each member Council having to manage a partnership with a select organisation (e.g. a book publisher), the collective is able to do this through a single relationship, and often with a staff member who has (or develops) expertise in partnership management. The collective also creates critical mass that is more appealing to potential partners as they can reach more people through a single connection. ▪ The same rationale applies to key industry connections as the collective can more efficiently channel and leverage engagement with PLV, SLV, ALIA, suppliers, etc. -
Specific GLC examples	<ul style="list-style-type: none"> ▪ Orchestra Victoria and Australian Ballet Partnerships- centrally managed with events now having run across all municipalities. ▪ Sydney Writers Festival- partnership to stream live events into local GLC libraries across the region, particularly Macedon Ranges and Mount Alexander Shire.

	<ul style="list-style-type: none"> ▪ Book Publishers, GLC negotiating regionally coordinated author talks that allow for author tours and multiple events across the region. E.g.: William McInnes touring through Macedon Ranges, Mount Alexander and Greater Bendigo or Anne Cleeves touring to Bendigo and Loddon Shire. ▪ Efficient and coordinated agreements with IT organisations or software providers who collectively provide the total library network across all Council areas.
--	---

4.4. Service Management – Governance

APLA/ALIA Guideline	<p>Provide governance mechanisms that ensure that the library:</p> <ul style="list-style-type: none"> - has sound strategic planning and decision-making processes - is accountable to its community and stakeholders for the services it provides - has a voice in advocating to policy-makers, funding bodies and the community the value of public libraries in strengthening community outcomes.
Value of a Collective Approach	<ul style="list-style-type: none"> ▪ The governance models used by Victorian library collectives have both positive and negative aspects. ▪ One positive is that the RLC model reduces the need for immediate internal management of library service within busy Councils ('one less thing to manage'). However, experience has shown that failure to maintain an appropriate level of oversight is a real risk and the library can be disconnected from critical Council decisions ('out of sight, out of mind'). This can be detrimental to both the library and other Council Departments. ▪ A significant benefit of collaboration is the capacity to undertake dedicated high-level library-focused strategic planning that is informed by and aligned with Council and regional directions but remains specific to library service delivery. Once again, there are efficiencies in doing this once for the collective rather than each member Council producing separate plans that each individually acknowledge and respond to the same social conditions and industry trends.
Specific GLC examples	<ul style="list-style-type: none"> ▪ The Goldfields Library Plan specifically connects both regional partnership and Council Plan objectives to the Library priorities and actions. This is an active effort of the Board and library executive to align Council and library outcomes from the top down. ▪ Library staff committed to being part of Council working groups and steering committees and ensuring that the Library is noted as one of the services in many Council plans such as Health and Wellbeing, Early Years, Disability, Inclusion and Ageing Well. ▪ Specific and dedicated governance that provides for regular and equal input from all member Councils under an established set of agreed rules (the Regional Library Agreement).

4.5. Community Engagement

APLA/ALIA Guideline	<p>Ensure the scope, delivery and management of public library services is responsive to local community needs and builds individual and community capacity.</p> <ul style="list-style-type: none"> - Engaging the community in shaping library services - Reflecting community needs and aspirations - Ensuring universal access to library services within the community - Championing the community's unique cultural identity - Creating and nurturing partnerships to build community and individual resilience and capacity.
Value of a Collective Approach	<ul style="list-style-type: none"> ▪ A collective approach to management of library services does not diminish the capacity for local community engagement within a single LGA (e.g. Loddon, Kangaroo Flat). But it does open up the opportunity for agile and focused engagement at a regional level, cognizant of but without having to work through internal Council processes. This can be efficient when exploring the needs of non-geographic communities, for example, young people, seniors, CALD communities, LGBTQIA, writers. ▪ It is also more efficient when engaging with partner organisations that have a regional perspective (see 4.3 Partnerships and Collaboration).
Specific GLC examples	<ul style="list-style-type: none"> ▪ In 2021 GLC ran a Libraries for the Future consultation process involving pop up consultation, surveys and stakeholder interviews, garnering over 1000 responses from local residents about what they would like to see in local libraries. This work informed the Library Plan and strategic development of libraries. ▪ GLC provides dedicated strategic resources focused on community and stakeholder engagement through funded positions such as Engagement Manager, Communications Coordinator, Community Based Services Coordinator and Programs Coordinator. ▪ GLC manages key statewide and regional partnerships with stakeholder groups such as community health, Arts Victoria, Orchestra Victoria etc. that result in value added program and service delivery.

4.6. Service Delivery – Funding

APLA/ALIA Guideline	<p>Fund provision of public library services to at least the minimum level required to sustainably support the local community in meeting its information, educational, recreational and cultural needs.</p>
Value of a Collective Approach	<ul style="list-style-type: none"> ▪ The APLA/ALIA standards note that ... <i>"Very small populations may have significantly higher per capita expenditure due to minimum staffing, collection and infrastructure costs. Large populations (more than 100,000 people) may realise service efficiencies due to economies of scale in collection size, service development and service management."</i> ▪ In 2022-23, regional library corporations and networks in regional Victoria had lower average per capita expenditure (\$37.17) than

	<p>metropolitan corporations (\$38.02), metropolitan stand-alone libraries (\$44.13)² and regional stand-alone services (\$44.46).</p> <ul style="list-style-type: none"> GLC's per capita expenditure in 2022-23 of \$36.39 was in line with the average for regional collectives.
Specific GLC examples	<ul style="list-style-type: none"> With a per capita contribution combined between Council and state government of \$36.39, GLC has a lower level of funding per capita than standalone services in either regional or metropolitan Victoria and is slightly lower than the average Corporation funding model. Council per capita contributions to GLC delivered the 32nd lowest level of per capita funding for libraries across all Councils in 2022-23 (the most recent comparative year available) GLC was noted by VAGO as having the most efficient ratio of cost or staffing levels in the state, compared to standardised outputs such as program attendance and collection size and movement.

4.7. Service Offering – Content/Collections

APLA/ALIA Guideline	<p>Develop and manage library collections which:</p> <ul style="list-style-type: none"> meet the information, education, recreational and cultural needs of the community foster a love of reading and inspire intellectual curiosity support lifelong learning. <p>Develop selection, acquisition and collection management procedures that ensure relevant library materials are available and accessible to the community in appropriate formats as soon as possible.</p> <p>Facilitate access by the local community to resources held in other Australian libraries.</p> <p>Collect, preserve, maintain and provide access to resources that document, illustrate and record the history and cultural heritage of the local area and development of the local community.</p>
Value of a Collective Approach	<ul style="list-style-type: none"> The APLA/ALIA standard on collection size is differentiated for libraries serving different sized populations (from 2.0 items per capita for less than 20,000 population to 0.8 per capita for 400,000 or more). <i>"Libraries serving smaller populations typically require a greater number of collection items per capita to provide a sufficiently diverse collection and choice to their community. Large library services can realise collection efficiencies by having smaller collections per capita and moving stock around in response to user demand."</i> Therefore, aggregation delivers both: <ul style="list-style-type: none"> financial efficiencies (lower direct collection cost per capita - \$6.24 for Victorian corporations and networks in regional areas vs \$7.07 for stand-alone libraries in regional/rural areas) and operational efficiencies (smaller relative collections reduce time spent on procurement and stock management). Given the capacity to reduce the number of collection items per capita, some of this 'saving' can be diverted back into having a wider range of

² This figure excludes the City of Melbourne library service which has a disproportionately high funding rate due to it being a major provider of services to non-resident CBD workers, visitors and tourists.

	titles available for customers – delivering qualitative benefits to readers while still having lower collection costs.
Specific GLC examples	<ul style="list-style-type: none"> GLC holds the 11th largest collection in Victoria which is available for loan and easy distribution across all branches. GLC delivers and manages both an in-house and contracted courier service that provides a twice-weekly distribution of collection across all branches, supporting a responsive patron reserve system. GLC provides a patron request system that delivers suggested collection purchases or requests for collection outside of that held by GLC. This is internally managed by GLC collection management staff. GLC has pioneered the Read Now project to have multiple copies of popular titles available and allocated to each branch to improve collection access for patrons.

4.8. Service Offering – Programs

APLA/ALIA Guideline	Provide targeted and engaging activities that reflect the diversity of the community and encourage and enhance effective and productive use of the library.
Value of a Collective Approach	<ul style="list-style-type: none"> Library programs have the potential to create significant and lasting benefits for participants in relation to literacy and lifelong learning, social and digital inclusion, and community strengthening. Collective approaches to library service provision deliver three main benefits in relation to library programming. <ul style="list-style-type: none"> an aggregated workforce allows for recruitment of staff with specialist expertise in program design, development and management (see 4.2 Staffing) program development and delivery is much more efficient as a single (and often better quality) program can be rolled out to multiple locations across the region (e.g. author talks, story walks) aggregation creates critical mass that is more appealing to program partners as they can reach a wider audience (see 4.3 Partnerships and Collaboration).
Specific GLC examples	<ul style="list-style-type: none"> Agility in running relevant and responsive programs: <i>“Recently, I approached the Bendigo Library about running an E-Safety session for our teens and preteens, especially for our most vulnerable children. I was given a Projects email. The response was immediate and positive. Now, the concept is up and running with 3 sessions programmed for Spring.”</i> Rollout of story walk program after successful pilot initiated in Castlemaine across all municipalities- GLC has capacity to innovate and experiment and then rollout successful programs across the region. Library lock in events again initiated through work in Castlemaine – piloted and now rolled out at other sites in other municipalities. One of the highest levels of program delivery and participation in the state. Again, VAGO ranked GLC as having the highest level of program participation when compared to staffing levels in the state. Partnerships and funding for programs at state and regional levels are developed and managed by GLC- publishing houses, writers festivals,

	arts organisations, Regional Partnerships initiatives, local health services, member Council departments, philanthropic trusts, federal service funding etc.
--	--

4.9. Service Delivery – Service Points

APLA/ALIA Guideline	<p>Provide library facilities which:</p> <ul style="list-style-type: none"> - are convenient and accessible to the public and serve the identified needs of the community - are attractive, functional and stimulate interest in library services - are designed for flexible use, efficiency in operation and sustainability - are safe and secure for library users and staff. <p>Provide mobile, online and outreach services that take the library out and into the community.</p> <p>Support virtual visits to the library via the library website and online services so that library content and services are available when and where customers want them.</p>
Value of a Collective Approach	<ul style="list-style-type: none"> ▪ Collective approaches to library service provision deliver two main benefits in relation to service points. ▪ Firstly, all of the personnel and financial resources that would be separately spent on developing and maintaining separate websites can be invested in a single higher quality website with greater functionality that enhances the user experience (e.g. search capability, online programming). ▪ Secondly, greater innovative capacity in the library workforce (see 4.2 Staffing) and economies of scale have been found to foster early trial and deployment of innovative service delivery models. Aggregated workforces have been better able to find time and creative energy to research, plan, resource and deliver approaches that reach out to more people in the community.
Specific GLC Examples	<ul style="list-style-type: none"> ▪ GLC Library Agencies and direct volunteer management model represent innovations in service delivery aimed at extending value for Councils. ▪ Free, business standard and high-speed internet for patrons funded and managed by GLC create libraries as digital hubs for remote working and studying. Joint development of working spaces within libraries to support local study and remote working/business. E.g. Work pods funded for Bendigo and Castlemaine, Tammia Long Room development at Castlemaine, consultation, planning and sourcing funding for Gisborne renovations. ▪ GLC has the sixth highest number of branches and opening hours across the state with many branches within a 15-30 minute drive of one another. ▪ Single, high-quality website managed through IT and communications team where items can be reserved, program bookings occur and all eResources are accessible.

4.10. Service Offering – Technology Access

APLA/ALIA Guideline	<p>Provide free public access to computers, the internet and other equipment and applications.</p> <p>Support library users to develop digital skills and confidence.</p>
Value of a Collective Approach	<ul style="list-style-type: none"> ▪ One of the greatest challenges of stand-alone library services is that they are commonly reliant on Council's IT Department for support of library technology infrastructure and assets. This should not (of itself) be an issue, but the experience in many libraries is that there is a failure to recognise the unique technology requirements of a public library. ▪ The major issue is that provision of technology access to the public is a specific library service, creating a user expectation that the service is available at all times when the library is open. If the network or systems are down for any reason reinstatement must be a No. 1 priority as disgruntled users take out their frustration on library staff. ▪ In addition, the Library Management System (LMS) is the lifeblood of the collection. Managing an LMS requires specific technical knowledge, integration with other Council systems (e.g. payments), and any downtime brings borrowing to a halt. ▪ As noted in 4.2 Staffing, an aggregated library workforce can provide for dedicated and skilled IT staff who can prioritise issues from a user perspective.
Specific GLC Examples	<ul style="list-style-type: none"> ▪ Dedicated IT infrastructure managed by staff on a collective regional basis. ▪ High level backup, data protection and cyber security and business continuity services in place and managed by executive staff. ▪ Collective agreements with specific library management system software providers. ▪ Boutiques library specific software (loaning systems, collection management, PC booking, remote printing/copying) purchased and managed internally and adds to service suite for users.

4.11. Individual and Community Outcomes

APLA/ALIA Guideline	<p>Help individuals to increase their knowledge and skills, to change their attitudes and behaviours, and to access information and increase awareness of what is happening in their community.</p> <p>Have a positive impact on community, economic and cultural outcomes.</p> <ul style="list-style-type: none"> - Literacy and lifelong learning - Digital inclusion - Personal development and wellbeing - Economic and workforce development - Stronger and more creative communities - Informed and connected citizens.
Value of a Collective Approach	<ul style="list-style-type: none"> ▪ Public libraries have maximum impact where they are able to attune the service they provide to the specific needs and interests of their local community(ies).

	<ul style="list-style-type: none"> ▪ The major benefits of a collective approach to library service provision are in the quality of library management, the skills and experience of the library workforce and the number and range of local community partnerships. ▪ Collectively these factors can deliver more efficient library operations, provide a wider service offering that appeals to a wider cross-section of the community, and result in higher levels of library use.
Specific GLC Examples	<ul style="list-style-type: none"> ▪ Libraries Victoria statistics indicate that GLC ranks in the top 10 services across Victoria for usage across the following key areas: ▪ Loans: 9th highest ▪ eLibrary collection turnover: 1st ▪ Collection items: 11th largest ▪ Library visits: 9th highest ▪ Active borrowers: 8th highest ▪ Opening hours per week: 6th highest ▪ Number of branches: 6th highest ▪ Gb downloads through public internet: 3rd highest ▪ Program attendees: 6th highest <p>Whilst also ranking 32nd lowest in the cost to Council per capita. (Comparative rankings taken from the 22-23 Libraries Victoria collated statistics for all 50 Victorian public library services)</p>

4.12. Service Offering – Places (physical and digital)

APLA/ALIA Guideline	Provide safe, welcoming and inclusive physical and digital places and spaces that meet the identified needs of the community.
Value of a Collective Approach	<ul style="list-style-type: none"> ▪ In the collective approaches to library services deployed by Victorian Councils, responsibility for provision, presentation and maintenance of library facilities rests with each member Council. ▪ A collective approach provides an opportunity for the funding of furnishings to be planned and funded through the collective model, reducing the burden on Council to solely manage and fund item replacement or maintenance. ▪ Collective services can also provide greater internal investment in furnishings and a standardise approach to symbolic messaging that provides safety, such as acknowledgement of country displays, cultural furnishings and child friendly furnishings. ▪ The benefits of a single more well-resourced library website and online services are addressed in 4.9 Service Points.
Specific GLC Examples	<ul style="list-style-type: none"> ▪ Consistent cultural messaging with rollout of Acknowledgement of Country plaques across all branches. ▪ Bulk purchasing of furnishings provides discounted purchasing power. ▪ Independent assessment of space requirements for safety or replacement of furnishings. i.e. assessment of shelving requirements, introduction of tables and seating to suit use and assessment of public

	liability and OHS elements with management and funding of solutions in many cases.
--	--

4.13. Service Delivery – Customer Service

APLA/ALIA Guideline	Efficiently and always provide friendly, welcoming and high quality customer service to all library customers. That is, have a positive effect on the capabilities and wellbeing of the people who use the library and make them want to return.
Value of a Collective Approach	<ul style="list-style-type: none"> Customer service levels are more likely to be influenced by the culture that exists within the service organisation, more than its size, efficiency or technical capability. Some of the highest levels of customer satisfaction in Victorian public libraries are in small rural libraries where lower demand (due to population size) and minimum staffing levels (at least one staff member during opening hours) allow for a very personalised library user experience. One potential benefit of a collective approach to service provision is that allocating administrative responsibilities to dedicated staff frees up customer facing staff to concentrate on quality customer interactions. Collective resourcing of staff training internally and partnering with Councils on multiple shared training opportunities can improve staff skill and capacity.
Specific GLC Examples	<ul style="list-style-type: none"> GLC has a dedicated training and development plan addressing key capacities identified as potential gaps for staff. This training is rolled out across all four Councils simultaneously. This approach allows for a library focused approach to training around key social issues such as homelessness, gender equality and cultural sensitivity along with consistent training on workplace safety or other technical service delivery elements.

4.14. Service Offering – Information and Reference Services

APLA/ALIA Guideline	Deliver information, reference and readers' advisory services that: <ul style="list-style-type: none"> provide customers with information and/or reading materials that suit their needs in an appropriate timeframe encourage reading and information literacy and support library users to develop their information and digital literacy skills facilitate customers' effective use of library resources and facilities.
Analysis of a Collective Approach	<ul style="list-style-type: none"> Access to the internet has reduced demand for information and reference services (IRS), although these continue to be highly valued by the people who do call on librarians' specialist expertise in information discovery. Generally information and reference services are more likely to be available in larger services, given they require staff time to support patron enquiries on collection, databases or other information sources. A collective approach to library services creates a larger workforce and the opportunity for specialization in functions such as Information and

	Reference Services (see 4.2 Staffing). This is less likely to occur in smaller library services with fewer qualified library staff.
Specific GLC Examples	<ul style="list-style-type: none"> ▪ GLC has around 85 percent of staff allocated to customer service, with 15 percent of staff allocated to management and coordination of services. ▪ This approach allows for specialist information and referencing skills to be built with value provided through specialist training such as support to access databases for historic or genealogical research, one to one IT support sessions on patron requested topics, supported school research or studies and support with government departments (assisting people with forms or submissions to government services. ▪ Each municipality has a dedicated strategic operational management support as well as day to day branch management. ▪ GLC also has a Community Based Service team that directly manages staff and services for all library agencies and home library services in addition to coordinating a volunteer base of more than 50 people. ▪ GLC also has piloted social work support with a funded staff social work position to assist in building capacity of the workforce in referring patrons to support services.

5. RISK ANALYSIS FOR COUNCILS IN MOVING TO A BENEFICIAL ENTERPRISE

Importantly, GLC has allowed movement in the industry to be part of the analysis in considering risk for member Councils in moving to any new structure of collective services as described in the Beneficial Enterprise section of the Local Government Act 2020.

This has allowed other services to practically test processes and new models of management to ascertain possible risk and consider mitigation to reduce risk and impact as Councils decide on a future approach to library service delivery.

A comprehensive risk review is attached to this report as Appendix 2 and considers the likelihood, impact and mitigating factors of the following business risk categories:

Strategic –	decisions concerning our business' structure and objectives
Compliance –	the need to comply with laws, regulations, standards and codes of practice
Financial –	our financial transactions and systems
Operational –	our operational and administrative procedures
Environmental –	internal and external operations that our business has some control over
Reputational –	the character or goodwill of our business

Given the work that has now been undertaken by several RLC's in shifting to a beneficial enterprise model, there are identified mitigating actions that provide expert and experienced guidance through the process of business transfer. These are identified in the risk analysis but broadly include:

- Use of expert accounting and legal consultants to oversee transfer of business and development of constitution and service agreement.
- Appropriate training for members of any new Board structure.
- Time for Councils to scrutinise any new agreements for services and funding structures.
- Support work from the GLC Board, CEO and Executive Team to transition the business.
- Consistent work with staff and union.
- A coordinated communication plan for staff and community.
- Ensure third party service agreements are transferred seamlessly for business continuity.

6. CONCLUSION

This review provides a structured and evidence-based analysis of collective library services utilising both data collated by the Victorian Auditor General's Office (VAGO) and Public Libraries Victoria (the peak body for public libraries).

Analysis indicates that collective services have potential to create both economical savings and add value to a regionally coordinated service, particularly in regional and rural areas where collective pooling of resources can be beneficial.

Specifically, the Goldfields Library Corporation (GLC) provides evidence of being one of the most efficient and effective library services in the state based on the VAGO comparative analysis that placed GLC at the top of all library services based on data that compares resourcing with common outputs in areas of both collection and programs.

Further to this, collective models are shown to have, on average, a lower cost per capita than stand-alone services and GLC shows this approach in action have a cost per capita more than \$5 less per head (around \$1,000,000 collectively) than the average per capita cost in Victoria for library services.

This saving estimate or realised value aligns with the financial analysis attached, which provides for a recurring estimated cost saving of around \$900,000 per annum utilising a collectively resourced service model. (see Appendix 3 Financial Analysis- Library Models)

Financial Analysis of Library Service Models- Comparison of Stand Alone costs and Collective Resourcing Costs.

Description of inclusions	Key Functional Library Service Areas	Collective model (Company / other model)	Separate (Individual Council's)	Difference	Comments
Front facing customer service staff with most having a minimum Diploma in Information Services. Band 4/5	Branch Staff (47 FTE)	\$ 3,467,000	\$ 3,709,690	-\$242,690	Note 1
Specialist or Technical staff operating on a regional basis- Band 6	Specialist / Program Staff (8 FTE)	\$ 612,000	\$ 734,400	-\$122,400	Note 2
Strategic and Leadership staff- Band 7 and above	CEO and team leadership (2.4 FTE)	\$ 370,000	\$ 518,000	-\$148,000	Note 3
Other expenses particularly related to library operations that may not be currently accessed through current Council activities or resources	Total admin and other expenses (including ICT support and licensing; Programs; Logistics;	\$ 1,312,786	\$ 1,509,704	-\$196,918	Note 4
Physical facilities with an assumption that a collective website would be removed and simply be provided through Council's current site.	Facilities (Council owned)	n/a	n/a	n/a	Note 5

Note 1: Increased staffing due to loss of efficiency in moving staff across municipal borders to backfill, requiring a slightly larger workforce per site. Estimated at 7 percent increased requirement.

Note 2: To provide individualised specialised staff across areas such as communications, graphic design, IT collection and programs- estimate is a 50 percent increase in staff time

Note 3: The assumption is that Strategy, HR functions input and Operational Support to branch managers or leaders is mainly absorbed by current Council staff.

Note 4: Current cost savings through scaled agreements for internet services, office equipment purchasing and leases, specific library management systems, courier services, collection purchasing power etc.

Note 5: Facilities are Council owned and, although GLC does attract funding and leverage minor projects with organisational funds, the change would be negligible.

-\$710,008 Annual (recurrent) difference

-\$2,840,032 4-year difference (recurrent)

Implementation (change) costs:

Finance systems	-\$50,000	Change support
Library Management Systems	-\$160,000	Revised licensing / splits
HR / Payroll advice and (where applicable) redundancy	-\$295,000	Re-deploy positions to Council's & associated
	-\$505,000	Once-off costs

-\$3,345,032 Total costs of change (4 years)

Other analysis:	Total NCGLC expenses (2023)	\$7,337,600
	% increase cost to Council's for individual model	10%

Drivers / assumptions - +/- costs or reduced value:	Grosses up figure by
Efficiency factor - Branch Staff	7% Supports Note 1
Efficiency factor - Specialists	20% Supports Note 2
Efficiency factor - CEO/Senior management etc	40% Supports Note 3
Shared services gross up (all admin/ other)	15% Supports Note 4

		2022		2023
Plant and equipment costs	\$	322,245	\$	390,894
Administration and maintenance charges	\$	457,891	\$	568,766
Other expenses	\$	338,125	\$	351,103
	\$	1,120,283	\$	1,312,786

Finance integration reverts back to all Council systems- set up finance, reporting and payroll requirements.

Loss of collective purchasing power for scaled subscription or purchase of specific Library Management Systems and servicing. GLC currently gets education sector prices.

Estimate of one off redundancy costs if services separated and managed independently

Assumptions:

The calculations are based on total separation of services between four Councils operating as stand-alone services. Service is to 9 branches and 8 agencies as per current service levels
Same level of collection distribution: twice a week to all branches and major agencies
Level concurrent with present programming levels of around 2,250 programs/events per year are assumed.
Insurance and finance costs remain similar given already delivered through Council
Contributions from state remain the same as collectively GLC receives the collective sum of all four Councils
Financial estimates based on current global costs as noted below:

	Salaries	Percentage of salary costs	FTE (includes OT and backfill)	EFT %
Branch staff (all municipalities)	\$ 3,467,000.00	78%	47	82%
Specialist area staff (IT, collections, communications, programs, administration, finance)	\$ 612,000.00	14%	8	14%
CEO and Management (Operations, HR, Partnerships, Works Project Management, Strategy, Governance)	\$ 370,000.00	8%	2.4	4% Remove all senior management
collections management (logistics, courier, LMS software, eResources (eBook, eAudio, streaming services, newspapers, magazines)	\$ 499,000.00			
and telephones (Public PC software security and management, website management, Library Management System, Collection management System, IT system servers, phones, photocopiers, minor equipment)	\$ 271,000.00	These four elements are collated in the table above under " Total admin and other expenses		
admin and logistics	\$ 119,653.00	(including ICT support and licensing; Programs; Logistics "		
other (stationary, programs (materials and contractors), maintenance, vehicles, marketing, printing, public printing/photocopying)	\$ 423,133.00			

Variable cost reduction

Financial Analysis of Library Service Models- Comparison of Stand Alone costs and Collective Resourcing Costs.

Description of inclusions	Key Functional Library Service Areas	Collective model (Company / other model)	Separate (Individual Council's)	Difference	Comments
Front facing customer service staff with most having a minimum Diploma in Information Services. Band 4/5	Branch Staff (47 FTE)	\$ 3,467,000	\$ 3,709,690	-\$242,690	Note 1
Specialist or Technical staff operating on a regional basis- Band 6	Specialist / Program Staff (8 FTE)	\$ 612,000	\$ 918,000	-\$306,000	Note 2
Strategic and Leadership staff- Band 7 and above	CEO and team leadership (2.4 FTE)	\$ 370,000	\$ 525,400	-\$155,400	Note 3
Other expenses particularly related to library operations that may not be currently accessed through current Council activities or resources	Total admin and other expenses (including ICT support and licensing; Programs; Logistics;	\$ 1,312,786	\$ 1,509,704	-\$196,918	Note 4
Physical facilities with an assumption that a collective webiste would be removed and simply be provided through Council's current te.	Facilities (Council owned)	n/a	n/a	n/a	Note 5

Note 1: Increased staffing due to loss of efficiency in moving staff across municipal borders to backfill, requiring a slightly larger workforce per site. Estimated at 7 percent increased requirement.

Note 2: To provide individualised specialised staff across areas such as communications, graphic design, IT collection and programs- estimate is a 50 percent increase in staff time

Note 3: To provide comparative levels of strategic management and leadership across key areas of strategy, training and development, community engagement, operational oversight, funding applications and direct HR management.

Note 4: Current cost savings through scaled agreements for internet services, office equipment purchasing and leases, specific library management systems, courier services, collection purchasing power etc.

Note 5: Facilities are Council owned and, although GLC does attract funding and leverage minor projects with organisational funds, the change would be negligible.

-\$901,008 Annual (recurrent) difference

-\$3,604,032 4-year difference (recurrent)

Implementation (change) costs:

Finance systems	-\$50,000	Change support
Library Management Systems	-\$160,000	Revised licensing / splits
HR / Payroll advice and (where applicable) redundancy	-\$295,000	Re-deploy positions to Council's & associated
	-\$505,000	Once-off costs
	-\$4,109,032	Total costs of change (4 years)

Finance integration reverts back to all Council systems- set up finance, reporting and payroll requirements.

Loss of collective purchasing power for scaled subscription or purchase of specific Library Management Systems and servicing. GLC currently gets education sector prices.

Estimate of one off redundancy costs if services separated and managed independently

Other analysis:	Total NCGLC expenses (2023)	\$7,337,600
	% increase cost to Council's for individual model	12%

Drivers / assumptions - +s costs or reduced value:	Grosses up figure by
Efficiency factor - Branch Staff	7% Supports Note 1
Efficiency factor - Specialists	50% Supports Note 2
Efficiency factor - CEO/Senior management etc	42% Supports Note 3
Shared services gross up (all admin/ other)	15% Supports Note 4

	2022	2023
Plant and equipment costs	\$ 322,245	\$ 390,894
Administration and maintenance charges	\$ 457,891	\$ 568,766
Other expenses	\$ 338,125	\$ 351,103
	\$ 1,120,283	\$ 1,312,786

Assumptions:

The calculations are based on total separation of services between four Councils operating as stand-alone services.

Service is to 9 branches and 8 agencies as per current service levels

Same level of collection distribution: twice a week to all branches and major agencies

Level concurrent with present programming levels of around 2,250 programs/events per year are assumed.

Insurance and finance costs remain similar given already delivered through Council

Contributions from state remain the same as collectively GLC receives the collective sum of all four Councils

Financial estimates based on current global costs as noted below:

Branch staff (all municipalities)	Salaries	Percentage of salary costs	FTE (includes OT and backfill)	EFT %
	\$ 3,467,000.00	78%	47	82%
Specialist area staff (IT, collections, communications, programs, administration, finance)	\$ 612,000.00	14%	8	14%
CEO and Management (Operations, HR, Partnerships, Works Project Management, Strategy, Governance)	\$ 370,000.00	8%	2.4	4%
Collections management (logistics, courier, LMS software, eResources (eBook, eAudio, streaming services, newspapers, magazines)	\$ 499,000.00			
IT and telephones (Public PC software security and management, website management, IT system servers, phones, photocopiers, minor equipment)	\$ 271,000.00	These four elements are collated in the table above under " Total admin and other expenses (including ICT support and licensing; Programs; Logistics"		
Admin and logistics	\$ 119,653.00			
Other (stationary, programs (materials and contractors), maintenance, vehicles, marketing, printing, public printing/photocopying)	\$ 423,133.00			

Current situation

**Risk Assessment
Transitioning to a Beneficial Enterprise
(Collective Business Model)**

Risk likelihood

The likelihood of Identified risks associated with the proposed change from a corporation under the LGA 1989 to a beneficial enterprise are provided in detail as part of this document and, as part of this has assessed the likelihood that a risk may occur for each one. Risk likelihood can be divided into three categories:

- **Improbable** – Small chance of happening
- **Possible** – Some chance of happening
- **Probable** – Very likely to happen

Impact on our business

CMT has determined the impact of the risk to the business if it were to happen. Risk impact can be divided into four categories:

- 0 – **Acceptable** – little to no effect on the business
- 1 – **Tolerable** – effects are felt but do not seriously affect the business
- 2 – **Unacceptable** – causes major disruption to the business
- 3 – **Intolerable** – business may not recover

Risk matrix

With these parameters, CMT used the matrix below to determine the likelihood of the risk, the impact of the risk, and to devise measures to mitigate any risks.

			Impact			
			Acceptable	Tolerable	Unacceptable	Intolerable
			Little or no effect	Effects are felt but not critical	Serious impact to course of action and outcome	Could result in disaster
			RATING	RATING	RATING	RATING
Likelihood	Improbable	Risk unlikely to occur	0	1	1	2
	Possible	Risk will likely occur	0	1	2	3
	Probable	Risk will occur	1	2	2	3

Managing the risk

Each identified risk is assigned one of four broad management actions to deal with the risk, based on the matrix values above:

- Rating 0:** Accept and proceed
- Rating 1:** Reduce with advice and/or strategies
- Rating 2:** Avoid through strategies
- Rating 3:** Do not proceed

Risk categories

Risks have been considered and analysed against the following business risk categories:

- Strategic –** decisions concerning our business’ structure and objectives
- Compliance –** the need to comply with laws, regulations, standards and codes of practice
- Financial –** our financial transactions and systems
- Operational –** our operational and administrative procedures
- Environmental –** internal and external operations that our business has some control over
- Reputational –** the character or goodwill of our business

Strategic Risks

Key Risk	Risk Rating	Measures/Assurances
<p>Remain a corporation under the LGA 1989 until 2030</p> <ul style="list-style-type: none"> Serious impact if inaction for up to 6 years Interim risks in dealing with Member Councils if the RLC falls further behind legislatively with further changes to the LGA 2020 Risk if decisions are delayed given current examples take between 18 months and 2 years to enact and Councils need time to make decisions on structural details of new service. 	<p>2 – Unacceptable</p> <ul style="list-style-type: none"> Risk would occur if no action taken. Could result in major business & statutory complications 	<p>Mitigation</p> <p>Winding up the Corporation in accordance with LGA 2020</p> <p>Set up a beneficial enterprise in accordance with LGA 2020</p> <p>Timely due diligence and consideration for progress by member Councils.</p> <p>Using legal representation to project manage and provide expert advice to GLC and Councils through the process.</p> <p>Analyse the process and experience of other Councils and RLC's that have moved through this process.</p>
<p>Member Councils agree to wind up GLC, but one or more Councils decide not to participate in the new entity</p> <ul style="list-style-type: none"> Additional costs (contracts, overheads, etc.) Redundancies/Transfer of staff 	<p>1 – Tolerable</p> <ul style="list-style-type: none"> Risk has low probability of occurring. Depending on number of Councils not participating, the impact could result in diminished savings for participating Councils or abandonment of a collective. 	<p>Mitigation</p> <p>Assessed as very unlikely for the following reasons</p> <ul style="list-style-type: none"> The Victorian Auditor General's report: Council Libraries indicated that GLC achieved the highest Data Envelopment Analysis (DEA) business efficiency rating of 1- one of only five in the State. Further independent and specific analysis shows that the collective approach is financially beneficial for all member Councils and results in a more coordinated and agile response to community needs. Savings of approximately \$1,000,000 pre year collectively have been estimated based on the average cost per capita to fund library services across the state and an analysis of cost comparisons between a collective beneficial enterprise and stand-alone council models.

<p>Decision to transition or the implementation takes a prolonged period.</p> <ul style="list-style-type: none"> Member Councils may take longer to make decisions. Registrations and application processes may take longer depending on the model (ASIC, ACNC, ATO, etc.) Union negotiations may take longer. 	<p>1 - Tolerable</p> <ul style="list-style-type: none"> Risk likely to occur- it is expected that Council decision making may vary slightly in timing and the processes to create a new approach or entity will be the responsibility of third-party timeframes. Little or no effect unless decisions are made after 2028, with wind up required by 2030. 	<p>Mitigation</p> <ul style="list-style-type: none"> Clear timelines for decision making and implementation communicated to all stakeholders through a Staged Transition Plan Provision of funding has been made for legal expertise and guidance throughout the process Ability to operate as the current entity until the transition is complete. Winding up will not begin until such time as the new entity is established and operational.
<p>Member Council specific obligations are not considered</p> <ul style="list-style-type: none"> Occupancy of building assets <p>Policies and procedures (procurement, competitive neutrality, etc.)</p>	<p>1 - Tolerable</p> <ul style="list-style-type: none"> Risk unlikely to occur little or no lasting effect 	<p>Mitigation</p> <ul style="list-style-type: none"> Maintain policy and procedures in line with Member Council expectations Audit and Risk Advisory Committee and the Board oversight
<p>Strategies, service plans and goals not aligned with Member Councils</p> <ul style="list-style-type: none"> Library Strategies Action/Service Plans <p>Ineffective planning and delivery</p>	<p>0 - Acceptable</p> <p>Risk very unlikely to occur</p>	<p>Mitigation</p> <ul style="list-style-type: none"> Community and stakeholder engagement and consultation Corporates Plans and annual reports reviewed and approved by the Board. Quarterly reporting to Board on achievements and service delivery. Proven long-term track record of delivering library services at a high standard and an ongoing commitment to align with member Council plans and priorities.

Compliance Risks

Key Risk	Risk Rating	Measures/Assurances
Setting up the Beneficial Enterprise and transfer of business is not conducted according to the Local Government Act 2020	2 – Unacceptable <ul style="list-style-type: none"> Risk unlikely to occur Could result in legal compliance issues 	Mitigation <ul style="list-style-type: none"> Legal advice and implementation by expert legal firms Accounting expertise will also be retained through the process of business transfer and setting up finance. Member Council due diligence in accordance with the Local Government Act, section 111 has been undertaken.
In the case of moving to a Not for Profit Company Limited by Guarantee, the Corporations Act regulatory obligations and Australian Securities and Investments Commission (ASIC) requirements are not identified or met.	0 - Acceptable <ul style="list-style-type: none"> Risk very unlikely to occur The impact would result in resubmitting work or a lengthier process in transitioning. 	Mitigation <ul style="list-style-type: none"> Legal advice and project management by expert legal firm Training for Directors and Senior Officers on Corporations and Charities Registration of new board members as Directors.
Reporting and other requirements of Australian Charities and Not-for-Profits Commission not identified or met.	0 - Acceptable <ul style="list-style-type: none"> Risk very unlikely to occur The impact would have the potential for delaying reporting or production of appropriate data to regulatory bodies. 	Mitigation <ul style="list-style-type: none"> Legal advice and support throughout the first twelve months of operation to ensure all key milestones and reporting requirements are met. Training for Directors and Senior Officers on Corporations and Charities

GLC policies affecting Members, Users, etc. are removed- i.e. the Regional Library Agreement and Service and Funding Agreement are removed. Council control or management of a new entity is diminished.	0 - Acceptable <ul style="list-style-type: none"> Risk unlikely to occur Little or no effect given the checks and measures of the Local Government Act requirements and proposed mitigation actions. 	Mitigation <ul style="list-style-type: none"> An initial Omnibus By-Law that indicates that all the existing policies and regulations of the previous corporation in relation to library members and users will apply to the new entity. A review of all existing memberships and user policies over time to reflect the new entity. The transfer of all conditions currently within the Regional Library Agreement and Service and Funding Agreement are made to a new constitution and a library service agreement. These documents would be developed using legal consultants with each Council able to undertake any independent analysis of proposed documents.
Implications around Competitive Neutrality Policy, in the case of a beneficial enterprise being established.	0 - Acceptable <ul style="list-style-type: none"> Risk unlikely to occur given a commitment to best value. Minor financial impact – easily rectified by member Councils stipulating requirements for competitive neutrality. 	Mitigation <ul style="list-style-type: none"> Transfer of Business agreement clearly outlines the use of council buildings or lease arrangements. Member Council Procurement Policies to include a clause specific to Beneficial Enterprises Any collective to be established within the parameters of the Beneficial Enterprise Sections of the Local Government Act.
Unidentified Member Council policies impacting or conflicting with operations.	1 - Tolerable <ul style="list-style-type: none"> Risk unlikely to occur little or no lasting effect given capacity to review through Board processes. 	Mitigation <ul style="list-style-type: none"> Review and update operational practices to reflect local government best practice. Ensure clarity on policies that have Board review status.

Financial Risks

(see also the report on the financial implications and risks associated with the proposed restructure of ERL)

Key Risk	Risk Rating	Measures/Assurances
Member Councils' liability in the event of a winding-up	0 - Acceptable <ul style="list-style-type: none"> Risk unlikely to occur Little or no effect 	<ul style="list-style-type: none"> Collective approach will allow for division of assets and GLC has significant funds available (\$2,000,000) for employee commitments (LSL and defined benefits) as well as unrestricted cash of a further \$2,000,000. The collective model may well be a Not For Profit company limited by guarantee where each Member's guarantee is \$1.
Member Council contributions/funding uncertainty	2 – Unacceptable <ul style="list-style-type: none"> Risk unlikely to occur Could result in major impacts on service delivery 	<ul style="list-style-type: none"> Funding arrangements clearly prescribed and agreed to in the transfer of business agreement and new service agreement. Annual budget adopted accordingly by the Board. Members agree to an annual increase calculated each year based on budget requirements and economic conditions.
Loss of alternative revenue streams <ul style="list-style-type: none"> Grants Subsidies Sponsorships Fee for Service 	1 - Tolerable <ul style="list-style-type: none"> Risk unlikely to occur Could have impact on costs or eligibility for funding grants if Government is not coordinated in their recognition of a beneficial enterprise. 	Mitigation Maintain and expand opportunities through: <ul style="list-style-type: none"> Not-for-Profit status by registering as a charity (ACNC) Register Deductible Gift Recipient (DGR) status as a Public Library Service Continue to operate as a collective under the Local Government Act to continue qualifying for appropriate grants.
Maintaining Member Councils <ul style="list-style-type: none"> Equity Percentage Ownership 	0 - Acceptable <ul style="list-style-type: none"> Risk unlikely to occur Little or no effect 	Mitigation <ul style="list-style-type: none"> Using legal consultancy to develop documentation will ensure that the Member Councils' equity and percentage ownership is maintained as per current arrangements. Each Council will have the opportunity to scrutinise the proposed approach and seek independent legal advice. Initial legal advice is funded through GLC at no additional cost to Councils.

<p>Inability to gain new Beneficial Enterprise members or provide fee for service</p> <ul style="list-style-type: none"> Constitution restricts new Members The new collective approach is not seen as best value. 	<p>0 - Acceptable</p> <ul style="list-style-type: none"> Risk unlikely to occur Little or no effect 	<p>Mitigation</p> <ul style="list-style-type: none"> Clauses in the constitution accommodate New Members and fees for services. Develop options to provide Membership types or Fee for Service options. Proven track record of delivering best values services in the State for current Member Councils with no immediate need to extend services to improve financial position or service levels.
<p>Ineffective financial control</p> <ul style="list-style-type: none"> Ineffective budget management Insufficient oversight of finances 	<p>0 - Acceptable</p> <ul style="list-style-type: none"> Risk unlikely to occur Little or no effect 	<p>Mitigation</p> <ul style="list-style-type: none"> Budget reviewed and approved by the Board annually. Oversight of budget and finances through the Finance Sub-Committee. At least Quarterly Budget reports to Board. Annual Audits (VAGO).
<p>Insufficient funds for winding up GLC</p>	<p>0 - Acceptable</p> <ul style="list-style-type: none"> Risk unlikely to occur Little or no effect 	<p>Mitigation</p> <ul style="list-style-type: none"> The Corporation holds extensive unrestricted cash assets and is in a very healthy position to wind up, with funds available to meet all expected liabilities. The Corporation is able to meet all its liabilities, statutory or otherwise, including all short and long-term employee benefits.

Operational Risks

Key Risk	Risk Rating	Measures/Assurances
Dilution of services to our communities	0 - Acceptable <ul style="list-style-type: none"> Risk very unlikely to occur Could have service implications 	Mitigation <ul style="list-style-type: none"> Community and stakeholder engagement and consultation Library plans and annual reports reviewed and approved by the Board. Quarterly reporting to Board on achievements and service delivery Proven long-term track record of delivering high standards of library services in an efficient environment.
Conflict between Members, Member Representatives, Directors of the Company	2 – Unacceptable <ul style="list-style-type: none"> Risk unlikely to occur Could result in major impacts on service delivery 	Mitigation <ul style="list-style-type: none"> Specific governance and decision-making structure established with legal consultation and agreed to by all member Councils. Dispute resolution processes and escalation points in the Constitution to ensure negotiation pathways.
Board of Directors lack the diversity and specific skills required for the company	2 – Unacceptable <ul style="list-style-type: none"> Risk unlikely to occur Could result in major impacts on governance 	Mitigation <ul style="list-style-type: none"> Specific training for appointed directors to cover key requirements and obligations. The constitution allows for additional external directors. Clear terms of appointments, eligibility for reappointments in the Constitution. Ability for Members to appoint and terminate Directors as required.

<p>Industrial relations</p> <ul style="list-style-type: none"> • Transfer of staff to the new entity • Enterprise agreement • Redundancies 	<p>2 – Unacceptable</p> <ul style="list-style-type: none"> • Risk unlikely to occur • Could result in major impacts to service delivery and costs 	<p>Mitigation</p> <ul style="list-style-type: none"> • Received legal advice that the change does not trigger eligibility for redundancies if employment conditions are maintained. • Clause added to the new EA negotiation to make it explicitly clear for staff. • Clear communication to staff and ASU as transfer process is developed.
<p>Voiding current contracts and other agreements (e.g. IT service provider etc.)</p>	<p>0 - Acceptable</p> <ul style="list-style-type: none"> • Risk very unlikely to occur • Could have service implications 	<p>Mitigation</p> <ul style="list-style-type: none"> • Agreements and contracts will be developed to have a clause that covers our successor entities or transfers of business. • These contracts will be identified, and appropriate negotiations put in place to include any new entity as a party and ultimately remove GLC as the Corporation winds up.
<p>Continuity of ICT systems</p> <ul style="list-style-type: none"> • Library Management System • Internet Service Providers • Etc. 	<p>0 - Acceptable</p> <ul style="list-style-type: none"> • Risk very unlikely to occur • Could have service implications 	<p>Mitigation</p> <ul style="list-style-type: none"> • Assess GLC agreements and contracts with software providers to ensure clauses that covers our successor entities or transfers. • Internal infrastructure will be transferred to the new entity and managed by the new entity.
<p>General Business Operational Risks</p> <ul style="list-style-type: none"> • Occupational Health & Safety • Child Safety • Privacy and Copyrights • Fraud • Cyber security risks • Gender Equality 	<p>1 - Tolerable</p> <ul style="list-style-type: none"> • Risk unlikely to occur • If the risk was realised, the impact could be more significant given legal requirements for many of these legislated areas. 	<p>Mitigation</p> <ul style="list-style-type: none"> • Maintain and review current business continuity plans. • Maintain cyber security strategy. • Internal Policy and procedures reflecting best practice and reviewed with the Board. • Maintain auditing and act on recommendations. • Maintain policies and action plans in key legislated areas of risk. • Periodical and systematic review of controls (policies, systems, etc.)

Environmental Risks

Key Risk	Risk Rating	Measures/Assurances
Amendments/changes to the Local Government Act 2020 or other relevant government Acts.	1 - Tolerable <ul style="list-style-type: none">Risk likely to occurLittle or no lasting effect	Mitigation <ul style="list-style-type: none">Contribute and participate in law reform consultations through MembersIdentify and plan for changes proactively as per current approaches (i.e. Gender Equality Act, Child Safety and Wellbeing Act etc.) Respond <ul style="list-style-type: none">Implement changes under the direction of the Board and Members that impact on any beneficial enterprise.
Rate Capping and other financial constraints outside of control	1 - Tolerable <ul style="list-style-type: none">Risk likely to occurLittle or no lasting effect	Mitigation <ul style="list-style-type: none">Identify constraints and budget/forecast accordingly. Respond <ul style="list-style-type: none">Work in partnership with Member Councils to respond appropriately in managing service levels and resources.

Reputational Risks

Key Risk	Risk Rating	Measures/Assurances
Not completing the transition to the new entity	2 – Intolerable <ul style="list-style-type: none"> Risk unlikely to occur Could result in a negative reputation for Councils and any future entity 	Mitigation <ul style="list-style-type: none"> Legal advice and implementation by well-established and experienced legal firms Accounting consultants to assist with the process of business transfer and setting up finance Member Council due diligence in accordance with the Local Government Act, section 111 Guidance and direction from the Board, Consultants and Member Councils.
Unsatisfactory service delivery and negative backlash from the community	0 - Acceptable <ul style="list-style-type: none"> Risk very unlikely to occur Could have service implications 	Mitigation <ul style="list-style-type: none"> Communications Plan developed and implemented for Community and Stakeholder engagement as the transfer occurs. Corporate plans and annual reports reviewed and approved by the Board to ensure a smooth transition to a new entity. Quarterly reporting to Board on achievements and service delivery. Proven track record of delivering high standard, efficient library services.
Community objection to transition due to fear of change	1 - Tolerable <ul style="list-style-type: none"> Risk likely to occur Minimal lasting effect 	Mitigation <ul style="list-style-type: none"> Clear and simple communication to the community with a developed communication plan. Continuity of service throughout transfer of business operations. Reduce or eliminate any operational or material differences to services and resources.

15 DIRECTOR ASSETS AND OPERATIONS REPORTS

AO.1	DRAFT FAIR ACCESS POLICY
Officer:	Steven Williams, Recreation Development Officer
Council Plan relationship:	1. Connecting communities 2. Healthy environment, healthy people
Attachments:	1. Attachment 1 - Draft Fair Access Policy - 2024-04-05 ↓ 2. Attachment 2 - Submission Summary - Draft Fair Access Policy - Community Consultation - Redacted - March 2024 ↓

Summary

This report presents the draft *Fair Access Policy* (Attachment 1) for Council consideration and adoption. The draft *Fair Access Policy* has completed the community consultation stage, with feedback considered and incorporated into the final version where appropriate.

Recommendation

That Council adopts the Draft Fair Access Policy effective from 27 June 2024.

Background

This report provides information about the newly developed draft *Fair Access Policy* and invites Councillors to discuss the proposed policy (Attachment 1).

The draft policy aims to progressively build the capacity and capabilities of Council to identify and eliminate systemic causes of gender inequality in its policies, programs, communications, and delivery of services related to community sports infrastructure.

Discussion

In December 2015, following an independent inquiry, the Victorian Government released the *Women and Girls in Sport and Active Recreation* report. The report highlighted gender inequality in Victorian sports and recreation and outlined a way forward to help change and improve sport and recreation for all involved.

The Women and Girls in Sport and Active Recreation report included state-wide consultation and workshops with coach and administrator representatives from all levels of sport and recreation to assess the current state of female representation in the sport sector, especially in leadership roles. The overwhelming finding was that the sports sector is still predominantly male-centric, with women under-represented in leadership roles. The report also found that while a growing movement of women and girls is keen to showcase their talent and contribute to the sport and active recreation sector, opportunities for participation and leadership often need to be more readily apparent.

The Inquiry into Women and Girls in Sport and Active Recreation outlined the following nine recommendations to increase leadership and participation by women and girls.

- (1) Drive commitment through an Ambassadors of Change program.
- (2) Engage and empower by connecting Ambassadors to women and girls.

- (3) Mandate gender balance and good governance principles.
- (4) Reform recruitment practices and processes for leadership positions.
- (5) Enhance participation choice and improve how opportunities are marketed.
- (6) Deliver female-friendly built environments and equitable facility usage policies.
- (7) Build an enabling environment through education and training.
- (8) Showcase the pathways and opportunities through role models.
- (9) Increase the profile of women in sports media.

Fair Access Roadmap

The *Fair Access Policy Roadmap* addresses recommendation six from the Inquiry into Women and Girls in Sport and Active Recreation.

The *Fair Access Policy Roadmap* aims to develop a state-wide foundation to improve women and girls' access to and use of community sports infrastructure. From July 2024, all Victorian councils will need to ensure fair access to sporting facilities for people of all genders to be considered eligible to receive Victorian Government community sport infrastructure funding.

The *Fair Access Policy Roadmap* links the requirements of the Gender Equality Act 2020 with steps shaped by extensive consultation to support local governments, other public land managers, and sport and recreation bodies in working together to progress gender equitable access and use of community sports infrastructure across Victoria through procedural and cultural levers for change.

The following milestones and targets will apply to Council as local government and land managers work towards creating a foundation of gender-equitable access and use of community sports and infrastructure across Victoria. A change process is required to achieve state-wide progress to dismantle the gender barriers hindering equitable access and use of community sports infrastructure.

	Phase 1. Education August 2022 – 2023	Phase 2. Readiness 2023 – 30 June 2024	Phase 3. Progress 1 July 2024 onwards
Local governments and other public land management groups	<ul style="list-style-type: none"> Participate in education and community of practice initiatives Commence review of current sport and recreation strategies and policies in place Undertake Gender Impact Assessment (GIA) on community sports infrastructure access and use policies and/or processes 	<ul style="list-style-type: none"> As required by the Gender Equality Act 2020, submit the first Progress Report by 31 October 2023 that includes any GIAs undertaken on community sports infrastructure access and use policies and/or processes If not already in place, develop and adopt a locally relevant gender equitable access and use policy and action plan 	<ul style="list-style-type: none"> Progress locally relevant gender equitable access and use policies and action plans Support a review of the <i>Fair Access Policy Roadmap</i> Accessing Victorian Government community sport infrastructure funding programs will require evidence of gender equitable access and use policies and action plans being in place and advancing from 1 July 2024

	Phase 1. Education August 2022 – 2023	Phase 2. Readiness 2023 – 30 June 2024	Phase 3. Progress 1 July 2024 onwards
			<ul style="list-style-type: none"> As required by the Gender Equality Act 2020, submit a second Progress Report that includes GIAs undertaken
Sport and recreation organisations	<ul style="list-style-type: none"> Participate in education and community of practice initiatives Raise awareness of the <i>Fair Access Policy Roadmap</i> and its targets with clubs, leagues and associations 	<ul style="list-style-type: none"> Review processes and/or policies of clubs, associations and leagues that may impact gender-equitable access and usage of community sports infrastructure in your sport Commence education of clubs, associations and leagues to advance gender-equitable access and usage of community sports infrastructure 	<ul style="list-style-type: none"> Support a review of the <i>Fair Access Policy Roadmap</i> Clubs, leagues and associations seeking to access Victorian Government community sport infrastructure funding programs will be asked to demonstrate how it is supporting the gender equitable access and use policy of the relevant local government authority from 1 October 2024
Office for Women in Sport and Recreation	<ul style="list-style-type: none"> Provide education seminars, including how to undertake Gender Impact Assessments Facilitate community of practice initiatives 	<ul style="list-style-type: none"> Support the development and implementation of locally relevant gender equitable access and use policies and action plans Continue education seminars and community of practice initiatives Monitor and report on gender equitable access and use status across Victoria 	<ul style="list-style-type: none"> Embed into the eligibility criteria of Victorian Government community sports infrastructure funding programs the requirement of gender equitable access and use policies Lead the review of the <i>Fair Access Policy Roadmap</i> Lead the ongoing monitoring and reporting of gender equitable access and use outcomes across Victoria

Fair Access Principles

The Office for Women in Sport and Recreation, Sport and Recreation Victoria and VicHealth, in consultation with representatives from local government and the state sport and recreation sector, developed the *Fair Access Principles*. The draft *Fair Access Policy* and action plans

are based on the six inclusivity principles: full participation, equal representation, encouraging and supporting user groups, and prioritising user groups committed to equality.

Council officers consider that these principles provide clear direction while also enabling adaptation to our municipality's specific environment.



Implementation

The draft *Fair Access Policy*'s scope is to support Council to take proactive action towards achieving gender equity in the access and usage of community sports infrastructure. The policy's design:

- builds capacity and capabilities of Council in the identification and elimination of the systemic causes of gender inequality in policy, programs, communications, and service delivery relating to community sport and recreation;
- ensures an effective place-based response for the gender-equitable use and access of community sports infrastructure; and
- promotes gender equality in policies, programs, communications, and services related to community sports infrastructure.

For Macedon Ranges Shire Council, the policy applies to the following community sports facilities where Council is owner, land manager and/or operator of the facility:

	Facility	Location
1.	Kyneton Toyota Sports & Aquatics Centre	Kyneton
2.	Gisborne Aquatic Centre	Gisborne
3.	Buffalo Stadium	Woodend
4.	Riddells Creek Leisure Centre	Riddells Creek
5.	Romsey Recreation Centre	Romsey
6.	Macedon Ranges Community Centre	Macedon
7.	Gisborne Fitness Centre	Gisborne
8.	Woodend Outdoor Pool	Woodend
9.	Lancefield Outdoor Pool	Lancefield

The Policy also applies to the following community sports reserves where the Council is the landowner or manager.

	Reserve / Club	Location
1.	Bullengarook Reserve	Bullengarook
2.	Darraweit Guim Tennis Club	Darraweit Guim
3.	Dixon Field	Gisborne
4.	Gardiner Reserve	Gisborne
5.	Gisborne & District Bowling Club	Gisborne
6.	IR Robertson Reserve	Gisborne
7.	Mt Macedon Petanque Club	Gisborne
8.	Sankey Reserve	Gisborne
9.	Hanging Rock Reserve	Hanging Rock
10.	Barkly Square	Kyneton
11.	Kyneton & District Tennis Club	Kyneton
12.	Kyneton Bowling Club	Kyneton
13.	Kyneton Riffle Range	Kyneton
14.	Kyneton Showgrounds	Kyneton
15.	Rollinson Reserve	Kyneton
16.	Lancefield Golf Club	Lancefield
17.	JD Clifford Reserve	Macedon
18.	Tony Clarke Reserve	Macedon
19.	Malmsbury Sports Ground	Malmsbury
20.	Ross Watt Reserve	New Gisborne
21.	Riddells Creek Rec Reserve	Riddells Creek
22.	Romsey Park	Romsey
23.	Romsey Park Oval 2	Romsey

	Reserve / Club	Location
24.	Gilligan Reserve	South Gisborne
25.	Gilbert Gordon Oval	Woodend
26.	Woodend Bowling Club	Woodend
27.	Woodend Golf Club	Woodend
28.	Woodend Racecourse Reserve	Woodend
29.	Woodend Tennis Club	Woodend

The Office for Women in Sport and Recreation provides education and support resources for the *Fair Access Roadmap* transition, including policy and action plan templates. For sports infrastructure not owned or managed by the Council, such as recreation reserves and clubs, the Office for Women in Sport and Recreation has confirmed that the landowner is not required to have their own *Fair Access Policy*. However, they are strongly encouraged to support their LGA's policy.

Only Council needs to comply with the *Fair Access Roadmap* requirements for grant applications made on behalf of the council for township recreation reserves and clubs.

As part of implementing the draft *Fair Access Policy*, Council commits to undertake a *Gender Impact Assessment* on all current community sports infrastructure access and use policies and processes and to consider opportunities to strengthen gender equitable access and use of community sports facilities in alignment with the *Fair Access Principles*.

The draft *Fair Access Policy* provides a locally relevant gender equitable access and use policy for Council endorsement by 1 July 2024. This draft policy is based on the template provided by the Victorian Government.

Consultation and engagement

The Council resolved to release the draft *Fair Access Policy* for consultation at the scheduled Council meeting on 13 December 2023, as follows:

That Council endorses the release of the draft Fair Access Policy for four weeks of public consultation.

The draft *Fair Access Policy* was publicised for community consultation over four weeks from 5 February 20024 to 3 March 2024, which included:

- Feedback sought on Council's 'Have your say' webpage;
- Survey posted on Council's 'Have your say' webpage;
- Promotion via Council's social media;

During the public submission, one formal submission and one survey response was received; a summary is provided in Attachment 2.

Officers made changes to the draft *Fair Access Policy* due to the feedback received, as per the following table:

Page(s)	Section Heading / Area	Original Text	New Text
3	Purpose / Paragraph 1	"barriers experienced by women and girls"	"barriers experienced by women, girls and gender diverse people"
9	Objective 2 / Action / Section 1	"what constitutes female friendly infrastructure"	"what constitutes gender equitable infrastructure"

Page(s)	Section Heading / Area	Original Text	New Text
9	Objective 2 / Action / Section 2	"identify those without female friendly infrastructure"	"identify those without gender equitable infrastructure"
9/10	Objective 2 / Strategic Objective	"catering for the needs of male and female participants and visitors"	"catering for the needs of men, women, boys, girls and gender diverse participants and visitors"

Collaboration

Officers collaborated with other councils when preparing the draft policy. They worked in close consultation with the Office for Women in Sport and Recreation prior to finalising the initial draft version for internal review.

Innovation and continuous improvement

The draft *Fair Access Policy* represents continuous improvement as it identifies Council's long-term planned approach to addressing gender equity in the provision of Sport and Recreation facilities.

Relevant law

In accordance with the Gender Equality Act 2020, Council has conducted Gender Impact Assessments (GIA), as defined in the Gender Equality Act 2020, since 31 March 2021 for all new and reviewed public-facing policies, programs, communications, and services. GIA's aim is to create better and fairer outcomes and ensure all people have equal access to opportunities and resources.

Additionally, under the Gender Equality Act 2020, local councils and public sporting bodies must apply a gender lens and conduct GIA to understand how policies, programs and services can impact people of different genders differently and ensure inequalities aren't being reinforced. This draft policy includes guidelines to ensure action is taken to implement inclusive and equitable sport and recreation practices.

Relevant regional, state and national plans and policies

The Victorian Government's *Fair Access Policy Roadmap* aims to develop a state-wide foundation to improve access to and use of community sports infrastructure for women and girls.

From July 2024, all Victorian Councils will need to ensure fair access to sporting facilities for people of all genders to be considered eligible to receive infrastructure funding.

The Roadmap features three key phases: education, readiness and progress. In the first phase, the Office for Women in Sport and Recreation will provide training, education and support to local councils, peak bodies and facilities to help them implement the Roadmap.

The draft *Fair Access Policy* has been developed to meet these requirements.

Relevant Council plans and policies

The draft *Fair Access Policy* relates to the following strategic objectives of the Council Plan 2021-2031.

Connecting Communities:

- Provide well-designed, fit-for-purpose, multi-use open spaces and infrastructure for the community to connect, engage and participate in a financially sustainable way

- Promote a more inclusive community by supporting community groups and vulnerable groups

Healthy environment, healthy people:

- Encourage active and healthy lifestyles for people of all ages and abilities
- Support our community to ensure better access and connection for facilities and services

Other relevant Council plans and strategies that relate to the draft *Fair Access Policy* include:

- Sport and Active Recreation Strategy 2018-28;
- Open Space Strategy 2013;
- Gender Equality Action Plan 2022-25

Financial viability

Once this policy is endorsed and work on associated action items commences, possible cost elements will be considered. Following the endorsement of the policy, council officers will undertake a cost and resource implication analysis. Any changes will be subject to Council's budget processes.**Sustainability implications**

Council is committed to protecting the environment and will require Tenants to use Council facilities in an environmentally responsible manner. Tenants must comply with Council's directions concerning environmental initiatives on Council Property, particularly the policies concerning sustainable buildings and waste management. Tenants may also approach Council to support grant applications to improve the building's energy efficiency and environmental performance.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

Policy



ATTACHMENT 1

Draft Fair Access Policy

Date of Adoption			
Adoption Method	<input checked="" type="checkbox"/> Council	<input type="checkbox"/> CEO	<input type="checkbox"/> Other (please specify)
CEO Signature			Date
Responsible Officer and Unit	Manager Open Space and Recreation		
Nominated Review Period	<input type="checkbox"/> Annually	<input checked="" type="checkbox"/> Every 4 years	<input type="checkbox"/> Other (please specify)
Last Endorsement Date			
Next Endorsement Date			

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging. Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

DOCUMENT HISTORY	Version	Date	Author
Initial Draft	1	01/10/2023	SGilchrist
Second Draft			
Final Draft			
Approval			

Contents

Purpose	1
Background	1
Statement of Intent	2
Scope	2
Policy Framework	4
Fair Access Principles	6
Definitions	7
References	8
Related Policies	8
Related Legislation	8
Addendum 1	9

Purpose

The *Fair Access Policy* (the Policy) addresses known barriers experienced by women, girls and gender diverse people in accessing and using community sports infrastructure. The Policy aims to progressively build the capacity and capabilities of Macedon Ranges Shire in identifying and eliminating systemic causes of gender inequality in policy, programs, communications, and delivery of services relating to community sports infrastructure.

Council will take the necessary and proportionate steps towards implementing the Fair Access Policy.

Background

Council acknowledges the need to design and implement action plans that progress gender equality in community sports. Council currently provides and/or facilitates access to various sports and active recreation opportunities across the municipality. These add to the region's culture, lifestyle and character whilst enhancing the liveability of the shire and are therefore recognised as an important part of a well-balanced lifestyle.

The benefits associated with participating in physical activity through active recreation or sport and leisure activities include:

- personal enjoyment,
- social interaction,
- physical and mental health,
- personal achievement,
- community involvement ('social capital'),
- community resilience and
- opportunities for expressing community pride.

The Victorian Government is committed to developing an environment for all Victorians to:

- live in a safe and equal society,
- access equal power, resources, and opportunities, and
- be treated with dignity, respect, and fairness.

The reform agenda aims to change the systems that have perpetuated gender inequality by designing an enduring structure that requires implementation and tracking of progress over time.

This reform agenda includes addressing the traditional structures and way community sport and recreation organisations operate by implementing all nine (9) recommendations from the 2015 Inquiry into Women and Girls in Sport and Active Recreation. This includes recommendation six (6) that requires Council to have this policy:

"...encourage facility owners and managers to review access and usage policies to ensure women and girls have a fair share of access to the highest quality facilities at the best and most popular times"

and

"facilitating a universal adoption of [policies, strategies and audit tools] will drive change further"

Council has conducted Gender Impact Assessments (GIA), as defined in the Gender Equality Act 2020, since 31 March 2021 for all new and reviewed public-facing policies, programs, communications, and services.

Statement of Intent

This Statement of Intent establishes the expectation that gender equality is considered and prioritised in all current and future Macedon Ranges Shire Council's planning, policy, service delivery and practice related to community sports infrastructure.

- a) Council recognises that gender equality is attaining equal rights, responsibilities, and opportunities for women, men, trans and gender diverse people. Equality does not mean that women, men, trans and gender-diverse people will become the same but that their rights, responsibilities, and opportunities will not be gender-dependent.
- b) Council recognises that gender equity means treating everyone fairly and justly, regardless of their gender. This includes recognising that people may have different needs and power based on their gender, and working to address these differences in a way that corrects gender imbalances.

Scope

The Policy enables effective and efficient integration of the requirements of the *Gender Equality Act 2020*, the *Local Government Act 2020*, the *Public Health and Wellbeing Act 2008*, and other legislative frameworks.

The scope of the Policy is to support Council in taking positive action towards achieving gender equity in the access and usage of community sports infrastructure. This outcome complies with the *Gender Equality Act 2020* and aligns with Municipal Public Health and Wellbeing Plans and Council Strategies:

Gender Reform Agenda	Objectives
To support Council to take positive action towards achieving gender equity in the access and use of community sports infrastructure	<p>To build the capacity and capabilities of Macedon Ranges Shire Council in the identification and elimination of systemic causes of gender inequality in policy, programs, communications, and delivery of services in relation to community sport and recreation.</p> <p>To ensure an effective place-based response for the gender equitable use and access of community sports infrastructure.</p> <p>To promote gender equality in policies, programs, communications, and services as they relate to community sports infrastructure.</p>

For Macedon Ranges Shire Council, the Policy applies to the following community sports facilities where Council is owner, land manager and/or operator of the facility:

Facility	Location	Landowner
The Stadium	Gisborne	DEECA
Gisborne Aquatic Centre	Gisborne	DEECA
Gisborne Fitness Centre	Gisborne	MRSC
Kyneton Toyota Sports & Aquatics Centre	Kyneton	MRSC
Lancefield Outdoor Pool	Lancefield	DEECA
Macedon Community Centre	Macedon	MRSC
Riddells Creek Leisure Centre	Riddells Creek	DEECA
Romsey Recreation Centre	Romsey	DEECA
Buffalo Stadium	Woodend	DEECA
Woodend Outdoor Pool	Woodend	DEECA

The Policy also applies to the following community sports reserves where Council is the land owner or land manager.

Reserve / Club	Location	Landowner
Bullengarook Recreation Reserve	Bullengarook	MRSC
Clarkefield Recreation Reserve	Clarkefield	MRSC
Darraweit Guim Tennis Club	Darraweit Guim	DEECA
Dixon Field	Gisborne	MRSC
Gardiner Reserve	Gisborne	DEECA
Gisborne & District Bowling Club	Gisborne	DEECA
IR Robertson Reserve	Gisborne	MRSC
Mt Macedon Petanque Club	Gisborne	MRSC
Sankey Reserve	Gisborne	DEECA
Hanging Rock Reserve	Hanging Rock	DEECA
Barkly Square	Kyneton	DEECA
Kyneton & District Tennis Club	Kyneton	MRSC
Kyneton Bowling Club	Kyneton	DEECA
Kyneton Riffle Range	Kyneton	MRSC
Kyneton Showgrounds	Kyneton	MRSC
Rollinson Reserve	Kyneton	MRSC
Lancefield Golf Club	Lancefield	MRSC
JD Clifford Reserve	Macedon	DEECA

Reserve / Club	Location	Landowner
Tony Clarke Reserve	Macedon	MRSC
Malmsbury Sports Ground	Malmsbury	DEECA
Barringo Reserve	New Gisborne	MRSC
Macedon Ranges Sports Precinct	New Gisborne	MRSC
Ross Watt Reserve	New Gisborne	MRSC
Riddells Creek Recreation Reserve	Riddells Creek	DEECA
Romsey Park	Romsey	DEECA
Romsey Park Oval 2	Romsey	Dept of Education
Gilligan Reserve	South Gisborne	MRSC
Tylden Recreation Reserve	Tylden	MRSC
Gilbert Gordon Oval	Woodend	DEECA
Woodend Bowling Club	Woodend	DEECA
Woodend Golf Club	Woodend	DEECA
Woodend Racecourse Reserve	Woodend	DEECA
Woodend Tennis Club	Woodend	DEECA

Policy Framework

The Policy is designed to comply with the *Gender Equality Act 2020*, and the wider Victorian Government gender equality strategy.

Macedon Ranges Shire Council acknowledges:

- a) the disadvantaged position some individuals have had in the sport and recreation sector because of their gender; and
- b) that achieving gender equality will require diverse approaches for women, men, trans and gender diverse people to achieve similar outcomes for people of all genders.

Macedon Ranges Shire Council will:

1. engage fairly and equitably with all staff, governance working groups, state sporting organisations, regional sport assemblies (where applicable) and members of our sport and recreation community, regardless of their gender, in a positive, respectful, and constructive manner; and
2. engage in the process of gender impact assessments to assess the implications for women, men, trans and gender diverse people of any planned action, including policies and communications. This is a strategy for making all voices, concerns and experiences, an integral dimension of the design, implementation, monitoring of policies and programs.

3. apply diverse approaches for women, men, trans and gender diverse people to achieve similar outcomes.

Resources for conducting Gender Impact Assessments can be found on the intranet:
<https://www.mrsc.vic.gov.au/workplace/Working-here/Gender-Equality>.

Fair Access Principles

The six (6) Fair Access Principles have been developed by the Office for Women in Sport and Recreation, Sport and Recreation Victoria and VicHealth, in consultation with representatives from local government and the state sport and recreation sector. These principles are as follows:



Council is committed to addressing the Fair Action Principles as outlined in Addendum 1.

Definitions

Term	Definition
Community Sports Infrastructure	Publicly owned local, rural, regional, or state level sport and recreation infrastructure operated and maintained primarily for the purpose of facilitating community sport activities, including sporting grounds, surfaces, facilities, and pavilions.
Gender	How you understand who you are and how you interact with other people. Many people understand their gender as being a man or woman. Some people understand their gender as a mix of these or neither. A person's gender and their expression of their gender can be shown in different ways, such as through behaviour or physical appearance.
Gender diverse	An umbrella term for a range of genders expressed in different ways. Gender diverse people use many terms to describe themselves. Language in this area is dynamic, particularly among young people, who are more likely to describe themselves as non-binary.
Gender equality	The equal rights, responsibilities and opportunities of women, men and trans and gender-diverse people. Equality does not mean that women, men and trans and gender diverse people will become the same but that their rights, responsibilities, and opportunities will not depend on their gender.
Gender equity	The provision of fairness and justice in the distribution of benefits and responsibilities based on gender. The concept recognises that people may have different needs and power related to their gender and these differences should be identified and addressed in a manner that rectifies gender related imbalances.
Gender Impact Assessment, or GIA	A requirement under the <i>Gender Equality Act 2020</i> to be carried out on policies, programs and services which have a direct and significant impact on the public. The assessment must evaluate the effects that a policy, program or service may have on people of different genders.
Transgender, or trans	Someone whose gender does not only align with the one assigned at birth. Not all trans people will use this term to describe themselves.
The Acts	<i>Gender Equality Act 2020 (Vic)</i> , <i>Local Government Act 2020 (Vic)</i> and <i>Equal Opportunity Act 2010 (Vic)</i>

References

- > MRSC Gender Equality Action Plan 2022-25
- > MRSC Open Space Strategy 2013
- > MRSC Sport & Active Recreation Strategy 2018-2028
- > Sport and Recreation Victoria Female Friendly Sport Infrastructure Guidelines
- > Sport and Recreation Victoria Access For All Abilities

Related Policies

- > Bullying Prevention Policy
- > Employee Code of Conduct
- > Equal Opportunity Policy
- > Sexual Harassment Policy

Related Legislation

- > *Gender Equality Act 2020 (Vic)*
- > *Local Government Act 2020 (Vic)*
- > *Equal Opportunity Act 2010 (Vic)*

Addendum 1

OUR ACTION PLAN

Strategic objective	Action	Outcome	Timeline
Objective 1 Ensure that Macedon Ranges venue usage aligns to the Fair Access Principles in relation to the scheduling of competition in "peak" time slots	Provide guidance and information for clubs and associations on the Fair Access Principles.	Clubs and associations will apply the principles in their decision making.	Early 2025
	Survey MRSC clubs to determine preferred venue usage times for each of male, female, senior and junior competition, across all sports covered, ensuring Fair Access during peak periods.	Council will help to inform need for change, based upon the outcome of usage survey and application of Fair Access during peak periods.	Mid 2025
	Work with venue user groups & relevant State Sporting Association bodies to obtain usage data, covering each of male, female, senior and junior.	In conjunction with the previous action, format action plans with clubs, associations and venues to report on usage data and intervene in accordance with this policy to implement change	By end of 2025
	Champion scheduling of female games on main courts and grounds at MRSC venues	Assist clubs to lift the profile of female sport, and grow overall participation levels across the Shire	Mid 2026
Objective 2 Ensure that Macedon Ranges venues are safe, inclusive, accessible and catering for the needs of men, women, boys,	Liaise with Associations, Clubs and Participants to ensure an understanding of what constitutes gender equitable infrastructure.	Enables an audit of facilities using an informed description.	Mid 2025
	Audit of all venues to identify those with/without gender equitable infrastructure	Help to inform future year budget funding priorities based on venue usage and participation levels	Mid 2025

Strategic objective	Action	Outcome	Timeline
girls and gender diverse participants and visitors	Audit of all venues to identify all abilities access and facilities	Promote and grow all abilities participation at applicable MRSC venues.	Mid 2025
	Audit of venue for Crime Prevention Through Environmental Design (CPTED) element including consideration of lighting inclusive of both playing areas and surrounding areas / walkways	Inform a strategy to carry out CPTED upgrades which will improve overall safety of MRSC venues, whilst enabling increased venue usage during the evening.	Mid 2025 and then ongoing for required upgrades
Objective 3 Promote and encourage gender equity at club committee level to achieve a minimum split of 40% by gender	Prepare a gender equality checklist which includes questions relating to committee/board positions	Identify and work with under-represented clubs.	2026
	Update grant and leasing/licencing documentation to include a requirement for gender equity at club committee level	Grants and leasing/licencing will be linked to gender equity at club committee level	Phased approach with 2028 as target deadline
	Review club constitution & action plans to identify any language in relation to committee/board positions	Set minimum standards for MRSC clubs to adhere to, outlining sanctions for clubs who are unwilling to cooperate.	Phased approach with 2028 as target deadline
	Review club recruitment and retention strategies and policies	Set minimum standards at which MRSC clubs shall be required to operate. This may include having MRSC base policies and strategies that clubs can adopt.	Phased approach with 2028 as target deadline

Draft Fair Access Policy

Community Consultation Period 05 February to 03 March 2024

1 Submission

Date	Submitter	Submission summary	Response/Actions
19/02/2024	Submission 1	<p>Hi there,</p> <p>Please find attached my comments on MRSC's draft Fair Access Policy.</p> <p>It's great that you have considered the needs of trans and gender diverse community in the draft policy. My main comments are around consistently including gender diverse people throughout the document when you are mentioning 'women and men' (see comments).</p>	<p>This was valid feedback and can be made as a minor adjustment to the policy.</p>

AO.2	DRAFT KYNETON MOVEMENT NETWORK PLAN (2024-2033)
Officer:	Benup Neupane, Coordinator Engineering Services
Council Plan relationship:	1. Connecting communities 4. Delivering strong and reliable government
Attachments:	1. Draft Kyneton Movement Network Plan (2024-2033) (under separate cover) 2. Draft Kyneton Movement Network Study - Submissions - Redacted (under separate cover)

Summary

This report presents the draft Kyneton Movement Network Plan (2024 - 2033) (**Attachment 1**) for Council consideration and adoption. The consultation for the draft Kyneton Movement Network Study is complete. Where appropriate, feedback has been considered and incorporated into the final version.

Recommendation

That Council adopts the draft Kyneton Movement Network Plan (2024 – 2033).

Background

Work began on a version of the Kyneton Movement Network Infrastructure Study in 2010, identifying the town's existing movement network requirements. Subsequent investigations, including the Kyneton Urban Design Framework (Kyneton UDF) in 2008 and the Kyneton Structure Plan in 2013, laid the foundation for future planning. A 2018 Kyneton Movement Network Study draft faced community opposition, necessitating a revised approach. Council is also updating the Kyneton UDF, focusing on the public realm and movement network needs within the town centre as defined by the Commercial 1 Zone. Following community consultation, expected later in 2024, the final Kyneton UDF will reflect the town centre movement network contained in the Kyneton Movement Network Plan (2024 - 2033) (KMNP).

For clarity, the investigation work is called the Kyneton Movement Network Study. Now that the investigation and consultation are complete, the final document is called the Kyneton Movement Network Plan (2024-2033) (KMNP).

Discussion

A draft of the KMNS was completed and presented at the Scheduled Council Meeting on 27 March 2024. Council released this draft Plan for six (6) weeks of consultation in April and May 2024.

Community feedback is an important input to the Multi-Criteria Analysis (MCA) process.

The draft KMNS outlined 116 potential projects, ranked from highest to lowest priority based on the MCA. The MCA used five criteria, including feasibility, connectivity, safety, alignment with Movement and Place aspirations, and alignment with local strategy and policy, but it excluded community sentiments.

A total of 52 responses were received from the community. A summary of the community submissions and officers' responses to each submission is provided in **Attachment 2**.

The community generally supported the initial projects identified in the draft and provided its views on their priority.

The community was unsupportive of the following three projects:

- No. 74. Restrict access to left-in/left-out on New Street at High Street
- No. 75. Restrict access to left-in/left-out on Bodkin Street at Mollison Street
- No. 76. Restrict access to left-in/left-out on Begg Street at Mollison Street.

As part of the feedback, the Kyneton community identified 13 additional projects that they would like to see developed and implemented in Kyneton. These projects are outlined in the table below and were also scored as part of the MCA process.

Project No.	Project Type	Description
117	Active transport	Orr Street (south side between Tower Road and Edgecombe Street): construction footpath
118	Car parking	Market Street (between Mollison Street and Ferguson Street): convert to parallel car parking
119	Active transport	Ebden Street (eastern side where required): seal existing footpath
120	Active transport	Redesdale Road: construct a shared path
121	Active transport	Jennings Street: construct a shared path
122	Active transport	Powlett Street: construction footpath between Piper Street and Baynton Street
123	Active transport	Conduct townwide footpath audit of existing footpath
124	Road network and vehicular traffic	Welsh Street: review the road closure to enable access by pedestrians and cyclists
125	Car parking	Victoria Street: undertake an audit of on-street parking
126	Road network and vehicular traffic	Redesdale Street at Council transfer station: crossover safety improvement
127	Road network and vehicular traffic	Beauchamp Street: reduce the speed limit to 50km/h
128	Priority crossing with kerb outstands	East of High Street and Ferguson Street intersection
129	Priority crossing with kerb outstands	The intersection of Market Street and Ferguson Street

Following input from the community, the MCA process was updated with the community consultation feedback and the addition of 13 additional community-identified projects. All projects were ranked from highest to lowest priority.

The table below provides a new list of the top 30 projects prioritised by the MCA approach, incorporating community feedback. The prioritisation process enables the Council to identify the top thirty projects. These projects may be completed in a different order from their score due to a number of reasons, including funding criteria, or some works might be precursors to other works.

MCA Ranking (after community consultation)						
MCA Ranking	Project ID	Project Type	Road Name	Project	Start	End
1	84	Vehicle Traffic	Kyneton Town Centre	Area speed limit reduction (30km/h or 40km/h)		
2	97	Vehicle Traffic	Edgecombe Street (post the construction of a bridge at Campaspe River)	Road upgrade and reconfiguration	High Street	Future Campaspe River bridge
3	70	Vehicle Traffic	Bodkin Street	Traffic calming (speed humps, splitter island at New St)	Mollison Street	New Street
4	69	Vehicle Traffic	Mollison Street/High Street	Intersection upgrades (right turn extension and signal mods)		
5	85	Vehicle Traffic	Streets surrounding town centre (bounded by Piper/Mair, Victoria, Donnithorne/Bodkin & Wedge)	Speed limit reduction (to 40km/h)		
6	45	Active Transport	High Street at Market Street Car Park ROW access	Priority crossing with kerb outstands		
7	104	Car Parking	Kyneton Town Centre	Undertake accessible parking audit in 2027		
8	83	Vehicle Traffic	High Street/Edgecombe Street (post the construction of a bridge at Campaspe River)	Intersection upgrades (traffic signals)		
9	106	Car Parking	High Street, Epping Street, Edgecombe Street	Install on-street accessible parking in/around the Education Precinct		
10	129	Active Transport	Ferguson Street at Market Street	Priority crossing with kerb outstands		

MCA Ranking (after community consultation)						
MCA Ranking	Project ID	Project Type	Road Name	Project	Start	End
11	105	Car Parking	Kyneton Town Centre	Convert on-street parking spaces to accessible parking spaces (on a case-by-case basis)		
12	77	Vehicle Traffic	Mollison Street into Market Street	Restrict right turn movements during peak times (short term)		
13	49	Active Transport	Edgecombe Street at existing shared path connection through Education Precinct	Priority crossing with kerb outstands		
14	55	Active Transport	Beauchamp Street (north side)	Construct footpath	Wedge Street	Powlett Street
15	81	Vehicle Traffic	Edgecombe Street	Speed limit reduction (to 40 km/h)	Epping Street	Beauchamp Street
16	73	Vehicle Traffic	New Street	Traffic calming (speed cushions)	High Street	Begg Street
17	43	Active Transport	Mollison Street	Priority crossing with kerb outstands	Simpson Street	Welsh Street
18	42	Active Transport	Mollison Street	Priority crossing with kerb outstands	Hutton Street	Bowen Street
19	62	Active Transport	Yaldwyn Street E (north side)	Construct footpath	Mollison Street	Victoria Street
20	61	Active Transport	Wedge Street (west side)	Construct footpath	Baynton Street	Jennings Street
21	59	Active Transport	Donnithorne Street (south side)	Construct footpath	Powlett Street	Wedge Street
22	46	Active Transport	Mollison Street/Piper Street	Intersection upgrade - signalisation/roundabout		

MCA Ranking (after community consultation)						
MCA Ranking	Project ID	Project Type	Road Name	Project	Start	End
23	72	Vehicle Traffic	Begg Street	Speed cushions	Mollison Street	Ross Street
24	128	Active Transport	High Street at Ferguson Street	Priority crossing with kerb outstands		
25	82	Vehicle Traffic	Edgecombe Street	Carriageway reconfiguration (shared bicycle and parking lane) and kerb outstands (narrowing effect and reducing crossing distance)	High Street	Beauchamp Street
26	44	Active Transport	Piper Street	Priority crossing with kerb outstands	Ebden Street	Powlett Street
27	60	Active Transport	Pohlman Street (south side)	Construct footpath	Ebden Street	Powlett Street
28	57	Active Transport	Epping Street (south side)	Construct footpath	Edgecombe Street	Barton Street
29	56	Active Transport	Victoria Street (west side)	Construct footpath	Mair Street	Beauchamp Street
30	96	Vehicle Traffic	Edgecombe Street across Campaspe River	New road bridge connection		

Appendix K of the draft KMNS includes the MCA's raw outputs, comprising all identified projects and their ranking.

Advocacy to the Department of Transport and Planning (DTP)

The following 12 projects from within the top 30 projects will require advocacy and approval of DTP.

MCA Ranking	Project ID	Project
1	84	Area-wide speed reduction in Kyneton Town Centre (30 or 40 km/h)
4	69	Intersection upgrades (right turn extension and signal mods) at High Street/Mollison Street
5	85	Area-wide speed reduction in residential streets surrounding Kyneton Town Centre
6	45	Priority pedestrian crossing with kerb outstands on High Street at Market Street Car Park Right of Way (ROW)
8	83	Intersection upgrades (traffic signals) at High Street/Edgecombe Street intersection (post the bridge construction)
12	77	Restrict turn movements from Mollison Street into Market Street during peak hours.
15	81	Speed limit reduction (to 40kmh) on Edgecombe Street
17	43	Priority crossing with kerb outstands on Mollison Street at/near Simpson Street and Welsh Street.
18	42	Priority crossing with kerb outstands on Mollison Street at/near Hutton Street and Bowen Street.
22	46	Intersection upgrade at Mollison Street/Piper Street
24	128	Priority crossing with kerb outstands on High Street at Ferguson Street
26	44	Priority crossing with kerb outstands on Piper Street between Ebden Street and Powlett Street.

Consultation and engagement

Community consultation was held for six weeks from April to early May 2024, recognising that there is a two-week school break during this period.

Officers conducted the community consultation as per Council's Community Engagement Policy, as follows:

- The consultation was supported by promotions through various Council channels, including inclusion in March 2024 Council Meeting wrap-up media release on 2 April, posted to our website and circulated to media outlets (coverage in 9 April Midland Express);

- The consultation was also mentioned in the monthly March 2024 Mayor's video on 3 April, posted to our website and shared on social media;
- Mentions in Council's regular fortnightly half-page advertisement in the Midland Express on 9 and 23 April and 7 May;
- Social media post on 10 April flagging open consultations, including this Plan;
- An online consultation page was created on the Council's Your Say portal. It outlines the draft report and invites feedback for six weeks, from 2 April to 13 May 2024.

This consultation aimed to seek the sentiments and feedback of the stakeholders and community for incorporation into the MCA (as an additional assessment criteria) and finalise the project priorities for the final Plan.

A total of 52 responses were received from the community. A summary of the community submissions and officers' responses to each submission is provided in **Attachment 2**.

The consultation response details are outlined in this report's *Discussion* section.

Collaboration

Officers prepared this report with the assistance of internal staff, external stakeholders, and internal staff, including key contributions from the Strategic Planning team and the Department of Transport and Planning (DTP) on arterial roads.

Innovation and continuous improvement

The draft KMNP reflects the Council's commitment to identifying and addressing the community's concerns about transport, infrastructure development, and population growth in Kyneton now and in the future. Once the study is adopted, officers will consider opportunities for innovation and continuous improvement when designing and constructing the recommendations.

Relevant law

A gender impact assessment has been conducted regarding the subject matter of this report, in accordance with the Gender Equality Act 2020.

The gender impact assessment recommends that, as far as practical, the document provides equity of access for all current and future users. The KMNP applies to all residents and visitors. Individual project scopes and delivery will also reference the Gender Impact.

It also endeavours to provide equity in considering issues and opportunities for all, including gender considerations.

Individual project scopes and delivery will also reference the Gender Impact.

Relevant regional, state and national plans and policies

The following plans and policies were referred to in drafting this KMNP:

- Road Management Act 2004
- Victorian Road Safety Strategy 2021 to 2030
- Towards Vision Zero, and
- Movement and Place Framework

Relevant Council plans and policies

The KMNP will seek to improve connectivity and movement and provide the community with transport choices, including walking trails and bike paths. It relates to two of the Council Plan 2021-2031 strategic objectives: Connecting Communities and Healthy Environment, Healthy People.

Other relevant Council plans and policies include:

- Mobility and Road Safety Strategy 2023 - 2032
- Shirewide Footpath Plan 2023
- Positive Ageing Strategy 2020-2025
- Disability Action Plan 2021 – 2024, and
- Walking and Cycling Strategy 2014

Climate Impact Assessment

The recommendations in the KMNP do not directly mitigate any specific risk from climate change related to Council's operations and services. However, there are projects listed in the Plan to support active transport via walking and cycling. This will support Council's objective of a more sustainable transport mode share while minimising vehicle emissions.

The KMNP identifies that everyone is responsible for mitigating transport-related climate change impacts.

Financial viability

This financial year's budget funds this study. The recommendations from this study will result in potential new capital projects, subject to future budget decisions.

At the same time, officers will explore opportunities from multiple sources of funding to fund some of these actions through external State and Federal grants, such as the Transport Accident Commission and the Department of Transport and Planning, as well as any other applicable grants, based on the grant selection criteria specific to each funding source.

Sustainability implications

This study intends to support the Council's commitment to managing its infrastructure, considering long-term environmental and financial sustainability, and ensuring that the traffic and transport network supports a sustainable community, environment and community.

Any project developed from this study's recommendations will consider the specific social and/or environmental impact of each project, and the affected community members will be consulted before its implementation.

Officer declaration of conflicts of interest

All officers involved in preparing this report have declared that they have no conflict of interest regarding the subject matter.

AO.3	DRAFT RIDDELLS CREEK MOVEMENT NETWORK PLAN (2024 - 2033)
Officer:	Eng Lim, Manager Engineering and Resource Recovery
Council Plan relationship:	1. Connecting communities 4. Delivering strong and reliable government
Attachments:	Draft Riddells Creek Movement Network Plan 2024-2033 - Final - 2024-05-21 (under separate cover)

Summary

This report presents the Riddells Creek Movement Network Plan (2024 - 2033) – Final Version (Attachment 1) for Council consideration and adoption.

The consultation for the Riddells Creek Movement Network Study is complete. Where appropriate, feedback has been considered and incorporated into the final version.

Recommendation

That Council adopts the draft Riddells Creek Movement Network Plan (2024 – 2033).

Background

Macedon Ranges Shire Council commissioned the *Riddells Creek Movement and Network Study* during the financial year FY21/22 to guide the provision and upgrade of transport infrastructure within the township. The key objective of this study is to create a strategic transport plan to address the local community's existing concerns and propose supporting infrastructure to accommodate long-term population growth within the Riddells Creek township boundary.

The study was conducted in three stages: Stage 1, 2A and 2B. The table below summarises the four objectives of this study and the related tasks to achieve them.

Objectives	Tasks
Network Aspiration (Stage 1)	<ul style="list-style-type: none"> • Create an ultimate movement network plan that outlines the vision for the transport network in Riddells Creek; • Analyse all inputs to the ultimate movement network, including Council documents, planning schemes and community feedback.
Gap Analysis and Project Identification (Stage 2A)	<ul style="list-style-type: none"> • Identify gaps between this plan and the existing infrastructure in Riddells Creek.
	<ul style="list-style-type: none"> • Identify projects that will close the identified gaps and upgrade existing transport infrastructure to meet the specifications of the ultimate movement network.
Prioritise Projects (Stage 2B)	<ul style="list-style-type: none"> • Define criteria to rank the list of projects in order of priority; • Prioritise projects to assist Council with a multi-year capital works program.

During Stage 1 of the 21/22 financial year, Council investigated relevant concerns and issues, culminating in preparing a draft desktop report. In 2022, Council officers conducted workshops and consultations with the community to gather insights and understand specific concerns related to transport infrastructure for Riddells Creek's future.

Stage 2A works during the 22/23 financial year involved developing the complete movement network for the township, including mapping the aspirational walking and cycling networks. The methodology outlined in *Victoria's Movement and Place* framework underpins these networks. Gaps between the existing transport infrastructure and the aspirational network were listed, and an extensive list of recommendations was produced to address these gaps. These include pedestrian projects, cycling projects, intersection upgrades, speed limit reductions, and amenity and streetscape improvements.

Stage 2B works involved collecting traffic and parking data between August and September 2023. One finding is that there is ample parking to accommodate an increase in traffic volumes and parking demand within Riddells Creek. This data informed the review of the Stage 2B list of recommendations, which were prioritised using a 'Multi-Criteria Assessment' (MCA) approach.

The MCA process involved assigning weights and scoring various criteria and considers six key areas, as follows:

(1) Feasibility:

- Prioritising routes on Council land where Council has greater control over implementation and decision-making.
- Prioritising routes with minimal environmental and cultural heritage impacts, avoiding disruption to natural habitats or culturally significant sites.
- Prioritising projects that require minimal construction or infrastructure upgrades, ensuring earlier implementation and cost-effectiveness.

(2) Connectivity:

- Prioritising routes that connect to key destinations within the Riddells Creek town centre, enhancing accessibility and convenience for residents and visitors.

(3) Safety:

- Prioritising projects that improve safety for all road users, including pedestrians, cyclists, and motorists. This may involve traffic calming measures, improved signage, or dedicated pathways.

(4) Alignment with Movement and Place aspirations:

- Prioritising projects that address identified gaps in the existing movement and place network performance within Riddells Creek.

(5) Alignment with local strategy and policy:

- Prioritising projects that support the Council's objectives for walking and cycling, promoting active transportation and healthier lifestyles.
- Prioritising projects that provide additional community benefits, such as boosting tourism, supporting local businesses, or creating a safe route to school.
- Prioritising projects that have already been partially developed, reducing overall project time and cost.

(6) Stakeholder and community sentiment:

- Prioritising projects that have received strong support from the Riddells Creek community, reflecting residents' needs and preferences.
- Prioritising projects that require minimal external stakeholder approvals, facilitating faster implementation and minimising potential delays.

The MCA's complete weighting and scoring guide was presented in the draft Riddells Creek Movement Network Plan for community consultation in March 2024.

Discussion

The draft Riddells Creek Movement Network Plan was completed in February 2024. In March 2024, council released the draft plan for four weeks of consultation.

Council received a total of twenty-nine (29) submissions. 20 via online survey and 9 via email. The summary of these submissions and officer responses is tabulated in Appendix 1.

Summary of Submissions

From the 29 submissions received, Council officers most are positive and supportive feedback from the community.

- 27 respondents out of 29 supported the study with their preferred list of projects. Key supporting feedback is summarised as follows:
 - Improved pedestrian connectivity around the school, especially the shared path from the School to Memorial Drive.
 - Safe walking routes and crossing points to shopping strips around Station Street and the train station.
 - Establish safe pedestrian and cyclist access to and out of town by constructing a pedestrian bridge over Riddells Creek and reducing the speed limit on Williams Lane.
 - Enhance path connectivity and supporting infrastructures to ensure safe walking and cycling routes within Riddells Creek town.
 - Establish safe pedestrian crossing points on Main Street, near the school and shopping strip area. For example, Pedestrian Operated Signals (POS) and refuge crossings at Main Road and wombat crossings on Sutherlands Road and Station Street.
 - Safer paths along the key roads connecting to the main activity centre.
 - Strong support for the proposed speed reduction within the town centre.
- The community feedback predominantly aligns with MCA (multi-criteria assessment) top 30 projects and the top 10 walkability projects identified by the community group, Riddells Creek Community Planning Group (RCCPG) under their 'What Riddells Wants' initiative, with emphasis on road safety improvement around key activity centres (shopping strips along Station Road, School) and routes (Kilmore Road/Main Road, Sutherland Road, Station Road, etc.).
- Two submissions did not support a speed reduction on Kilmore Road between Filmer Place and Melvine Road nor the shared path on Melvins Road, especially between Wheelwrights and Royal Parade. Community sentiment can be managed through the development phase of these projects when they are funded in the future, where the directly affected residents will be consulted again.

- Based on the community consultation, the officer reprioritised the projects based on community sentiment scoring. Since the community sentiment criteria are weighted as 20% of the overall MCA score, the approach in reprioritisation is summarised below:
 - The tally for each project receiving support from the community in this round of consultation is between a low of zero to a maximum of 14;
 - As an example, a project received 10 submissions of support in March 2024, so the score is calculated as $(10/14) * 20\% = 14\%$;
 - If the previous community score for this project was 10%, the higher value of the two percentages will be adopted, so the final score is 14%; and
 - Using this approach, a project receiving community support for both rounds of consultation will benefit from a higher score of both rounds while no project will be disadvantaged if it does not receive any support in this round of consultation.
- The projects receiving over ten submissions of support are within the top 30 projects identified in the draft report.

Project	Project ID	Number of Submissions with Support	Community Sentiment Final Score
POS ** Crossing on Main Road near Riddells Creek Primary School	101	14	20%
Shared User Path on Sutherlands Road	99	13	19%
Footpath on Southbourne Road	3	11	18%
Shared User Path – Gap Road	32	11	20%
Speed Reduction – Main Activity Area	74	10	16%
Speed Reduction – Stephen Street	75	10	16%

**** POS denotes Pedestrian Operated Signal**

- The pedestrian bridge over Riddells Creek is another community favourite, receiving nine submissions of support. This project will be considered separately as part of Stage 3 of the Shared Trails project, which is currently underway.

Based on reprioritisation, a total of 38 projects are listed in the priority list with 11 projects tied with an overall score of 70%. It is also worth noting that out of this priority list, 29 are directly related to walkability. Therefore, the outcomes are aligned with the aspirations of the Riddells Creek community, particularly in relation to the request from the community group, RCCPG. Another three (3) projects related to speed limit reductions which will also make walkable safer. The 38 projects are listed in the table below.

Rank	Project Type	Location / Road Name	Road Name Start	Road Name End
1	Shared path	Sutherlands Road	Racecourse Road	Lions Park
2	Wombat crossing	Sutherlands Road	Station Street	
3	Wombat crossing	Station Street	Sutherlands Road	

Rank	Project Type	Location / Road Name	Road Name Start	Road Name End
4	Speed limit reduction from 50 km/h to 30 km/h	Stephen Street	Sutherlands Road	Hamilton Street
5	Speed limit reduction from 50 km/h to 30 km/h	Main Activity Area	Station Street / Hamilton Street / Fitzgerald Street	
6	Shared path	Bolithos Road	Royal Parade	Kilmore Road
7	Pedestrian Operated Signal crossing	Sutherlands Road	No. 5	
8	Shared path	Amess Road	Wohl Court	Sutherlands Road
9	Shared path	Amess Road	Kilmore Road	Wohl Court
10	Shared path	Sutherlands Road	Yellowgum Avenue	Amess Road
11	Shared path	Melvins Road	Royal Parade	Mahoneys Road
12	Shared path	Racecourse Road	Amess Road	Southbourne Road
13	Shared path	Gap Road	Royal Parade	Somerville Lane
14	Speed limit reduction from 50 km/h to 40 km/h	Kilmore Road	Filmer Place	Melvin Road
15	Shared path	Gap Road	Somerville Lane	Kilmore Road
16	Refuge crossing	Kilmore Road	Gap Road	
17	Shared path & wombat crossing	Riddells Creek Primary School car park	Riddells Creek Primary School car park	
18	Refuge crossing	Kilmore Road	Amess Road	
19	Pedestrian crossing	Sandy Creek Road	Sandy Creek Road	
20	Shared path	Sandy Creek Road	Bush Court	Kilmore Road
21	Sharrows	Stephens Street	Sutherlands Road	Hamilton Road
22	Sharrows	Hamilton Street/ Fitzgerald Street	Stephen Street	Sutherlands Road

Rank	Project Type	Location / Road Name	Road Name Start	Road Name End
23	Regional trail	Kilmore Road	Flour Mill Lane	Riddells Creek
24	Shared path	Mahoneys Road	No. 7	Merrifield Street
25	Footpath	Sexton Street	No. 13	Kilmore Road
26	Sharrows	Station Street	Kilmore Road	Stephen Street
27	Pedestrian crossing	Sutherlands Road	Kilmore Road	
28	P.O.S. crossing	Main Road	Main Road	
29	Sharrows	Merrifield Street	Somerville Lane	Kilmore Road
30	Footpath	Sutton Street	Somerville Lane	Mahoneys Road
31	Footpath	Southbourne Road	Racecourse Road	Parkview Terrace
32	Footpath	Somerville Lane	Melvins Road	Sandy Creek Road
33	Refuge Crossing	Main Road	Main Road	Dromkeen Gallery
34	Refuge Crossing	Main Road	Main Road	
35	Refuge Crossing	Main Road	Main Road	
36	Refuge Crossing	Main Road	Main Road	Walter J Smith Reserve
37	Streetscape project	Station Street	Sutherlands Road	Hamilton Street
38	Speed limit reduction from 50 km/h to 40 km/h	Southeast of Kilmore Road	Kilmore Road	Sutherlands Road / Amess Road

Advocacy projects

Proposed projects that are located on arterial roads will require advocacy with the Department of Transport and Planning (DTP). These projects include:

- Pedestrian crossing / refuge projects on Main Road, including a Pedestrian Operated Signal crossing on Main Road near the Riddells Creek Primary School
- Intersection upgrades along Kilmore Road
- Speed limit reduction along Kilmore Road and Main Road.

Consultation and engagement

Following Stage 1 community consultation and consideration of key issues highlighted in the previous briefing paper, the Riddells Creek Community Planning Group (RCCPG) contacted council officers involved in the study in June 2023. The RCCPG, having reviewed the August 2022 Council report outlining draft recommendations for the Riddells Creek community, expressed awareness through the project's website timeline of further community engagement opportunities related to the analysis stage.

As part of their commitment to enhanced collaboration with Council, the RCCPG has been actively developing a community-driven vision and key infrastructure priorities for the town to inform Council planning.

Two Council officers met with the RCCPG on two occasions, on 6 July 2023 and again on 9 November 2023.

The consultants and Council officers met several times to carefully consider the following:

- A detailed review of the traffic and parking survey;
- The development and application of the Multi-Criteria Assessment (MCA) approach on all recommendations, including new ones suggested by the community group;
- Incorporate the community group's vision for walkability and the "What Riddell Wants" initiative.

This has resulted in the Riddells Creek Movement Network Plan producing 112 comprehensive projects to be evaluated, prioritised, and scored based on the MCA criteria and associated cost estimates. Officers ranked the 112 projects from highest to lowest priority and identified the top 30 projects.

In March 2024 officers conducted the final four-week community consultation, as per Council's Community Engagement Policy, as follows:

- The consultation was supported by promotions through various Council channels, including inclusion in a [media release](#) on 5 March 2024, being featured in the [Mayor's Monthly Video](#) wrapping up the February 2024 Council Meeting posted on 5 March 2024, and mentions in Council's regular fortnightly half-page advertisement in the local weekly paper on 12 and 26 March.
- An online consultation page was created on the Council's Your Say portal, outlining the draft Plan, and inviting feedback for 28 days from 4 to 31 March 2024.
- The Riddell Roundup newsletter also included community consultation in its March 2024 edition under the "What Riddell Wants Update."

Council received a total of twenty-nine (29) submissions. 20 via online survey and 9 via email. The summary of these submissions and officer responses is tabulated in Appendix 1.

Collaboration

Officers prepared the Riddells Creek Movement Network Plan (2024 – 2033) with the assistance of external stakeholders (material provided from the consultation and engagement process with Riddells Creek community members) and internal staff, including key contributions from the Strategic Planning team and The Department of Transport and Planning (DTP) on arterial roads.

Officers will share the final plan and report with DTP, highlighting the advocacy section for future arterial road and intersection upgrades. Innovation and continuous improvement

The Riddells Creek Movement Network Plan (2024 – 2033) reflects the Council's commitment to identifying and addressing the community's concerns about transport, infrastructure development, and population growth in Riddells Creek now and in the future. Once the study is adopted, officers will consider opportunities for innovation and continuous improvement when designing and constructing the recommendations.

Relevant law

In accordance with the Gender Equality Act 2020, a Gender Impact Assessment has been conducted in relation to the subject matter of this report. The gender impact assessment recommends that, as far as it is practical, the document be planned to provide equity of access for all current and future users.

The Mobility and Road Safety Strategy applies to all residents and visitors. It also endeavours to provide equity in considering issues and opportunities, including gender considerations. Officers will seek gender-specific feedback as part of the final consultation process.

Relevant regional, state and national plans and policies

The following documents informed the Riddells Creek Movement Network Plan (2024 – 2033):

- Road Management Act 2004
- Victorian Road Safety Strategy 2021 to 2030
- Towards Vision Zero
- Movement and Place Framework

Relevant Council plans and policies

The Riddells Creek Movement Network Plan (2024 – 2033) will seek to improve connectivity and movement and provide the community with transport choices, including walking trails and bike paths. It relates to two of the Council Plan 2021-2031 strategic objectives: Connecting Communities and Healthy Environment, Healthy People.

Other relevant Council plans and policies include:

- Mobility and Road Safety Strategy 2023 - 2032
- Shirewide Footpath Plan 2023
- Positive Aging Strategy 2020
- Disability Action Plan 2021 – 2024
- Walking and Cycling Strategy 2014

Climate Impact Assessment

The recommendations in the Plan do not directly mitigate any specific risk from climate change related to Council's operations and services. However, there are projects listed in the Plan to support active transport via walking and cycling. This will support Council's objective of a more sustainable transport mode share while minimising vehicle emissions.

The Plan identifies that everyone has a shared responsibility for mitigating climate change impacts.

Financial viability

The study is funded by this financial year's budget. The recommendations from this plan will result in potential new capital projects, subject to future budget decisions and planning within the long-term financial plan.

At the same time, officers will explore opportunities from multiple sources of funding to fund some of these actions through external State and Federal grants, such as the Transport Accident Commission (TAC), the Department of Transport and Planning, and any other applicable grants, based on the grant selection criteria specific to each funding source. Some recommendations are the responsibility of other agencies (such as the Department of Transport and Planning), and staff would engage in advocacy to promote the related RCMNS recommendations.

One of the priority projects which is ranked no. 3 (wombat crossing on Station Street) has recently received TAC funding with Council's co-contribution for delivery by the end of 2024.

Sustainability implications

This plan supports the Council's commitment to managing its infrastructure, considering long-term environmental and financial sustainability, and will ensure that the traffic and transport network supports a sustainable community and environment.

Any project to be developed from this study's recommendations will consider any social and/or environmental impact specific to each project and the affected community members will be consulted before its implementation.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

AO.4	DRAFT ROMSEY SKATE PARK DESIGN
Officer:	Daniel Trevillian, Coordinator Recreation
Council Plan relationship:	1. Connecting communities 2. Healthy environment, healthy people
Attachments:	1. Attachment 1 - DRAFT Romsey Skate Park - Final Design ↓ 2. Attachment 2 - Submission Summary ↓

Summary

This report presents the Romsey Skate Park Final Design (Attachment 1) to Council for review and adoption.

Recommendation

That Council adopts the Draft Romsey Skate Park - Final Design.

Background

The Lancefield Romsey Lions Club (Lions Club) identified an opportunity to design and deliver a new skate park for the Romsey Community. In August 2021, the Lions Club sourced quotations for concept design plans and cost estimates for the proposed new skatepark at the current skatepark site, 50 Main Street, Romsey. Bendigo Bank funded the concept design in conjunction with funds contributed by the Lions Club. In April 2022, the Lions Club engaged a skate park designer to prepare detailed design plans and cost estimates.

The Victorian Government committed to allocating \$550,000 to the project in October 2022. Council and the Victorian Government are finalising this funding.

Based on the existing design and including the costs associated with delivering the project, including preliminaries, project management fees, construction, contingency and an allowance for cost escalation, the total required funding for the project is estimated at \$1,045,000 (excl. GST).

On 7 May 2024, the Victorian Government announced an additional \$400,000 for the project. Therefore, funding the project less project management fees (\$95,000). The Lions Club has informed Officers that they are confident of securing further funding to install lights, provide shade, cover project management fees and deliver on their aim for a new skate park in Romsey without Council funding.

Discussion

The Lions Club has long aspired to deliver a new skate park for the Romsey community. The Macedon Ranges Shire Skate and BMX Strategy supports this ambition. The strategy identifies the existing Romsey Skatepark, built in 2001, as Poor/Fair in the overall condition assessment. It recommends developing a detailed design and installing a new skate facility.

The Lions Club has undertaken significant advocacy to gain the required funding to implement this project. Implementation of this project will significantly improve the skate park users' experience in Romsey. Council is appreciative of the Lions Club's efforts to deliver this facility at low or no cost to Council.

Consultation and engagement

Council endorsed the draft Romsey Skate Park Design at its November 2023 Scheduled Council Meeting, as per below. The community consultation occurred over four weeks between 5 February and 3 March 2024.

AO.3 ROMSEY SKATEPARK DESIGN PLAN

Summary

This report seeks Council endorsement to release the draft Romsey Skatepark Design Plan (Attachment 1) for four weeks of community consultation.

This consultation will inform the direction and development of the final Design Plan for Council's consideration.

Resolution 2023/144

Moved: Cr Geoff Neil

Seconded: Cr Bill West

That Council endorses releasing the draft Romsey Skatepark Design Plan for four weeks of community consultation.

CARRIED

Following the consultation period, one written/email submission was received (Attachment 2).

The submission outlined a request for increased shade at the site and the inclusion of a box jump. Officers have considered this feedback and presented it to the Lancefield Romsey Lions Club on 4 April 2024 for consideration in developing the final design, noting that it already incorporates a box jump.

Collaboration

Collaboration with the Lions Club has resulted in the design being presented to Council for consideration of adoption.

Innovation and continuous improvement

Council adopted a Skate and BMX Facility Strategy in 2023. The strategy examines the existing and future strategic provision of skate and BMX facilities in Macedon Ranges Shire from 2024 to 2040.

Specifically, it focuses on a new best practice model of skate facility provision to ensure the Shire has the most appropriate facilities for skate and BMX park users to enjoy over the next 15 years.

Notably, the strategy focuses on providing facilities that best meet the unique demographic and physical distribution of the Shire's population, which comprises a range of large towns across a considerable distance. The plan calls for an equitable distribution of new facilities to replace aging facilities and complement high-quality existing facilities so that everyone who skates or rides in the Shire has appropriate opportunities to enjoy their chosen pursuit.

Relevant law

In accordance with the Gender Equality Act 2020, a Gender Impact Assessment was conducted concerning the subject matter of this report.

Specifically, it recommends that:

- The development of the Romsey Skate Park will provide increased gender-equitable opportunities for participation in recreation activities through improved infrastructure in public open space.

This recommendation will deliver a planned and well-considered facility with a range of equitable and access requirements realised, providing a vital community health and well-being function.

Relevant regional, state and national plans and policies

The Victorian Government's Fair Access Policy Roadmap aims to develop a state-wide foundation to improve access to and use of community sports infrastructure for women and girls.

From July 2024, all Victorian Councils will need to ensure fair access to sporting facilities for people of all genders to be considered eligible to receive infrastructure funding.

The Roadmap features three key phases: education, readiness, and progress. In the first phase, the Office for Women in Sport and Recreation will provide training, education and support to local councils, peak bodies, and facilities to help them implement the Roadmap.

Relevant Council plans and policies

The following Council plans and policies were considered during this process.

Macedon Ranges Council Plan 2021 – 2031

Healthy Environment, Health People - Council will continue to maintain all the roads, paths, buildings and open spaces in our built environment in a financially, environmentally and socially sustainable way; and

Connecting Communities - to promote a healthy environment, healthy people, Council aims to support mental health, prevent violence against women, and improve healthy lifestyles, social connection and inclusion, community safety, and arts and culture.

Sport and Active Recreation Strategy (2018-2028)

This Strategy guides the development of sport and active recreation facilities throughout the Shire.

Macedon Ranges Skate and BMX Strategy

The Macedon Ranges Skate and BMX Strategy examines the existing and future strategic provision of skate and BMX facilities within the Macedon Ranges Shire from 2024 through 2040. Specifically, it focuses on a new best practice model of skate facility provision to ensure the Shire has the most appropriate facilities for skate and BMX park users to enjoy.

In summary, the strategy recommends constructing the Romsey Skatepark as a short-term action *“Detail design, documentation, and construction of local level skatepark in Romsey.”*

Climate Impact Assessment

How will the recommendation impact Council's energy usage and greenhouse emissions profile?

Council Officers will follow sustainable initiatives in line with Council's commitment to Net Zero by 2030 by looking to reduce, avoid, and/or offset carbon emissions during the project lifecycle management and construction stages of the adopted plan. The selection of LED lighting combined with Council's procurement of 100% renewable energy means emissions associated with electricity consumption at Romsey Skate Park will be zero.

How will the recommendations mitigate risks posed by climate change to Council operations and services?

Council's Procurement Policy outlines the principles and requirements regarding sustainable purchasing, intending to *“reduce greenhouse gas emissions and contribution*

towards Council's carbon footprint". Additionally, a mandatory evaluation criterion relating to environmental benefit can be applied during the skatepark tendering stage to align contractors with Council's operating standards around emission reductions.

How will the recommendation help to prepare the community for future climate scenarios?

The application of sustainable design principles in the design of the Romsey Skate Park allows for all year-round use and access at night with the provision of LED lighting. This provision will enable the community to access and enjoy the facility in the cooler hours of the evening/night during hot weather.

Financial viability

Through advocacy for funding, the Lions Club has ensured that this project can be designed and constructed at little or no cost to Council.

Council will accept cost responsibility for ongoing maintenance and regular repairs of the new Romsey Skate Park in line with current operational service levels for open space and recreation facilities.

Sustainability implications

Design elements will ensure the inclusion of sustainable design features to support the Council's commitment to achieving zero net emissions by 2030.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

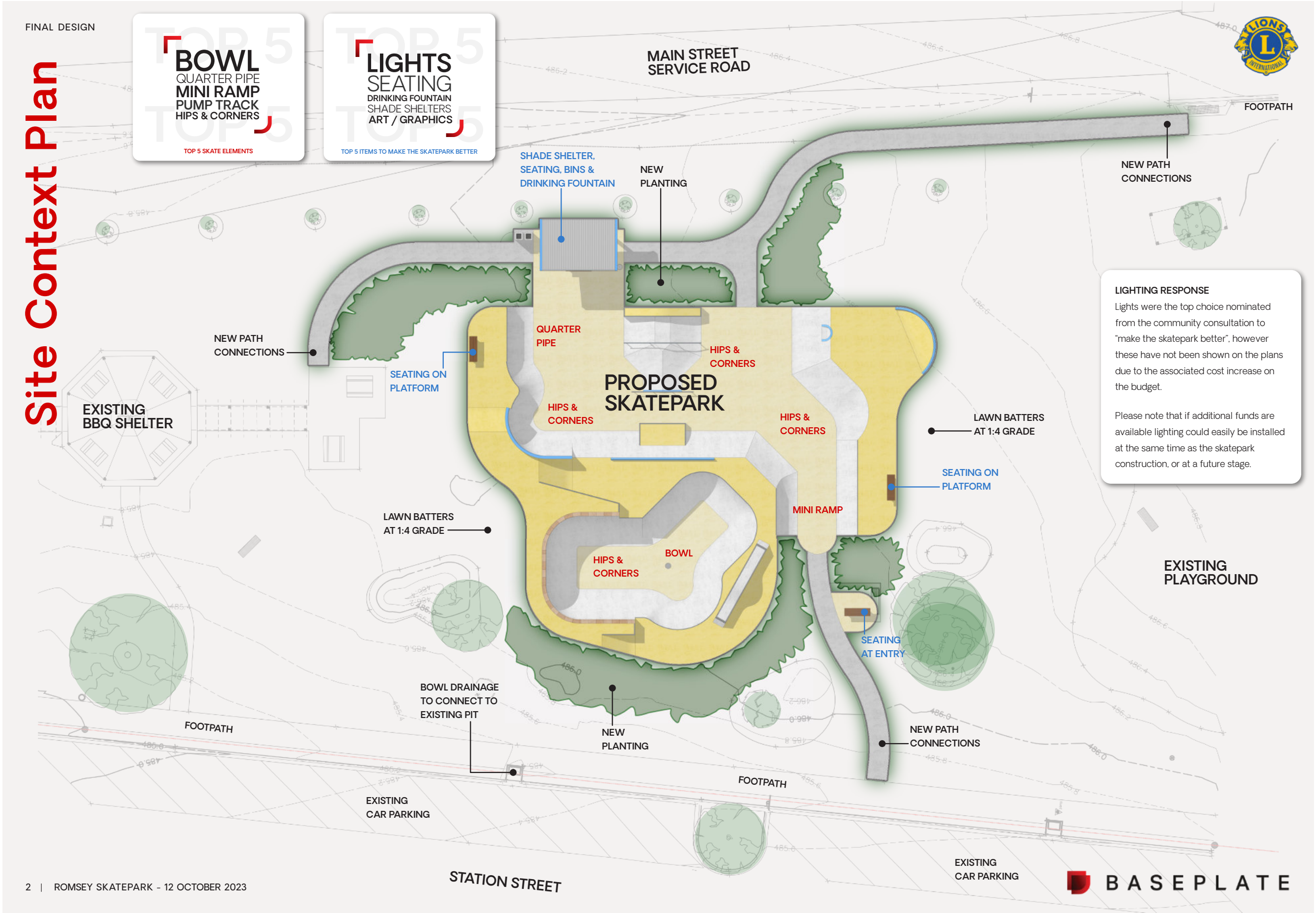


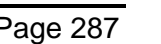
ROMSEY SKATEPARK FINAL DESIGN



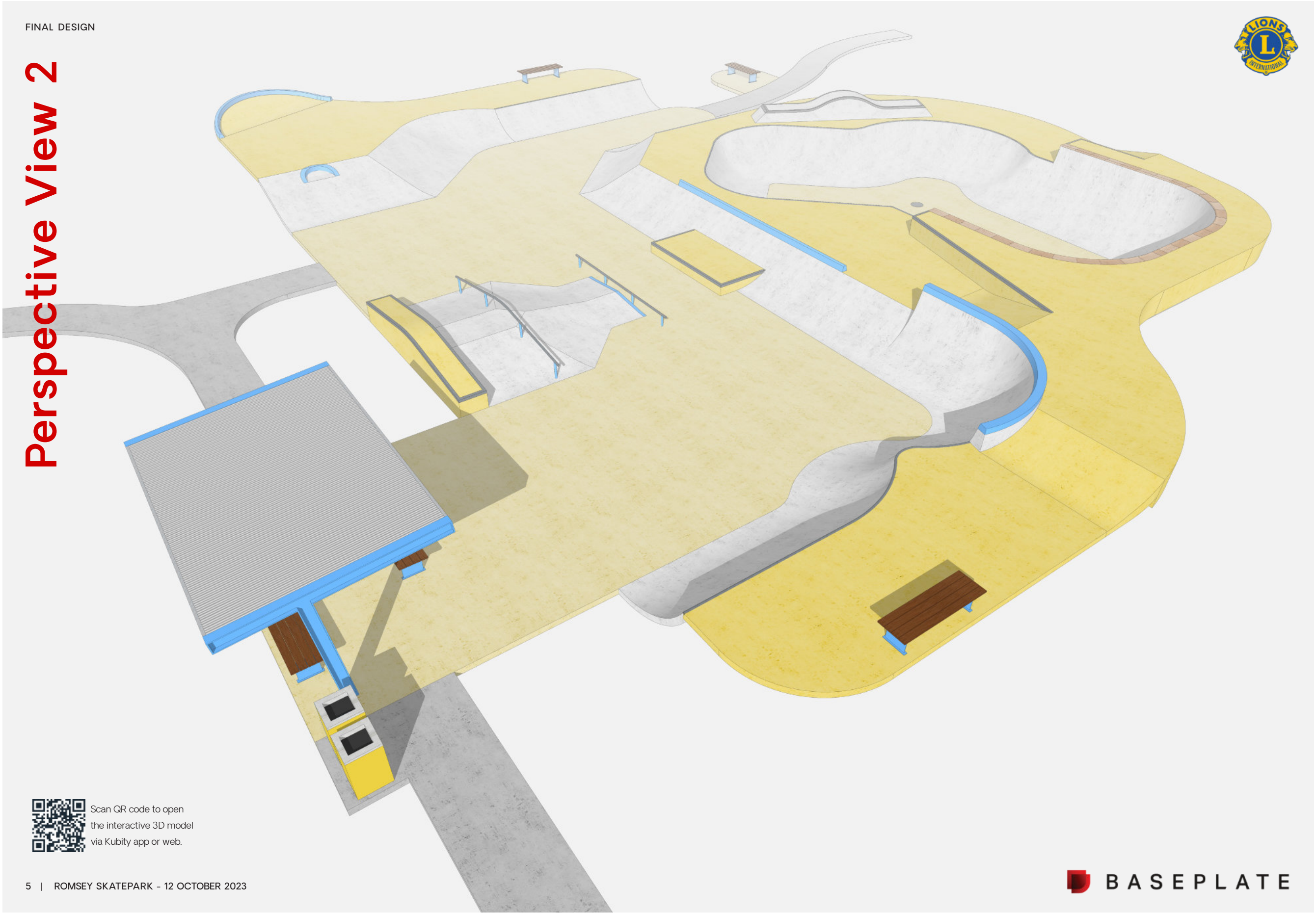
FINAL DESIGN - 12 OCTOBER 2023

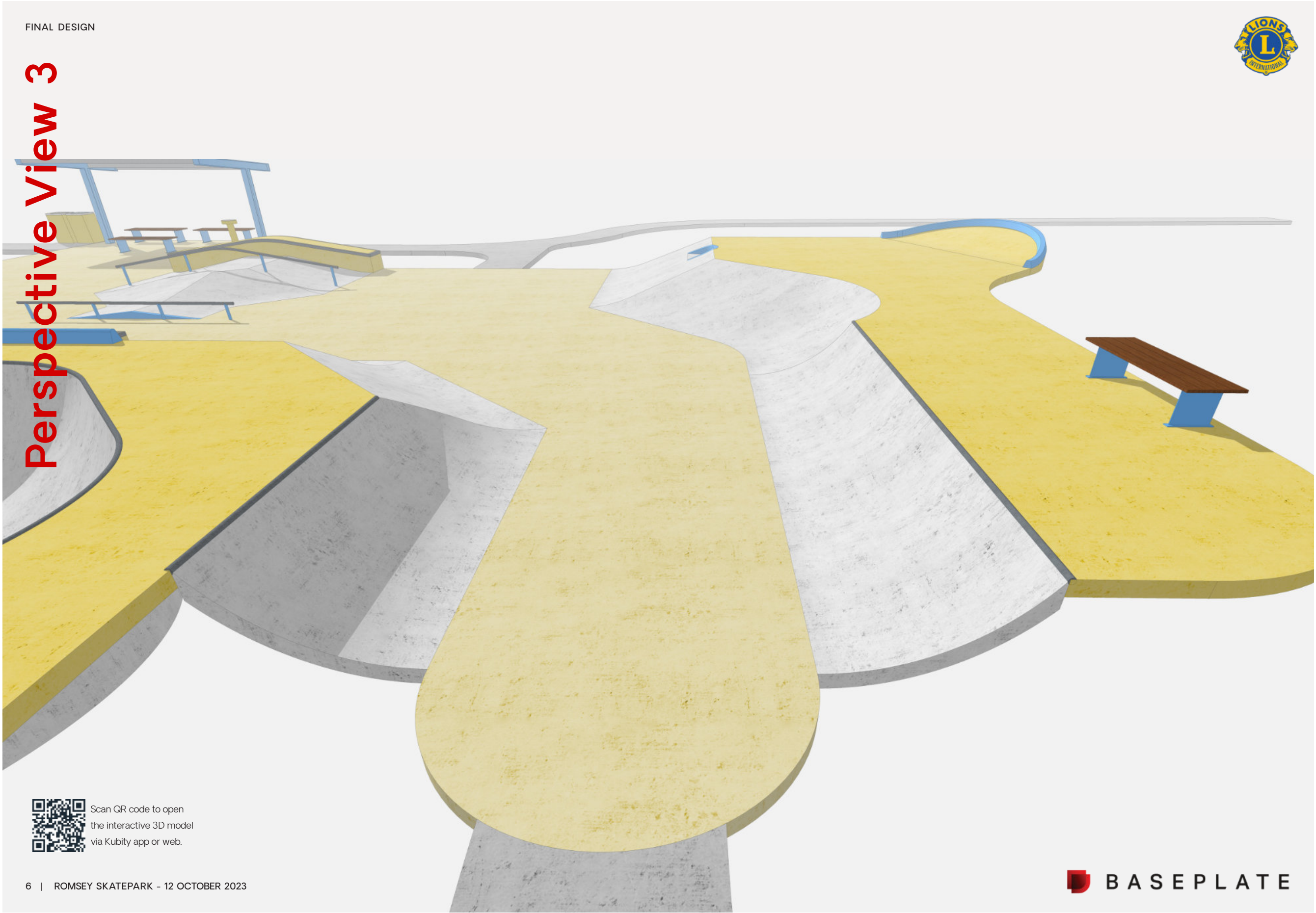
 **BASEPLATE**







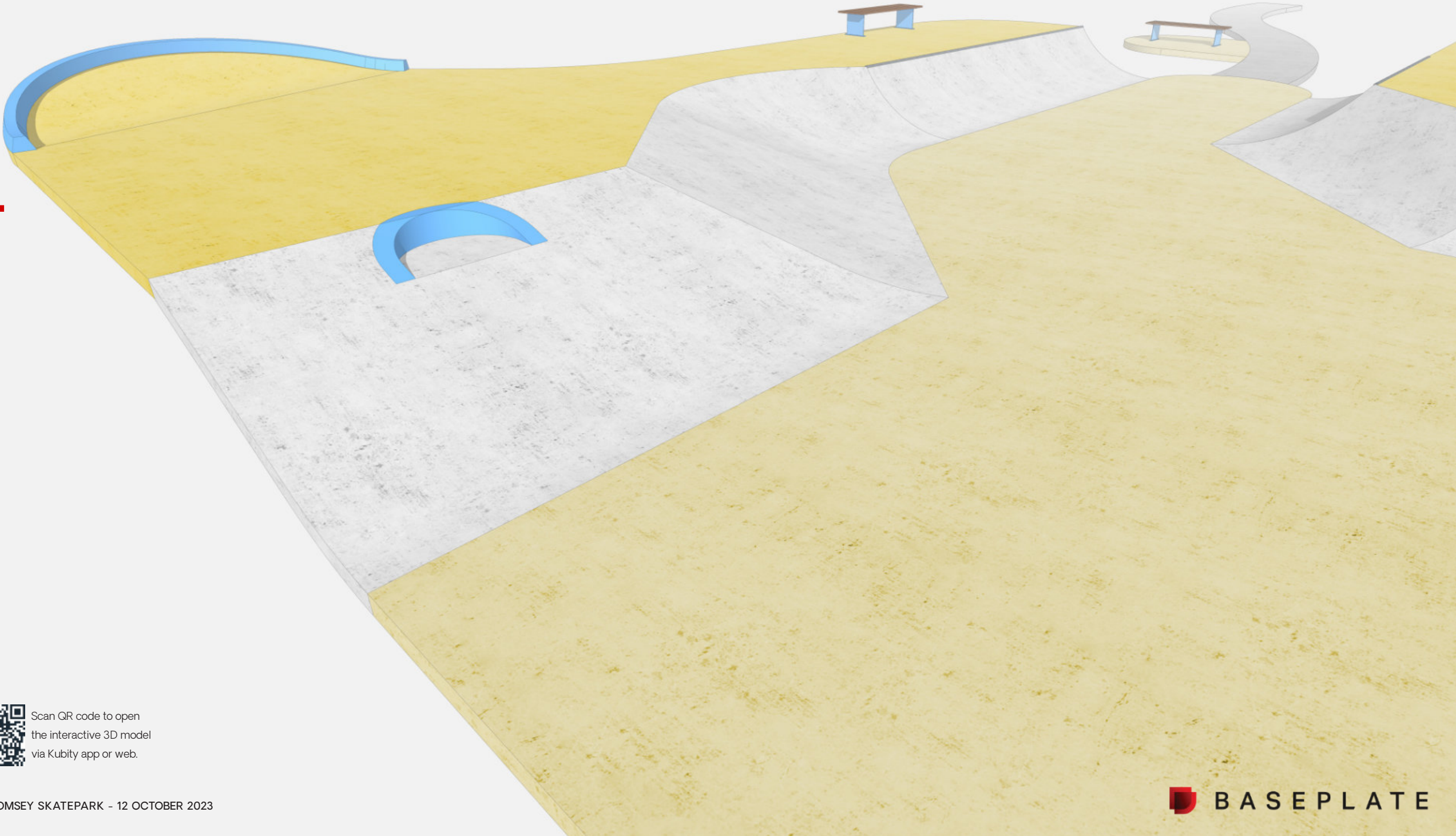




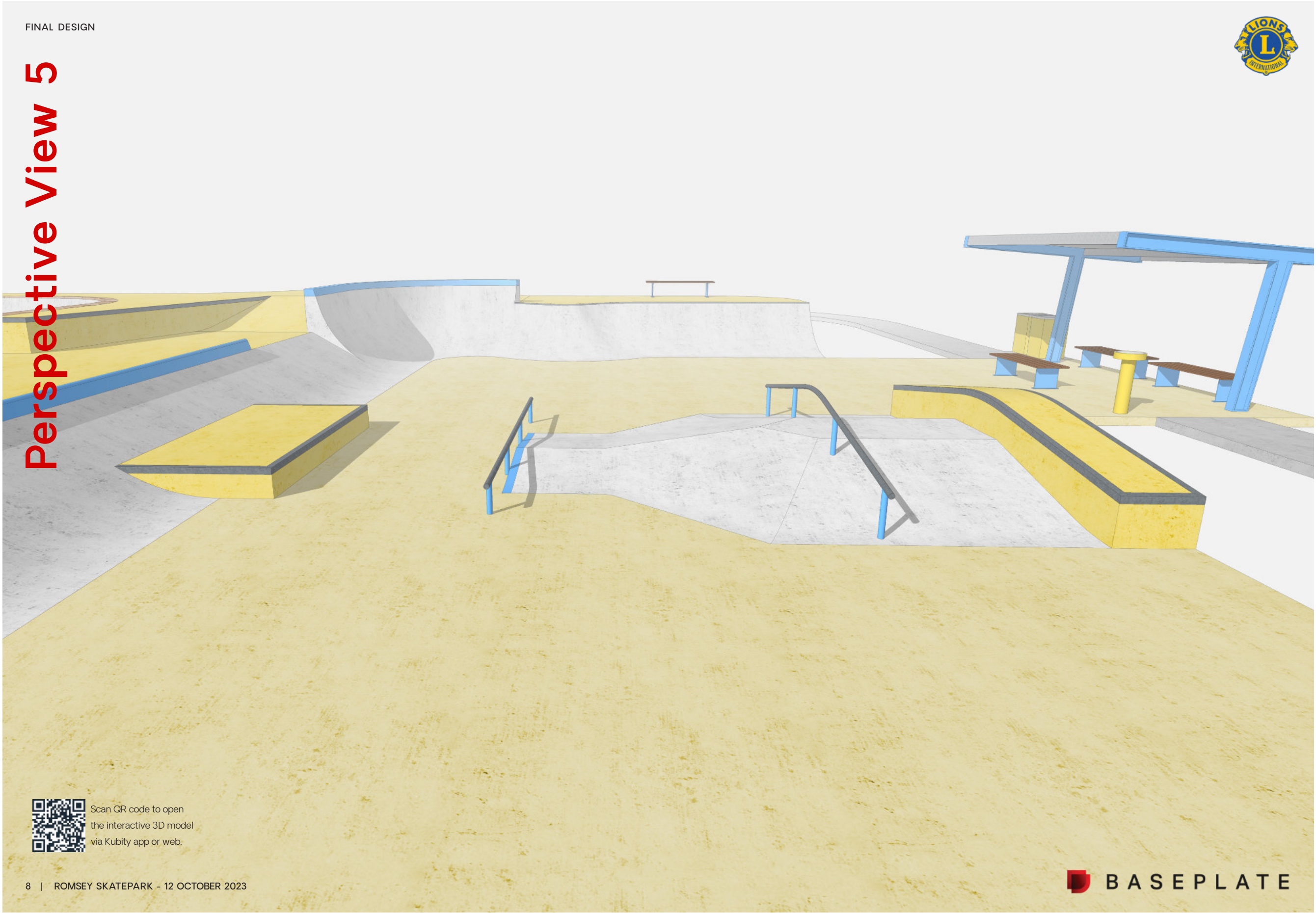
FINAL DESIGN



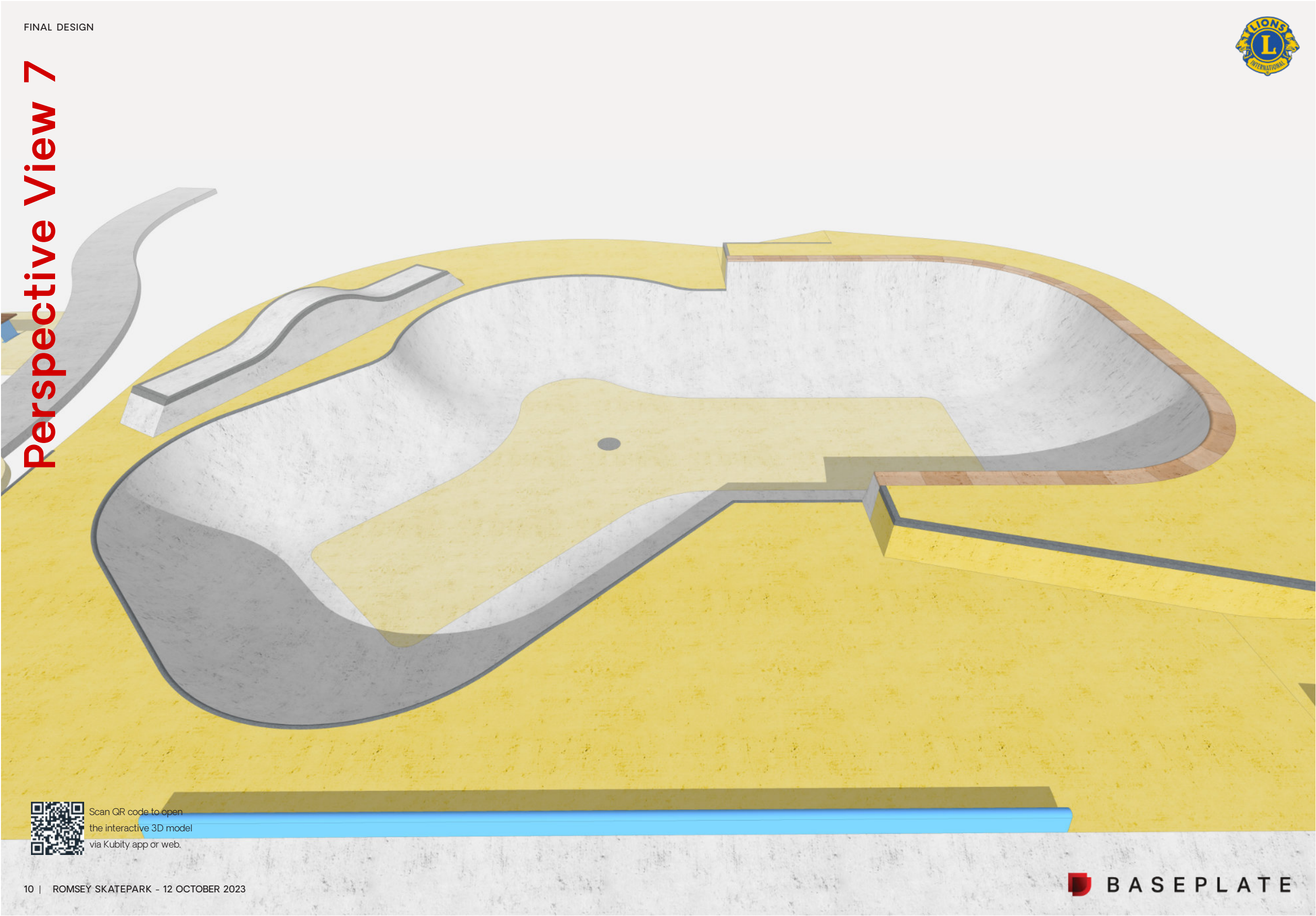
Perspective View 4



Scan QR code to open
the interactive 3D model
via Kubity app or web.









ABN 16 359 514 595 Phone +61 412 126 512 Web baseplate.com.au
Mail 68 Mitchell Street Kyneton 3444 Email darren@baseplate.com.au Social [@baseplatedesign](https://www.instagram.com/baseplatedesign)



Romsey Skate Park Design

Community Consultation Period 05 February to 03 March 2024

1 Submission

Date	Submitter	Submission summary	Response/Actions
12/02/2024	Submission 1	<p>1a) Submission asked for further consideration of shade structure solutions for the project.</p> <p>1b) Submission asked for the inclusion of a 'box jump' in the final design.</p>	<p>1a) There is a single shelter that offers shade on the Northern side of the facility. Further consideration to including a shade sail at the southern end of the skate park to be discussed with the Lancefield Romsey Lions Club.</p> <p>1b). There is provision for a box jump in the final design.</p> <p>Both items (1a & 1b) were referred to Lancefield Romsey Lions Club for consideration in the final design.</p>

AO.5	RESPONSE TO PETITION - PEDESTRIAN CROSSING WILLIMIGONGON CREEK, CLARKE STREET, MOUNT MACEDON
Officer:	Jake Hart, Coordinator Civil Maintenance and Construction
Council Plan	1. Connecting communities
relationship:	2. Healthy environment, healthy people
Attachments:	Nil

Summary

This report presents the assessment undertaken in response to the petition for a pedestrian crossing over Willimigongon Creek near Clarke Street in Mount Macedon.

Recommendation

That Council

- 1. Notes the Officer's report in response to the petition regarding the Pedestrian Bridge Crossing, Willimigongon Creek on Clarke Street, Mount Macedon; and**
- 2. Requests Council Officers to notify the lead petitioner of the budget approval for the bridge replacement project in the 2024/25 financial year.**

Background

Council received a petition on 5 February 2024, with 85 signatories requesting reinstatement of a pedestrian crossing over Willimigongon Creek, Clarke Street Mount Macedon, within six (6) months. This petition was presented at the 28 February 2024 Council Meeting with the following resolutions made:

That Council:

- 1. Notes the petition from Susan D'Urso on the matter of the Pedestrian Bridge Crossing, Willimigongon Creek on Clarke Street, Mount Macedon, with 85 signatories;**
- 2. Notes that the petition has been circulated to all Councillors confidentially as it contains personal information; and**
- 3. Requests the Director Assets and Operations to prepare a report in response to this petition to be presented to Council at a Council meeting before the end of June 2024.**

The bridge referenced in this petition was an old timber footbridge with a concrete foundation at Clarke Street, Mount Macedon; it was not listed on Council's asset register. In early 2023, community members alerted Council officers to safety concerns, prompting an investigation. It was identified that the concrete foundations of the bridge had shifted significantly, rendering the bridge unsafe for pedestrian use. Officers installed a barricade and warning signage to mitigate potential accidents or injuries, and residents were duly notified. Some residents continued to bypass the barricade to utilise the crossing point. Officers decided to remove the old footbridge to mitigate this safety risk. The footbridge was removed in November 2023.

Officers identified an alternative route along Mount Macedon Road and Brougham Road, where residents may now face an additional five-minute walk (one way).

Due to the low traffic volumes on Brougham Road, this is a safe detour route as a short-to medium-term measure. It is not suitable as a long-term measure.

After evaluating the impact of removing the Clarke Street bridge, officers submitted a business case for its reinstatement in the new financial year FY2024/25. This was considered and approved at the May Scheduled Council Meeting as part of the budget process.

Discussion

Officers intend to deliver this project promptly, noting that all bridge projects require approval from other authorities, including the catchment management authority (Melbourne Water), registered aboriginal cultural heritage corporation (Wurundjeri Woi Wurrung) and planning permits for any vegetation removal.

The works will be procured as a design-and-construction contract upon preliminary approvals from the relevant authorities. Council officers are confident in delivering the new bridge within six (6) months after contract execution, weather and approvals permitting.

The procurement documents will include the contract specification that the bridge's structural elements are steel for longevity and that the bridge aesthetics must be sympathetic to the surrounding environment using suitable colours and materials for non-structural elements.

Consultation and engagement

Council officers have informed the local community about the bridge closure and removal by sending letters to residents who reside near the bridge and updating the Council's webpage. Moving forward, officers will notify nearby residents of the business case approval and will continue to provide updates on the webpage as the project progresses.

Collaboration

Collaboration will be required through the delivery of the bridge project with the catchment management authority and registered aboriginal cultural heritage corporation Wurundjeri Woi Wurrung.

Innovation and continuous improvement

Officers have identified that the bridge replacement will be a steel structure, which will better resist the impacts of climate change and ensure a better whole-of-life cost.

Relevant law

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

Not applicable.

Relevant Council plans and policies

Relevant Council plans and policies include:

- Mobility and Road Safety Strategy 2023 - 2032

- Shirewide Footpath Plan 2023
- Disability Action Plan 2021 – 2024
- Walking and Cycling Strategy 2014

Climate Impact Assessment

The new pedestrian bridge is expected to reduce energy usage and greenhouse gas emissions by encouraging walking and cycling, lowering vehicle traffic. A steel bridge structure has been identified for this location to minimise any climate change-related impact.

Financial viability

The bridge replacement project has been approved as part of the 2024/25 capital works program. This budget includes all required resources for the successful delivery of this bridge.

Sustainability implications

This project supports Council's commitment to managing its infrastructure, considering long-term environmental and financial sustainability, including reducing vehicle emissions, enhancing connectivity and accessibility for pedestrians and cyclists, and promoting physical health through increased activity.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

AO.6	CAPITAL WORKS MONITORING
Officer:	Jeetendra Dahal, Manager Assets and Project Management Office
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Nil

Summary

This report provides transparency on cost escalations and variances in infrastructure projects. It seeks further funding, cancellation, or a reduction in the scope of the projects to manage them within the allocated annual capital works program budget.

Recommendation

That Council:

1. Approves the reconciliation adjustment of **-\$13,500** from last month's endorsed Capital Works Program Budget
2. Adopts the following changes to the Financial Year 2023/24 budget relating to the following infrastructure projects:
 - a) Footpath – Station Road, New Gisborne 2024: Return **\$15,625.52** to the consolidated capital works program budget;
 - b) Bridge – Upper Coliban 2024: Increase budget by **\$38,969.50**;
 - c) Roads – Three Chain Road - 2024: Return **\$106,893.78** to the consolidated capital works program budget;
 - d) TAC - Station St, Riddells Creek - 2024: Increase budget by **\$75,345.00**;
 - e) Minor Road and Intersection Upgrade: Return **\$75,345.00** to the consolidated capital works program budget;
 - f) Sheedy Road: Return **\$60,000.00** to the consolidated capital works program budget;
 - g) Sauer Road, New Gisborne: Return **\$90,000.00** to the Commercial Development Reserve;
 - h) GAC Modular Change Room: Return **\$155,000.00** to the consolidated capital works program budget;
 - i) GAC Services Renewal: Return **\$85,000.00** to the consolidated capital works program budget;
 - j) Bolinda Hall Renewal Design 2024: Return **\$10,000.00** to the consolidated capital works program budget;
 - k) Buffalo Stadium Change Room Upgrade 2024: Return **\$5,000** to the Open Space South Reserve;
 - l) Building Renewal Hanging Rock Café 2024: Return **\$25,000.00** to the Hanging Rock Reserve;
 - m) Gisborne Gym Change rooms & sauna: Return **\$8,025.00** to the consolidated capital works program budget;

- n) Gisborne Library Internal Works: Return \$8,650.00 to the consolidated capital works program budget;**
- o) Gisborne Shire Office Roof Design 2024: Return \$9,000.00 to the consolidated capital works program budget;**
- p) Gisborne Mechanics Hall/Windarring 2024: Return \$7,500.00 to the consolidated capital works program budget;**
- q) Malsbury Town Hall – Public Toilet 2024: Return \$10,000.00 to the consolidated capital works program budget;**
- r) Mountview Theatre Roof Renewal: Return \$17,470.00 to the consolidated capital works program budget;**
- s) Kyneton Mechanics Institute Toilets 2024: Return \$3,500.00 to the consolidated capital works program budget;**
- t) Tylden Rec Reserve Changerooms 2024: Return \$1,860.00 to the consolidated capital works program budget;**
- u) Woodend Anslow St – Public Toilet 2024: Return \$4,105.00 to the consolidated capital works program budget;**
- v) Woodend Neighbourhood House Ramp: Return \$12,500.00 to the consolidated capital works program budget;**
- w) Tony Clarke Reserve Change Rooms 2024: Return \$250.00 to the consolidated capital works program budget;**
- x) EV Charging – for Council Fleet: Return \$33,529.00 to the consolidated capital works program budget;**
- y) GAC – Ceiling and Steel Work: Return \$2,600.00 to the consolidated capital works program budget;**
- z) Gisborne Bowls Club Synthetic Rink 2024: Return \$11,506.00 to the consolidated capital works program budget;**
- aa) Gisborne GAC Plant and Boiler Design: Return \$8,251.00 to the consolidated capital works program budget;**
- bb) Hurry Recreation Reserve 2024: Return \$4,900.00 to the consolidated capital works program budget;**
- cc) Jackson’s Creek Reserve Rotunda 2024: Return \$400.00 to the consolidated capital works program budget;**
- dd) Kinders – Acoustic Design and Plan 2024: Return \$3,677.00 to the consolidated capital works program budget;**
- ee) Kyneton Little Athletics relocation 2024: Return \$27,000 to the Open Space West Reserve;**
- ff) Kyneton Quarry Reserve Public Toilet 2024: Return \$8,050 to the consolidated capital works program budget;**
- gg) Kyneton Rifle Range Clubroom Design: Return \$325.00 to the consolidated capital works program budget;**
- hh) Lancefield Courthouse 2024: Return \$19,770.00 to the consolidated capital works program budget;**

- ii) Off-Grid Relief and Recovery Centres 2024: Return \$15,000.00 to the consolidated capital works program budget;
 - jj) Woodend Swimming Pool Fence Renewal 2024: Return \$14,639.00 to the consolidated capital works program budget;
 - kk) KSAC Dry Side Change Room Design: Return \$1,538.00 to the consolidated capital works program budget;
 - ll) Tony Clarke Tennis Clubrooms – 2024: Return \$5,368.00 to the consolidated capital works program budget;
 - mm) Kyneton Hutton St – Public Toilet 2024: Return \$4,305.00 to the consolidated capital works program budget;
 - nn) Gisborne Fields – Stage 4 – 2024: Return \$3,025 to the Open Space South Reserve;
 - oo) Baynton Hall: Return \$1,447.00 to the consolidated capital works program budget;
 - pp) Kyneton Museum – Roof and Subfloor: Return \$66.00 to the consolidated capital works program budget;
 - qq) Gisborne Adventure Playground 2024: Return \$4,100.00 to the consolidated capital works program budget;
 - rr) Romsey Park Oval 2 Storage Shed 2024: Return \$3,143 to the Open Space East Reserve;
 - ss) Woodend Golf Clubhouse – 2024: Return \$1,376 to the consolidated capital works program budget;
 - tt) Red Brick Hall Upgrade 2024: Increase budget by \$10,000.00;
 - uu) Roads – Chanters Lane, Trentham East: Increase budget by \$153,624.00;
3. Note that Recommendations 1 and 2 (above) result in a surplus of \$565,418.69 in the 2023/24 Capital Works Program Budget.
 4. Approves the carry forward of \$200,000 of the 2023/24 Capital Works Program Budget into the 2024/25 Financial Year Capital Works Program Budget.
 5. Approves transferring \$365,418.69 of the 2023/2024 Capital Works Program Budget to the Plant Replacement Reserve.
 6. Approves carrying forward the following 15 into the 2024/25 financial year:
 - a) Dixon Field Master Plan implementation- Design project
 - b) Manna Gum Early Years Centre
 - c) Kyneton Botanical Gardens Water Play
 - d) Romsey Ecotherapy Park
 - e) Kyneton Town Hall Emergency Exit
 - f) Kyneton Shire Office Pyramid Upgrade
 - g) Barkly Square Multipurpose Facility 2024
 - h) Building Renewal - Kyneton Mechanic 2024
 - i) Gisborne Fields landscape plan stage 5
 - j) Kyneton Showground Netball Facilities Design

- k) Malmsbury Town Hall 2024**
- l) Riddells Creek Rec Reserve oval lighting**
- m) Kyneton Airfield Toilets 2024**
- n) Water Sensitive Urban Design projects**
- o) Red Brick Hall Upgrade 2024**

Background

The Council budget process begins in October of the previous year. This means pricing may change during the nine months before the budget year starts.

Some infrastructure projects will not be tendered until over twelve months after the initial estimates were set. Officers allow a reasonable cost escalation on project costs; however, the cost increases experienced were outside this estimate. As projects are completed, unspent contingency funds will be returned to the consolidated Capital Works Program Budget.

During the year, emergency projects may need funding or grants requiring contribution by Council. By transparently and regularly reporting to Council officers, we ensure the Capital Program is delivered with good governance and to the best advantage.

Discussion

Each year in October, officers create business cases for capital works projects. Budget estimates are built based on previous costs, with a percentage added to indicate expected price escalations before the project tender. The project management framework enables project change management up to the initial budget contingency. Any change in price or unexpected cost during construction above the total project budget requires further approval.

There are three reasons why a project may require more funds than budgeted:

- Cost escalations in materials and labour
- Unforeseen circumstances
- Scope irregularities

As each project is allocated a fixed budget, good governance means that any expenditure above this budget figure needs oversight. The Capital Works Monitoring Report provides a transparent methodology for approving or refusing cost adjustments.

Before presenting a project for review for additional funding, the project sponsor and project manager will have investigated methods to value-manage the project by reducing the scope without changing the project. The project scope items are identified as must, should, could and won't items to be included. In value management, the 'could' items would first be reviewed and removed if required. 'Should' items would be reviewed; however, they may need to stay within the scope to reap the full benefit of the project. 'Must' items are usually required for statutory or policy requirements.

This month, officers have identified the following infrastructure projects requiring changes to budget and/or scope:

Infrastructure Project	Progress with Project	Original budget	Reason for Progression or Non-Progression	Change to the budget – () is an additional cost to the budget
Financial position following previous decisions	N/A	N/A	Bring forward a \$125,285.89 balance resulting from the resolution of the May 2024 Scheduled Council Meeting	\$125,285.89
Reconciliation	N/A	N/A	The declared Financial Position reported last month was incorrectly reported as \$125,285.89 rather than \$111,785.89 ; therefore, a reconciliation amount is required to correct this oversight.	(\$13,500.00)
100857 Footpath – Station Road, New Gisborne 2024	Yes	\$202,811.00	This footpath project is currently within budget. However, \$15,625.52 is held in Council's footpath reserve as the developer's payment for the footpath construction as per the condition of the planning permit for 60 Station Road, New Gisborne Colwyn Estate 33-lot subdivision. Therefore, the recommendation seeks to transfer \$15,625.52 from the reserve towards this project. The project will be completed by the end of this financial year.	\$15,625.52
100890 Bridge- Upper Coliban 2024	Yes	\$100,000.00	Additional funding is required to engage a heritage consultant on recommendations from Dja Dja Wurrung and Council's Heritage Advisor.	(\$38,969.50)
101034 Roads- Three Chain Road – 2024	Complete	\$ 567,900.46	The project has been completed, and all invoices have been paid.	\$106,893.78

101234 TAC - Station St, Riddells Creek - 2024	Yes	\$0.00	This TAC co-funded project requires a Council contribution of \$75,345 from Minor Road and Intersection.	(\$75,345.00)
100746 Minor Road and Intersection Upgrade	Yes	\$253,000	Transfer \$75,345 as Council's co-contribution to project 101234	\$75,345.00
100153 Sheedy Road	Yes	\$2,411,956	Though the project is practically complete, the contract for tree removal is underway (and will be completed before 30 June). \$60,000 can be returned to the consolidated capital works program budget.	\$60,000.00
100265 Sauer Road, New Gisborne	Yes	\$1,301,161.94	The project is practically complete; landscaping and sealing works are underway (and will be completed before 30 June). \$90,000 can be returned to the Commercial Development Reserve.	\$0.00
100566 - GAC Modular Change Room	Yes	\$239,385 (reduced from the original budget)	Project scope reduced with contingency remaining. Child safe changing facilities complete. Return \$155,000 to the consolidated capital works budget.	\$155,000.00
100826 - GAC Services Renewal	Yes	\$560,000	The project is nearing completion with contingency remaining. Return \$85,000 to the consolidated capital works budget.	\$85,000.00
100781 - Bolinda Hall Renewal Design 2024	Yes	\$33,000	Estimated remaining funds at the project's conclusion can be returned to the consolidated capital works program budget.	\$10,000.00
100260 - Buffalo Stadium Change Room Upgrade 2024	Yes	\$265,000	At the project's conclusion, the estimated remaining funds (\$5,000) can be returned to the Open Space South Reserve.	\$0.00
100577 - Building	Yes	\$222,250	The estimated remaining funds at the project's	\$0.00

Renewal Hanging Rock Cafe 2024			conclusion, \$25,000, can be returned to the Hanging Rock Reserve.	
100786 - Gisborne Gym - Change rooms & sauna	Yes	\$30,000	Estimated remaining funds at the project's conclusion can be returned to the consolidated capital works program budget.	\$8,025.00
101031 - Gisborne Library Internal Building Works	Yes	\$30,000	Estimated remaining funds at the project's conclusion can be returned to the consolidated capital works program budget.	\$8,650.00
100930 - Gisborne Shire Office Roof Design 2024	Yes	\$30,000	Estimated remaining funds at the project's conclusion can be returned to the consolidated capital works program budget.	\$9,000.00
100783 - Gisborne Mechanics Hall/Windarring 2024	Yes	\$33,000	Estimated remaining funds at the project's conclusion can be returned to the consolidated capital works program budget.	\$7,500.00
100801 - Malmesbury Town Hall - Public Toilet (external) 2024	Yes	\$38,000	Estimated remaining funds at the design project's conclusion can be returned to the consolidated capital works program budget.	\$10,000.00
101030 - Mountview Theatre Roof Renewal	Yes	\$60,000	Estimated remaining funds at the project's conclusion can be returned to the consolidated capital works program budget.	\$17,470.00
100800 - Kyneton Mechanics Institute Toilets 2024	Yes	\$13,000	Estimated remaining funds at the design project's conclusion can be returned to the consolidated capital works program budget.	\$3,500.00
100797 - Tylden Rec Reserve Changerooms 2024	Yes	\$8,000	Estimated remaining funds at the project's conclusion can be returned to the consolidated capital works program budget.	\$1,860.00
100798 - Woodend Anslow St -	Yes	\$13,000.00	Estimated remaining funds at the design project's conclusion can be returned	\$4,105.00

Public Toilet 2024			to the consolidated capital works program budget.	
100813 - Woodend Neighbourhood House Ramp	Yes	\$60,000	Estimated remaining funds at the project's conclusion can be returned to the consolidated capital works program budget.	\$12,500.00
100643 - Tony Clarke Reserve Change Rooms 2024	Yes	\$61,250	Estimated remaining funds at the project's conclusion can be returned to the consolidated capital works program budget.	\$250.00
100630 - EV Charging - for Council Fleet	Yes	\$192,831	Project completed – funds available to be returned to the consolidated capital works budget.	\$33,529.00
100814 - GAC - Ceiling and Steel Work	Yes	\$22,500	Project completed – funds available to be returned to the consolidated capital works budget.	\$2,600.00
100324 - Gisborne Bowls Club Synthetic Rink 2024	Yes	\$489,108.60	Project completed – funds available to be returned to the consolidated capital works budget.	\$11,506.00
100997 - Gisborne GAC Plant and Boiler Design	Yes	\$80,000	Project completed – funds available to be returned to the consolidated capital works budget.	\$8,251.00
100849 - Hurry Recreation Reserve 2024	Yes	\$8,000	Project completed – funds available to be returned to the consolidated capital works budget.	\$4,900.00
100085 - Jacksons Creek Reserve Rotunda 2024	Yes	\$68,417.5	Project completed – funds available to be returned to the consolidated capital works budget.	\$400.00
100690 - Kinders - Acoustic Design and Plan 2024	Yes	\$27,943.92	Project completed – funds available to be returned to the consolidated capital works budget.	\$3,677.00
100648 - Kyneton Little Athletics relocation 2024	Yes	\$182,000	Project completed – funds (\$27,000) available to be returned to the Open Space West Reserve.	\$0.00
100821 - Kyneton Quarry	Yes	\$30,000	Estimated remaining funds at the design project's conclusion can be returned	\$8,050.00

Reserve Public Toilet '24			to the consolidated capital works program budget.	
100233 - Kyneton Rifle Range Clubroom Design	Yes	\$52,825	Project completed – funds available to be returned to the consolidated capital works budget.	\$325.00
100854 - Lancefield Courthouse - Design works 2024	Yes	\$50,000	Estimated remaining funds at the end of investigations and concept design project's conclusion can be returned to the consolidated capital works program budget.	\$19,770.00
100346 - Off Grid Relief & Recovery Centres 2024	Yes	\$253,711	Project completed – funds available to be returned to the consolidated capital works budget.	\$15,000.00
100277 - Woodend Swimming Pool Fence Renewal 2024	Yes	\$91,100	Project completed – funds available to be returned to the consolidated capital works budget.	\$14,639.00
100780 - KSAC Dry Side Change Room Design	Yes	\$15,000	Project completed – funds available to be returned to the consolidated capital works budget.	\$1,538.00
100575 - Tony Clarke Tennis Clubrooms - 2024	Yes	\$67,500	Project completed – funds available to be returned to the consolidated capital works budget.	\$5,368.00
100799 - Kyneton Hutton St - Public Toilet 2024	Yes	\$14,000	Project completed – funds available to be returned to the consolidated capital works budget.	\$4,305.00
100712 - Gisborne Fields - Stage 4 - 2024	Yes	\$256,415	Project completed – funds (\$3,025) available to be returned to the Open Space South Reserve.	\$0.00
100803 - Baynton Hall	Yes	\$56,200	Project completed – funds available to be returned to the consolidated capital works budget.	\$1,447.00
100261 - Kyneton Museum - Roof and Subfloor	Yes	\$478,551	Project completed – funds available to be returned to the consolidated capital works budget.	\$66.00

100792 - Gisborne Adventure Playground 2024	Yes	\$9,400	Project completed – funds available to be returned to the consolidated capital works budget.	\$4,100.00
100333 - Romsey Park Oval 2 Storage Shed 2024	Yes	\$68,209	Project completed – funds (\$3,143) available to be returned to the Open Space East Reserve.	\$0.00
100262 - Woodend Golf Clubhouse - 2024	Yes	\$681,834	Project completed – funds available to be returned to the consolidated capital works budget.	\$1,376.00
100276 - Red Brick Hall Upgrade 2024	Yes	\$340,800	Additional funds are sought to complete the revision to the accessible car space and ramp leading from the road reserve to the RBH entrance. While compliant, the new accessible car space introduced a step that has caused patron falls. The proposed solution will enhance the car space and accessibility to the building.	(\$10,000.00)
100953- Roads- Chanters Lane, Trentham East	Yes	\$1,223,388	This project was approved at the April 2024 SCM for carryover into the 2024/25 program. The additional funds are required to accommodate the cost of ecological assessment and vegetation offset to meet the DEECA requirements.	(\$153,624.00)
			Net Total	\$565,418.69

This recommendation currently results in a **surplus of \$565,418.69** in the 2023/2024 Capital Works Program budget. Officers recommend that Council utilises these funds as follows:

- Transfer \$200,000 of the 2023/2024 Capital Works Program Budget into the 2024/25 Financial Year Capital Works Program Budget.
- Transfer \$365,418.69 of the 2023/2024 Capital Works Program Budget to the Plant Replacement Reserve.

The plant and vehicle reserve has been depleted over the past few years due to a large purchase (an excavator) and an under-recovery of internal fleet charges. The under-recovery of fleet charges was addressed in the most recent budget. Additionally, in keeping with the Council's net-zero goal of including more electric and hybrid vehicles in the fleet, this comes at an additional upfront cost with lower in-year running costs. The fleet reserve needs to be topped up to support this goal and ongoing service delivery.

Carry Forward Projects

The projects listed in the table below, in addition to the projects approved for carrying forward into the 2024/2025 financial year by the Council at its April 2024 SCM. 38 projects out of 201 were approved to be carried forward in the April SCM. Including the additional 15 projects reported in this report, the total number of projects to be carried forward reaches 53. However, 18 projects were not planned for completion within 2023/2024. The expected capital works delivery rate, including carry forwards from 2022/23, is 82.58% - above the target of 80% and below the stretch target of 85%. There are a couple of projects where the original scope is complete; however, the additional scope was added recently. Taking this into consideration, the 82.58% completion percentage increases to 84.58%.

The table below includes a nominal carry forward amount. However, the exact figures will be the subject of a separate finance report at a later scheduled council meeting.

Project	Comment	Original budget	Nominal carry forward
100614 - Dixon Field Master Plan implementation- Design project		\$187,500	\$99,464
100241 - Manna Gum Early Years Centre	Additional scope added in May 2024	\$534,360	\$92,743
100091 - Kyneton Botanical Gardens water play	Additional scope added in May 2024	\$155,000	\$66,700
100118 - Romsey Ecotherapy Park	Additional Scope required by RDV.	\$204,000	\$186,040
100809 - Kyneton Town Hall emergency exit		\$165,000	\$151,920
100785 - Kyneton Shire Office Pyramid Upgrade		\$95,000	\$21,179
100732 - Barkly Square Multipurpose Facility 2024	Location change resulting in additional consultation.	\$167,000	\$129,545
100583 - Building Renewal - Kyneton Mechanic 2024	A delay resulted in a booking conflict, and work was delayed enabling community booking to proceed.	\$492,653	\$305,000
100615 - Gisborne Fields landscape plan stage 5		\$281,460	\$254,675
100413 - Kyneton Showground Netball Facilities Design	Responding to a petition resulted in delays in the design process.	\$138,000	\$39,560
100851 - Malmsbury Town Hall 2024	Heritage implications resulted in additional planning works.	\$250,000	\$193,675
100335 - Riddells Creek Rec Reserve oval lighting	Deferred to	\$610,650	\$608,730

Project	Comment	Original budget	Nominal carry forward
100255 – Kyneton Airfield Toilets 2024		\$191,560	\$100,000
101047- Water Sensitive Urban Design projects		\$182,000	\$110,000
100276 - Red Brick Hall Upgrade 2024	Additional scope added in June 2024	\$340,800	\$10,000
			\$2,369,231

Consultation and engagement

Stakeholders will be identified within individual infrastructure projects. Project Sponsors will liaise with stakeholders of projects that are the subject of this report.

This report is an initiative to ensure transparency in decision-making for infrastructure projects. By publicly providing this report in the Scheduled Council Meeting agenda, the community can understand the decisions made promptly without waiting for a quarterly, six-month or annual report.

Collaboration

Council officers share initiatives across many neighbouring Councils, reporting similar challenges and impacts from current economic conditions.

Innovation and continuous improvement

This is an innovative approach to the problem of unprecedented infrastructure project price increases. Council would typically address project budget issues via the mid-year budget review. In response to the current economic environment, an agile response is required. Preparing a report such as this for presentation to Scheduled Council Meetings throughout this financial year provides resolutions with minimal lost time.

Relevant law

There is no specific law relating to the information provided within this report.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required regarding the subject matter of this report. Officers have noted gender impact within each business case for infrastructure projects.

Relevant regional, state and national plans and policies

The Council plan relevant to this report is delivering strong and reliable government. Transparently providing timely information for the community should provide confidence in how Council is adapting its infrastructure project delivery within budget.

Relevant Council plans and policies

The Council plan relevant to this report is delivering strong and reliable government. Transparently providing timely information for the community should provide confidence in how Council is adapting its infrastructure project delivery within budget.

Financial viability

The processes described in this report detail how Council is adapting its infrastructure project delivery to ensure it is within budget.

Sustainability implications

There are no direct sustainability impacts resulting from this report.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

16 NOTICES OF MOTION AND RESCISSION

No. 65/2023-24: NOTICE OF MOTION - SUBMISSION TO MUNICIPAL ASSOCIATION OF VICTORIA (MAV) AUGUST 2024 STATE COUNCIL

I, Councillor Jennifer Anderson, give notice that at the next Meeting of Council to be held on 26 June 2024, I intend to move the following motion:

That Council submits to the Municipal Association of Victoria (MAV) August 2024 State Council the following motion:

“That the Municipal Association of Victoria

- 1) Advocate to the State Government to provide councils with funds from the waste levy revenue to assist with the costs of collecting and transporting e-waste to be recycled;**
- 2) Continues to advocate to the Federal Government, via the Australian Local Government Association (ALGA), for industry mandatory product stewardship programmes for electronic items, including but not limited to, televisions, computers, mobile phones, small electrical goods, items with embedded batteries, and photovoltaic cells;**
- 3) Advocate for the State and/or Federal Government to mandate retailers of electrical goods to provide collection points for e-waste; and**
- 4) Advocate to the State and Federal Government to support industry innovation that results in electrical goods being more readily repairable and reusable, as well as creating strong end markets for the resulting e-waste.”**

Background:

The Victorian Government brought in a ban on e-waste going to landfill from July 1, 2019.

E-waste is now the world’s fastest growing municipal waste stream with an increase in uptake of electronic devices by consumers, and a reduction in their lifecycle and capacity to be recycled.

Although product stewardship programs exist for some electronic streams, such as the national television and computer recycling scheme, most are voluntary. Even where such product stewardship programs exist, where the cost of recycling the product is born by the manufacturer and factored into the sale price, determining which of these streams are entering a Council’s e-waste collection, and then obtaining a reimbursement for collecting them can be time consuming and complex.

The cost to avoid e-waste going to landfill is then born in most cases by local government, and thus needs to be reimbursed via rates collected from residents.

Markets for the materials recycled from the e-waste are also becoming less, and there is a future risk of stockpiling and the waste ending up in landfill anyway.

As councils provide a service to their residents to avoid the e-waste going to landfill and collect a landfill levy from these same residents it makes sense for the State Government to

return funds back to councils for collecting and transporting e-waste until such time as mandatory retailer return points are established.

At the same time Councils, via MAV and ALGA, should continue to advocate for improved product stewardship programs that do not result in Councils, and thus the rate payers, bearing the cost.

17 URGENT BUSINESS**18 CONFIDENTIAL REPORTS****Recommendation**

That pursuant to section 66(1) and (2)(a) of the *Local Government Act 2020*, Council closes the meeting to the public to consider the confidential report(s) listed below, which are confidential on grounds provided in Section 3(1) of the *Local Government Act 2020*:

18.1 Update on application for gaming premises

Confidential reasons**18.1 Update on application for gaming premises**

This matter is considered to be confidential under Section 3(1) - e of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with legal privileged information, being information to which legal professional privilege or client legal privilege applies.

Contains information regarding financial (Request to Quote) process, dependent on Victorian Gambling and Casino Control Commission (VGCCC) outcome.