

# Council Meeting Agenda

## Special Council Meeting

Friday 1 May 2020 at 3.30pm

Held online and livestreamed at [mrsc.vic.gov.au](http://mrsc.vic.gov.au)

### **Recording of Council Meetings:**

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

### **Attachments:**

All attachments are available for viewing or downloading from Council's website, [mrsc.vic.gov.au](http://mrsc.vic.gov.au)

## **SPECIAL MEETING COUNCIL SUMMONS**

I, Councillor Janet Pearce, Mayor of the Macedon Ranges Shire Council hereby summons all Councillors pursuant to Section 84 of the Local Government Act 1989 to a Special Council Meeting at 3.30pm on Friday 1 May 2020 to be held online for the purpose of dealing with the following items:

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Councillor Janet Pearce  
Mayor  
Macedon Ranges Shire Council

Dated: 27 April 2020

## **ACKNOWLEDGEMENT OF COUNTRY**

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

### **1. RECORDING AND LIVE STREAMING OF THIS COUNCIL MEETING**

Ladies and gentlemen

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

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

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

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

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

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

Thank you

### **2. PRESENT**

### **3. APOLOGIES**

#### **4. DECLARATION OF CONFLICT OF INTERESTS**

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

Councillors are reminded that:

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

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

#### **5. ADOPTION OF MINUTES**

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

Ordinary Council Meeting: Wednesday 25 March 2020

##### **Recommendation:**

**That the minutes of the Ordinary Meeting of the Macedon Ranges Shire Council held on Wednesday 25 March 2020 as circulated be confirmed.**

<b>PE.1</b>	<b>C138macr – LOT 1 TP 879826 WALSHES ROAD, WOODEND REZONING</b>
<b>Officer</b>	<b>Jack Wiltshire, Strategic Planner</b>
<b>Council Plan Relationship</b>	<b>Relates to priority areas: Improve the built environment</b>
<b>Attachments</b>	<b>1 – Explanatory Report  2 – Planning Scheme Amendment Map  3 – Government Gazette Notice</b>

### **Purpose and Overview**

The purpose of this report is to adopt Amendment C138macr and to seek Council approval to progress the amendment to the next stage.

### **Recommendation**

#### **That Council:**

- 1. Adopt Amendment C138macr as exhibited pursuant to Section 29 of the *Planning and Environment Act 1987*.**
- 2. Submit Amendment C138macr to the Minister for Planning for approval pursuant to Section 31(1) of the *Planning and Environment Act 1987*.**
- 3. Advise the owners and occupiers of land affected by the amendment of Council's decision.**

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### **Background**

Council is undertaking a realignment of property boundaries that will require a part land swap between 271 Falloons Road (Lot 1 PS 446092E) and Lot 1 TP87826E, Parish of Tylden). 271 Falloons Road, Woodend is a privately owned rural property and Lot 1 TP87826 is Council owned land.

When Council constructed Walshes Road in the 1970's, the road was constructed outside of the road reserve, encroaching onto the private land of 271 Falloons Road, Woodend. The road was also partly constructed on land owned by Coliban Water at Lot 1 TP87826E, Parish of Tylden. Council subsequently bought the land from Coliban Water.

At the Ordinary Council Meeting of 28 August 2019, it was resolved to:

- 1. Proceed to commence the statutory process to exchange land in accordance with Attachment by publishing a public notice proposing to undertake a minor road deviation, road declaration and land exchange;**
- 2. In accordance with Section 223 of the Act, provides any person the opportunity to make a submission within 28 days of the day of the notice**

and if requested provides the opportunity to any person to be heard at a meeting to be held on 16 October 2019 at the Gisborne Administration Centre.

3. Be presented with a report at the 23 October 2019 Ordinary Council Meeting to consider the submissions and the approval of transfers;
4. On the basis that no submissions be received at (2) above:
  - a) Approve the transfer of land under the land swap;
  - b) Advertise a government gazettal notice to declare the realigned section of Walshes Road a government road; and
  - c) Authorise the Chief Executive Officer to sign the necessary documentation to enable the land swap to occur.
5. Endorse the rezoning of the land described as Volume 06019 and Folio 750, Lot 1 on TP879826E, Parish of Tylden from Public Use Zone to Rural Conservation Zone; and
6. Endorse the rezoning of land at (5) above as the basis to prepare Planning Scheme Amendment C138macr
  - a) Request Authorisation from the Minister for Planning to prepare Amendment C138macr pursuant to Section 9 of the Planning and Environment Act 1987
    - i. Upon receipt of authorisation, make any changes necessary to comply with conditions of authorisation
    - ii. Upon satisfaction of any conditions of authorisation, exhibit Amendment C138macr pursuant to Section 19 of the Planning & Environment Act 1987.

In accordance with the resolution the statutory process to exchange land between Council and the owners of 271 Falloons Road, Woodend commenced and authorisation was sought and received by the Minister for Planning for Amendment C138macr to be prepared.

### **Context**

The amendment applies to 2,387 square metres of land known as Lot 1 on TP879826E, which is located on the northern side of the road reserve of Walshes Road in Woodend (See Attachments One and Two).

Amendment C138macr is required to rezone a single parcel of Council owned land (Lot 1 on TP879826E) from Public Use Zone - Schedule 1 Service and Utility) to Rural Conservation Zone - Schedule 1 to match the adjoining land zoning (See Attachment One and Two).

There are no changes to the Environmental Significance Overlay – Schedule 4 Eppalock Catchment and Vegetation Protection Overlay – Schedule 9 Living Forest.

The lot is required to be rezoned to support the land exchange with the landowners on 271 Falloons Road, Woodend.

Amendment C138macr is consistent with *A Practitioner's Guide to Victorian Planning Scheme* (August 2019) which outlines that a public land zone may not be the most suitable zone for areas such as roads or remnant parcels of public land in a rural area. It also outlines that privately owned land must not have a public land zoning.

The Rural Conservation Zone is the underlying zone and is the most appropriate zone for the land. The rezoning supports the resolution at the Ordinary Council Meeting of 28 August 2019 to re-subdivide the land.

The rezoning of the land will ensure that any land transferred to private ownership will not be within a public zone and that the Public Use Zone, Schedule 1 is not applied to land that will not be used for the purpose of a service or utility

The Minister for Planning granted Council authorisation on 27 November 2019. Exhibition commenced on 14 January 2020 and finished on 18 February 2020 (see Attachment Three for the published Government Gazette Notice). The supporting amendment documentation including the explanatory report and planning scheme map are provided at Attachments One and Two.

No submissions were received during the exhibition period. Therefore, the next step in the process is for Council to adopt the amendment prior to submitting it to the Minister for Planning for his consideration.

### **Consultation and Engagement**

Public exhibition of the amendment occurred between 14 January 2020 and 18 February 2020. All owners and occupiers of land adjoining Lot 1 TP879826 – Walshes Road, Woodend were notified of the amendment by letter. The letter included the explanatory report and a map showing the location of the site. Wider notice of the amendment was given via public notices in local newspaper and by being published in the Government Gazette.

Council did not receive any submissions to the amendment.

The consultation undertaken complies with Council's Community Consultation Framework, June 2019 regarding planning scheme amendments.

### **Strategic Alignment**

Amendment C126 assists with the achievement of priorities set out in the Council Plan 2017-2027:

Priority Area 3 - Improve the built environment

- Improve local roads

### **Implications**

#### **Financial, Resource, Information Technology and Asset Management**

#### **Implications and Risks**

There are minimal financial implications in adopting this amendment. The rezoning will ensure that land is appropriately zoned once the land transfer is completed.

### **Policy and Legislative Implications and Risks**

This report relates to the following Policy and Legislation:

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



This legislation identifies Macedon Ranges as a distinctive area and landscape. The legislation requires Responsible Public Entities not act inconsistently with any provision of the Macedon Ranges Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area.

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

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

The amendment helps supports Clause 21.03-2 – Land Use Vision in which development occurs in an orderly and sustainable manner by ensuring the correct land zoning applies to applicable land.

### **Sustainability Implications and Risks (Social and Environmental)**

The amendment will not result in any social or environmental risks.

### **Charter of Human Rights Implications and Risks**

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

### **Officer Declaration of Conflict of Interest**

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

### **Conclusion**

Amendment C138macr is an administrative rezoning to facilitate the swapping of land between Council and the owners of 271 Falloons Road, Woodend to reflect the current alignment of Walshes Road.

Amendment C138macr was exhibited from 14 January 2020 to 18 February 2020. At the end of this exhibition period, no submissions were received.

The amendment aligns with the Council Plan and does not pose any resource, policy, environmental or human rights implications. It is recommended that Council adopt the amendment as exhibited and submit the amendment to the Minister for Planning for approval. Council will notify people affected by the amendment once an outcome is finalised.

**CX.1**

**CHIEF EXECUTIVE OFFICER'S BIENNIAL  
REVIEW**

**Councillor**

**Councillor Janet Pearce**

**Council Plan Relationship**

**Deliver strong and reliable government**

**Attachments**

**Nil**

**Purpose and Overview**

Section 97A (1) of the Local Government Act 1989 requires an annual review of a Chief Executive Officer's (CEO) performance.

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

As part of the CEO's contract, Key Performance Indicators (KPIs) are set each year with input from all Councillors and the CEO.

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

The CEO's mid-year performance review has been undertaken by the Chief Executive Officer Performance Appraisal Advisory Group for the period December 2019 – March 2020 so that the final review can be undertaken and presented to the August Ordinary Council Meeting prior to the commencement of the local government election (caretaker) period in September 2020.

The assessment has been provided to all Councillors for their consideration.

**Recommendation**

**That as this report concerns a personnel matter then pursuant to Section 89(2)(a) of the Local Government Act 1989, it be considered by Council together with any other confidential matters at the conclusion of that part of this meeting open to the public.**

### **Option**

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

<b>CX.2</b>	<b>DIXON FIELD DRAFT MASTER PLAN</b>
<b>Officer</b>	<b>Dean Frank, Coordinator Recreation</b>
<b>Council Plan Relationship</b>	<b>Promote health and wellbeing Improve the built environment</b>
<b>Attachments</b>	<b>Dixon Field Draft Master Plan</b>

### **Purpose and Overview**

This report seeks Council approval to release the draft Dixon Field Master Plan for community consultation.

### **Recommendation**

**That Council approve the draft Dixon Field Master Plan to be released for a four week period of community consultation in May/June 2020.**

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### **Background**

Dixon Field, a multi-purpose open space and recreation reserve is located in Gisborne and is bordered by Jacksons Creek, the Macedon Ranges Shire Council Gisborne Administration Centre and Robertson Street.

Dixon Field is currently home to the following tenant sporting clubs:

- Gisborne Soccer Club
- Gisborne Tennis Club
- Macedon Ranges Croquet Club
- Gisborne Little Athletics Club
- Gisborne Cricket Club

Dixon Field has an emergency services helipad on the eastern side of the reserve. The reserve caters for a large number of casual users including walkers, runners, dog walkers and for casual sporting use.

Macedon Ranges Shire Council is the land owner and manager of the reserve.

### **Context**

Council allocated funding in the 2019/20 budget to undertake the development of a Master Plan for Dixon Field, due to the multiple number of users, the competing requests to undertake improvements and the need to have a planned approach and provide a future direction for any potential improvements.

Development of a Dixon Field Master Plan is consistent with the directions and principles of the Open Space Strategy 2013 - 'Increasing the sustainability of sports facilities' (2.4), and the Sport and Active Recreation Strategy 2018-28 – 'develop master plans for high use recreation reserves.

Dixon Field (Gisborne) is considered a high priority for master plan development in order to address future facilities and playing field requirements to service the needs of a growing population with diverse sporting interests' (4.2.1)

It should be noted that the Council Dog and Cat Order 2019 Domestic Animals Act 1994 has, in Schedule One, designated the Dixon Field Ovals as an off leash area when sporting events are not in progress.

Insight Leisure Planning and Fitzgerald Frisby Landscape Architects were engaged to develop the Master Plan.

### **Consultation and Engagement**

During the development of the draft Master Plan, a number of consultation methods were undertaken to inform the current situation at Dixon Field, and to understand the issues and opportunities of the tenant clubs, the general community, councillors and council officers.

The consultation undertaken in the development of the draft Master Plan includes:

- One on one meetings held with the tenant clubs to identify their issues and opportunities, as well as to understand their existing usage and future needs.
- Discussions with relevant state and local sporting associations.
- A joint meeting of Council departments (Recreation and Sport, Parks and Gardens, Building Projects and Environment).
- An online community survey developed and advertised via Council's Have Your Say page and local media with 108 responses being received.

The key issues identified include:

- parking
- paths and lighting
- shade, shelter and picnic facilities
- facilities not meeting needs / requiring upgrade
- sports grounds improvements

The draft master plan provides a number of directions in regards to the long term (20+ years) improvement and development of Dixon Field, which have been grouped into 'components' that could inform future funding applications and/or consideration for funding via Council's budget processes.

The key directions of the draft Master Plan can be summarised as follows (not in priority order):

- Development of a shared path circuit
- Revegetation along Jacksons Creek corridor and staged removal of poplars and replacement with indigenous vegetation Relocation/readjustment of the helipad to enable reconfiguration of the fields to allow for a second full size soccer pitch with improved drainage, lighting and irrigation and a junior cricket oval
- Development of a shared tennis/croquet clubhouse with toilets.
- Provision for a shared multi-use pavilion (social space) for all users of the reserve
- New shelter with toilets and potential BBQ facilities to cater for the formal users of the fields to the east of the main pavilion, as well as casual recreational users

- Provision for up to six new tennis courts subject to consideration of the future of nearby smaller tennis clubs and facilities
- Realignment of spaces to provide for an additional junior soccer pitch and junior cricket oval
- Refurbished synthetic 120m athletics track and refurbished long/triple jump pits
- Improved car parking to include circuit road

The direction of the draft Master Plan has been discussed with the tenant clubs in January 2020 to provide an opportunity for them to identify any significant concerns or issues prior to it being released for formal community consultation. Overall, the clubs have indicated that they are comfortable with the direction of the Master Plan however they will also have an opportunity to make formal submissions during the community consultation stage.

Initial consultation has also occurred with the Bullengarook and New Gisborne Tennis Clubs regarding the directions of the draft master plan.

### **Environmental Improvements**

The draft Master Plan has identified environmental improvements and an expansion of the riparian zone along Jacksons Creek including the staged removal of poplars and replacement with indigenous vegetation as well as improvements to walking paths to provide circular paths around the reserve.

In addition the current wetland/storm water pond has been identified as in need of enhancement and improvement.

Following community consultation, and consideration by Council of the final Master Plan, detailed design will need to be undertaken prior to the implementation of any component, which will consider sustainability and environmental design.

### **Strategic Alignment**

The project aligns with the following Council Plan priorities:

1. Promote health and wellbeing:
  - a. Foster social connection and inclusion.
  - b. Support volunteers.
  - c. Improve opportunities for all community members to be heard, participate in their community and influence outcomes.
  - d. Ensure people have opportunities for passive recreation and leisure activities in open spaces.
2. Protect the natural environment:
  - a. Protect biodiversity.
  - b. Implement best practice conservation management techniques to protect biodiversity and manage threats.
  - c. Prioritise local species in new public plantings wherever possible.
  - d. Preserve the landscape quality of vistas.
  - e. Continue to apply best practice and partnerships to protect and enhance biodiversity and the natural environment.

3. Improve the built environment:
  - a. Increase walking and cycling connectivity.

### **Financial and Resource Implications**

The draft Master Plan provides a number of directions in regards to the long term (20+ years) improvement and development of Dixon Field, which have been grouped into 'components' that could inform future funding applications and/or consideration for funding via Council's budget processes. Review of cost estimates will also be required during the life of the Master Plan (once adopted) to ensure that each component is accurately costed at the time it is proposed for funding and implementation.

The implementation of this plan (and therefore the priority of each component) is dependent on the provision of funding to undertake the works. Opportunities for funding may include but are not limited to Council Budget processes, State and Federal Government Sport and Recreation grants, and community environment grants.

Managing the expectations of the clubs and broader community is important, officers will continue to manage this through the consultation process, and beyond with key messages consistent with the communications plan for this project.

### **Policy and Legislative Implications and Risks**

No policy and legislative implications or risks have been identified.

### **Sustainability Implications and Risks (Social and Environmental)**

The draft Master Plan has identified environmental improvements and an expansion of the riparian zone along Jacksons Creek including the staged removal of poplars and replacement with indigenous vegetation as well as improvements to walking paths to provide circular paths around the reserve.

Following community consultation, and consideration by Council of the final Master Plan, detailed design will need to be undertaken prior to the costing and implementation of any component, which will consider sustainability and environmental design.

### **Charter of Human Rights Implications and Risks**

Improvements to the accessibility of Dixon Field, where possible, have been identified in the draft Master Plan. There are no other issues identified that would affect Council's compliance with the Charter of Human Rights.

### **Officer Declaration of Conflict of Interest**

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

### **Conclusion**

Council allocated funding in the 2019/20 budget to undertake the development of a Master Plan for Dixon Field, due to the multiple number of users, the competing requests to undertake improvements and the need to have a planned approach and provide a future direction for any potential improvements.

The draft Master Plan provides a long-term vision for the future development of this important community asset taking into account the formal use of tenant clubs and the informal use of the broader community.

It is recommended that Council approve the release the draft Master Plan for general community consultation for a period of four weeks in April/May. It is proposed that after feedback from the consultation is considered the final Master Plan will be provided to Council to seek formal adoption.



<b>CX.3</b>	<b>ASH WEDNESDAY PARK MASTER PLAN</b>
<b>Officer</b>	<b>Dean Frank, Coordinator Recreation</b>
<b>Council Plan Relationship</b>	<b>Promote health and wellbeing Protect the natural environment Improve the built environment</b>
<b>Attachments</b>	<b>1. Summary of Draft Master Plan Public Submissions  2. Ash Wednesday Park Master Plan</b>

### **Purpose and Overview**

The purpose of this report is to provide the draft Ash Wednesday Park Master Plan to Council for consideration and adoption.

The draft master plan has been released for community consultation, feedback has been considered and incorporated into the final version.

### **Recommendation**

#### **That Council:**

- 1. Adopt the Ash Wednesday Park Master Plan; and**
- 2. Thank submitters who provided feedback on the draft plan.**

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### **Background**

The Macedon and Mt Macedon Business and Tourism Association (MMMBATA) made a successful submission to the Council's 2018/2019 budget process for the development of a master plan to guide future development of Ash Wednesday Park in Macedon.

Council is the land owner and manager of the park with adjacent land owned by VicTrack, Department of Environment Land, Water and Planning (DELWP) and private residents.

The park is used by residents and visitors, due to its amenity and close proximity to the Macedon Railway Station, Macedon township, shopping village, Mount Players Theatre and Jubilee Hall.

Current facilities include a BBQ shelter, playground, drinking fountain and multiple picnic settings and park benches. The closest public toilets are situated 125 metres away on Smith Street opposite the Macedon Railway Hotel.

Jubilee Hall is adjacent to the park and the public open space towards the hall is considered in the master plan in terms of revegetation and the linking of these two community facilities.

### **Context**

In the 2018/2019 budget \$20,000 was allocated for the development of the master plan. Pollen Studio were engaged to develop the master plan, including the development of a costed and staged implementation plan.

Council's 2019/2020 budget included a \$50,000 allocation to commence the implementation of stage one works as identified in the master plan. This will follow once the plan is adopted.

### **Consultation and Engagement**

A communications plan was developed in accordance with Council's community consultation framework and Council officers worked with the MMMBATA throughout the development of the plan.

Consultation with both internal and external stakeholders has resulted in a high priority on retaining the natural bush setting of the park and improving the existing conditions and use.

An onsite project inception meeting was held with Council officers and Pollen Studio, followed by a brainstorming session at Jubilee Hall, which was open for community participation. The session provided an opportunity for residents to identify improvements for the park, which were considered by Pollen Studios in creating a draft master plan.

The draft master plan was circulated within relevant Council departments for review and feedback. As a result of that feedback priorities were discussed with Pollen Studios, including maintenance and protection of the natural environment.

The draft master plan was presented for community feedback via Council's Have Your Say webpage, part of which included an onsite "walk-shop" where residents participated in a walking tour and discussions on elements included in the master plan. Walk-shop attendees were provided with the opportunity to vote on their priorities for the park, which has helped inform the final version of the plan including implementation.

The draft master plan was presented to the Ordinary Council Meeting on 23 October 2019, where it was resolved:

- 1. That Council approve the draft Ash Wednesday Park Master plan for a four week period of community consultation in November 2019, subject to an adjustment to the master plan to include a partial playground upgrade as a short term priority.**
- 2. Following the consideration of feedback received on the draft Master plan, the final Master plan and report will be presented to Council in 2020.**

The draft master plan underwent a period of community consultation over a four week period from 4 November to 30 November 2019, which included:

- Comments sought on Council's 'Have Your Say' web page
- Comment sought directly from those on the established stakeholder contact list including previous submitters.
- Promotion via Council's social media.

Eight formal submissions were received during the public exhibition period and are summarised in Attachment 1.

The following changes were made to the final version of the master plan as a result of feedback from the community and officers:

- inclusion of car park upgrade works into the implementation plan
- inclusion of weed management as part of the project description for items 1.02 and 1.09 in the implementation plan to emphasise the importance of this work.
- Revision of the master plan plant list, and indication that these are guidelines are subject to final approval by the relevant authorities at implementation.
- Ensuring that the final precise location of the proposed multi-purpose stage is investigated and approved as required at implementation.
- Clarification of ongoing annual maintenance costs for assets developed through the master plan, noting more accurate assessment of future maintenance costs should be undertaken as part of future detailed design and implementation.
- Various formatting updates required to finalise the master plan.

The final Ash Wednesday Master Plan is attached as Attachment 2.

### **Strategic Alignment**

The project aligns with the following Council Plan priorities:

1. Promote health and wellbeing:
  - a. Foster social connection and inclusion
  - b. Support volunteers
  - c. Improve opportunities for all community members to be heard, participate in their community and influence outcomes
  - d. Ensure people have opportunities for passive recreation and leisure activities in open spaces.
2. Protect the natural environment:
  - a. Protect biodiversity
  - b. Implement best practice conservation management techniques to protect biodiversity and manage threats
  - c. Prioritise local species in new public plantings wherever possible.
  - d. Preserve the landscape quality of vistas
  - e. Continue to apply best practice and partnerships to protect and enhance biodiversity and the natural environment.

3. Improve the built environment:
  - a. Increase walking and cycling connectivity.

Council's Open Space Strategy 2013 identifies the preparation of a master plan for Ash Wednesday Park as a priority project for Macedon/Mount Macedon.

Council's Sport and Active Recreation Strategy 2018-2028 outlines that a key direction of the Macedon and Mount Macedon district is to 'continue to work with the local community to explore opportunities to establish a significant play space / community hub (eg. multipurpose stage, amphitheatre, picnic areas and play space). The strategy includes action 1.1.2 'Implement priority recommendations from the Shire's Open Space Strategy including... preparing a master plan for Ash Wednesday Park in Macedon.'

The Ash Wednesday Park Master Plan will provide a staged, costed and prioritised plan for the upgrade of this reserve, based on priorities identified through Council strategic planning processes and community feedback.

### **Implications**

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

Council's 2019/2020 budget includes an allocation of \$50,000 to commence the implementation of stage one works of the implementation plan.

The execution of further stages/elements of the master plan will be reliant on funding with the community being encouraged to apply for different funding streams including Council, State and Federal Government funding programs.

There will be opportunities for community groups (e.g. Landcare) to take ownership in progressing some activities in the plan by hosting events such as community planting days to implement the revegetation phases of the master plan.

The annual maintenance cost of assets developed through the master plan should be calculated at industry levels which are currently 2 per cent of total investment cost. An accurate assessment of future maintenance costs should be undertaken as part of future detailed design and implementation and included in the Council's budget processes.

#### **Policy and Legislative Implications and Risks**

No policy and legislative implications or risks have been identified.

#### **Sustainability Implications and Risks (Social and Environmental)**

A high level of priority and importance has been placed on the use of indigenous species of plantings where possible. Officers will work directly with community groups to provide advice on plantings to align with the master plan and retain the natural bush setting of the park.

### **Charter of Human Rights Implications and Risks**

Improvements to the accessibility of the park, where possible, have been identified in the master plan. There are no other issues or opportunities identified that would affect Council's compliance with the Charter of Human Rights.

### **Officer Declaration of Conflict of Interest**

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

### **Conclusion**

The Ash Wednesday Park Master Plan will guide the future development of the park. The master plan aligns with multiple strategic priorities of Council and was funded in the 2018/2019 budget. . Appropriate community consultation has been undertaken to inform the draft master plan.

It is recommended that Council adopt the Ash Wednesday Master Plan as presented.

<b>CX.4</b>	<b>POWERCOR'S VEGETATION MANAGEMENT PRACTICES</b>
<b>Officer</b>	<b>Margot Stork, Chief Executive Officer</b>
<b>Council Plan Relationship</b>	<b>Protect the natural environment</b>
<b>Attachments</b>	<b>Nil</b>

### **Purpose and Overview**

This report is presented in response to the following resolution from the 26 February 2020 Ordinary Council Meeting:

- 1. Direct the CEO write to Powercor Australia:**
  - Expressing concerns regarding the continued poor pruning standards resulting in damage to the Macedon Ranges' tree assets.**
  - Requesting a clear action plan and timeline to ensure that the tree assets and neighbourhood character of the Macedon Ranges are properly considered in Powercor's power line vegetation management activities.**
- 2. Direct that a copy of the correspondence sent to Powercor Australia be sent to Energy Safe Victoria - Line Clearance Assurance, the State Member for Macedon, Mary-Anne Thomas MP, and the Minister for Energy, Environment, and Climate Change, Lily D'Ambrosio MP.**
- 3. Direct the CEO and Mayor to meet with Hugh Vickers-Willis, Head of Vegetation Management, Powercor Australia, to discuss the continued poor pruning standards of Powercor's vegetation management activities; and that all effort is made to arrange this meeting prior to 31 March 2020.**
- 4. Resolve that a report of the outcomes of the meeting with Powercor Australia is brought to an Ordinary Council Meeting for noting.**

### **Recommendation**

**That Council note this report.**

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### **Background**

Following concern with the pruning practices undertaken within the Macedon Ranges Shire as part of Powercor's recent electric line clearance work, the matter was raised at the Ordinary Council Meeting on 26 February 2020.

This report is presented in response to the Council resolution.

### **Context**

In accordance with the Council resolution, correspondence was forwarded to Powercor, Energy Safe Victoria, the State Member for Macedon, and the Minister for Energy, Environment and Climate Change expressing concern with the unacceptable vegetation management practices recently undertaken in the municipality.

A satisfactory resolution was sought from Powercor, together with advice on a clear action and timeline to ensure that the municipality's tree assets and neighbourhood character are retained.

A meeting was also held between Macedon Ranges Shire Council representatives, Powercor and United Energy.

### **Consultation and Engagement**

The following parties met on 24 March 2020 to discuss Powercor's vegetation management activities and Council's concern with the standard of pruning practices:

- Margot Stork, Chief Executive Officer, Macedon Ranges Shire Council
- Councillor Janet Pearce, Mayor, Macedon Ranges Shire Council
- Hugh Vickers-Willis, Head of Vegetation Management, Powercor
- Jason Craig, Manager Communications, United Energy

To prevent the recurrence of similar pruning practices within the Macedon Ranges Shire in the future, Powercor committed to the following improvements:

- Communication with Council in relation to the programmed line clearance activities
- Identifying areas of significant vegetation
- Reducing certain pruning cycles to assist in the protection of significant vegetation
- Processes to identify and remove inappropriate species under electric lines
- Develop closer working relationships between Council's arborists and Powercor's vegetation management contractors
- Debris removal practices
- Community communication on meeting the electric line clearance responsibilities.

In addition, Powercor continues to evolve the pruning program including the following:

- Distinguishing between the treatment of high bushfire and low bushfire prone areas
- Providing great direction and information to contractors carrying out the work
- Introduction of a vegetation management system with greater functionality allowing for more bespoke outcomes
- Improving communications with adjacent landowners regarding outcomes including clean-ups
- Considering the appropriate frequency for cutting in different areas.

A verbal update was provided to the Councillors following this meeting.

### **Strategic Alignment**

This matter aligns with the Council Plan priority to ‘protect the natural environment’.

### **Implications**

#### **Financial, Resource, Information Technology and Asset Management**

#### **Implications and Risks**

The pruning practices recently undertaken by Powercor have had an impact on the municipality’s tree assets and neighbourhood character.

#### **Policy and Legislative Implications and Risks**

Powercor’s pruning practices are not in alignment with Council’s standards.

#### **Sustainability Implications and Risks (Social and Environmental)**

The meeting resulted in Powercor agreeing that the pruning practices recently undertaken in Macedon Ranges Shire were of a poor standard, and would not continue at this standard in the future.

Powercor provided reassurance to Council through the commitment to preserve the environmental and amenity standards expected by Council and the community.

#### **Charter of Human Rights Implications and Risks**

There are no Charter of Human Rights implications or risks.

#### **Officer Declaration of Conflict of Interest**

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

### **Conclusion**

It is recommended that Council note actions taken following the resolution of the 26 February 2020 Ordinary Council Meeting.



<b>CS.1</b>	<b>CONTRACTS TO BE AWARDED AS AT 1 MAY 2020</b>
<b>Officer</b>	<b>Corinne Farley, Contracts Coordinator</b>
<b>Council Plan Relationship</b>	<b>Deliver strong and reliable government</b>
<b>Attachments</b>	<b>Nil</b>

### **Purpose and Overview**

The following report indicates whether or not delegated authority to award the contract exists. It also presents Council with the opportunity to (a) specifically grant delegated authority to the Chief Executive Officer and/or (b) specifically review delegated authority in any instance where Council deems it appropriate.

### **Recommendation**

#### **That Council:**

- 1. Note that the following contracts will be awarded by Council officers under delegated authority:**
  - **C20.1054 Building Refurbishment 47 Victoria Street, Macedon**
  - **C20.1056 Supply Panel Heritage Architects**
  - **C20.1062 Cricket Net Installation Tony Clarke and Gilbert Gordon**
- 2. Grant delegated authority to the Chief Executive Officer to award the following contracts:**
  - **C20.1064 Design Services – Regional Sports Precinct**
  - **C20.1066 Crushing and Screening of Gravel and Associated Materials**
  - **A20.1068 Insurance Brokering Services**

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### **Background**

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.

### **Context**

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.

#### **C20.1054 Building Refurbishment 47 Victoria Street, Macedon**

This contract is for alterations and additions to the existing building located at 47 Victoria Street, Macedon; works will update the building to comply with DDA access requirements and to prepare the building for community use.

Delegated authority to award the contract exists with the Chief Executive Officer. Funds for these works were provided in the 2019/20 Budget.

C20.1056 Supply Panel Heritage Architects

The purpose of this contract is the appointment of suitably qualified and experienced consultants to a panel of suppliers for the provision of Heritage Architectural Services for small projects with the Macedon Ranges Shire. The contract is for two years with a single year extension option.

Delegated authority to award the contract exists with the Chief Executive Officer. Funds for these works will be provided from the 2019/20 Budget and future annual budgets.

C20.1062 Cricket Net Installation Tony Clarke and Gilbert Gordon

This contract is for the construction of new cricket net facilities at Gilbert Gordon Oval, Woodend and at the Tony Clarke Reserve Macedon. Tenders initially called for these cricket nets as separate projects. The initial tenders received were over budget. It has now been determined to retender Contracts C20.1040 Cricket Nets Gilbert Gordon and C20.1036 Cricket Nets Tony Clarke Reserve and to bundle them as one contract C20.1062, given the similar nature of their works.

Delegated authority to award the contract exists with the Chief Executive Officer. Funds for these works were provided in the 2019/20 Budget.

C20.1064 Design Services – Regional Sports Precinct

This contract is for the engagement of a suitably experienced and qualified consultant to successfully deliver design consultancy services for the Macedon Ranges Regional Sports Precinct. The project is sited on two parcels of land to the East and West of Barringo Road at the intersection with Hamilton Road in New Gisborne. The project is for the creation of sports fields, indoor facilities and related infrastructure.

The proposed three year contract exceeds the delegated authority of the Chief Executive Officer. Funds for these works will be provided from the 2019/20 Budget and future annual budgets.

C20.1066 Crushing and Screening of Gravel and Associated Materials

This contract is for the crushing and screening of gravel & associated materials, the loading of the gravel & associated materials and all works associated with gravel pit operations including ripping, pushing, battering, stockpiling and reinstatement at Council's Ketterwell Pit Monegetta.

The proposed five year contract (with an option for a five year extension) exceeds the delegated authority of the Chief Executive Officer. Funds for these works will be provided from the 2019/20 Budget and future annual budgets.

A20.1068 Insurance Brokering Services

A collaborative procurement process with other councils, conducted by Procurement Australia Insure Right as the tender agency, for insurance brokering services.

The broker will undertake a remarketing campaign for the renewal of our insurance policies beginning 1 July 2020.

The proposed two year contract (with an option for a one year extension) exceeds the delegated authority of the Chief Executive Officer. Funds for these works will be provided from future annual operational budgets.

### **Consultation and Engagement**

Nil

### **Strategic Alignment**

In order to ensure Council carries out procurement activities in accordance with its Procurement Policy, as required by the Local Government Act 1989, this report is provided to acquit those requirements.

Delivering on the above requirement ensures that Council delivers on its priority of strong and reliable government.

### **Implications**

Nil

### **Officer Declaration of Conflict of Interest**

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

### **Conclusion**

That Council note that delegated authority exists for officers to award contracts:

- C20.1054 Building Refurbishment 47 Victoria Street, Macedon
- C20.1056 Supply Panel Heritage Architects
- C20.1062 Cricket Net Installation Tony Clarke and Gilbert Gordon

and grant delegated authority to the Chief Executive Officer to award contracts:

- C20.1064 Design Services – Regional Sports Precinct
- C20.1066 Crushing and Screening of Gravel and Associated Materials
- A20.1068 Insurance Brokering Services

<b>CS.2</b>	<b>SMALL PROJECT GRANTS—CONSIDERATION OF GRANT APPLICATIONS</b>
<b>Officer</b>	<b>Trudy Campbell, Governance Officer</b>
<b>Council Plan Relationship</b>	<b>Deliver strong and reliable government</b>
<b>Attachments</b>	<b>Nil</b>

### **Purpose and Overview**

The Small Project Grants program supports projects and initiatives that:

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

Council's Small Project Grants budget for 2019/20 is \$30,000 and not-for-profit groups can apply for a maximum of \$1,500 per application. Applications are assessed against set criteria outlined in the Small Project Grants Guidelines (the guidelines). Funding recommendations are presented monthly at an Ordinary Council Meeting for review and/or approval.

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

Three applications have been received seeking a total of \$4,000 in funding. Officers recommend total funding of \$2,700. The two eligible applications have been evaluated against eligibility criteria and the officer assessments are summarised within this report.

One application has been evaluated against eligibility criteria and deemed to be ineligible.

### **Recommendation**

#### **That Council:**

1. **Approve an application from Woodend District Netball Club: \$1,500 for a Netball Victoria coaching clinic.**
2. **Approve an application from Cobaw Community Health: \$1,200 for professional still photography, printing and display as part of the LGBTIQ+ intergenerational project.**
3. **Note that an application submitted by the Macedon Ranges Art Group is ineligible based on the program guidelines, which state that events and/or festivals will not be funded.**

## Background

At the 22 August 2018 Ordinary Council Meeting it was resolved to:

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

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

## Context

### Eligibility criteria

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

The Small Project Grants Guidelines (guidelines), available on Council's website, outline the eligibility requirements of applicants and provide guidance on the projects or activities that will/will not be funded through the program.

### Assessment Process

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

Where applications are deemed ineligible, they are not assessed and scored.

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

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

Score	Criteria	What to include
20%	Demonstrating good project planning	The project group practices good governance, considers risks, complies with regulations or similar and is appropriately budgeted.

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

#### Application Assessments

The following application assessments are presented for Council consideration.

Applicant:	Woodend District Netball Club
Date received:	31 January 2020
Project:	Netball Victoria coaching clinic
Amount requested:	\$1,500
Previous funding received by group:	Yes – Community Funding Scheme 2014
Eligibility:	Eligible
Assessed score:	64%
Officer comment (adequate explanation, completed Project planning):	A straightforward project to enable the running of a Netball Victoria coaching clinic locally for club coaches, and the wider netball community, following feedback from members and past members that the club needs better training for its coaches. The project supports the Council Plan priorities of: <ul style="list-style-type: none"><li>• promoting health and wellbeing</li><li>• enhancing the social and economic environment.</li></ul>
Officer recommendation:	To be funded
Amount recommended:	\$1,500

Applicant:	Cobaw Community Health
Date received:	23 January 2020
Project:	LGBTIQA+ intergenerational project (component of)
Amount requested:	\$1,500
Previous funding received by group:	Yes – Community Funding Scheme 2016
Eligibility:	Eligible—in part
Assessed score:	73%

Officer comment (adequate explanation, completed Project planning):	Good project planning was demonstrated with a clear breakdown of project steps progressing from workshops and filming of participants to exhibition. The project supports the Council Plan priority of promoting health and wellbeing. A clear association was demonstrated that the project would benefit the health and wellbeing of both younger and older people by strengthening relationships. If approved, Council funds will be used for the eligible part of the project which provides for the professional stills photography, printing and display components of the project (estimated at \$1200), which will culminate in a whole of community exhibition.
Officer recommendation:	To be funded
Amount recommended:	\$1,200

#### Applications not assessed

An application received from the Macedon Ranges Art Group for their 2020 annual art show was deemed ineligible. The Small Project Grants guidelines stipulate that events and/or festivals are not eligible for funding under this program.

#### **Consultation and Engagement**

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

#### **Strategic Alignment**

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

#### **Implications**

##### **Financial, Resource, Information Technology and Asset Management**

##### **Implications and Risks**

Council's Small Project Grants budget for 2019/20 is \$30,000. Grants of up to \$1,500 are available for eligible projects.

As at the preparation of this report, \$14,417 of funds have been committed to the Small Project Grants in 2019/20. This leaves \$15,583 remaining for allocation in the 2019/20 financial year, prior to review of the applications contained within this report.

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

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

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

**Policy and Legislative Implications and Risks**

Nil

**Sustainability Implications and Risks (Social and Environmental)**

Nil

**Charter of Human Rights Implications and Risks**

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

**Officer Declaration of Conflict of Interest**

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

**Conclusion**

Officers have assessed the applications consistent with the assessment criteria matrix and have recommended that the eligible applications be supported with \$2,700 of funding.



<b>CS.3</b>	<b>REVISED INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF (S6)</b>
<b>Officer</b>	Rebecca Ashcroft, Governance Officer Lauren Reader, Coordinator Governance
<b>Council Plan Relationship</b>	Deliver strong and reliable government
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Variation to Instrument of Delegation to Council Staff (S6) – February 2020 update</li><li>2. Instrument of Delegation – Members of Staff (S6) – February 2020 update</li></ol>

### **Purpose and Overview**

The *Local Government Act 1989* enables Council to delegate its powers, duties and functions to officers of Council (Section 98) and to any Special Committee it has established (Section 86).

This report outlines revisions made to Council's *Instrument of Delegation to Members of Council Staff* (S6) since Council last resolved to authorise the Instrument on 27 November 2019.

This report seeks Council's adoption of a revised Instrument, which contains a small number of amendments reflecting minor changes to three pieces of legislation:

- the *Rail Safety (Local Operations) Act 2006*;
- the *Residential Tenancies Act 1997*; and
- the *Road Management Act 2004*.

### **Officer Recommendations**

**That Council:**

1. In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act), section 524(2) of the *Residential Tenancies Act 1997*, and section 118 of the *Road Management Act 2004*, resolve that:
  - a. The Instrument of Delegation to Members of Council Staff (S6), approved 27 November 2019 (the instrument), be varied as set out in Attachment 1
  - b. The members of council staff holding, acting or performing the duties of the offices or positions referred to in the instrument as varied are to have the powers, duties and functions set out in the instrument as varied, subject to the conditions and limitations specified in that instrument
  - c. The instrument as varied comes into force immediately the Common Seal of Council is affixed to the instrument as varied (Attachment 2)

- d. **The duties and functions set out in the instrument as varied must be performed, and the powers set out in the instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**
2. **Notes that the *Instrument of Sub-Delegation from the Chief Executive Officer to Members of Council Staff (S7)*, is also being revised and will be authorised by the Chief Executive Officer.**
3. **Notes that Council's other key instruments of delegation do not require variation at this time.**
- 

## **Background**

Delegations are necessary to enable Council to conduct business efficiently so that routine decisions of Council can be made by members of staff as delegates or by Special Committees.

The *Local Government Act 1989* enables Council to delegate its powers, duties and functions to officers of Council (Section 98) and to any Special Committee it has established (Section 86).

In both circumstances this is done through Instruments of Delegation, which record how specific powers, duties and functions, or legislative provisions, are assigned to Council officers or to the Special Committee.

Key instruments of delegation include:

- *S5 – Instrument of Delegation by Council to CEO*
- *S6 – Instrument of Delegation by Council to Members of Council Staff*
- *S7 – Instrument of Sub-Delegation by the CEO to Members of Council Staff*

Additional instruments include:

- *S13 – Instrument of Delegation by CEO to Members of Council Staff*
- *S14 – Instrument of Delegation by CEO to Members of Council Staff (VicSmart)*

Following a review of Council's delegations in 2019, Council adopted its revised *Delegation Framework Policy and Procedures* at the Ordinary Council Meeting of 27 November 2019. Additionally, at that time Council resolved to authorise a revised *Instrument of Delegation by Council to Members of Council Staff (S6)*.

## **February 2020 updates**

Council subscribes to the Maddocks Delegation and Authorisation Service, which provides template Instruments of Delegation for use by Councils and provides bi-annual updates to those templates. The most recent updates to the Instruments of Delegation were released in February 2020 and reflect legislative amendments passed since June 2019.

Officers from across Council have reviewed the amendments and have proposed revisions to the *Instrument of Delegation by Council to Members of Council Staff* (S6), attached to this report, for adoption by Council.

The revisions reflect the proposed delegation of powers, duties and functions from minor legislative changes made since June 2019, as follows:

- the *Rail Safety (Local Operations) Act 2006* (Vic) was repealed on 2 December 2019 and as such, 18 provisions have been removed from the Instrument of Delegation.
- eleven new provisions have been inserted into the *Residential Tenancies Act 1997* (Vic). These provisions concern powers where a council is a public statutory authority engaged in the provision of housing (ss. 91ZU(1), 91ZZC(1), 91ZZE(1), 91ZZE(3)), as well as functions concerning notifications regarding caravan parks (ss.206AZA(2), 207ZE(2), 311A(2) and 317ZDA(2)).

Additionally, the template for the Instrument of Delegation has been updated in relation to powers contained in three sections of the *Residential Tenancies Act 1997* (ss. 252, 262(1) and 262(3)), which are already delegated to staff. The updates replace references to Council as “landlord” with references to Council as a “public statutory authority engaged in the provision of housing.” However, it is also noted these three provisions will be repealed on 1 July 2020 unless proclaimed earlier.

- six sections of the *Road Management Act 2004* (Vic) have been updated to replace references to “VicRoads” with “the Head, Transport for Victoria” (ss. 14(4), 14(7), 119(2), 120(1), 120(2) and sch 2 cl 4). No new powers, duties or functions have been introduced.

### **Consultation and Engagement**

Officers from Assets and Operations and Corporate Services directorates reviewed the existing Instruments of Delegation and provided advice in relation to the proposed amendments.

### **Strategic Alignment**

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

### **Implications**

#### **Financial, Resource, Information Technology and Asset Management**

##### **Implications and Risks**

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

### **Policy and Legislative Implications and Risks**

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

### **Sustainability Implications and Risks (Social and Environmental)**

The proposal does not raise any sustainability risks for Council.

### **Charter of Human Rights Implications and Risks**

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

### **Officer Declaration of Conflict of Interest**

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

### **Conclusion**

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

<b>CS.4</b>	<b>REVOCATION OF INSTRUMENT OF APPOINTMENT AND AUTHORISATION TO STAFF UNDER THE <i>PLANNING AND ENVIRONMENT ACT 1987</i></b>
<b>Officer</b>	<b>Rebecca Ashcroft, Governance Officer Lauren Reader, Coordinator Governance</b>
<b>Council Plan Relationship</b>	<b>Deliver strong and reliable government</b>
<b>Attachments</b>	<b>Nil</b>

### **Purpose and Overview**

That Council revoke the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for a staff member who no longer holds the role of Statutory Planning and Building Support Officer.

### **Recommendation:**

**That Council resolve, in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and section 147(4) of the *Planning and Environment Act 1987*, to revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Donna Wilkinson, effective 1 May 2020.**

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### **Background**

The appointment of authorised officers enables appropriate staff within the organisation and other persons (for example, contractors) to administer and enforce various Acts, regulations or local laws in accordance with the powers granted to them under legislation or a local law.

The appointment and authorisation of officers, under most of the legislation for which Council is responsible, is able to be approved by the Chief Executive Officer under delegation. These appointments are given effect through the S11 – Instrument of Appointment and Authorisation.

However, a separate instrument of appointment exists for the appointment of authorised officers under the *Planning and Environment Act 1987* – the S11A Instrument of Appointment and Authorisation. This Instrument essentially provides for officers to enter and/or inspect land to enable an assessment under the provisions of the *Planning and Environment Act 1987*. Such inspections would usually relate to a planning enforcement matter.

### **Context**

Advice from Maddocks recommends that S11A Instruments of Appointment and Authorisation under the *Planning and Environment Act 1987* be authorised and revoked by Council resolution.

An Instrument for Ms Donna Wilkinson was among those endorsed by Council on 26 June 2019. As Ms Wilkinson recently ceased employment with Council, it is appropriate that the existing Instrument of Appointment and Authorisation be revoked.

### **Consultation and Engagement**

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

### **Strategic Alignment**

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

### **Implications**

#### **Financial, Resource, Information Technology and Asset Management**

##### **Implications and Risks**

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

#### **Policy and Legislative Implications and Risks**

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

#### **Sustainability Implications and Risks (Social and Environmental)**

The recommendation outlined in the report does not have sustainability implications nor raises any risks.

#### **Charter of Human Rights Implications and Risks**

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

#### **Officer Declaration of Conflict of Interest**

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

### **Conclusion**

It is appropriate that Council resolve, in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and section 147(4) of the *Planning and Environment Act 1987* to revoke the Instrument of Appointment and Authorisation for Ms Donna Wilkinson, who is no longer employed by Council.

<b>CS.5</b>	<b>REPORT FROM THE AUDIT COMMITTEE MEETING HELD ON 4 MARCH 2020</b>
<b>Officer</b>	<b>LeTicia Vassallo, Acting Executive Assistant – Corporate Services</b>
<b>Council Plan Relationship</b>	<b>Deliver strong and reliable government</b>
<b>Attachments</b>	<b>Nil</b>

### **Purpose and Overview**

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

The 4 March 2020 committee meeting discussed a number of matters including:

- Risk Presentations– Infrastructure and Asset Management, Environment and Social;
- Cash Handling Policy;
- Draft Annual and Multi-year Audit Committee Plan;
- Parks and Gardens Internal Audit Review;
- Draft Audit Committee Charter Update – Conflict of Interest, Duty and Loyalty;
- Audit Actions – Management Progress Report;
- BlackHill Reserve Capital Works;
- Local Government Reform Update; and
- Occupational Health and Safety– Ensuring staff safety.

### **Recommendation**

**That Council note the report together with the draft minutes from the Audit Committee Meeting held on 4 March 2020.**

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### **Background**

The Audit Committee is an independent Advisory Committee of Council, formally appointed by Council pursuant to Section 139 of the *Local Government Act 1989*.

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

### **Context**

A meeting of the Audit Committee of Council was held on Wednesday 4 March 2020. The draft minutes from this meeting have been distributed to all Councillors.

A brief summary of a number of the key items discussed appear below:

1. Risk Presentations – Infrastructure and Asset Management, Environment and Social risk presentations were presented by responsible Directors and noted by the Committee. These presentations responded to the recent internal audit into

- Risk Management, which recommended individuals responsible for key risks present to the Audit Committee on how they manage those key risks.
2. The draft Annual and Multiyear Audit Committee Plan was reviewed.
  3. Draft Cash Handling Policy Review – feedback was received from the Audit Committee regarding a draft version of the Cash Handling Policy.
  4. Parks and Gardens Internal Audit – the recent internal audit completed for Parks and Gardens was presented to the Audit Committee.
  5. Audit Committee Charter Update – the Audit Committee considered a draft Conflict of Interest, Duty and Loyalty attachment which is proposed to form part of the draft Audit & Risk Committee Charter (pending the passing of the new Local Government Bill).
  6. Audit Actions – Managements Progress Report - the Committee noted Management's progress report on the completion of Audit Actions, and sought clarification from officers regarding long outstanding actions that are not yet completed.
  7. Blackhill Reserve Capital Works – following a matter being brought to the attention of the organisation by a third party, officers provided a summary of a review conducted into the Blackhill Reserve Capital Works expenditure. Officers advised the Committee that no areas of concern were identified in the review.
  8. Local Government Reform Update – the Committee noted an update on the progress with preparing for reform action as a result of the new Local Government Bill.
  9. Occupational Health and Safety – Ensuring staff safety – the Committee was provided with an update regarding an emerging challenge in ensuring staff safety. The CEO outlined a number of recent instances of inappropriate social media posts that personally attacked staff and represent a significant concern in regards to being able to provide a safe working environment. The Committee noted that this would be considered in the upcoming OHS internal audit and that Councillors intended to advocate on how to better address this important matter.

### **Consultation and Engagement**

Nil

### **Strategic Alignment**

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

### **Implications**

Nil

### **Officer Declaration of Conflict of Interest**

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

### **Conclusion**

The 4 March 2020 draft minutes will be confirmed at the next meeting of the Audit Committee scheduled for 6 May 2020.



<b>CS.6</b>	<b>FLAG POLICY</b>
<b>Officer</b>	<b>Lauren Reader, Coordinator Governance</b>
<b>Council Plan Relationship</b>	<b>Deliver strong and reliable government</b>
<b>Attachment</b>	<b>Draft Flag Policy</b>

### **Purpose and Overview**

To consider a draft Flag Policy for approval, which has been developed in accordance with Council's resolution of 24 April 2019.

### **Recommendation**

#### **That Council:**

- 1. Adopt the Flag Policy and publish the policy on Council's website.**
- 2. Refer to a future budget process consideration of a budget allocation to:**
  - a. erect additional (fourth) flagpoles at Kyneton and Gisborne offices to enable a flagpole to be kept free for flying flags on request;**
  - b. erect four flagpoles at Romsey and Woodend Service Centres to enable a flagpole to be kept free for flying flags on request;**
  - c. enable the illumination of all flagpoles at night to ensure Council's compliance with Australian Flag Protocols.**

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### **Background**

At the Ordinary Council Meeting of 24 April 2019, Council resolved to:

- 1. Provide support to Cobaw Community Health Service by raising the rainbow flag at Council offices in Gisborne and Kyneton and at the clock tower in Woodend from Monday 13 May 2019 to Monday 20 May 2019; and**
- 2. Prepare a draft flag raising policy which is referred to the Health and Wellbeing Committee for their feedback prior to being brought to Council for their consideration by December 2020.**

In response to the first resolution, the Rainbow Flag was flown from the third flagpole at Council's Gisborne and Kyneton offices from Monday 13 May 2019 to Monday 20 May 2019, and was also flown from a temporary flagpole erected on the Woodend Memorial Clock Tower for the same period.

In response to the second Council's resolution, a draft Flag Policy (Attachment 1) has been developed in consultation with key staff, the Macedon Ranges Shire Health and Wellbeing Advisory Committee, and following review of a number of other councils' flag policies.

## **Consultation and Engagement**

An initial draft of the policy was considered by the Macedon Ranges Shire Health and Wellbeing Advisory Committee on 19 February 2020, in accordance with Council's resolution. The feedback from committee members was unanimous in regards to the inclusion of the Rainbow Flag in Council's proposed Annual Schedule for flying flags to acknowledge the International Day Against Homophobia, Biphobia and Transphobia (IDAHOBIT), which has been incorporated.

The draft policy was subsequently circulated internally to managers and coordinators for a two-week feedback period. Based on this feedback received, a number of amendments were made to the draft policy.

Feedback and observations made regarding the flying of flags that could not be addressed by the draft Flag Policy at this time include:

- The requirement, as outlined in the *Australian Flag Protocols*, that flagpoles flying the Australian Flag be illuminated at night, or that the flag be taken down every night and raised every morning. Council is not currently compliant with this section of the protocols.
- That it would be desirable for requested "community" flags to be flown from a fourth flagpole at Gisborne and Kyneton, rather than having to temporarily lower the Torres Strait Islander Flag in order to fly a requested flag.
- That it would be desirable for Council's other customer service sites at Romsey and Woodend to have flagpoles erected in order to fly flags in a manner consistent with Kyneton and Gisborne.

As these matters would involve work for which there is no current budget allocation, it is recommended these matters be referred to a future budget process for consideration.

## **Strategic Alignment**

The proposal is consistent with Council's key priorities to deliver strong and reliable government, and promote health and wellbeing.

## **Implications**

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

Costs associated with the flying of flags (or the half-masting of flags) at Council's Gisborne and Kyneton offices include occasional overtime for staff lowering and raising flags outside of business hours, including weekends. These costs are minor and will be provided for within Council's operating budget.

Costs associated with the flying of flags from a temporary flagpole, and the half-masting of the Australian Flag, at the Woodend Memorial Clock Tower include a planning permit (temporary flagpole only) as well as the costs associated with engaging a person suitably qualified to work at height to raise and lower the flag. These costs are minor and will be provided for within Council's operating budget. An assessment will be made of any significant increase in requests to fly flags from this site as a result of the adoption of the policy and consideration given to whether an additional budget allocation will need to be sought in the future.

### **Policy and Legislative Implications and Risks**

The flying of flags, including the Australian national flag, is subject to requirements the *Flags Act 1953* and the *Australian National Flag Protocols*, Department of Prime Minister and Cabinet.

### **Sustainability Implications and Risks (Social and Environmental)**

The draft Flag Policy aims to provide a framework for considering requests to fly flags from Council's flagpoles consistent with Council's commitment to strengthening community resilience, inclusion and safety.

### **Charter of Human Rights Implications and Risks**

The proposal does not infringe any human rights contained in the Charter of Human Rights.

### **Officer Declaration of Conflict of Interest**

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

### **Conclusion**

In accordance with Council's resolution of 24 April 2019, the draft Flag Policy is presented to Council for consideration and approval.

<b>CS. 7</b>	<b>UPDATE ON EAST PADDOCK, HANGING ROCK, WOODEND</b>
<b>Officer</b>	<b>Hayley Drummond, Coordinator Property and Valuations</b>
<b>Council Plan Relationship</b>	<b>Deliver strong and reliable government</b>
<b>Attachments</b>	<b>Nil</b>

### **Purpose and Overview**

This report provides an update on the negotiations between the State Government and Council for the sale of the East Paddock, Hanging Rock.

Council has received a letter of offer from the Department of Environment, Land, Water and Planning (DELWP) to purchase the land from Council. As this report relates to confidential property matters, a report is included in the confidential section of this agenda.

### **Recommendation**

**As this report concerns matters which Council considers would prejudice the Council or any person then pursuant to Section 89(2)(d)(g) of the *Local Government Act* 1989, it be considered by Council together with any other confidential matters at the conclusion of that part of this meeting open to the public.**

<b>CS.8</b>	<b>KNIGHT COURT, KYNETON – POTENTIAL DISCONTINUANCE AND SALE</b>
<b>Officer</b>	<b>Hayley Drummond, Coordinator Property and Valuations</b>
<b>Council Plan Relationship</b>	<b>Deliver strong and reliable government</b>
<b>Attachments</b>	<b>Nil</b>

### **Purpose and Overview**

Council has been approached by Hardwicks Meatworks Pty Ltd (“Hardwicks”) requesting to purchase Knight Court, Kyneton which is a road that is owned and maintained by Council. Hardwicks owns all the land surrounding the road and they are seeking to purchase the land and consolidate it within their title.

Council has received a letter of offer from Hardwicks to purchase the land from Council. As this report relates to confidential property matters, a report is included in the confidential section of this agenda.

### **Recommendation**

**As this report concerns matters which Council considers would prejudice the Council or any person then pursuant to Section 89(2)(d)(g) of the *Local Government Act* 1989, it be considered by Council together with any other confidential matters at the conclusion of that part of this meeting open to the public.**

<b>CS.9</b>	<b>RESPONSE TO INVITATION FOR EXPRESSIONS OF INTEREST FOR THE FUTURE MANAGEMENT OF THE FORMER KYNETON PRIMARY SCHOOL</b>
<b>Officer</b>	<b>Hayley Drummond, Coordinator Property and Valuations</b>
<b>Council Plan Relationship</b>	<b>Improve the built environment</b>
<b>Attachment</b>	<b>Site Overview</b>

### **Purpose and Overview**

A previous report to Council considered at the 26 September 2018 Ordinary Council Meeting recommended that Council make a submission into the State Government engagement process for the future management of the former Kyneton Primary School. It was recommended that Council express an interest in the management of the four undeveloped eastern lots on the site. At the meeting Council passed the following resolution:

#### ***That Council:***

- 1. Note the information provided on the current DELWP consultation and engagement process;***
- 2. Work with the community and DELWP in progressing the options for the four undeveloped government lots (as per the officer report: Lots 2, 3, 12 and 13) to be retained for use as public open space; and***
- 3. Request the CEO to consider and subsequently advise Council what financial and staff resources may be required to provide input to any request arising out of item 2 before finalising any financial or staff resource commitment.***

In February 2020, the Department of Environment, Land, Water and Planning (DELWP) called for Expressions of Interest (EOI) for the future management and/or use of the former Kyneton Primary School site.

This report recommends that Council make a submission expressing an interest in becoming Committee of Management for that part of the site comprising Lot 2, Lot 3, Lot 12 and Lot 13 on the attached plan.

### **Recommendation**

#### **That Council:**

- 1. Note the Expression of Interest document prepared by the Department of Environment, Land, Water and Planning for the future management and/or use of the former Kyneton Primary School site dated 28 February 2020, with a closing date for submissions 1 June 2020.**

2. **Direct the Chief Executive Officer to make a submission to the Expression of Interest process that expresses a formal interest in the appointment of Macedon Ranges Shire Council as Committee of Management over the following four State Government lots:**
    - **Lot 2 – Volume 11401 Folio 342 – Crown Allotments 2 Section 5 Township of Kyneton Parish of Lauriston;**
    - **Lot 3 – Volume 11201 Folio 343 – Crown Allotments 3 Section 5 Township of Kyneton Parish of Lauriston; and**
    - **Lot 12 and 13 – Volume 11401 Folio 344 – Crown Allotments 12 and 13 Section 5 Township of Kyneton Parish of Lauriston.**
  3. **Note that should an alternate submission to the Expression of Interest process be received for the whole site that is supported by DELWP then Council shall:**
    - a. **withdraw its offer to become Committee of Management for the four allotments; and**
    - b. **work collaboratively with the successful applicant and DELWP as agreed.**
  4. **Direct the Chief Executive Officer to report back to Council on the outcome of the Expression of Interest process.**
- 

### **Background**

The former Kyneton Primary School is located at 7-15 Baynton Street, Kyneton. The property comprises an area of approximately 1.2 hectares with the main building constructed in the mid 1850's.

The site is currently in the ownership of the Minister for Education and managed by the Department of Education and Training (DET) through the Victorian School Building Authority for the Minister.

The land was first set aside for school purposes in 1854 and operated as a school for 161 years before closing in March 2018, when the school was relocated to a new site in Edgecombe Street, Kyneton.

DET had previously declared the Baynton Street site as surplus to its operational requirements. In May 2018, the Victorian Government announced that the site would be retained in public ownership rather than be sold on the open market.

Between August and October 2018, DELWP sought feedback on the community's interest in the site and to develop a list of realistic objectives for its future use and management. The community consultation process found a strong preference for the premises to become a hub for community use and activities with further work to be conducted through an Expression of Interest (EOI) process to determine the most appropriate arrangements for management and use of the site.

The objective of this new EOI is to attract submissions “from interested parties to manage and attract varied uses for the premises that will provide the Kyneton and wider community with valued, varied, safe and accessible services or facilities to benefit the community.”

### **Land ownership and future tenure**

The property is freehold land comprising five allotments. The registered proprietor is the Minister administering the *Education and Training Reform Act 2006*, currently the Minister for Education.

The EOI process is for the whole site, however an expression of interest can be made for part of the site only. Officers have recommended that Council become Committee of Management for the four vacant crown allotments to the east of the school buildings. Further details about the school buildings are outlined below, noting they require significant repairs to make them suitable for occupancy.

Council becoming Committee of Management for the four undeveloped eastern lots does not prevent any other group from making a submission to the EOI for the whole site. The submissions will be assessed according to the criteria prepared by DELWP and should a suitable applicant be identified that is seeking the whole site then officers would recommend Council withdraw its offer to become Committee of Management for the four lots - unless Council's involvement is requested by the group and appropriate support can be agreed.

### **Planning**

The property is currently zoned PUZ2 – Education – the purpose of the use is Education. The property also has an environmental significance overlay (ESO4) as it is within the Lake Eppalock catchment – this overlay affects all of Kyneton township. There is also a heritage overlay – HO119 and HO8 – over the site that refers to tree controls that apply to some of the large established trees within the school grounds.

It is possible that the site will need to be rezoned from PUZ 2 – Education, however that would be dependent on the proposed uses at the site. Should Council become Committee of Management for the four allotments then it may be appropriate to rezone them to Public Purpose and Recreation Zone, which is consistent with the zoning of the land to the east of the site that comprises the Kyneton Bowling Club and Kyneton Mechanics Institute.

The overlays would remain unchanged and protecting the significant trees identified in the Heritage Overlay would be required.

### **Expression of interest**

The EOI document provides some site principles regarding potential future uses for the site.

These include:

- the site's heritage trees and bluestone building be preserved and open space retained, though proposals that include complementary new infrastructure and/or buildings will be considered;



- the open space will be kept safe and accessible for passive use and community activities, which may include but are not limited to community gardens, open markets and entertainment;
- there will be indoor and outdoor space for community groups to meet and host activities at the site;
- proposals for commercial activities which are appropriate to the site and likely community uses are encouraged;
- the site will contribute to a liveable, inclusive and sustainable Kyneton;

Officers believe there is a strong direct correlation to a formal expression of interest by Council to these principles.

### **Condition assessment**

The EOI includes information on the condition assessment that the Victorian Government commissioned on the former school building in June 2019. This found that the original bluestone building, and the multi-storey extension, require significant repairs before public access can be restored.

The assessment provided a rating of structures and their components requiring either immediate work essential to secure the site from further deterioration and ensure public safety, and non-essential works deemed cosmetic or involving components likely to be unrelated to future uses.

### **Cost estimates**

The EOI process outlines that the estimated 2019 costs to remediate the essential structures and components of the premises are:

Within one year	\$2.720 million
Within three years	\$0.964 million
Total	\$3.683 million

Essential structures and components include:

- roof, drainage and guttering to stop leaks and prevent further water damage;
- superstructure, including walls, doors and windows;
- walls and floors affected by moisture;
- pest control, moisture-affected walls and some hard flooring; and
- site infrastructure including fire, sanitary, electrical, mechanical and hydraulic systems.

Non-essential components are related to past use of the site or are cosmetic, and include:

- floor coverings;
- interior wall finishes, fixtures and fit outs linked to a school setting;
- outdoor furniture, sheds and pergola; and
- playground equipment, playground shade cloth and shade sails.

The condition assessment also determined that the southern building has structural defects requiring further investigation to resolve remedial design and cost. These costs are not included in the figures above.

Damaged and degraded non-essential components were priced for repair (rather than removal and disposal) with repairs costing at \$ 5.084 million. Where components are agreed to be not essential and negotiable, there will be some removal, demolition and remediation required, which has not been costed.

The EOI notes that respondents would need to undertake immediate and essential repair and maintenance works before the site is reopened for public access. The EOI states that:

‘the interim management costs of the site are considerable, and a funding source for essential repairs and maintenance necessary to ensure community safety has not yet been identified. The government has an expectation that Registrants to the EOI would be able to confirm that they could contribute to the repair and remediation costs of the site and its infrastructure.’

Given building repair costs officers would recommend that Council only submit an EOI on the vacant land – not the site with the former school building.

This recommendation is in line with Council not having any significant need for another site to locate staff or services at this point in time.

### **Master Plan and community feedback**

At the 23 May 2018 Ordinary Council Meeting officers provided Council with a Master Plan for the former Kyneton Primary School site. The Master Plan was developed following community consultation on the future use for the site and the preferred governance arrangements. The four undeveloped eastern lots on the site were identified in the Master Plan to be suitable for open space.

The site provides several opportunities to create connections and outdoor space including an expanded town centre.

The benefits of Council taking management of the four underdeveloped eastern lots include:

- opportunities to build on connections to Mollison Street;
- opportunities to maximise the co-located Kyneton Library, Mechanics Institute and Town Square;
- to create and provide an extended outdoor space that may include play, community gardens, social and recreational activities, event and performance space, including seating, public water fountains and shade;
- to support green space, play elements and library growth; and
- a universal community desire for the site to provide an expanded town square open space (given its boundary meets the existing town square).

Additionally, it was noted that a community orientated outcome for the four undeveloped eastern lots will require community engagement and consultation as well as staff and financial resources. Macedon Ranges Shire Council is in a unique position to lead this piece of work as set out below.

Community engagement and consultation	Council is well structured and resourced for consultation and has existing engagement tools and processes to be able to seek feedback from the whole community on their requirements for any site that is under the care of Council
Future site planning	<p>Council is involved in broader planning process for the community and sets plans that consider community needs in both the short and long term.</p> <p>Being granted control of the four undeveloped eastern lots under a Committee of Management agreement provides greater flexibility and capacity to Council within a single site, to provide for the longer-term future needs of the community, around existing structures and open space that Council already has responsibility for.</p>
Resources to manage the open space lots	Council has the capability to manage areas of open space such as the four undeveloped eastern lots.
Access to recurrent funding	It is proposed that Council, as proposed Committee of Management, would look after the four undeveloped eastern lots, utilising Council revenue and grants to fund outcomes.
Access to capital funding	Whilst new capital investment decisions are based on relative priorities, the mechanisms do exist for Council to access capital funding to enhance the four undeveloped eastern lots in the future.
Facilities adjoining the four undeveloped eastern lots	<p>Council already has community facilities on sites next to the four undeveloped eastern lots under a Committee of Management agreement.</p> <p>Access to the four undeveloped eastern lots would provide greater capacity for Council to:</p> <ol style="list-style-type: none"><li>1. manage the parks and gardens as one area; and</li><li>2. make appropriate future provision for the needs of the community.</li></ol>
Effective management model	Council currently performs the role of Committee of Management for a number of State Government properties. Council is experienced in fulfilling this role and maintains productive operational and strategic relationships with State Government.

### **Consultation and Engagement**

As outlined above there has been significant community consultation undertaken in relation to the future of the former Kyneton Primary School site. As part of the review of the site, the open space was identified as a key attribute to be retained and accessible for community activities.

Council's submission to the EOI for the vacant allotments would facilitate a key outcome for the site as it is to be retained as public open space for community use.

### **Strategic Alignment**

The proposal to become Committee of Management for the undeveloped eastern lots aligns with the achievement of priorities set out in the Council Plan 2017 – 2027: Our Priorities: Improve the built environment:

We will maintain our built environment – including roads, paths, buildings, open space and other assets – in a fiscally, environmentally and socially sustainable way. This includes effective land use planning, which has a direct impact on the liveability of our shire.

### **Implications**

#### **Financial, Resource, Information Technology and Asset Management**

##### **Implications and Risks**

Should Council become Committee of Management for the four undeveloped eastern lots, Council will need to consider how to fund the recurrent costs associated with managing and maintaining the new site from the time the Committee of Management is established. Dependent on the actual cost, this could occur through reallocation of operational spends via the annual mid-year budget process, via any surplus funding capacity that may be available, or via the normal budget process depending on when decisions are finalised. As it is expected that the completion and finalisation of this process will take some time, officers do not see an immediate need to make provision for any identified costs.

Future costs and resourcing requirements for enhancing the site in conjunction with the community will need to be considered more formally in future funding allocation processes.

### **Policy and Legislative Implications and Risks**

Council has broad responsibilities when acting as Committee of Management, which would apply if the State Government chose to appoint Council as the Committee of Management for the four undeveloped eastern lots. These include:

- manage;
- maintain;
- improve; and
- control the land for the purposes for which it is reserved under *the Crown Land (Reserves) Act 1978*

There would be a requirement to consult with the State Government as owner of the site in regards to any future development on the four undeveloped eastern lots.

### **Sustainability Implications and Risks (Social and Environmental)**

The proposal does not raise any sustainability risks for Council.

### **Charter of Human Rights Implications and Risks**

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

**Officer Declaration of Conflict of Interest**

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

**Conclusion**

In a report to Council, dated 26 September 2018 it was recommended that Council make a submission seeking to express an interest in becoming Committee of Management for part of the site of the former Kyneton Primary School. The EOI has now been released by DELWP and officers believe it is appropriate for Council to register its interest in the four undeveloped eastern lots on the site.

<b>AO.1</b>	<b>KERBSIDE COLLECTION AND ASSOCIATED SERVICES CHARGE POLICY</b>
<b>Officer</b>	<b>Gary Randhawa, Manager Operations</b>
<b>Council Plan Relationship</b>	<b>Protect the natural environment</b>
<b>Attachments</b>	<b>Draft Kerbside Collection and Associated Services Charge Policy</b>

### **Purpose and Overview**

Provide an update to Council on the development of the draft *Kerbside Collection and Associated Services Charge Policy* and seek approval for the proposed public exhibition process.

### **Recommendation**

#### **That Council:**

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

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### **Background**

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

### **Context**

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

Council is currently transitioning to a shire-wide four (4) bin collection system with full implementation by 2025. The four-bin collection system includes services for rubbish, recycling, glass-only (glass) and food organics and garden organics (FOGO) collection. Council's objective is to minimise the amount of recoverable materials going to landfill by providing a comprehensive best value waste collection service to ratepayers and support the community in waste minimisation.

A kerbside collection charge is levied annually under the *Local Government Act 1989* (the Act). In accordance with Council's *Strategic Resource Plan*, Council will continue to ensure that the revenue from waste collection and disposal charges are sufficient to cover all direct and indirect costs. These costs include but are not limited to: domestic waste collection and disposal; management of public place litter and litter bins; management of dumped rubbish; landfill rehabilitation; waste minimisation initiatives; management of waste contracts; and all associated administrative costs.

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

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

### **Consultation and Engagement**

Council's subject matter experts were consulted during policy drafting. Officers propose to undertake a public exhibition process for the draft *Kerbside Collection and Associated Services Charge Policy* in accordance with Council's Community Consultation Framework.

This consultation will invite feedback from the community on the draft policy, however there are some limitations on the extent to which community feedback can influence the policy. The current kerbside collection service has largely been determined through the Council resolutions listed below. The Victorian Government's circular economy policy '*Recycling Victoria*' will also have a direct influence over current and future waste services and their associated costs.

Further targeted consultation will be undertaken with the multi-unit and commercial properties to ensure services are provided in the most effective manner.

At Council's Ordinary Meeting on 24 April 2019, Council resolved:

#### **"That Council:**

**Endorse a staged implementation of a Food Organics Garden Organics (FOGO) service over the next five years, whereby:**

- 1. In January 2020, commence a weekly FOGO and fortnightly garbage service to the existing green waste service area at an additional overall cost of approximately \$7 per household per annum to fund the annual supply of compostable caddy liners;**

2. In the 2020/21 financial year expand the weekly FOGO and fortnightly garbage service to include the additional townships of Bullengarook, Monegeetta, Tylden and Malmsbury (approximately 750 tenements);
3. At completion of the initial collection contract term of five years (2023/24 financial year), implement a shire-wide universal FOGO service;
4. Officers investigate the potential for a commercial FOGO service to collect food organics from cafes, restaurants and other food businesses to further improve food waste diversion from landfill for consideration in the new waste contract (2024/25 financial year); and
5. Introduce into the annual climate change action plan report to the community the following measurements:
  - (a) Reduction of waste to land fill; and
  - (b) Reduction of net emissions in Macedon Ranges.”

At Council’s Ordinary Meeting on 23 October 2019, Council resolved:

“That Council:

- 1) Note the information presented in this Report.
- 2) Endorse the recommendation to implement a mandatory, separate glass collection service to all residents who receive a waste and recycling service on a 4 weekly schedule in a 140L mobile kerbside bin in February 2020 in conjunction with FOGO commencement.
- 3) Approve the deferral of the \$500,000 kerbside bin replacement program in the 2019/20 budget to consideration in future budget processes.
- 4) Approve the allocation of the \$500,000 from the deferred kerbside bin replacement program and \$112,000 from the 2018/19 Budget Surplus to fund the implementation of the separate glass collection service.
- 5) Note the \$400,000 funding contribution available under the existing waste services contract has been confirmed by Four Seasons Waste as being available to be diverted from the planned construction of a waste receiveal facility to fund costs associated with the implementation of a glass collection service.
- 6) Note the estimated cost for the implementation of a separate glass collection service in 2019/20 of \$1,012,000 and that any funds received from the State government rebate program or from the finalisation of the contract arrangements with Council’s previous service provider Wheelie Waste, will be considered in the 2019/20 Mid-Year Budget Review as they are confirmed. “

### **Strategic Alignment**

This report aligns with the following Council Plan objectives:

- Protect the natural environment – *“We will manage waste as a resource.”*



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

## **Implications**

### **Financial, Resource, Information Technology and Asset Management**

#### **Implications and Risks**

It is important to have this policy up to date as it influences how the municipal waste charge is determined and what is taken into consideration. The policy also provides clarity for the community to ensure that their municipal waste charge is fair and equitable and only includes those costs allowable under the Act.

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

#### **Policy and Legislative Implications and Risks**

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

The kerbside collection charge is levied annually under the *Local Government Act 1989* (the Act), in accordance with Council’s *Strategic Resource Plan*.

#### **Sustainability Implications and Risks (Social and Environmental)**

Nil

#### **Charter of Human Rights Implications and Risks**

This proposal does not have any direct human rights implications.

#### **Officer Declaration of Conflict of Interest**

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

## **Conclusion**

Officers seek approval for the public exhibition of the draft *Kerbside Collection and Associated Services Charge Policy* and recommend that Council:

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

<b>AO.2</b>	<b>ADOPTION OF SECTION OF MCGREGOR ROAD GISBORNE INTO PUBLIC ROAD REGISTER</b>
<b>Officer</b>	<b>Kerry Wilkinson, Manager Engineering and Projects</b>
<b>Council Plan Relationship</b>	<b>Improve the built environment</b>
<b>Attachments</b>	<b>Nil</b>

### **Purpose and Overview**

This report is in response to a request received by Council to add an approximate 105m long section of private road to the Register of Public Roads. This section of road extends from McGregor Road Gisborne within a road reserve to the end of the road reserve abutting 275 McGregor Road Gisborne.

The assessment for inclusion of the road within the Register of Public Roads was prepared in accordance with the Public Roads Procedure (2018). The section of road was found to not meet the minimum criteria to warrant further consideration.

### **Recommendation**

#### **That Council:**

- 1. Resolve that the subject section of private road not be added to the Register of Public Roads.**
- 2. Directs that the requester be advised of this Council resolution.**

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### **Background**

The subject 105m section of private road is an existing gravel road extending from McGregor Road Gisborne within a road reserve, to the end of the road reserve abutting 275 McGregor Road Gisborne. This section of road provides primary access to a single property (No. 242) at the end of the specified section. There is no access to other abutting properties.

The gravel pavement of the private road is approximately 3m wide and is centrally located within a 20m wide road reserve. A site inspection of the road found that the road gradient is relatively flat. This would be considered accessible by emergency or service vehicles, although there is no turn around area at the end of this section.



## Context

Council officers' assessment of the road against inclusion criteria for the Register of Public Roads is presented below:

Criteria	Response	Comments
1. At least two or more properties and at least two or more permanent residents are abutting onto the road or requiring the road for access purpose.	No	The single dwelling utilises this road for property entry. Two additional properties abut the section of road.
2. Whether or not land abutting onto the road or requiring the road for access has been developed to its highest and best economic use.	Yes	
3. The type of properties abutting onto the road, including public open space, community facilities, sporting facilities and car parking areas are of significant community value.	No	
4. Whether the road connects into and forms a part of the wider network of public roads.	No	The road is not connected to any further road networks and ends at the conclusion of the specified section.
5. The usage patterns of the road in relation to the nature and frequency of past, present and likely future use.	No	No change is anticipated in the future.
6. Whether the road is regularly required for both vehicular and pedestrian use.	No	The section of road only services one property. There is no other connection that would encourage additional pedestrian movements.
7. Whether the Council or any of its predecessors or any other public authority has constructed the road at public expense	No	This road would have been privately constructed to access the property at the end. Minor works performed adjacent due to drainage outfall.
8. Whether the Council has cared for, managed or controlled the road on a regular basis	No	

Criteria	Response	Comments
9. Whether the properties which enjoy a frontage to the road or require the road for access purposes have alternative access rights	Yes	The single dwelling utilises this road for property entry.
10. Whether there are designated car parking facilities and traffic control signs attaching to any public use of the road	No	
11. Whether the road has ever been required to be set aside for public use as a condition of any planning approval	No	
12. Whether the road has ever been formally dedicated or proclaimed to be a public highway under the Local Government Act, 1989 or any predecessor legislation	No	
13. Whether the road has ever been constructed under a special charge scheme or a private street scheme	No	
14. Whether the road has been constructed by developer or private owner or entity to Council's minimum standards	No	Minor works performed adjacent due to drainage outfall.
15. Whether the use is occurring "as of right", in particular evidence of previous permission	No	
16. Existing geometric standards and surface condition are in accordance with Council's requirements	No	
17. Whether the road contains assets owned and managed by public service authorities, gas, electricity, telecommunications, sewerage, water	Yes	
18. Whether the road has fencing, barriers, signage or associated safety devices.	No	

The subject road met only 3 out of the 18 guiding principles and therefore does not meet the requirements for inclusion in the Public Road Register. Any upgrade of the section of road would only serve to benefit the property owner and no other individual nor organisation.

### **Consultation and Engagement**

No community consultation or engagement has been carried out due to the nature of the request.

### **Strategic Alignment**

Council's priority "Improve the built environment" as set out in the Council Plan 2017-2027 does not include strategies to add more private roads into the Register of Public Roads.

### **Implications**

#### **Financial, Resource, Information Technology and Asset Management**

##### **Implications and Risks**

The officer's recommendation is not to add the road section to the Register of Public Roads, therefore there is no financial impact resulting from this recommendation.

If the road was to be added to the Register of Public Roads, it will require a substantial upgrade at Council's expense and for the sole benefit of the one landowner. Investment in these works would not provide best value for the community.

### **Policy and Legislative Implications and Risks**

This recommendation does not have any direct or indirect policy and legislative implications.

### **Sustainability Implications and Risks (Social and Environmental)**

This recommendation does not have any direct or indirect sustainability implications.

### **Charter of Human Rights Implications and Risks**

This recommendation does not have any direct or indirect human rights implications.

### **Officer Declaration of Conflict of Interest**

No officers involved in the preparation of this report have any direct or indirect Conflict of Interest.

### **Conclusion**

The request for a section of private road off McGregor Road to be added to Register of Public Roads was assessed by Council officers and deemed not to be in the best interests of the larger community. The request was assessed in accordance with the Public Roads Procedure policy (2018) and it was found that the road would require considerable upgrades to meet Council's minimum construction standards. It is recommended that the request is declined.

<b>AO.3</b>	<b>ADOPTION OF PRIVATE ROAD OFF GOVERNORS DRIVE, MOUNT MACEDON INTO PUBLIC ROAD REGISTER</b>
<b>Officer</b>	<b>Kerry Wilkinson, Manager Engineering and Projects</b>
<b>Council Plan Relationship</b>	<b>Improve the built environment</b>
<b>Attachments</b>	<b>Nil</b>

### **Purpose and Overview**

This report is in response to a request (CRM 177838) received by Council to add an approximately 45m long section of private road to the Register of Public Roads. This section of road extends from Governors Drive, within a road reserve, to the driveway of the dwelling located in 23 Governors Drive.

The assessment for inclusion of the road within the Register of Public Roads was prepared in accordance with the Public Roads Procedure (2018). The subject road has been identified as requiring substantial upgrades if it were to meet Council's minimum standards. The officer's recommendation is that the road not be added to the Register of Public Roads.

### **Recommendation**

#### **That Council:**

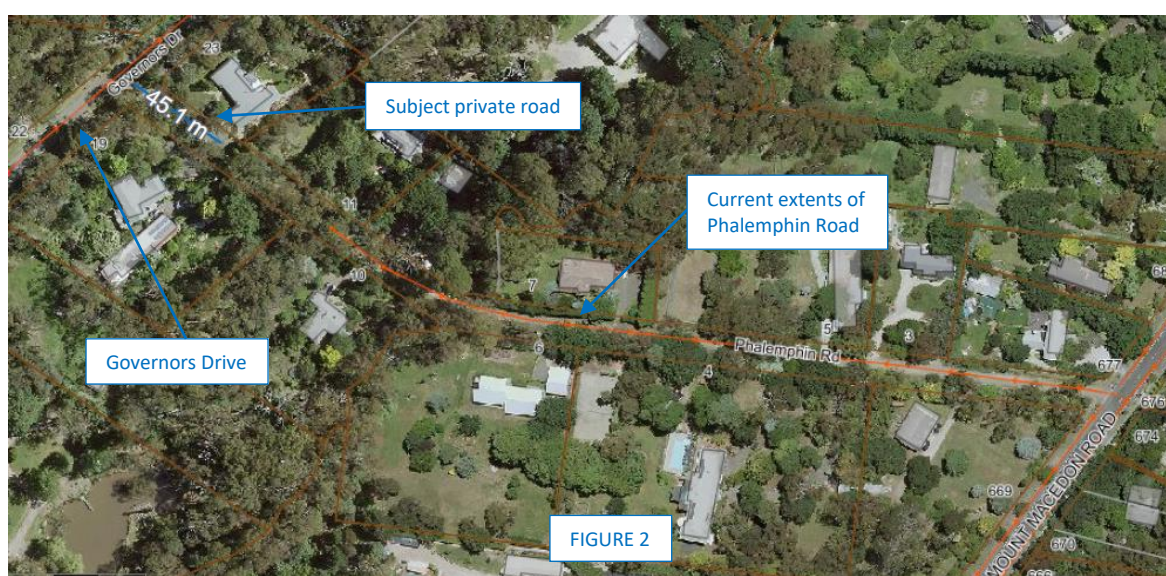
- 1) Resolve that the subject section of private road not be added to the Register of Public Roads.**
- 2) Directs that the requester be advised of this Council resolution.**

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### **Background**

The subject 45m section of private road is an existing gravel road extending from Governors Drive to the driveway of the dwelling located in 23 Governors Drive. No other dwellings utilise this road. This section of road is not signed as Phalemphin Road and it is not connected to Phalemphin Road. See Figures 1 and 2 below.





The gravel pavement of the private road is approximately 3m wide and is centrally located within a 15m wide road reserve. Minor loss of gravel material and shape was observed in the pavement.

A site inspection of the road found that its maximum gradient is steep (25% or a 1 in 4 gradient) which is not considered accessible by emergency or service vehicles. The intersection sight distance from the private road onto Governors Drive is also compromised by the presence of roadside vegetation limiting sight distance.

If this road was to be made a public road, it may be necessary to (1) construct a turnaround area for emergency and service vehicles or (2) extend Phalemphin Road by 65m to connect to this section. In either of these cases, substantial roadworks and vegetation removal will be required for little net benefit. See Figures 3 below.





### Context

Council officers' assessment of the road against inclusion criteria for the Register of Public Roads is presented below:

Criteria	Response	Comments
1. At least two or more properties and at least two or more permanent residents are abutting onto the road or requiring the road for access purposes	No	The dwelling in 19 Governors Drive is only accessed from Governors Drive.
2. Whether or not land abutting onto the road or requiring the road for access has been developed to its highest and best economic use	Yes	
3. The type of properties abutting onto the road, including public open space, community facilities, sporting facilities and car parking areas are of significant community value	No	
4. Whether the road connects into and forms a part of the wider network of public roads	No	The road is not connected to Phalemphin Road.
5. The usage patterns of the road in relation to the nature and frequency of past, present and likely future use	No	No change is anticipated in the future.

Criteria	Response	Comments
6. Whether the road is regularly required for both vehicular and pedestrian use;	Yes	The requester advised that the private road is regularly used by school children and tourists. However, during a site visit from 3:15pm to 3:45pm on Friday 13/3/2020 a Council officer did not observe any pedestrians.
7. Whether the Council or any of its predecessors or any other public authority has constructed the road at public expense;	No	This road would have been privately constructed in the past to provide access to the dwelling in 23 Governors Drive.
8. Whether the Council has cared for, managed or controlled the road on a regular basis;	No	
9. Whether the properties which enjoy a frontage to the road or require the road for access purposes have alternative access rights;	Yes	The dwelling at 23 Governors Drive has active frontage to the private road.
10. Whether there are designated car parking facilities and traffic control signs attaching to any public use of the road;	No	
11. Whether the road has ever been required to be set aside for public use as a condition of any planning approval;	No	
12. Whether the road has ever been formally dedicated or proclaimed to be a public highway under the Local Government Act, 1989 or any predecessor legislation;	No	
13. Whether the road has ever been constructed under a special charge scheme or a private street scheme;	No	
14. Whether the road has been constructed by developer or private owner or entity to Council's minimum standards;	No	The road has insufficient width and excessively steep grade that is not accessible for emergency and service vehicles. It also has inadequate intersection sight distance.
15. Whether the use is occurring "as of right", in particular evidence of	No	

Criteria	Response	Comments
previous permission;		
16. Existing geometric standards and surface condition are in accordance with Council's requirements;	No	The road has insufficient width and excessively steep grade that is not accessible for emergency and service vehicles. It also has inadequate intersection sight distance.
17. Whether the road contains assets owned and managed by public service authorities, gas, electricity, telecommunications, sewerage and water; and	Yes	Telecommunication services may be located within the road reserve.
18. Whether the road has fencing, barriers, signage or associated safety devices.	No	

The subject road met only 4 out of the 18 guiding principles and therefore does not meet the requirements for inclusion in the Public Road Register. Any upgrade of the section of road would only serve to benefit the property owner and no other individual nor organisation.

### Consultation and Engagement

No community consultation or engagement has been carried out due to the nature of the request.

### Strategic Alignment

Council's priority "Improve the built environment" as set out in the Council Plan 2017-2027 does not include strategies to add more private roads into the Register of Public Roads.

### Implications

#### Financial, Resource, Information Technology and Asset Management

#### Implications and Risks

The officer's recommendation is not to add the road section to the Register of Public Roads, therefore there is no financial impact resulting from this recommendation.

If the road was to be added to the Register of Public Roads, it will require substantial upgrades to meet Council's minimum construction standards. This would include, but not be limited to, (1) reduction in gradient, (2) increase intersection sight distance, (3) road widening, and (4) construct a turnaround area or extending to the current Phalemphin Road. Investment in these works would not provide best value for the community.

**Policy and Legislative Implications and Risks**

This recommendation does not have any direct or indirect policy and legislative implications.

**Sustainability Implications and Risks (Social and Environmental)**

This recommendation does not have any direct or indirect sustainability implications.

**Charter of Human Rights Implications and Risks**

This recommendation does not have any direct or indirect human rights implications.

**Officer Declaration of Conflict of Interest**

No officers involved in the preparation of this report have any direct or indirect Conflict of Interest.

**Conclusion**

The request for a section of private road off Governors Drive to be added to Register of Public Roads was assessed by Council officers and deemed not to be in the best interests of the larger community. The request was assessed in accordance with the Public Roads Procedure policy (2018) and it was found that the road would require significant upgrades to meet Council's minimum construction standards. It is recommended that the request is declined.

<b>AO.4</b>	<b>KYNETON SALEYARDS – FEASIBILITY UPDATE</b>
<b>Officer</b>	<b>Shane Walden, Director Assets and Operations</b>
<b>Council Plan Relationship</b>	<b>Improve the Built Environment, Protect the Natural Environment and Enhance the Social and Economic Environment</b>
<b>Attachment</b>	<b>Kyneton Saleyards Plan 2016</b>

### **Purpose and Overview**

At the 26 June 2016 Ordinary Council Meeting it was resolved:

#### **That Council:**

- 1. Adopt Kyneton Saleyards Plan;**
- 2. Continue to operate the saleyards facility as business as usual, in accordance with option one of the plan; and**
- 3. Pursues funding opportunities to implement facility improvements in accordance with option two of the plan.**

Option 2 of the Kyneton Saleyards Plan 2016 (Plan) included upgrading the saleyards to meet compliance requirements and to modernise the asset and maintain market share. This option was based on a feasibility assessment from the Plan which identified a capital investment in the order of over \$1 million, with an expected payback period of 17-18 years.

Works were separated into two stages:

- stage one to upgrade the animal pens, animal delivery facilities and undertake improvements to the truck wash
- stage two improvements to buildings, facilities and vehicle movement at the site.

Following design investigations and tendering, the stage one investment required to upgrade the facility is currently \$2,198,980 (not including the truck wash roof) with a payback period of approximately 41 years.

This places the project outside the original accepted feasibility documented in the Plan. There are however a number of other factors to consider, noting that a lack of investment in the saleyards could result in its closure and this would have economic and social impacts on the local community.

Given the importance of the saleyards to the Kyneton area, further analysis including scope reduction and economic impacts have been undertaken to inform the recommendations presented in this report.

Of note, the Building Better Regions Fund (BBRF) has provided grant funding of \$875,000 which is tied to the completion of the original stage one works before 31 December 2020.

This report proposes a phased approach to deliver the works identified in the Plan, commencing with urgent safety and mandatory environmental improvements to the facility. Funding for this work is allocated in the 2019/20 budget. Completing these works will provide an opportunity to undertake further investigation to determine how any future investment would achieve maximum benefit.

## **Recommendation**

### **That Council:**

- 1. Direct that the works as identified in the financial year 2019-2020 budget for the Kyneton Saleyards cease;**
- 2. Direct that works to address occupational health and safety and mandatory environmental items at the Kyneton Saleyards be completed, utilising funding from the Kyneton Saleyards project in this year's budget;**
- 3. Direct that funding opportunities from alternate sources be sought to assist in offsetting the cost to Council; and**
- 4. Direct that further review be undertaken of the works planned at Kyneton Saleyards, as per the Kyneton Saleyards Plan, 2016 and the resolution of the Ordinary Council Meeting of Wednesday, 22 June 2016.**

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## **Background**

The Kyneton Saleyards (the saleyards) is one of approximately 25 saleyards operating within Victoria. The saleyards were identified as a key asset for users and one of the main sales outlets for sheep and cattle in the region (source: Kyneton Saleyards Plan, 2016). Council is the asset holder of the saleyards and the associated truck wash facility; with both located on Crown Land.

A feasibility assessment was undertaken in 2016 and is documented within a report to Council titled 'Kyneton Saleyards Plan, 2016' (Plan). The assessment was based on the identification of strategic actions and investments in order to address the following:

- ongoing annual operating losses at the saleyards
- capital costs required to upgrade the saleyards to address health and safety requirements
- capital costs required to meet EPA regulations with respect to trade waste and site runoff
- capital costs required to improve the saleyards complex to address the declining use of the saleyards due to larger and sometimes more modern complexes available in the Victoria.

Stock agents identified that livestock producers will sell stock at locations that:

- (a) are close to the point of production; and
- (b) generate the highest price possible (source: Kyneton Saleyards Plan, 2016).

Although a number of other factors will naturally influence this decision, these two main economic factors are the primary motivators for producers.

The Plan identified three options for the saleyards. These are as follows:

- **Option 1:** Business as usual (some minor renewals);
- **Option 2:** Improvements to existing facilities (including a roof); and
- **Option 3:** Rebuild the facility.

The Kyneton Saleyards Plan was presented at the Ordinary Council Meeting of 22 June 2016 at which Council resolved:

***“That Council:***

- 1. Adopt Kyneton Saleyards Plan;***
- 2. Continue to operate the saleyards facility as business as usual, in accordance with option one of the plan; and***
- 3. Pursues funding opportunities to implement facility improvements in accordance with option two of the plan.”***

The saleyards have continued to operate in accordance with Option 1, with minor changes to the operational strategy which have resulted in better maintenance of animal pens. Sales remain consistent and sale days are well attended by sellers and buyers.

Officers pursued funding opportunities to enable the implementation of Option 2 and successfully gained Building Better Regions Funding (BBRF). The approved budget for the project in the financial year 2019-2020 is \$1,757,000; with \$878,500 from Council and \$878,500 from the grant. This figure is significantly above the estimate provided in the Plan which was used to justify the investment; even when allowing for compounded CPI.

The tendered price received for the works and project cost to date is approximately \$2.2M, which is significantly over the budget provided; noting there are still further works required in stage 2. If works were to proceed as intended, Council would be responsible for providing \$1.32M of the tendered price. This figure is almost double the planned expenditure. This level of additional investment triggers a review of the original cost benefit determination.

It should be noted that in detailing Option 2, the Kyneton Saleyard Plan 2016 had the following recommendations and notes:

- A total capital investment of \$1m (\$0.5m from Council)
- Operating costs of \$20,000 per annum
- \$80,000 net benefit per annum based on increase in revenue largely due to increased throughput and reduction in other operating costs.
- A payback period of 17-18 years for the roof costs
- The long payback period was predicated on significant increase in throughput at the saleyards to generate sufficient return – this was highlighted as a high risk within this option
- Improved animal welfare was required to boost sales.

There are a number of things to be noted and reviewed as a result of this information. These are listed below:

- The current scope and pricing (including gantry and truck wash roof) is well above that expected in the financial analysis provided in the Plan.
- The increase in cost impacts the feasibility and payback period of the capital improvement.
- There is a grant agreement providing Building Better Regions Funding (BBRF). If this project is not to continue as agreed, this funding would be lost.
- Returning the project funding to the BBRF may impact their confidence in the Council's ability to deliver projects, which in turn may affect the success of future funding bids.
- There are still safety and environmental issues outstanding that need to be addressed in order for the facility to remain operational.

### **Context**

The grant funding agreement originally stated that Council was to spend 100% of the \$878,500 by 31 October 2020. As this is a dollar for dollar spend, Council would need to spend \$1,320,000 by that date, on eligible grant items. Advice has been received that the funding would be lost, if delivered after the agreed date, and that any future BBRF funding applications may not be assessed favourably.

The current grant requires a variation to the scope of works and BBRF have recommended at this time, that we can change the delivery date to 31 December 2020. The BBRF will not accept any variation to the grant until we confirm that we will be appointing a contractor – Council or their delegate approving the appointment of the contract.

It should be noted that all prices referenced in the discussion below exclude GST.

In August 2019, a quantity surveyor identified that the required works would exceed the provisional budget by approximately \$515,000 - \$1,022,000. These concerns were discussed with Councillors at a Councillor Briefing in August 2019.

After evaluations, a preferred tenderer was identified. A breakdown of their submitted costs is below.

<b>Item Cost</b>	<b>Cost / Inclusions</b>
Saleyards, Truck Wash and Effluent Treatment Plant Works	\$1,484,060
Tender Option: Saleyards Walkways – OH&S Requirement	\$ 472,090
Tender Option: Truck Wash Roof – Optional environmental and economic benefit	\$ 236,830
<b>Total</b>	<b>\$2,192,980</b>

The tender option relating to the walkways is due to a scope increase as a result of structural issues and non-compliances identified with the existing walkways. These works allow for structural improvements to the walkway support poles and the installation of a new compliant walkway system. Correcting this is an OH&S requirement.



The tender option relating to the truck wash roof is an additional item to the original project scope. This would reduce the amount of waste water sent to Coliban Water and the roof would collect rain water for use at the truck wash.

As of 27 February 2020 the project expenditure (and commitments) is \$255,931. This expenditure relates to architectural design services, project management costs, install of the truck wash showers, investigation works, saleyard scale upgrades and I.T. upgrades.

Item	Cost / Inclusions
Tendered Amount (if all tendered options were included)	\$2,200,000
Money spent to date	\$ 255,931
<b>Sub total</b>	<b>\$2,455,931</b>
Approved Budget	\$1,757,000
<b>Construction budget shortfall</b>	<b>\$ 698,931</b>

The significant budget shortfall has prevented the award of tender. Officers briefed Councillors informally in December 2019 and formally in February 2020 on this complex issue. At that time there was additional research underway to refine knowledge about the economic impact of the saleyards, explore de-scoping the project to fit to budget and further discussion with agents in order to determine a solution to this problem.

It should also be noted that in late 2019 Council received non-conformance notices from the EPA for the truck wash area in relation to the potential for wastewater to run into storm water drainage. This has been temporarily addressed. Approximately \$250,000 of the civil works planned for the truck wash are to deliver a more permanent solution in the management of waste water. This \$250,000 is included in the budget shortfalls presented above.

In order to rectify issues with safety and environment issues the following funding is required.

Tender Option: Saleyards Walkways – OH&S Requirement	\$ 472,090
Truck Wash Civil Works (OH&S)	\$ 250,000
<b>TOTAL</b>	<b>\$ 722,090</b>

The current year Council budget for this project is \$878,500. Noting there is \$255,931 already expended against this project, with the full cost to complete these two pieces of work being \$978,021.

This is a significant expenditure and one which is required to continue the operation of the saleyards. This would change the benefits analysis considerably whilst delivering only a small portion of the benefits suggested in the Plan.

If no further grant funding was available to offset this cost, the ten year cost of this part upgrade would be \$98,000 per year, as opposed to the \$60,000 identified in the Plan.

This change in the annualised cost of this project is significant when considering the underlying performance of the saleyards which resulted in an average loss of \$20,000-\$60,000 per year across the period 2011-2016.

There are other factors beyond financial relevant to any decision making in regards to the ongoing operation of the saleyard facility. These include the sustainability benefit of local sales with reduced food miles, social benefits and township character. The social benefits of a saleyard facility are important as farming is a relatively solitary vocation (for some more than others) and sale days are a good opportunity for social interaction.

The primary outcome identified in the Plan was to continue to support the operation of the saleyards. The officer's recommendation is made noting this intent and Council's previous support for the ongoing operation of the saleyard facility.

### **Consultation and Engagement**

There will be a requirement to update the community as to the change of scope to this year's project. This will be undertaken through an engagement process that included key users of the facility as well as more general information for the community.

### **Strategic Alignment**

The recommendations of this report support the following themes and outcomes from the Council Plan.

#### Protect the natural environment

We will protect our natural environment through proactive environmental planning, advocacy and policy to address climate change, support biodiversity, enhance water catchment quality, and manage waste as a resource.

- Enhance waterways and water catchment quality by reducing runoff to waterways

#### Improve the built environment

We will maintain our built environment – including roads, paths, buildings, open space and other assets – in a fiscally, environmentally and socially sustainable way. This includes effective land use planning, which has a direct impact on the liveability of our shire.

- Foster township character and care for resources of historical significance
- Balance maintenance and renewal of community assets

#### Enhance the social and economic environment

We will foster economic vitality in a way that promotes positive individual and community health outcomes, including business diversity; housing, transport and employment options. Investment attracted to the shire will be consistent with Council's vision.

- Encourage economic vitality (tourism, agribusiness, buy local, local employment options)

## **Implications**

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

The recommendation presented looks to provide a solution to balance outcomes by contemplating the following risks.

- reputational risk
- loss of jobs, directly and indirectly
- sound financial investment

### **Policy and Legislative Implications and Risks**

There are no identified policy or legislative risk identified.

### **Sustainability Implications and Risks (Social and Environmental)**

If the works are delivered as recommended the identified OHS and environmental risks will be reduced.

### **Charter of Human Rights Implications and Risks**

No human rights implications have been identified.

### **Officer Declaration of Conflict of Interest**

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

## **Conclusion**

The officer's recommendation is to cease the delivery of the Kyneton Saleyard projects as budgeted for the 2019/20 financial year and instead, break the project into a smaller component to address OHS and environmental issues first.

Once these are actioned, further assessment and feasibility would occur to review the viability of undertaking further works. The investment recommended in this report allows the saleyards to continue operation for the short to medium term.

## **10. NOTICES OF MOTION**

### **Notice of Motion No. 11/2019-20 – Councillor Jennifer Anderson**

**That the National General Assembly call upon the Australian Government to work with local, state and territory governments to address the escalating issue of work related and work based cyber bullying, intimidation and threatening social media commentary experienced by local government employees and elected members.**

### **Notice of Motion No. 12/2019-20 – Councillor Jennifer Anderson**

**That the Municipal Association of Victoria call upon the Victorian Government to work with the Australian Government to address the escalating issue of work related and work based cyber bullying, intimidation and threatening social media commentary experienced by local government employees and elected members.**

## **11. CONFIDENTIAL REPORTS**

11.1 Chief Executive Officer's biannual review

11.2 Update on East Paddock, Hanging Rock, Woodend

11.3 Knight Court, Kyneton – Potential discontinuance and sale