

Agenda

Council Meeting
Wednesday 23 June 2021 at 7pm
Gisborne Administration Centre
40 Robertson Street, Gisborne

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1 ACKNOWLEDGEMENT OF COUNTRY

Macedon Ranges Shire Council is on Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Countries. Council acknowledges that those attending today's meeting are gathering on the land of the Wurundjeri Woi Wurrung Peoples. Council pays its respects to their Elders past, present and emerging and any Aboriginal and/or Torres Strait Islander People who may be here today.

2 RECORDING OF LIVE STREAMING OF THIS COUNCIL MEETING

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

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

6 MAYOR'S REPORT**6.1 MAYOR'S REPORT - JUNE 2021****Summary**

This report provides an update from the Mayor on recent Council activities and initiatives of a shire-wide nature from the last Council Meeting on 26 May to 16 June 2021.

Recommendation

That Council receives and notes the Mayor's report.

Mayor's report

The significant storm event on Wednesday 9 and Thursday 10 June saw Council staff, Councillors, Victorian State Emergency Services (SES), Country Fire Authority (CFA), community organisations and local community members supporting one another as best we could. Especially I would like to acknowledge the volunteers who gave up their time to support our community.

With more than 1000 houses without power, some for up to five days, and variable phone reception and internet access, it was wonderful to see so many people working together to assist one another in so many different ways. Most people remained patient and polite. Many people were already feeling the stress and pressure of the COVID pandemic and this recent event has exacerbated or re-triggered poor mental health. I would urge everyone to continue to check-in with each other and seek any support required, particularly financial and mental health support. I provided interviews to Seven News via phone as my power was out, and ABC via phone and in person with the assistance of Council staff to provide the latest information.

I would like to thank everyone who has played a part in supporting others over this time, but particularly our Council staff, SES and CFA for co-ordinating such a fast recovery effort to clear so many trees off our roads and driveways, provide places to recharge phones, hot showers, and provide up to date information about resources available to assist. A particularly big thank you to all those who volunteer in these emergency management roles.

In business as usual, with COVID restrictions being in place many planned activities for Council, Councillors and the community have had to be cancelled, postponed or held on line.

Rural Councils Victoria (RCV) held its annual summit, postponed from 2020 at Michelton Winery. Member councils met to share experiences and learn of the work of this organisation whose mission is 'to play a leadership role in delivering a sustainable, liveable, and prosperous rural Victoria'. Two days had to be squeezed rapidly into one due to restrictions in place mid conference. Our local member, Mary Anne Thomas, MP, presented in her role as Minister for Regional Development and Minister for Agriculture. She announced a new funding scheme for community infrastructure at a State Government 4 to organisation 1

ratio. Council will be looking at what projects we may have that fulfil the criteria in order to apply for the funding.

There was to be Councillors in attendance for a meeting of the Macedon/ Mount Macedon Horticultural Society, the Kyneton Showgrounds users group and presentation of the awards at the Kyneton and District Poultry Society, all of which were cancelled due to COVID restrictions.

The Ministerial Advisory Panel, of which I am a member, was to have met in person, but this quickly changed to online. We are sharing stories with the Minister for Local Government, Shaun Leane MP, so he can understand the issues faced by Local Government better and what role the State Government can play in assisting.

The Macedon Ranges Sustainability Group held a seminar online to inform community members about More Australian Solar Homes (MASH). This included what rebates are available to those thinking of installing solar hot water, solar panels or batteries. I'm sure many will now be thinking more about this since the storms took out the electricity supply to many homes. It was my great pleasure to introduce the session, as Council supports MASH, and I thank Deputy Mayor Mark Ridgeway for hosting the face-to-face session held the week earlier that I was unable to attend due to the Victorian Energy Coalition launch. Supporting sessions such as these assist with our climate emergency declaration activities, and continues the work we have already been doing through our Climate Action Plan to reduce not only Council's carbon emissions but to assist community and businesses to do the same.

You may notice Council is changing the format of our agendas in order to try make the reports and meetings more streamlined.

This is the first pre-written Mayor's report, and thus only covers three weeks rather than one month, as events prior to 26 May were already covered at last Council Meeting via the verbal Mayor's report.

Finally, with all the disruptions of the past month through COVID restrictions we must adhere to and the recovery from the storm events, I urge everyone to be courteous and kind to one another. Take care of your own mental health and be mindful of how what you say to others may affect their mental health. I am grateful that we live in the Macedon Ranges where the majority of our community members are willing to support others in need and demonstrate compassion and patience. Our fantastic customer service team are there to help during normal business hours and we have a 24-hour emergency line on 5422 0333. For health issues, particularly immediate needs, contact your local GP or ring lifeline on 13 11 14.

7 PETITIONS

8 ADOPTION OF MINUTES

Recommendation

That Council confirms the minutes of the Scheduled Council Meeting of Macedon Ranges Shire Council held on 26 May 2021, as circulated.

9 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF**9.1 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF - MAY 2021****Summary**

Rule 31(a) of Council's Governance Rules requires a written record of matters discussed at specified meetings of Councillors and Council staff to be reported to the next practicable scheduled Council Meeting and recorded in the minutes of that meeting. This report provides a summary of meetings of Councillors and Council staff held since the last Council Meeting.

Recommendation

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

Record of meetings

1.	Type of meeting	Health and Wellbeing Advisory Committee
	Date and time	Wednesday 19 May 2021 at 7pm
	Venue	Gisborne Administration Centre
	Present - Councillors	Cr Jennifer Anderson (Mayor) Cr Mark Ridgeway (Deputy Mayor) Cr Janet Pearce
	Apologies - Councillors	Cr Dominic Bonanno Cr Annette Death Cr Rob Guthrie Cr Anne Moore Cr Geoff Neil Cr Bill West
	Present - officers	Travis Harling Emma Orchard Darryn Young Alexandra Adams Sarah Day Molly Peterson
	Apologies officers	N/A
	Presenters	Annamarie Perlesz Marie Zoethout
	Items discussed	<ul style="list-style-type: none"> • Actions from previous minutes • Guest Speakers • Deliberative Engagement Outcomes

	<ul style="list-style-type: none"> • Disability Action Plan & Municipal Health and Wellbeing Project plan • Young Parents Connection Group • Sex Smart Youth Working Group Update • Move It Program Update • Committee Skills Matrix • General business
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	N/A Did they leave the meeting? N/A
Conflicts of interest declared by officers	N/A Did they leave the meeting? N/A

2.	Type of meeting	Councillor Briefing
Date and time		Tuesday 25 May 2021 at 9.35am
Venue		Gisborne Administration Centre
Present - Councillors		Cr Jennifer Anderson (Mayor) Cr Mark Ridgeway (Deputy Mayor) Cr Anne Moore Cr Dominic Bonanno Cr Annette Death Cr Rob Guthrie Cr Geoff Neil Cr Janet Pearce Cr Bill West
Apologies - Councillors		N/A
Present - officers		Bernie O'Sullivan Angela Hughes John Hausler Sarah Noel Allison Watt Rob Ball Simon Finlay Scott Gilchrist Michael O'Dwyer Christo Crafford Bob Elkington

	<p>Danielle Findlay Awais Sadiq Leanne Khan Isobel Maginn</p>
Apologies officers	N/A
Presenters	
Items discussed	<ul style="list-style-type: none"> • Freedom of Information • Vegetation Management – Electric Line Clearance & Road Management Plan • Planning matters <ul style="list-style-type: none"> • PLN/2020/438 Silverdale, Melbourne Lancefield Romsey • Agenda Review for 26 May 2021 Scheduled Council Meeting • Gisborne Futures – Response to submissions
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Crs Anderson, Pearce and West declared a conflict of interest in item PE.3 on the 26 May Council Meeting agenda and left the meeting at 10.43am.</p> <p>Cr Guthrie was not present for the item on the Gisborne Futures project because of a possible apprehension of bias. He left the meeting at 11.49am.</p> <p>Did they leave the meeting? Yes</p>
Conflicts of interest declared by officers	<p>N/A</p> <p>Did they leave the meeting? N/A</p>

10 DEPUTATIONS AND PRESENTATIONS TO COUNCIL

Recognition of Queen's Birthday Honour recipient

Mr Joseph Farrugia of Gisborne was recognised in the 2021 Queen's Birthday Honour List for providing more than four decades of service to the superannuation sector.

Recommendation

That a letter under the Common Seal of Council be forwarded to Joseph Farrugia OAM in recognition of his 2021 Queen's Birthday Honour Award.

11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS

PE.1	SMALL PROJECT GRANT
Officer:	Leanne Carlon, Coordinator Community Development
Council Plan relationship:	4. Enhance the social and economic environment
Attachments:	Nil

Summary

The Small Project Grants (SPG) 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 SPG budget for 2021/22 is \$36,000 and not-for-profit groups can apply for a maximum of \$1,500 per application.

Applications are assessed against set criteria outlined in the SPG guidelines. Funding recommendations are presented monthly at a Scheduled Council meeting for review and/or approval.

This report details the process of evaluation and lists any recent applications received.

One application has been received seeking a total of \$1,500 in funding. The application has been evaluated against eligibility criteria and was deemed to be eligible.

Recommendation

That Council approves the awarding of the full amount of funding applied for in the application by the Macedon Ranges Sustainability Group for their Growers Directory project.

Background

The SPG program (previously known as the Community Grants program) has been operating since 2018. The program, unlike other funding schemes, is open for applications year round, except during the caretaker period leading up to a Council election.

Eligibility criteria

The SPG 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 SPG guidelines available on Council's website, outline the eligibility requirements of applicants and the assessment methodology. The document also provides 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
20%	Supporting Council Plan priorities	How will the community benefit from the project/activity
20%	Demonstrating good project planning	Promotes or contributes to the achievement of one or more Council Plan priorities

Application summaries and funding recommendations are presented to Council at a Scheduled Council Meeting.

Discussion

One application has been received seeking a total of \$1,500 in funding. The application has been evaluated against eligibility criteria and was deemed to be eligible.

Applicant	Project description	Amount requested	Recommendation
Macedon Ranges Sustainability Group	The creation of a Growers Directory - an accessible web-based directory of local plant-based food producers targeted at residents, food service businesses and tourists, to: 1. Strengthen and promote local markets/supply chains for Macedon Ranges produced fruit, vegetables, legumes and nuts.	\$1,500	Yes

	<ol style="list-style-type: none"> 2. Facilitate greater awareness and consumption of local and seasonal plant-based foods in the Macedon Ranges. 3. Share the stories, experiences and priorities of local producers. 4. Highlight the intersections between food systems/choices, human and planetary health. 		
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Consultation and engagement

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

Collaboration

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

Innovation and continuous improvement

Council is committed to innovation and continuous improvement in relation to the SPG. We regularly review the promotion of the program and seek out new ways to encourage more community groups to access this small grants program.

Relevant law

Not applicable.

Relevant regional, state and national plans and policies

Not applicable.

Relevant Council plans and policies

The SPG program supports Council's priorities of enhancing the social and economic environment, promoting health and wellbeing and strong and reliable government.

Financial viability

Council's SPG budget for 2020/21 is \$36,000. Grants of up to \$1,500 are available for eligible projects.

As at the preparation of this report, \$10,263.64 have been committed to the SPG in 2020/21. This leaves \$25,736.36 unspent in 2020/21 financial year, prior to review of the application contained within this report.

Sustainability implications

Not applicable.

Officer declaration of conflicts of interest

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

PE.2	DRAFT ECONOMIC DEVELOPMENT STRATEGY 2021-2031
Officer:	Bob Elkington, Coordinator Economic Development
Council Plan relationship:	4. Enhance the social and economic environment
Attachments:	Draft Economic Development Strategy 2021-2031 (under separate cover) ⇨

Summary

Development of the Draft Economic Development Strategy 2021–2031 has included a range of opportunities for businesses, organisations and agencies to provide input and suggestions. Councillors are now requested to endorse the draft strategy for public exhibition and comment for a period of six weeks.

Recommendation

That Council:

- 1. Approves the Draft Economic Development Strategy 2021-2031 for community consultation;**
- 2. Publishes the Draft Economic Development Strategy 2021-2031 on its Have Your Say webpage and makes it available at the Council offices in Gisborne, Kyneton, Romsey, and Woodend during the six week consultation period;**
- 3. Considers all submissions received during the six week consultation period in finalising the Economic Development Strategy 2021-2031, and;**
- 4. Considers the final version of the Economic Development Strategy 2021-2031 at a future Council Meeting for adoption.**

Background

In February 2020 the consultancy REMPLAN was appointed to develop a vision and strategic direction for the economy of Macedon Ranges Shire in the context of state, regional and local priorities.

Work to produce this strategy built on the previous Draft Macedon Ranges Economic Development Strategy 2019 – 2029. A public consultation process was undertaken at that time, during February and March 2019, and included two community workshops (70 attendees), one-to-one interviews (20), an online survey (154 responses with 53% of responses from business owners) and one industry forum.

Following a COVID-19 interrupted community engagement process during 2020, a range of consultations based around an updated Issues and Opportunities Paper and survey, were delivered throughout March 2021. This engagement included both internal and external sessions, with a Councillor and Executive workshop being delivered on 23 March 2021.

Based on input provided at the consultations, a draft strategy was developed and was provided to Councillors on 29 April 2021 for consideration.

Discussion

Councillor feedback on the draft strategy was received by 10 May 2021 and again at the Council Briefing on 8 June 2021 and was considered in preparing a further version of the document. A Council decision to endorse the latest version of the draft strategy (Attachment 1), enabling it to be put on public exhibition, is now requested.

Consultation and engagement

In line with Council's Community Consultation Framework, opportunities for input in this latest round of engagement included three face-to-face afternoon drop-in sessions and three evening workshops, an online survey, individual written submissions, targeted Zoom style workshops/conversations and one-to-one interviews.

These opportunities were promoted widely via Council's website, social media posts, print advertising, posters in townships, the March business eNews newsletter and Electronic Direct Mail (EDM) to Council's business database. Targeted sessions were by invitation via email or recruitment over the phone.

Attendance/response was as follows:

1. Public consultations (drop in sessions/workshops) – 15 attendees (plus three Councillors)
2. Online surveys submitted - 28
3. Hard copy/email responses received - five
4. One-to-one interviews – two
5. Targeted face-to-face and Zoom based workshops/discussions
 - Internal stakeholders – three sessions
 - External stakeholders – five sessions
 - Councillors and Executive Team – one workshop

The targeted internal sessions included representatives from Council's planning (statutory and strategic), environmental programs, infrastructure/assets, health/wellbeing, positive aging, capital works, communications, environmental health and local laws teams.

The targeted external sessions included representatives from education and training, telecommunications, neighbouring councils, public land managers, regional tourism, local business and tourism associations and local industry peak bodies.

During the six weeks of public exhibition of the draft strategy a range of ways that feedback can be provided will be promoted. They include:

- Completing an online survey at mrsc.vic.gov.au/yoursay
- Emailing a response to mrsc@mrsc.vic.gov.au
- Providing a hard copy/written submission
- Calling the Economic Development team

Promotion of the opportunity to provide feedback will be undertaken via:

- Media release
- Print media advertising
- Posters at Council's 48 approved sites around the shire

- Social media posts
- Council's E News article
- Electronic Direct Mail to Council's business database
- Email to local business and tourism associations and industry sector peak bodies
- Email to attendees of the internal and external workshops/sessions

Collaboration

Development of the draft strategy was achieved with considerable input from neighbouring councils, relevant government agencies/regional land managers and industry sector representatives with the expectation that the implementation of the actions that come from the strategy will entail a range of collaborations between Macedon Ranges Shire Council and those that provided expert input to the draft.

Innovation and continuous improvement

This draft strategy took into consideration the initial work undertaken during 2019 by consultants Matters More and Geografia. Some of the ideas and concepts found in that early draft were built upon by REMPLAN, the consultants for the 2021-2031 strategy. Further refinement occurred following public consultation and expert panel inputs based around a second version of an Issues and Opportunities paper.

Relevant law

There are no legislative implications relating to the subject matter of this report. No direct or indirect human rights implications have been identified.

Relevant regional, state and national plans and policies

This draft strategy has taken into consideration a range of relevant regional initiatives, including the United Nations Educational, Scientific and Cultural Organization (UNESCO) Region and City of Gastronomy, Regional Waste Management, Central Victorian Goldfields World Heritage bid and the Regional Innovation and Employment Corridor. The draft strategy also references and uses as a basis, the United Nations Sustainable Development Goals.

Relevant Council plans and policies

Progressing towards adoption of an Economic Development Strategy 2021-2031 is aligned with Council Plan Priority 4: Enhance the social and economic environment.

Numerous actions identified in the Council Plan are called out in the draft strategy, including but not limited to increasing people's opportunity to work locally, attracting strategic investment that aligns with Council's vision, identifying gaps in business diversity/encouraging new businesses and advocating for improved communications infrastructure.

Development of the draft strategy has taken into consideration existing Council policies and strategies. Alignment with the outputs from the deliberative engagement process undertaken by the Community Vision Deliberative Citizens' Assembly that concluded with a report in April 2021, was also evident.

Financial viability

Any financial or resourcing implications relating to this process will be subject to future budget requests/deliberations, private sector investment or grant funding opportunities.

Sustainability implications

No sustainability implications or social and environmental risks directly associated with this report have been identified. There is a risk however, should the strategy not continue to progress towards adoption, that a lack of clarity or agreement on strategic direction will impact negatively on the future of the local economy.

Officer declaration of conflicts of interest

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

PE.3	ESTABLISHMENT OF PLANNING DELEGATED COMMITTEE TO DETERMINE PLANNING MATTERS
Officer:	Angela Hughes, Director Planning and Environment
Council Plan relationship:	5. Deliver strong and reliable government
Attachments:	1. Instrument of Delegation - Planning Delegated Committee ↓
	2. Planning Delegated Committee - Terms of Reference - June 2021 ↓

Summary

At its Scheduled Meeting held on 28 April 2021, Council resolved to establish a Planning Delegated Committee (PDC).

This report recommends the endorsement of:

- an Instrument of Delegation, to delegate certain powers, duties and functions of the Council to PDC; and
- a Terms of Reference for the PDC

These items require endorsement by Council resolution before the first meeting of the PDC can be held on 14 July 2021.

Recommendation

That Council:

- 1. Endorses the attached Instrument of Delegation from Council to the Planning Delegated Committee.**
- 2. Endorses the attached Terms of Reference for the Planning Delegated Committee.**
- 3. Notes that the first meeting of the Planning Delegated Committee will occur on 14 July 2021.**

Background

At the Scheduled Council Meeting of 28 April 2021, it was resolved:

That Council:

- 1. Endorses the establishment of a Planning Delegated Committee as a delegated committee of Council in accordance with Section 63 of the Local Government Act 2020, to hear from applicants/land owners and objectors/submitters on statutory and strategic planning matters including planning applications and determine planning matters;*
- 2. Receives a report recommending an Instrument of Delegation to the Planning Delegated Committee (PDC) and Terms of Reference to give effect to Council's preferred PDC option; and*
- 3. Directs that the Planning Delegated Committee be held on the second Wednesday of each month (where required) and commence no later than July 2021.*

The purpose of this committee is to hear from submitters to, and decide on, planning matters. A 'submitter' is a land owner, applicant, proponent, or objector to a planning matter and/or a person who supports a planning matter. In the case of an objector or a person who supports a planning matter, a written submission must have been made to Council – and it registered by Council - prior to the PDC upon which the matter is to be heard.

The newly formed PDC will replace the current Submitters Committee as it relates to planning applications, and will also remove planning matters from Scheduled Council Meetings to enable them to be decided at a PDC. This will have the effect of reducing the number of items to be considered at Scheduled Council Meetings. Submitters to strategic planning matters will also have the opportunity to participate in PDC meetings.

The PDC will comprise all Macedon Ranges Shire Councillors.

The first meeting of the PDC will be 14 July 2021.

Discussion

Instrument of Delegation:

Attachment 1 contains an Instrument of Delegation to the PDC. This instrument delegates certain powers, duties and functions of Council in relation to planning matters to the PDC, and provides for the PDC to hear from submitters in relation to planning matters. It is considered prudent to retain the decision making power of Scheduled Council Meetings in relation to planning matters, in addition to the PDC. While it is envisioned that the PDC will take over this decision making function, there are times when flexibility and/or speed are required to decide planning matters (for example, to comply with timeframes directed by the Victorian Civil and Administrative Tribunal).

Terms of Reference:

Attachment 2 contains a Terms of Reference to give effect to the PDC. This is based upon the current Submitters Committee Guidelines. These terms of reference allow:

- Each submitter to speak to the Committee for up to three minutes
- Joint submissions to be allocated a maximum of nine minutes to speak, depending on the number of submitters who make up the joint submission

Delegation Framework:

It is proposed that the current Delegation Framework, Policy and Procedure (the Framework) remain in place with no change at this time. Section 7.2 of the Framework relates to decision making on "planning matters," namely planning applications. This sets out the kind of applications that may be called in to a Council Briefing and/or Council Meeting to be decided; together with those matters (such as a Development Plan) where officers do not have the delegation to decide.

The Framework was last adopted by Council at its Ordinary Council Meeting of 27 November 2019, and is due for review by 24 October 2021. Some of the details of the Framework will be out of date in the interim (for example, it will not refer to the PDC), but this does not have any legal effect. It will need to come to a Scheduled Council Meeting prior to the review date for reviewing and updating. Alternatively, it may be replaced with internal guidelines, rather than a new framework.

Council officers do not have the delegation to progress and decide upon Planning Scheme Amendment matters. These kind of planning matters must receive a Council resolution to progress. It is recommended that these come to the PDC. The proposed Instrument of Delegation and Terms of Reference make provision for this.

Consultation and engagement

The establishment of a PDC seeks to facilitate engagement with parties to planning matters by providing a dedicated forum in which parties may be heard (if they wish) and planning matters may be decided.

Collaboration

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

Innovation and continuous improvement

The establishment of a PDC reflects a commitment to continuous improvement in relation to Council decision making on planning matters.

Relevant law

The *Planning and Environment Act 1987* is most relevant to this matter. While not a requirement of legislation, the PDC seeks to enable parties to planning matters to be heard by Councillors, before Council decides on a planning matter. This is in addition to a party/ies ability to make a submission (be it an objection or letter of support) to a planning matter.

Relevant regional, state and national plans and policies

Not applicable.

Relevant Council plans and policies

The PDC supports Council's priorities of protecting the natural environment, improving the built environment and delivering strong and reliable government.

Financial viability

Council considered the financial implications of establishing the PDC at the Scheduled Council Meeting on 28 April 2021. The subject matter of this report has no impact on financial viability relating to the PDC.

Sustainability implications

Not applicable.

Officer declaration of conflicts of interest

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

C4 Instrument of Delegation (Special Committees)

**Macedon Ranges Shire Council
Instrument of Delegation
Planning Delegated Committee**

By this instrument of delegation sealed by Macedon Ranges Shire Council (**Council**) under section 11 of the *Local Government Act 2020*, Council delegates to the Special Committee (the **Committee**) established by resolution of Council passed on 23 June 2021 (to be known as the 'Planning Delegated Committee' (**the Committee**)), the powers, duties, discretions and functions set out in the Schedule, and declares that:

 this Instrument of Delegation is authorised by a resolution of Council passed on 23 June 2021;

 this Instrument of Delegation is an instrument for the purposes of section 188 of the *Planning and Environment Act 1987*;

 the delegation under this Instrument of Delegation:

1. comes into force immediately upon the common seal of Council being affixed to this Instrument of Delegation;
2. remains in force until Council resolves to vary or revoke it;
3. is to be exercised in accordance with the guidelines or policies which Council adopts from time to time; and

 all members of the Committee will have voting rights on the Committee.

THE COMMON SEAL OF MACEDON RANGES SHIRE COUNCIL is hereto affixed in the presence of —

[INSERT TITLE OF WITNESS 1]

[INSERT TITLE OF WITNESS 2]

SCHEDULE**Functions, duties, discretions and powers delegated**

1. Subject to the exemptions, conditions and limitations below, to exercise all Council's powers, discretions or functions under the *Planning and Environment Act 1987* in accordance with the relevant policies and guidelines of the Council and to do all things necessary or convenient to be done for or in connection with the performance of those powers, duties, discretions and functions.
2. To exercise all Council's powers, duties, discretions and functions to hear from:
 - a. persons who have made an objection or submission to a planning application in accordance with the *Planning and Environment Act 1987*;
 - b. planning permit applicants and/or land owners in relation to a planning permit application submitted in accordance with the *Planning and Environment Act 1987*; and
 - c. persons who have made submissions to Council about a planning scheme amendment of which notice has been given under section 19 or in accordance with section 20(2)(b) of the *Planning and Environment Act 1987*.

Exceptions, conditions and limitations

1. The Committee is authorised to determine statutory planning applications and planning scheme amendments only in relation to the *Planning and Environment Act 1987*.
2. The Committee is not authorised by this Instrument of Delegation to exercise any power, duty, discretion or function which by law cannot be so delegated noting the exclusions in section 188 of the *Planning and Environment Act 1987*.

Macedon Ranges Shire Council

Terms of Reference – Planning Delegated Committee

The Planning Delegated Committee (PDC) been established as a delegated committee of Council in accordance with Section 63 of the Local Government Act 2020 (LG Act 2020) to hear from applicants/land owners and objectors/submitters on statutory and strategic planning matters including planning applications and to determine planning matters.

The committee comprises all nine Macedon Ranges Councillors.

Introduction

Council receives written submissions on a variety of matters which need to be considered by Council during the decision-making process. The PDC provides people who have made a submission with a specific opportunity to appear in person to expand on their submission, if they wish to do so, for the nominated matters as outlined in the instrument of delegation.

Privacy

In accordance with Council's Governance Rules, the agenda for each meeting of the PDC will be published on Council's website at least five (5) days before a meeting is scheduled. Written submissions received by the deadline will be included as attachments to the agenda and will therefore be publicly available.

Prior to publication, contact details of individuals (such as email addresses, postal/home addresses and telephone numbers) will be redacted from written submissions in order to protect the privacy of submitters. However, the names of submitters and the content of their submissions will be published in the meeting agenda and may also be reproduced in the meeting minutes.

Submitters who elect to present in person at a PDC in support of their written submission should also note that meetings will be recorded and streamed live on the internet in accordance with Council's Livestreaming and Publishing Recording of Meetings Protocol, which can be viewed on Council's website. By electing to present to the Committee, it is assumed consent is given by submitters if their image is inadvertently broadcast, as per the protocol.

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1. Making a submission

- 1.1 Submissions must be provided by the deadline specified in the public notice/advertisement. A submission may comprise a submission made by an individual, two or more persons, a company or organisation or the organiser of a petition. The acceptance of late submissions will be at the discretion of the Chairperson.
- 1.2 Submissions should be lodged in the prescribed format where possible.
- 1.3 Only a person who has made a submission (the submitter) and indicated in their submission that they wish to appear in person, will be permitted to address the PDC, unless they have nominated a representative to appear on their behalf.
- 1.4 Reference to the making of submissions at Section 1.1 - 1.3 of these guidelines relates to those submitters who wish to be heard at the relevant PDC only. It is acknowledged that submissions (including objections) may be made to Council regarding a planning application after the notice period has finished, up until a decision is made on the application.

2. Late Speakers

- 2.1 For submissions made in relation to matters being considered by the PDC, requests to speak to a submission not identified at the time of making the submission may be accepted up to 5pm on the day prior to the Committee meeting (the meeting).
- 2.2 Where submitters have not requested to speak either via their formal submission or via the late speakers process outlined in 2.1 they will only be heard at the meeting at the discretion of the Chairperson.
- 2.3 Requests for submitters who have not complied with deadline to speak will only be considered by the Committee at the conclusion of all other scheduled speakers.

3. Time Limits

- 3.1 Submitters or their representative/s will be allocated a maximum of three (3) minutes to speak to their submission.
- 3.2 Applicants or their representative/s will be allocated a maximum of three (3) minutes.
- 3.3 In the case of joint submissions, a maximum of three (3) minutes will be allocated per submission up to a maximum of nine (9) minutes and one person should be nominated to speak on behalf of the submitters.
- 3.4 Where a person (i.e., the "head petitioner") has organised a petition comprising more than 500 signatures, a maximum of ten (10) minutes will be allocated to the head petitioner, or the representative, to speak to the Committee if they wish.
- 3.5 In circumstance/s which the Chairperson considers to be 'special' and by majority

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vote of Councillors present at the meeting, a submitter will be given more than three (3) minutes to speak up to a maximum of ten (10) minutes. This circumstance and the time to be allocated to the submitter will be determined at the meeting.

- 3.6 Where there are more than 50 submitters who wish to speak at the meeting, and the meeting is being held by online means, the Chairperson in consultation with Councillors, will decide if the three (3) minute speaking time usually afforded to submitter/s is sufficient in order to run an efficient and timely meeting.

4. Attendance

- 4.1 A submitter (or their nominated representative) needs to appear in person to speak to their submission

5. Addressing the Committee

- 5.1 Recognising that all Committee members will have already received the complete written submission, submitters should seek to provide further supporting information and comment in a manner that expands upon issues raised in the written submission or enables this to be conveyed in a more personalised manner.
- 5.2 A PowerPoint presentation or other form of digital media is permitted, if previously arranged with a member of Council staff. Such arrangements must be made at least two (2) business days in advance of the meeting.
- 5.3 Additional supporting documentation may be tabled at the meeting.
- 5.4 A submitter's comments will not be recorded in the minutes of the meeting.
- 5.5 The PDC may ask questions of the submitter at the end of each presentation. The speaker's responses should be brief and to the point.
- 5.6 Questions by the PDC and corresponding responses by submitters or their representative/s will not be recorded in the minutes of the meeting.
- 5.7 Other than 5.5, no submitter has a right of reply unless the Chairperson asks questions or expressly invites further comment. Such answers or comments are to be brief and to the point.

6. Representatives

- 6.1 A submitter or applicant may request to be represented by a nominated person/s at the meeting in accordance with these guidelines.
- 6.2 A representative assumes the opportunity to speak on behalf of, and in place of, the submitter or applicant and must adhere to the time limit.
- 6.3 A representative may read out a written statement prepared by the submitter or applicant. In this situation:

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- 6.3.1 The representative must not provide supplementary information separate to the statement prepared by the submitter/applicant.
 - 6.3.2 The representative cannot answer questions from the Committee, or give or express opinions on behalf of the submitter, applicant or any other person.
- 6.4 A representative must speak to the specific issues relevant to the submission of the submitter/applicant whom they represent.

7. Joint Presentations and Petitions

Any group of three (3) or more submitters may be permitted to have a joint presentation of a maximum of nine (9) minutes at the discretion of the PDC. Joint submissions will not be provided for unless requested in accordance with this requirement.

Where a petition is submitted, the organiser of the petition (i.e., head petitioner) will be given an amount of time to speak to the meeting depending on the number of signatories to the petition. The timing to be allocated is explained at Item 3.4 of these Terms of Reference.

8. Timing of decision making

- 8.1 A PDC will not hear from submitters to a planning matter and decide that planning matter on the same agenda, unless there is a compelling reason (such as a timeframe required by VCAT) to do so.
- 8.2 It is anticipated that the PDC will hear from submitters to a planning matter on one agenda, and then decide that planning matter no earlier than the following agenda.
- 8.3 If required, as an exception to 8.2, a planning matter may be decided at a Scheduled Council Meeting, if (1) it has been first heard at a PDC and (2) if there is a compelling reason why the matter cannot wait for the following PDC for the matter to be decided.

9. Public Behaviour

- 9.1 Any speaker addressing the PDC must extend courtesy and respect to the Committee and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.
- 9.2 The Chairperson, may ask any Authorised Officer, member of the Police Force or person appointed by Council to maintain security, to remove from the meeting room any person who acts in breach of these guidelines or the Governance Local Law 2021.
- 9.3 Each speaker has the right to an uninterrupted presentation and no interjections will be tolerated from the gallery.

10. Application Generally

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10.1 Clauses 6 (meeting to conduct an election), 7 (determining the election of the mayor), 10 (public notice), 40 (addressing meetings), 41 (public question time), 42 (petitions and joint letters), 72 (Election Period Policy) and 73 (Community Asset Committees) of the Governance Rules do not apply.

10.2 As the purpose of the Planning Delegated Committee is to hear from community members, the Committee should, where possible operate without undue formality. It is acceptable for the Committee to:

- resolve at the beginning of a meeting that standing orders be suspended;
- foreshadow proposed resolutions as each item is considered by the Committee while standing orders are suspended;
- at the conclusion of that meeting to resolve that standing orders be resumed; and
- resolve to adopt the previously foreshadowed resolutions, collectively if appropriate.

10.3 All other provisions of the Governance Rules shall apply.

10.4 Requests for variations to the submissions process outlined above in clauses 1 to 7 shall be decided by the Committee at the meeting, by formal voting

PE.4	APPLICATION TO AMEND PLANNING PERMIT PLN/2014/28/C - HOLGATES, 79 HIGH STREET WOODEND - USE AND DEVELOPMENT OF THE LAND FOR THE PURPOSE OF AN EXTENSION TO THE EXISTING BREWERY OPERATION, WAIVER OF CAR PARKING AND BUSINESS IDENTIFICATION SIGNAGE (AMENDMENT SOUGHT TO ALTER CONDITIONS IN RELATION TO CONSUMPTION OF LIQUOR AND HOURS OF OPERATION)
Officer:	Angela Hughes, Director Planning and Environment
Council Plan relationship:	3. Improve the built environment
Attachments:	<ol style="list-style-type: none"> 1. Locality Plan - Holgates report - June 2021 ↓ 2. Officer's report to the 17 December 2014 Ordinary Council Meeting ↓
Applicant:	Nick Hooper (Holgate Group Pty Ltd)
Date of receipt of application:	3 April, 2019
Trigger for report to Council	Presented by officer

Summary

The matter before Council is somewhat unorthodox in that Council has lodged an appeal at the Victorian Civil and Administrative Tribunal (VCAT) to reinstate Conditions 6 and 9 of Planning Permit PLN/2014/28/B. These conditions relate to the sale and consumption of beer (only) within the visitor centre and adjoining outdoor tasting garden and opening hours.

This planning permit was originally issued on 18 February 2021 allowing the site to be used and developed for the purpose of an extension to the existing brewery operation, waiver of car parking and business identification signage.

Through the appeal process, VCAT has directed that the subject of the appeal be advertised. This has occurred and three (3) joint statement of grounds (objections) have been received to date comprising a total of fourteen (14) submitters.

At the Submitters Committee on 9 June 2021, Council heard from those submitters who wished to speak/present.

VCAT will hear the merits of this matter on 6 and 7 September 2021. Prior to that, Council must form a position on this matter, in order for Council to prosecute this position at the merits hearing.

Key issues to be considered relate to the impact of the intensification of the use on the amenity of the adjoining area specifically on residential area.

The application has been assessed against the Macedon Ranges Planning Scheme. It is considered appropriate to:

1. Delete Condition 6 and allow alcohol other than beer to be consumed on site in addition to food
2. Amend Condition 9 by allowing the (indoor) visitor centre to operate until 9pm. The outdoor tasting garden may only operate until the hours specified in Condition 9.

3. Impose an additional condition to limit patron numbers within the brewery operations to 80
4. Impose an additional condition to not allow amplified music
5. Impose an additional condition to require the owner to make a monetary contribution to Council to increase on-street parking capacity in the area, having regard to a likely increase in staff numbers required to service the visitor centre and outdoor tasting garden if these spaces are not limited to beer tasting and/or beer purchase only.

Recommendation

That Council

Approves Amended Planning Permit PLN/2014/28/C being granted for the use and development of the land for the purpose of an extension to the existing brewery operation, waiver of car parking and business identification signage at Lot 1 TP142423 P/Woodend, 79 High Street, Woodend, subject to the following conditions:

1. **Before the development commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans dated 20.12.13 and prepared by Bojan Simic but modified to show:**
 - (a) **Amendment of the area schedule on the floor plans to correct the “total area” from 11,000m² to 1,100m².**
 - (b) **Removal of references to remarking of existing on-street parking in Anslow Street.**
 - (c) **The accurate location of the outdoor seating area for the café on the adjoining site to the west.**
 - (d) **The use of recycled red brick inserts for that part of the concrete wall on the west elevation which immediately adjoins the café area on the adjoining site to the west, above the line of the existing brick fence.**
 - (e) **The provision of a permanent physical barrier which prevents direct pedestrian access to Anslow Street from the beer garden in the north-west corner of the site.**
 - (f) **Inclusion of the dimensions for each of the two signs proposed on the north elevation.**
 - (g) **The location of external lighting proposed to illuminate the signs.**
2. **The development and use as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.**
3. **The location and details of the sign(s), as shown on the endorsed plans, must not be altered unless with the prior written consent of the Responsible Authority.**
4. **Before the development commences, three copies of a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:**
 - a. **A survey of all existing vegetation and natural features;**

- b. The area or areas set aside for landscaping;
 - c. A schedule of all proposed trees, shrubs/small trees and ground cover.
 - d. The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
 - e. Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
 - f. Appropriate irrigation systems; and
 - g. Landscaping must be provided in all of the locations indicated on the site plan, being along the street boundary, parts of the west boundary not adjoined by the building and the first 8m of the west side of the right of way.
5. Unless with the prior written consent of the Responsible Authority, before the occupation of the extension, the landscaping works shown on the endorsed plans must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.
- 6. Deleted**
7. The offices shall only be used for administration in conjunction with the brewing activities on site, unless with the prior written consent of the Responsible Authority.
8. The use hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:
- a. Transport of materials, good or commodities to or from the land;
 - b. Appearance of any building, works or materials;
 - c. Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d. Presence of vermin.
9. Unless with the prior written consent from the Responsible Authority, **the visitor centre hereby permitted may operate until 6pm Mondays to Sundays and public holidays;** and the adjoining outdoor tasting garden hereby permitted may only operate between the following hours:
- Monday to Friday: 9.00am to 5.00pm
 - Saturday, Sunday and Public Holidays: 10.00am to 6.00pm
- 10. (New Condition 10) – Unless with the prior written consent of the Responsible Authority, the maximum patron number within the visitor centre and outdoor tasting garden is eighty.**
11. Unless with the prior written consent of the Responsible Authority, deliveries to and from the site (including waste collection) must only take place between the hours of 7.00am and 8.00pm.
12. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.
13. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from

Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority.

14. **(New condition) – No amplified music is allowed in the visitor centre or outdoor tasting garden.**
15. Air-conditioning and other plant and equipment installed outside the subject building shall be positioned and baffled so that noise disturbance is minimised, to the satisfaction of the Responsible Authority.
16. Provision shall be made for the appropriate storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.
17. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted shall be harmonious with the environment, to the satisfaction of the Responsible Authority.
18. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.
19. The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
20. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bay) and must not disrupt the circulation of vehicles on the land, to the satisfaction of the Responsible Authority.
21. Prior to the commencement of the use a minimum of twelve (12) bicycle spaces must be located on the subject land in locations to the satisfaction of the Responsible Authority.
22. **(New condition) – In addition to the monetary contribution that has been made to Council in respect of the original waiver of car parking (and secured via a Section 173 agreement); the owner must make an additional contribution to Council in recognition of the additional demand for on-street parking which will be generated by additional staff required within the visitor centre and outdoor tasting garden and/or the broader clientele that will be attracted to the site if the visitor centre and outdoor tasting garden are not limited to the sale and consumption of beer.**

MRSC Engineering Conditions

23. Prior to the commencement of works, Engineering Plans must be submitted to and approved by Responsible Authority including payment of plan checking and supervision fees. The plans must include:
 - a. All necessary computations and supporting design documentation for any structure, civil and drainage infrastructure and geotechnical investigation report.
 - b. Details of any cut and fill earthworks including retaining walls.
 - c. Provision for all services and conduits (underground) including alignments and offsets.
 - d. Underground stormwater drainage to all buildings and paved areas.

- e. Extension of Council's existing drainage network from Anslow Street to the boundaries of the development.
 - f. A new crossover from Lot 1 TP941604E to Anslow Street.
 - g. Re-construction of the sealed access driveway within Lot 1 TP941604E to permit access for all entitled properties.
 - h. Replacement of the existing concrete footpath, between Lot 1 TP941604E and the western boundary of the subject property along Anslow Street, to a minimum 2.5m wide asphalt footpath.
24. Prior to occupation of the development, all works shown on the approved Engineering Plans must be constructed or carried out all to the satisfaction of the Responsible Authority.
25. At least 14 days prior to commencement of works, a Site Management Plan must be submitted to and approved by the Responsible Authority. The Site Management Plan must contain the following:
- a. Name and contact details of appointed Civil Contractor and Superintendent.
 - b. Existing condition survey of all existing assets including private properties.
 - c. Construction Management Plan.
 - d. Traffic Management Plan.
 - e. Environmental Management Plan.
 - f. Occupational Health & Safety and Job Safety Analysis Plans.
 - g. Council issued Asset Protection Permit.
 - h. Council approved Engineering Plans.
- All works must be carried out generally in accordance with measures set out in the above documents approved by the Responsible Authority.
26. Prior to any development works being undertaken, an 'Asset Protection Permit' must be obtained from Council for any of the following:
- a. Works within Council road reserves or on Council stormwater drainage assets.
 - b. Entry into a building site by means of a motor vehicle having a gross weight exceeding two tonnes.
 - c. New crossover or existing crossover upgrading works.
27. The development is to be provided with a drainage system to a design approved by the Responsible Authority and such that:
- a. The development as a whole is provided with legal point/s of discharge approved by the Responsible Authority and any other statutory authority from which approval must be received for the discharge of drainage. All new drainage is to be connected via underground piping into Council's existing drainage network.
 - b. Storm water runoff from all buildings, tanks and paved areas must be drained to a legal point of discharge.

- c. Stormwater runoff from paved areas must be intercepted by the drainage system and not allowed to overland flow into road reservations.
28. Prior to the occupation of the development, the following 'as-constructed' documentation must be provided for Council assets:
- a. 'As-constructed' drawings in hardcopy A1 and A3 formats that include alterations during construction.
 - b. 'As-constructed' drawings in AutoCAD (2000) and Acrobat PDF formats that include alterations during construction.
 - c. Asset information in digital format to include asset data as per A-Spec standards (developer/consultant specifications for the delivery of asset data to Local Government), incorporating R-Spec (roads), D-Spec (drainage) and O-Spec (open space).
29. All Council assets are to be constructed in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010).
30. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the development works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) to the satisfaction of the Responsible Authority.

Expiry of Permit

31. This permit will expire if one of the following circumstances applies:
- a. The development is not commenced within 2 years of the date of this permit.
 - b. The development is not completed within 4 years of the date of this permit.
 - c. The use is not commenced within 2 years of the completion of the development

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

32. This permit authorising the display of signage expires 15 years from the date of issue.

Existing conditions and relevant history

Subject land

The application site is located on the south-west side of the intersection of High Street and Anslow Street, within the Woodend town centre. The site accommodates the established Holgates Hotel and this built development covers most of the land area.

The pub building has existed on the north-east side of the site since 1870. It is a landmark, two-storey, brick building which currently provides accommodation on the first floor and the

bar, restaurant, kitchen and brewery on the ground floor. The brewery aspect has been operating since approximately 2003.

The extension that is the subject of this planning permit was completed and has been/ is being occupied.

Surrounds

The site and immediately surrounding area are located within a Commercial 1 Zone. The surrounding sites contain a mix of business activities, with some residential use. The immediately adjoining sites are developed and used as follows:

- 42 Anslow Street (adjoining to the west) – this site contains two (2) single storey buildings. The building at the front is a weatherboard dwelling, which adjoins the east boundary for much of its length. The other building is located on the south part of the site.
- 29 Urquhart Street (adjoining to the south) – this site contains a dwelling fronting Urquhart Street and a large shed at the rear (adjoining the application site).
- 31 Urquhart Street (adjoining to the south) – this site contains a motor repairs garage.
- 75 High Street (adjoining to the east) – this site contains a two-storey commercial building fronting High Street.
- 77 High Street (adjoining to the east) – this site contains a commercial building fronting High Street.

The commercial area is adjoined by a General Residential Zone to the north and west and residential dwellings fronting Collier Street and Anslow Street within approximately 35m of the application site.

Car parking in the area comprises a mix of marked and unmarked on-street spaces, which are mostly time restricted.

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

A current copy of title has been provided with the application which shows site is encumbered by Section 173 Agreement. The agreement relates to the payment of Car parking contribution to the Council.

Previous planning permit history

A search of Council's records has found the following permit history:

Permit No.	Description
PLN/2013/388	Business Identification Signage
PLN/2001/36	Tattoo and motor bike show
PLN/2002/404	Hotel Renovations
PLN/2014/28	Use and development of the land for the purpose of an extension to the existing brewery operation, waiver of car parking and business identification signage
PLN/2014/28/A	Use and development of the land for the purpose of an extension to the existing brewery operation, waiver of car parking and business identification signage <i>Note – this application was withdrawn by the Applicant and therefore not decided.</i>

PLN/2014/28/B	Use and development of the land for the purpose of an extension to the existing brewery operation, waiver of car parking and business identification signage. (Secondary consent sought for minor changes)
PLN/2014/28/C	Use and development of the land for the purpose of an extension to the existing brewery operation, waiver of car parking and business identification signage (Application to remove Condition 6 and amend Condition 9). <i>Note - Approved by a delegate of Council in breach of Council's Delegations Framework, Policies and Procedures.</i>

Background to the proposal

The current application before VCAT is to reinstate Conditions 6 and 9 of the planning permit. Council lodged an application under section 87 of the *Planning and Environment Act 1987* to reinstate these conditions, on the basis that:

1. A decision by a delegate of the Council involved a failure to give notice to nearby residents and,
2. A material mistake occurred, in that the delegate did not comply with the terms of the Delegations Framework, Policy and Procedure (the Framework), which requires that Councillors be given the opportunity to call the application into a Briefing or Council Meeting if they wished.

Following a preliminary hearing, VCAT agreed that there had been a failure to notify potentially affected persons and that the delegate made a mistake in failing to comply with the Framework.

As a consequence, the decision to delete the conditions was found to be unlawful.

A merits hearing as to the disputed conditions is listed for a full merits hearing, before VCAT on 6 and 7 September 2021. Any expert evidence to be relied upon must be filed 10 business days before then.

Proposal

The 'proposal' relates to Conditions 6 and 9 of the existing planning permit PLN/2014/28.

Condition 6 reads as:

"Other than beer for tasting and the sale of beer to be consumed off-site, there shall be no sales of food or beverage products to the public from the visitor centre or adjoining outdoor tasting garden, unless with the prior written consent of the Responsible Authority."

Condition 9 reads as:

"Unless with the prior written consent from the Responsible Authority, the visitor centre and adjoining outdoor tasting garden hereby permitted may only operate between the following hours:

- *Monday to Friday: 9.00am to 5.00pm*
- *Saturday, Sunday and Public Holidays: 10.00am to 6.00pm"*

Relevant Macedon Ranges Planning Scheme controls

Section 46AZK of the Planning and Environment Act 1987

Section 46AZK of the Planning and Environment Act 1987 and Clause 51.07 of the Macedon Ranges Planning Scheme require Council as a Responsible Public Entity to not act inconsistently with any provision of the Statement of Planning Policy (SOPP) in exercising decision making powers.

Planning Policy Framework

Clause no.	Clause name
11	Settlement
13.05-1S	Noise Abatement
17	Economic Development

Local Planning Policy Framework

Clause no.	Clause name
21	Municipal Strategic Statement
21.02	Key Issues and Influences
21.03	Vision – Strategic Framework Plan
21.04	Settlement
21.10	Economic Development and Tourism
21.13-3	Woodend

Zoning

Clause no.	Clause name
34.01	Commercial 1 Zone

Overlay

Clause no.	Clause name
42.01	Environmental Significance Overlay (Schedule 4)
43.01	Heritage Overlay (Schedule 268)
43.02	Design and Development Overlay (Schedule 23)

Particular provisions

Clause no.	Clause name
51.07	Macedon Ranges Statement of Planning Policy

General provisions

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

Cultural Heritage Management Plan assessment

	Assessment criteria	Assessment response
1	Is the subject property within an area of cultural heritage sensitivity as defined within the cultural heritage sensitivity	No

	Assessment criteria	Assessment response
	mapping or as defined in Part 2 Division 3 or 4 of the <i>Aboriginal Heritage Regulations 2018</i> ?	
2	Does the application proposal include significant ground disturbance as defined in Regulation 5 <i>Aboriginal Heritage Regulations 2018</i> ?	N/A
3	Is the application proposal an exempt activity as defined in Part 2 Division 2 <i>Aboriginal Heritage Regulations 2018</i> ?	N/A
4	Is the application proposal a high impact activity as defined in Part 2 Division 5 <i>Aboriginal Heritage Regulations 2018</i> ?	N/A

Based on the above assessment, a cultural heritage management plan is not required in accordance with Part 2 Division 1 of *Aboriginal Heritage Regulations 2018*.

A Cultural Heritage Management Plan has not been submitted.

The process to date

Referral

Authority (Section 55)	Response
Nil	N/A

Authority (Section 52)	Response
Nil	N/A

Advertising

The application was advertised pursuant as per the VCAT order. Three joint (3) Statement of Grounds have been received.

Concerns raised relate to:

- Car parking issues exacerbated with more diners and tables resulting in impact on our business;
- Already substantial addition of tables and extension of redline plan;
- Traffic congestion;
- Visitors and tasting centre is crucial part of the facility;
- Not enough advertising;
- Not enough car parking along in the area;
- Road safety issues in relation to truck deliveries;
- No prior consultation from Holgates for any changes and events;
- Unwelcome behaviour from customers;
- Facility will not be able to monitor Covid-19 regulations as a result of removal of conditions;

- Loss of business.

Officer assessment

Policy Provision:

Planning Policy Clause 11 (Settlement) promotes the need to *“anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure”* and notes that *“planning is to prevent environmental and amenity problems created by siting incompatible land uses close together”*.

“The concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community” is the objective of Clause 11.03-1S (Activity Centres), whilst the creation of highly accessible and vibrant activity centres is a key strategy of Clause 11.03-2S (Growth Areas).

Clause 13.05-1S (Noise Abatement) aims to ensure that *“development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area”*.

Clause 17 (Economic Development) is relevant to this proposal and includes objectives and strategies aimed at:

- Promoting protection and strengthening of existing employment areas;
- Facilitation of growth in employment sectors;
- Supporting the growth and diversification of the economies of small town and settlements;
- Planning for commercial land supply in appropriate locations;
- Encourage tourism development including the preservation of attributes that contribute to tourism as well as promoting the supply of tourist accommodation.

Given the site is located within a commercial zone within an existing commercial premises, this policy is broadly supportive of the use. Judgement regarding the specific operational conditions that a use should operate within involves balancing this policy support for entertainment business in the zone against reasonable amenity protection outcomes, notably in accordance with the abovementioned Noise Abatement clause (cl 13.05-1S).

Clause 21.10-1 (Commercial and Industry) has following objectives which are relevant to the proposal:

- Objective 1 – To increase local commercial and industrial employment opportunities within the Shire.
- Objective 2 – To maintain the amenity of the areas interfacing with industrial and commercial uses and the quality of the rural environment.

The proposed reinstated conditions essentially require balancing these two objectives against each other, as the change will support the commercial use of the land but with the potential to increase amenity impacts.

The following strategies are applicable to the proposal in order to achieve the second objective quoted above:

- *Strategy 2.2 Ensure the treatment of industrial and commercial development interfaces and business operations appropriately respond to the reasonable amenity expectations of adjoining sensitive land uses.*
- *Strategy 2.4 Minimise negative impacts of industrial and commercial development on residential amenity.*

The proposal therefore requires judgement about whether the development appropriately responds to the “reasonable amenity expectations of adjoining sensitive land uses,” and what extent of minimisation of negative impacts is appropriate.

The purpose of the Commercial 1 Zone is to:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

Following decision guidelines are relevant to the amendment under the zone:

- *The interface with adjoining zones, especially the relationship with residential areas.*
- *The effect that existing uses may have on the proposed use.*

The purposes of the zone and the decision guidelines further inform the judgement that needs to be made.

Conditions in question:

The two conditions in question in this matter have the following effects:

- Preventing food and drink from being sold in the visitor centre or outdoor garden, with the limited exception of beer-tasting.
- Limiting operating hours to prevent evening use (after 5pm weekdays and 6pm on Saturday, Sunday and public holidays).

The conditions essentially establish the western portion of the site as largely limited to daytime use associated with brewery tours, rather than as an outdoor area for the general operation of the pub itself.

Notwithstanding the original intent of these permit conditions and the proposal granted planning permission, it is considered that there is reasonable basis to amend these conditions.

With regards to the first condition (condition 6), it is considered reasonable to delete this from the planning permit to allow the sale and consumption of alcohol other than beer. While this part of the site will continue to be used for brewery operations, it is reasonable in a Commercial 1 Zone, to allow alcohol other than beer to be served.

There is not, for example, a basis in the planning scheme to prefer the consumption of beer over other drinks such as wine. Furthermore, there is not basis for preventing food being consumed alongside the consumption of alcoholic drinks. On the contrary, it is consistent with normal responsible service of alcohol principles to prefer consumption of food with alcoholic drinks. It is more common to encounter restrictions on the sale of alcoholic drinks *without* also serving food than the reverse situation seen here.

Even if the removal of this condition resulted in some shift in the characteristics of the outdoor garden (from incidental beer-tasting to a more full-service dining area) this is

considered consistent with amenity expectations in and around the commercial zone. Outdoor dining is a common feature of commercial areas. Subject to appropriate operating hours – which are governed by condition 9 – it is considered that the use of the visitor centre and outdoor garden for dining and consumption of alcoholic drinks is consistent with the reasonable amenity expectations in the area.

The second condition (condition 9) affects operating hours. The outdoor garden is the most sensitive area in this respect, given its location outdoors has greater potential to cause amenity disturbance.

The traditional usage of the site is the original pub building. This is a substantial brick building and is located on the traditional hub of activity on High Street. The use of the visitor centre and garden shifts more activity around the corner into Anslow Street, which increases the scope for amenity impacts. The use of an outdoor area also increases this potential for amenity impact.

Nevertheless, this is not considered to warrant the level of restriction required by condition 9. While the Anslow Street side of the premises is more sensitive than the original building facing High Street, it is still not highly sensitive. It does not, for example, directly abut any residentially-zoned property. The nearest residentially zoned dwellings are approximately 20m to the west (separated by the property immediately to the west) and diagonally opposite the site across Anslow Street. The property immediately to the west includes a dwelling in addition to a retail shopfront, but it is well-accepted that amenity expectations in commercial zones need to be tempered in accordance with the purposes of the zone.

It is considered that in this context evening use of the western portion of the site comprising the indoor extension is acceptable. It is considered that use until 10pm would be consistent with reasonable expectations of residents living nearby an established commercial area. It is therefore recommended that the condition be reinstated as it relates to the indoor extension, but amended to limit trade until 10pm. It is not considered appropriate to extend the trading hours of the outdoor seating area beyond the trading hours of Condition 6 (being 5pm on weekdays and 6pm on Saturdays, Sundays and public holidays). This assessment is made having regard to this being the only outdoor space in Anslow Street and the likelihood of noise/sound travelling and causing detriment to residential properties in Anslow Street into the evening if allowed.

This should, however, be subject to conditions limiting patron numbers and preventing the use of amplified music in the outdoor space.

Car parking:

The Applicant's 2019 application to Council to delete Conditions 6 and 9 stated that this had no impact on car parking provision for the site. This statement was made having regard to the Applicant's view that existing use rights applied to the site. This application made no reference to staff numbers at all.

On the face of it, Conditions 6 and 9 do not impact car parking. However the intention of Condition 6 is to limit the patronage of the visitor centre and outdoor tasting garden to customers who are tasting beer and/or purchasing beer. If Condition 6 was to be removed - or amended to allow alcohol other than beer to be served and sold - then this may impact upon the demand for car parking as a broader clientele may be attracted to the visitor centre and outdoor garden, who may stay longer than those who otherwise occupied these spaces for beer tasting and/or purchasing beer. There may also be an impact on the number of staff required to accommodate the visitor centre and outdoor garden if Condition 6 was deleted or amended.

Council considered car parking as part of their decision to approve the original planning permit for the brewery options. In the officer's report (pages 18 to 20), presented to the 17 December 2014 Ordinary Council Meeting, the officer considered car parking as follows:

The planning scheme aims to ensure that appropriate numbers of car parking spaces are provided in association with different uses, having regard to the demand likely to be generated, the activities on the land and the nature of the locality. The applicant in this case does not propose to provide any car parking spaces on the site and seeks approval to waive the car parking requirement to zero.

There is some disagreement between the views of the applicant and Council officers in terms of the number of spaces which are to be waived. It is agreed that the use classification for most of the premises in terms of car parking should be "industry", which, in accordance with Clause 52.06-5, requires the provision of 2.9 spaces for each 100m² of net floor area. The brewery (including ancillary office space but excluding the visitor centre) would therefore require a total of 29 spaces. The visitor centre element of the use is not defined within Clause 52.06 and therefore parking requirements are at the discretion of the Responsible Authority. It is suggested that a further 10% (i.e. 3 spaces) should be provided. A total of 32 parking spaces would therefore be required if this were a new, standalone development.

The proposal is however an extension to an existing use and will be replacing land and buildings already utilised for the brewery. There are currently no formal car parking spaces required to be provided on the site. The endorsed plans associated with PLN/2002/404 (hotel renovations) do not include any car parking requirement and the majority of the vacant front part of the site is shown as providing manoeuvring space for delivery vehicles. Despite this, it is acknowledged that the front part of the site has been informally used to provide some off-street parking in the past.

The applicant has requested a waiver of 13 spaces. They have calculated this number on the basis that the brewery operation currently uses an area of 540m² (including the building floor area and parts of the site used for storage, vehicle manoeuvring etc.). The "extension" is therefore only considered to be 460m² and requires 13 spaces. It is noted that the applicant has failed to consider any provision related to the 100m² visitor centre.

The approach of Council officers is to apply some "credit" to the existing use, based on the previously approved permit for the site. The plans endorsed under this permit show the existing garage building, loading area and rear service area, which collectively have an area of approximately 360m². It is considered appropriate that the 10 spaces that this use would have required are credited to the proposed extension. A total of 22 spaces should therefore be required.

The application is supported by a Traffic and Transport Assessment, prepared by Cardno. This report has reviewed the existing on-street parking available in the area and includes surveys of vacant spaces in the area, taken throughout the day on a Wednesday and a Saturday in November 2013. This concludes that there are typically high numbers of on-street spaces available in the area which could be utilised by staff or visitors to the brewery.

The applicant is also of the view that the development is not likely to increase the existing demand for car parking in the area, as it is not intended that there will be any increase in staff beyond the nine (9) which are already employed in association with the brewing operation. The visitor centre will also be staffed by persons already employed within the hotel. This view is not shared by Council officers, given that the development will clearly allow for future expansion of the brewing operation and, in

addition, the redeveloped site will encourage visitors through the visitor centre, which will also increase the level of parking demand.

While it is acknowledged that there is ability for on-street parking within the general area, most of these available spaces are located within residential zones and not properly constructed for on-street parking. The adverse impacts which could result from this include loss of character and amenity from constant on-street parking on a residential street; inconvenience to residents when spaces are not available for their own visitors or from parked vehicles obstructing driveways; and damage to grassed road reserves and street trees from parked and manoeuvring vehicles.

The application is for a complete redevelopment of the entire site and therefore opportunity does exist at this time to provide at least some on-site parking. While this is still the preferred option, Council officers have also been in discussions with the applicant in relation to the potential to contribute towards the upgrade of on-street parking within the area. Collier Street has been identified as a potential location, given its proximity to the site and commercial zoning along part of its east side. An option presented to the applicant is to contribute towards the proper construction of angled parking at the south-east end of the street. Council Engineers have advised that the works required to achieve this would include the construction of shoulders and extension of seal to the kerb on both sides, to allow parallel parking on the west side and angled parking on the east side. The position of the centre line would also have to be adjusted to suit the new loading layout.

Following lengthy discussions as to an appropriate way to achieve this preferred outcome, the applicant has agreed to enter into a Section 173 agreement with Council to provide a contribution of \$60,000 towards upgrading of car parking within Collier Street. Council would fund the balance of the cost and undertake the upgrade works within 3 years. This agreement is currently being finalised and will be signed prior to any permit being issued.

This work to formalise on-street parking in Anslow Street and Collier Street has since been undertaken by Council.

If the intention of this original planning permit was for existing brewery staff to staff the visitor centre (and presumably the outdoor tasting area) which were allowed to sell beer for tasting and beer for purchase only, then it is probable that staffing numbers would need to increase on site to service the visitor centre and outdoor tasting area if any type of alcohol is able to be consumed, as well as beer sold, as well as food served and consumed.

It is considered appropriate that an additional condition be imposed on the planning permit to require the owner to make a contribution to increasing on-street car parking provision in the area of the subject site. Noting that, such provision may not occur immediately outside the subject site. The detail of the number of staff increase (if any) could be determined through VCAT's merits hearing as well as the monetary value of the contribution. A monetary contribution is required as the site does not have capacity to provide off-street parking.

Overall it is considered that the proposed removal of Condition 6 is acceptable, that Condition 9 should be amended to allow an increase in trading hours for the brewery/visitor centre only and that additional conditions should be imposed relating to patron numbers, amplified music and car parking.

Officer declaration of conflicts of interest

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



While every care has been taken to ensure the accuracy of this data, the Macedon Ranges Shire Council, Councillors and Employees make no representation nor warranties concerning the accuracy, reliability, completeness or suitability of the data for any particular purpose and disclaim all responsibility and all liability including without limitation, liability in negligence for all expenses, losses, damages or injury (including indirect or consequential) and costs which may be incurred as a result of the data being inaccurate or incomplete in any way and for whatever reason. No person or organisation should rely solely upon this data for the purpose of making business, investment or real estate decisions.

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Ordinary Council Meeting – Wednesday, 17 December 2014

**10. PE.6 APPLICATION FOR PLANNING PERMIT PLN/2014/28
USE & DEVELOPMENT OF THE LAND FOR THE PURPOSE
OF AN EXTENSION TO THE EXISTING BREWERY
OPERATION, WAIVER OF CAR PARKING & BUSINESS
IDENTIFICATION SIGNAGE AT HOLGATES, 79 HIGH
STREET WOODEND**

Officer: Hayley Shearer, Town Planner

File Ref: PLN/2014/28

Council Plan Relationship: An inspiring place – Our lifestyle, culture and sense of place are strengthened by best practice planning and development

Attachments: Plans

Applicant: Brown Consulting (Vic) Pty Ltd

Date of Receipt of Application: 5 February 2014

Trigger for Report to Council: Waiver of car parking

Synopsis:

The applicant is seeking approval for the redevelopment of the western part of the “Holgates Hotel” site, located within the town centre of Woodend, facing Anslow Street. The new development will have a total floor area of 1,100m² and will provide space for an expanded brewery operation, including a visitor centre, brewhouse showroom and ancillary office space. The building will have a contemporary design, contained within two (2) levels, including a graduating transition of double to single storey from east to west. The applicant is also seeking approval for two (2) business identification signs to face Anslow Street and for a full waiver of on-site car parking.

The proposal is considered to be generally consistent with the State and Local Planning Policy Frameworks in terms of urban design outcomes, encouragement of economic development and tourism and respecting the adjoining heritage building. The outcomes sought by the Commercial 1 Zone are also considered to be met, in terms of the potential impact of the expanded use, the design of the building and the functionality of the site. Although five (5) objections were received from nearby residents and business operators, it is considered that impacts on the amenity of surrounding sites have been satisfactorily minimised.

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**10. PE.6 APPLICATION FOR PLANNING PERMIT PLN/2014/28 – 79
HIGH STREET, WOODEND (Continued)**

The proposal does not include any on-site car parking but the applicant has agreed to a \$60,000 financial contribution towards the upgrading of on-street car parking in the area, which will be undertaken by Council within three (3) years of payment.

It is therefore recommended that this application be supported on the proviso that the applicant enters into a Section 173 Agreement to contribute towards the upgrade of parking within Woodend.

Officer Recommendation:

- A. That Council resolve to delegate authority to the Chief Executive Officer to negotiate with the applicant a suitable agreement with regard to the need for car parking as a result of the proposal, and**
- B. Should a suitable agreement be reached, Council supports the proposal and delegates authority to the Chief Executive Officer to issue a Notice of Decision to Grant a Permit with the following conditions:**
 - 1. Before the development commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans dated 20.12.13 and prepared by Bojan Simic but modified to show:**
 - a) Amendment of the area schedule on the floor plans to correct the “total area” from 11,000m² to 1,100m².**
 - b) Removal of references to remarking of existing on-street parking in Anslow Street.**
 - c) The accurate location of the outdoor seating area for the café on the adjoining site to the west.**
 - d) The use of recycled red brick inserts for that part of the concrete wall on the west elevation which immediately adjoins the café area on the adjoining site to the west, above the line of the existing brick fence.**
 - e) The provision of a permanent physical barrier which prevents direct pedestrian access to Anslow Street from the beer garden in the north-west corner of the site.**
 - f) Inclusion of the dimensions for each of the two signs proposed on the north elevation.**
 - g) The location of external lighting proposed to illuminate the signs.**

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- 10. PE.6 APPLICATION FOR PLANNING PERMIT PLN/2014/28 – 79 HIGH STREET, WOODEND (Continued)**
- 2. The development and use as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.**
 - 3. The location and details of the sign(s), as shown on the endorsed plans, must not be altered unless with the prior written consent of the Responsible Authority.**
 - 4. Before the development commences, three copies of a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:**
 - a) A survey of all existing vegetation and natural features;**
 - b) The area or areas set aside for landscaping;**
 - c) A schedule of all proposed trees, shrubs/small trees and ground cover.**
 - d) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;**
 - e) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;**
 - f) Appropriate irrigation systems; and**
 - g) Landscaping must be provided in all of the locations indicated on the site plan, being along the street boundary, parts of the west boundary not adjoined by the building and the first 8m of the west side of the right of way.**
 - 5. Unless with the prior written consent of the Responsible Authority, before the occupation of the extension, the landscaping works shown on the endorsed plans must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.**
 - 6. Other than beer for tasting and the sale of beer to be consumed off-site, there shall be no sales of food or beverage products to the public from the visitor centre, unless with the prior written consent of the Responsible Authority.**
 - 7. The offices shall only be used for administration in conjunction with the brewing activities on site, unless with the prior written consent of the Responsible Authority.**

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- 10. PE.6 APPLICATION FOR PLANNING PERMIT PLN/2014/28 – 79 HIGH STREET, WOODEND (Continued)**
- 8. The use hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:**
 - a) Transport of materials, good or commodities to or from the land;**
 - b) Appearance of any building, works or materials;**
 - c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
 - d) Presence of vermin.**
 - 9. Unless with the prior written consent of the Responsible Authority, deliveries to and from the site (including waste collection) must only take place between the hours of 7.00am and 8.00pm.**
 - 10. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.**
 - 11. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority.**
 - 12. Air-conditioning and other plant and equipment installed outside the subject building shall be positioned and baffled so that noise disturbance is minimised, to the satisfaction of the Responsible Authority.**
 - 13. Provision shall be made for the appropriate storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.**
 - 14. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted shall be harmonious with the environment, to the satisfaction of the Responsible Authority.**
 - 15. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.**
 - 16. The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.**

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**10. PE.6 APPLICATION FOR PLANNING PERMIT PLN/2014/28 – 79
HIGH STREET, WOODEND (Continued)**

17. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bay) and must not disrupt the circulation of vehicles on the land, to the satisfaction of the Responsible Authority.

18. Prior to the commencement of the use a minimum of twelve (12) bicycle spaces must be located on the subject land in locations to the satisfaction of the Responsible Authority.

MRSC Engineering Conditions

19. Prior to the commencement of works, Engineering Plans must be submitted to and approved by Responsible Authority including payment of plan checking and supervision fees. The plans must include:

- a) All necessary computations and supporting design documentation for any structure, civil and drainage infrastructure and geotechnical investigation report.
- b) Details of any cut and fill earthworks including retaining walls.
- c) Provision for all services and conduits (underground) including alignments and offsets.
- d) Underground stormwater drainage to all buildings and paved areas.
- e) Extension of Council's existing drainage network from Anslow Street to the boundaries of the development.
- f) A new crossover from Lot 1 TP941604E to Anslow Street.
- g) Re-construction of the sealed access driveway within Lot 1 TP941604E to permit access for all entitled properties.
- h) Replacement of the existing concrete footpath, between Lot 1 TP941604E and the western boundary of the subject property along Anslow Street, to a minimum 2.5m wide asphalt footpath.

20. Prior to occupation of the development, all works shown on the approved Engineering Plans must be constructed or carried out all to the satisfaction of the Responsible Authority.

21. At least 14 days prior to commencement of works, a Site Management Plan must be submitted to and approved by the Responsible Authority. The Site Management Plan must contain the following:

- a) Name and contact details of appointed Civil Contractor and Superintendent.
- b) Existing condition survey of all existing assets including private properties.
- c) Construction Management Plan.

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**10. PE.6 APPLICATION FOR PLANNING PERMIT PLN/2014/28 – 79
HIGH STREET, WOODEND (Continued)**

- d) Traffic Management Plan.
- e) Environmental Management Plan.
- f) Occupational Health & Safety and Job Safety Analysis Plans.
- g) Council issued Asset Protection Permit.
- h) Council approved Engineering Plans.

All works must be carried out generally in accordance with measures set out in the above documents approved by the Responsible Authority.

22. Prior to any development works being undertaken, an 'Asset Protection Permit' must be obtained from Council for any of the following:

- a) Works within Council road reserves or on Council stormwater drainage assets.
- b) Entry into a building site by means of a motor vehicle having a gross weight exceeding two tonnes.
- c) New crossover or existing crossover upgrading works.

23. The development is to be provided with a drainage system to a design approved by the Responsible Authority and such that:

- a) The development as a whole is provided with legal point/s of discharge approved by the Responsible Authority and any other statutory authority from which approval must be received for the discharge of drainage. All new drainage is to be connected via underground piping into Council's existing drainage network.
- b) Storm water runoff from all buildings, tanks and paved areas must be drained to a legal point of discharge.
- c) Stormwater runoff from paved areas must be intercepted by the drainage system and not allowed to overland flow into road reservations.

24. Prior to the occupation of the development, the following 'as-constructed' documentation must be provided for Council assets:

- a) 'As-constructed' drawings in hardcopy A1 and A3 formats that include alterations during construction.
- b) 'As-constructed' drawings in AutoCAD (2000) and Acrobat PDF formats that include alterations during construction.
- c) Asset information in digital format to include asset data as per A-Spec standards (developer/consultant specifications for the delivery of asset data to Local Government), incorporating R-Spec (roads), D-Spec (drainage) and O-Spec (open space).

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**10. PE.6 APPLICATION FOR PLANNING PERMIT PLN/2014/28 – 79
HIGH STREET, WOODEND (Continued)**

25. All Council assets are to be constructed in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010).

26. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the development works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) to the satisfaction of the Responsible Authority.

Expiry of Permit

- 27. This permit will expire if one of the following circumstances applies:**
- a) The development is not commenced within 2 years of the date of this permit.**
 - b) The development is not completed within 4 years of the date of this permit.**
 - c) The use is not commenced within 2 years of the completion of the development**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

28. This permit authorising the display of signage expires 15 years from the date of issue.

OR

C. Should a suitable agreement not be reached by 9 January 2015, Council delegates authority to the Chief Executive Officer to issue a Notice of Refusal to Grant a Permit, on the following grounds:

- 1. The proposed development is inconsistent with Clause 18.02-5 of the State Planning Policy Framework in terms of the ability of the development to provide an adequate supply of car parking and to protect the amenity of nearby residential areas from the effects of road congestion created by on-street parking.**
- 2. The provision for off-street parking of vehicles is inadequate and does not meet the purpose of Clause 52.06 of the Macedon Ranges Planning Scheme.**

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**10. PE.6 APPLICATION FOR PLANNING PERMIT PLN/2014/28 – 79
HIGH STREET, WOODEND (Continued)**

- 3. The proposed development is inconsistent with the outcomes sought by the adopted Woodend Structure Plan (May 2014), in terms of the requirement for larger developments to provide car parking on site or contribute to additional public parking space.**

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**10. PE.6 APPLICATION FOR PLANNING PERMIT PLN/2014/28 – 79
HIGH STREET, WOODEND (Continued)**

Existing conditions and relevant history

Subject Land and Surrounds

The application site is located on the south-west side of the intersection of High Street and Anslow Street, within the Woodend town centre. The site is contained within two (2) separate certificates of title and has a total area of approximately 2000m².

Most of the land area is contained within Lot 1 TP 142423P, which comprises two (2) non-contiguous parcels with a total area of approximately 1800m². One parcel includes the land adjoining the intersection of High and Anslow Streets and accommodates the established Holgates Hotel. This built development covers most of the land area. The other parcel includes the land on the west side of the site, fronting Anslow Street only. This site contains a single storey outbuilding towards the rear of the site, with much of the land area undeveloped.

The two (2) parcels are separated by the land contained within Lot 1 TP 941604E. This parcel has a width of 4.88m and is described on the title as a "road". The two (2) parcels forming the application site, as well as other adjoining property, have a right of carriageway over this road. Vehicular access to the site is currently provided in accordance with this right.

The Holgates Hotel building has existed on the north-east side of the site since 1870. It is a landmark, two-storey, brick building which currently provides accommodation on the first floor and the bar, restaurant, kitchen and brewery on the ground floor. The brewery aspect has been operating since approximately 2003 and currently utilises around 100m² on the west side of the ground floor of the building. All aspects of the brewing process are currently undertaken within this small area.

The western part of the site is also used as part of the brewing operation. The outbuilding at the rear of the site is used for storage, cleaning of kegs and deliveries. The rest of the site does not contain any buildings, but the majority of the space is utilised for storage of items related to the brewing operation and parking and manoeuvring space for delivery vehicles. An area at the front of the site has previously been used for informal on-site parking, however, in recent times the owner has not allowed parking to occur in this area.

The only vegetation on site comprises an overgrown garden bed and two (2) exotic trees on the west boundary.

The site and immediately surrounding area are located within a Commercial 1 zone and therefore the surrounding sites contain a mix of business activities, with some residential use. The immediately adjoining sites are developed and used as follows:

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**10. PE.6 APPLICATION FOR PLANNING PERMIT PLN/2014/28 – 79
HIGH STREET, WOODEND (Continued)**

- 42A Anslow Street (adjoining to the west) – this site contains two (2) single storey buildings. The building at the front is a weatherboard dwelling which adjoins the east boundary for much of its length. This building is used as a wine shop. The other building is located on the south part of the site and accommodates a café and nursery. An outdoor courtyard for the café is located on the north side of the building, adjoining the east boundary.
- 29 Urquhart Street (adjoining to the south) – this site contains a dwelling fronting Urquhart Street and a large shed at the rear (adjoining the application site).
- 31 Urquhart Street (adjoining to the south) – this site contains a motor repairs garage.
- 75 High Street (adjoining to the east) – this site contains a two-storey commercial building (formerly a bank) fronting High Street.
- 77 High Street (adjoining to the east) – this site contains a commercial building fronting High Street, which is used for a milk bar. A residential unit is also located at the rear of the milk bar.

The commercial area is adjoined by a General Residential Zone to the north and west and residential dwellings front Collier Street and Anslow Street within approximately 35m of the application site.

Car parking in the area comprises a mix of marked and unmarked on-street spaces. The marked parking is generally located adjacent to the commercial centre (at the eastern end of Anslow Street and on High Street) and is mostly time restricted. On-street parking is also available along the rest of Anslow Street and on Collier Street, outside residential properties, although this is not formed or marked.

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

Current copies of both titles relating to the application site have been provided with the application which show no covenants or Section 173 Agreements have been registered on the titles to this property. The title for Lot 1 TP 142423P confirms that these parcels have the right of carriageway over Lot 1 TP 941604E.

Previous planning permit history

A search of Council's records has found the following permit history:

Permit Number	Description
PLN/2002/404	Alterations and additions to existing hotel
PLN/2013/388	Signage

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**10. PE.6 APPLICATION FOR PLANNING PERMIT PLN/2014/28 – 79
HIGH STREET, WOODEND (Continued)**

The Proposal

The applicant is seeking approval for the development of a new building on the site adjoining the existing Holgates Hotel to the west, for use as an extension to the existing brewery operation, including a waiver of all car parking requirements and the establishment of two (2) business identification signs.

The building will be of a contemporary design, described in the applicant's design statement as "*an innovative combination of rectilinear and curvilinear built form which transitions from two storey to the north-east down to more modest proportions to the north-west*". The building will have a total floor area of 1,100m², which will be contained within two (2) levels. Most of the building will have a height of approximately 9m, except for single level sections located along the west side, which will have a maximum height of 5m.

The new building will be connected to the existing hotel through an enclosed walkway, which will be established at first floor level. A minimum height clearance of 4.5m will be achieved from the right of way providing access through to the rear of the site.

All of the existing built development, storage containers, trees and landscaping will be removed from the site in order to facilitate the proposed development.

The applicant is proposing that the existing brewery area within the hotel (approximately 100m²) will continue to be used for brewing. The new building will provide a purpose built space for an expansion of the brewery, and it is designed to accommodate the following uses:

- Visitor centre – a 100m² space located at ground floor level on the north-west (front) side of the building, facing Anslow Street. This is proposed to be used to provide education on the brewing process, viewing of the operations, beer tastings and accommodation bookings and accommodation check-in services for the hotel. This area is adjoined by an outdoor tasting garden to the west. The applicant has confirmed that this area will not operate as a café and no other food or beverages will be offered. The visitor centre will operate between the hours of 9am-5pm weekdays and 10am-6pm at weekends.
- Brewhouse – a 120m² showroom area located at ground floor level on the north-east (front) side of the building, facing Anslow Street. This will include a large glazed area, to allow persons to view the brewing operations from the street.
- Brewery – a 700m² space comprising the remainder of the ground floor of the building. This will be used for fermentation, bottling and storage and also includes a loading bay at the rear. This area is adjoined by an outdoor service area adjoining the south boundary, which will accommodate mechanical plant and water tanks.
- Office space – a 180m² space at first floor level at the rear of the building, to be used for associated administration purposes.

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The proposal will also include the establishment of two (2) signs facing Anslow Street. One will advertise the Brewing Hall and be displayed vertically on the north-east corner of the building. This will have an area of 1.32m². The second will advertise the Brewing Visitor Centre and be displayed horizontally at ground level on the north-west corner of the frontage. This will have an area of 1.5m².

The applicant is not proposing that any car parking will be provided on the site in association with the activity and a full waiver of car parking is sought. When the application was first lodged, it was proposed that existing angled spaces in front of the application site would be realigned to 90 degrees, which would provide an increase of 7 spaces. This is no longer proposed. Instead, the applicant has agreed to enter into an agreement within Council under Section 173 of the Planning and Environment Act to provide a cash contribution towards Council upgrading on-street parking facilities within the area. A total of 12 cycle parking spaces will also be provided, located at the rear of the outdoor tasting garden area.

Relevant Macedon Ranges Planning Scheme controls

Relevant Definitions – Clause 74

Clause No.	• Clause name
74	Industry

State Planning Policy Framework

Clause No.	• Clause name
11.05-1	Melbourne's Hinterland Areas
11.12	Loddon Mallee South Regional Growth
11.12-3	A Diversified Economy
13.04-1	Noise Abatement
14.02	Water
15.01	Urban Environment
15.03	Heritage
17.01-1	Business
17.03-1	Facilitating Tourism
18.02-2	Cycling
18.02-5	Car Parking

Local Planning Policy Framework

Clause No.	• Clause name
21	Municipal Strategic Statement
22.01	Macedon Ranges and Surrounds
22.02-3	Woodend Township
22.03	Catchment Management and Water Quality Protection
22.11	Heritage Policy
22.19	Northern Catchments

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Zoning

Clause No.	Clause name
34.01	Commercial 1 Zone

Overlay

Clause No.	Clause name
42.01	Environmental Significance Overlay (Schedule 4)
43.01	Heritage Overlay (Schedule 268) (part)

Particular Provisions

Clause No.	Clause name
52.05	Advertising Signs
52.06	Car Parking
52.07	Loading and Unloading of Vehicles
52.34	Bicycle Facilities

General Provisions

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

The Process to Date

Referral

Authority (Section 52)	• Response
VicRoads	No objection
MRSC Heritage Advisor	No objection
MRSC Economic Development	No objection
MRSC Infrastructure, Engineering and Major Projects	No objection, subject to contribution being made towards parking improvements

Advertising

Pursuant to Section 52 of the Planning and Environment Act 1987, the application was advertised by sending notices to the owners and occupiers of surrounding and adjoining land and by requiring a notice to be erected on the land for a period of 14 days. Five (5) objections have been received to date.

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The following is a summary of the objections received:

Design Issues:

- Overdevelopment of the site as the building footprint takes up almost all of the site.
- Signage is overpowering to the village feel and residential areas.
- Laneway façade is claustrophobic and inconsistent with adjoining development.
- Design is out of character with the heritage precinct.

Use Issues:

- Development will increase production from the site and the number of staff and visitors accessing the area.
- Industrial use is not appropriate for the Commercial 1 zoning.

Amenity Issues:

- Impact of concrete wall adjoining outdoor seating area associated with café on site to the west (visually overpowering, loss of light).
- Noise impacts on existing residential uses from plant and machinery at the rear of the development.
- No hours of operation for truck movements are specified.
- Impact of increased number of truck movements, including those reversing onto Anslow Street.
- Impact of outdoor lighting within the laneway.
- Building will shade the rear of the adjoining property to the east.

Car Parking Issues:

- Lack of car parking is inappropriate given the existing car parking problems in the area.
- Adverse economic impact on local business when car parking is not available.
- Impact on the amenity and convenience of residents of Collier Street.
- Precedent could be sent that parking in Woodend is unimportant and is unfair to other businesses.

Function Issues:

- Re-marking of car parking spaces on Anslow Street will affect space available for rubbish bins.
- Laneway access to other properties may be impeded through the overpass, unloading vehicles, manoeuvring vehicles or gates.
- Building development up to the edge of the carriageway easement will prevent vehicle access to the rear of the adjoining property to the east.
- Access to beer garden is too close to the entrance to the adjoining property to the west.
- Beer garden area is not contained and may overflow onto street frontage.

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Officer Assessment

State Planning Policy Framework

State policy 11.05-1 aims *“to manage growth in Melbourne’s hinterland”*, which includes the maintenance of attractiveness and amenity of hinterland towns and strengthening and enhancement of the character and identities of towns. The site is located within the Loddon Mallee South regional growth areas, within which the objectives include *“to strengthen and diversify the economy”* and *“to protect and enhance the natural and built environment.”*

State policy also seeks to provide a good quality urban environment and encourages adherence to good urban design principles in designing new development. In achieving this outcome, Policy 15.01 requires *“architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.”* This includes consideration of site context; the public realm; safety; landmarks, vistas and views; interfaces with public spaces; heritage; consolidation of sites and empty sites; light and shade; architectural quality and landscape architecture.

Policy 17.03-1 aims *“to encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.”*

In relation to access and parking matters, Policy 18.02-2 aims *“to integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.”* This includes the provision of bicycle parking facilities at major attractions and end of trip facilities in commercial buildings. Policy 18.02-5 also aims *“to ensure an adequate supply of car parking that is appropriately designed and located.”* This requires land to be set aside for car parking, depending on factors such as the level of public transport available, the demand for off street parking and the capacity of the road. The protection of the amenity of residential precincts from the effects of road congestion created by on-street parking is also considered important.

The proposal is generally considered to accord to the key policies contained within the state policy framework. The redevelopment of a site within the commercial town centre is considered positive in terms of strengthening the character and identity of the town and the local economy. The design and layout of the building is considered to meet the objectives of Policy 15.01 in responding appropriately to the site context, respecting heritage and establishing quality architecture. The use which incorporates public interaction with the brewing activities and a visitor’s centre is consistent as a tourist facility which will have long term economic, social and cultural benefits to Woodend.

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Similarly, the proposal will include the provision of on-site cycle parking and end of trip facilities (e.g. lockers, showers) could be made available to encourage cycling as an alternative mode of transport. However, the proposal could be considered to be inconsistent with Policy 18.02-5, relating to parking. An adequate supply of car parking is not provided in conjunction with this development. The applicant is instead seeking to rely entirely on the use of on-street parking on surrounding streets to service this development.

The policy does however consider the adequate provision of car parking at a broader level, rather than requiring that specific levels of parking are required in conjunction with specific developments, and encourages efficient provision of parking through consolidation. The financial contribution to which the applicant has agreed will assist in improving the standard and formation of on-street parking spaces in the area, and particularly within the areas adjoining the commercial area. These are currently poorly formed and encourage haphazard parking and overflow of parking into residential areas. Improved parking facilities within this area is considered beneficial in terms of encouraging the use of spaces adjacent to the commercial (rather than residential) areas, encourage good parking practice within properly marked spaces and providing additional space for increased demand associated with the development, which are also available to be utilised by visitors to other businesses in the town centre. It is therefore considered that this policy will be met if a suitable contribution can be formalised by agreement.

Local Planning Policy Framework

Key strategic objectives contained within the Municipal Strategic Statement (MSS) include the promotion of the Shire's Cultural Identity and Community Values and Encouragement of Economic Development and Tourism. In relation to the former, the MSS recognises that the preservation and conservation of the Shire's natural, built and cultural heritage are fundamental to its sense of identity; tourism in the Shire is closely associated with its cultural and community identity and attractions based on built heritage and cultural landscapes need to be protected. Economic development and tourism is recognised as important for its role attracting visitors, supporting the retail sector and providing local employment.

These objectives are considered to be met by the proposal, through the positive impact of the use on economic development and tourism potential for the area, ability to provide local employment and the development of a new building which is complementary to the Shire's built and cultural heritage.

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Policy 22.02-3 relates to the Woodend Township and states that the key objectives are *“to reinforce key urban functions and the role of Woodend as a major township in the Shire”, “to recognise that limits to the growth of Woodend need to be established based on protecting the landscape, environmental and lifestyle qualities and infrastructure limitations” and “to protect Woodend’s landscape and townscape character.”* The policy goes on to state that *“use and development of land in the township and environs that protects and adds to the landscape and urban character of the township will be supported” and “the town centre is to retain its existing compact form. Proposals for new commercial and business development that retain this compact form and avoid expansion along major entry roads will be supported.”*

The Woodend town centre is recognised for its heritage value and this is supported by Policy 22.11 which aims *“to protect and enhance all heritage features to ensure residents, visitors and future generations can enjoy the unique heritage of the Shire”* and requires that development of land adjoining or nearby a heritage building or place shall have regard to any likely impact on the heritage building or place.

The proposal is also considered to meet these policies. The site is located within the town centre and on a site which is not encumbered in terms of development. The design is considered to be consistent with the preferred character for this part of the township and will complement the existing historic hotel on the adjacent site.

Woodend Structure Plan (2014)

The Woodend Structure Plan was adopted by Council on 28 May 2014. The structure plan aims to provide a long term vision to guide growth and development of the town for the next 15-20+ years.

The application site is located within the town centre area and is proposed to be retained as a Commercial 1 Zone.

In the “Township and Activity” section, the structure plan notes a desire to *“retain local business”* and that *“tourism is important.”* It identifies that there is potential for a number of existing sites within the zone to be used more effectively, in that they are currently developed with small buildings and large areas of car parking. The proposal is in accordance with these outcomes in allowing for the expansion of an existing local business, providing a tourist opportunity to the town centre and redeveloping a site which is currently poorly utilised.

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The “Township Character” section notes the importance of the “village feel” of Woodend. The diversity of business within the town centre is acknowledged and that the “*eclectic range of architectural styles is an important part of the character.*” Building guidelines have also been recommended for new development, including requirements to be contemporary architecture that complements older buildings; protect views to Mt Macedon and Golf Course Hill; maximum of 10m; lower than the parapet height of heritage buildings; design innovation that avoids mock-heritage styles; use of high quality and durable materials; and provision of active frontages. It is considered that these guidelines will generally be met.

Parking within the town centre is discussed in the “Transport” section. This notes that parking is “adequate” but not uniform in all parts of the town centre and there is high community expectation that parking spaces will always be available in close proximity to a destination. The structure plan states that “*consideration may be given to allowing parking reductions or waivers for land uses where it is not practical to provide parking on site (e.g. small retail uses could rely on parking along road frontage), assuming that appropriate evidence of nearby parking supply can be provided. Larger developments should provide car parking on site or contribute to additional public parking space. In these cases, it must be demonstrated that parking will not rely on overflow into residential areas.*”

The proposal is for complete redevelopment of the site and opportunity to provide car parking on site does exist. The applicant has elected not to provide any parking within the design of the development but has agreed to make a cash contribution towards upgrading public parking space in the area. This is considered acceptable in these circumstances, for the reasons discussed elsewhere in this report.

Commercial 1 Zone Provisions

The planning scheme states that the purpose of the Commercial 1 Zone includes the creation of “*vibrant mixed use commercial centres for retail office, business, entertainment and community uses.*” An industrial use (which includes a brewery) is not an as-of-right use in this zone and requires consideration through a planning permit process as to its appropriateness for the site.

In this instance, the brewery use is already established and the site will continue to be used in this manner, albeit within a new purpose-built building and at a likely larger scale. The key matter for consideration in terms of this use is the potential for impact on the amenity of adjoining sites, and the effect of traffic to be generated on roads.

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In terms of amenity, it is firstly noted that no specific threshold distance is listed for a brewery (included as “other food and beverage production”) under Clause 52.10 (Uses with Adverse Amenity Potential) and the accompanying note states that this is variable depending on the processes to be used and the materials to be processed or stored. As the use is already occurring on the application site and there is no change proposed in terms of the processes to be undertaken or the products to be processed or stored, the existing setback to a residential zone (approximately 30m) is considered sufficient. Furthermore, the development will result in all of the brewing process and storage, including ancillary pick-ups and deliveries to be undertaken entirely within the building. This will be an improvement on the existing situation, which involves use of the open areas of the site, in terms of noise and general disturbance. Conditions could be imposed on a permit (if granted) to control matters such as noise from external plant and outdoor lighting, which have been raised as concerns by a submitter.

Vehicles will continue to access the site for pick-ups and deliveries, as per the existing situation. The new development will include a dedicated loading area, which will allow vehicles to drive right into the building, collect or drop off their goods and then manoeuvre to exit the site in a forward direction. It is expected that vehicle movements of this nature may increase if production from the new premises increases, however these are unlikely go beyond an acceptable level for a site in a Commercial 1 Zone and conditions could be included to control hours for deliveries, noted as a concern of a submitter. Neither Council's Engineering Unit nor VicRoads have expressed any concerns from a road management point of view.

In considering the development itself, Clause 34.01-8 provides a number of decision guidelines, which include the interface with residential zones; the movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport; the provision of car parking; the streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road; the storage of rubbish and materials for recycling; consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone; the availability of and connection to services; and the design of buildings to provide for solar access.

The overall design concept for the building is generally supported. The application includes a detailed site analysis and design response which has evaluated each opportunity and constraint identified on the site and tailored the design accordingly.

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The development is considered to positively impact on the streetscape, including the provision of an active frontage, a clear and legible entrance and a design which provides a sense of transition between the larger hotel building to the east and the smaller residential scale development to the west.

The original hotel building (Keatings Hotel) is an historic building which is located within the Woodend Town Centre Precinct (HO268). The Council's Heritage Advisor has advised that the articulation of the new building's form, materials and colour, as well as the stepping down of its scale in the streetscape are positive responses in this context. The reuse of bricks in the new building and the use of traditional illustrations as graphics on the new building is also positive. The Heritage Advisor has also noted that the physical impact on the existing hotel is minimal and at the rear or interior. He has concluded that the development will not adversely impact upon the significance, character or appearance of the Woodend Town Centre Precinct of the existing Keatings Hotel's contribution to that precinct.

The site does not adjoin a residential zone on any side, although it is acknowledged that there are some residential uses in the surrounding areas, as well as other more sensitive commercial uses and lower scale buildings which may be adversely impacted by a significant development on the adjoining site (e.g. through overshadowing). The site analysis prepared by the applicant has acknowledged constraints to development resulting from the adjoining buildings and uses to the west (42 Anslow Street) and the rear (31 Urquhart Street) and has responded through a stepped design, which includes setbacks and single storey portions of the building adjacent to these boundaries. This provides a smoother transition between the different scales of built form and seeks to reduce potential visual dominance, overshadowing and overlooking of these sites.

It is noted that concerns have been raised through the submission process relating to the impact on the outdoor eating area of the café on the site to the west and the impact on the outdoor amenity space of the residential use at the rear of the shop at 77 High Street. It is acknowledged that the outdoor space associated with the café has been slightly misrepresented on the application plan and is in fact located adjacent to the proposed 4.5m high boundary wall, rather than the 3m high wall.

Some shading of both of these properties is expected, as this site is located within a commercial zone and would be expected to be developed with a more sizable building than a residential zone. The shading diagrams included with the application demonstrate that the rear of the property at 77 High Street will be progressively shaded from the mid to late afternoon. Shading of the café area at 42 Anslow Street will be limited only to the early mornings. It is further noted that there is little difference in the extent of shading of the café area resulting from a 4.5m or a 3m high wall.

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The shading in both instances is considered acceptable given the expectations of development in a commercial zone and the limited periods during which shading will occur. Although it is not a requirement for the Commercial 1 Zone, it is noted that the amount of sunlight received by both properties would still comply with the minimum requirements specified in Clause 55.04-5 (Overshadowing Open Space).

The objection received from the operators of the café also expressed concern with the visual impact of the concrete wall. This is accepted as it is a plain elevation, with little setback. The applicant has discussed this issue with the objector and an agreement has been reached to insert recycled red bricks into the concrete wall where it adjoins the café area. This is accepted as an appropriate compromise to reduce the visual impact of the wall on users of the café.

In terms of the functional aspects of the development, it is considered that the design will allow for safe and efficient access for delivery vehicles and will not impede the movement of pedestrians and cyclists.

The applicant is not proposing to provide any car parking on the site in association with the activity. This matter will be discussed in further detail below.

On this basis, it is considered that the use and development proposed is an appropriate outcome for a site in the Commercial 1 zone and Woodend Town Centre. Impacts on the amenity of adjoining properties can be satisfactorily controlled, subject to some minor changes.

Advertising Signage

The planning scheme regulates the display of signs, to provide for signs which are compatible with the amenity and visual appearance of an area, to ensure signs do not contribute to excessive visual clutter or disorder; and to ensure that signs do not cause a loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

The provisions relating to signage vary according to the sensitivity of the zone within which they will be displayed. Commercial areas are considered to require minimum limitation and provide for identification and promotion signs and signs that add vitality and colour to commercial areas.

There are currently a number of signs displayed on the hotel building and site frontage (fronting both High and Anslow Streets), which collectively far exceed the 8m² which is permitted as business identification signage on a single premises. It is however noted that there are currently no signs fronting Anslow Street on the part of the site which is to be redeveloped.

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The decision guidelines in Clause 52.05-3 require Council to give consideration to the character of the area; the impact on views or vistas; the relationship to the streetscape and setting; the relationship to the site and building; the impact of illumination; the need for identification; and the impact on road safety.

The signs proposed are considered to be acceptable, as they are small in scale, simple in design and unobtrusive in the context of the proposed development. The signs are well separated and, as there are no existing signs on this part of the site, will not create visual disorder or clutter. The signs will be illuminated through building mounted spotlights, which is similar to existing signage on the adjacent hotel and akin to security lighting. While it is likely the signs will be able to be viewed from some sites in the adjacent residential area, for these reasons it is considered they will not adversely impact the amenity of these residents.

It is not considered the signs will have any impact in terms of road safety, as they are located within a Commercial zone and well separated from the intersection and any traffic direction signage, and therefore unlikely to cause any distraction or confusion.

Car Parking

The planning scheme aims to ensure that appropriate numbers of car parking spaces are provided in association with different uses, having regard to the demand likely to be generated, the activities on the land and the nature of the locality. The applicant in this case does not propose to provide any car parking spaces on the site and seeks approval to waive the car parking requirement to zero.

There is some disagreement between the views of the applicant and Council officers in terms of the number of spaces which are to be waived. It is agreed that the use classification for most of the premises in terms of car parking should be "industry", which, in accordance with Clause 52.06-5, requires the provision of 2.9 spaces for each 100m² of net floor area. The brewery (including ancillary office space but excluding the visitor centre) would therefore require a total of 29 spaces. The visitor centre element of the use is not defined within Clause 52.06 and therefore parking requirements are at the discretion of the Responsible Authority. It is suggested that a further 10% (i.e. 3 spaces) should be provided. A total of 32 parking spaces would therefore be required if this were a new, standalone development.

The proposal is however an extension to an existing use and will be replacing land and buildings already utilised for the brewery. There are currently no formal car parking spaces required to be provided on the site.

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The endorsed plans associated with PLN/2002/404 do not include any car parking requirement and the majority of the vacant front part of the site is shown as providing manoeuvring space for delivery vehicles. Despite this, it is acknowledged that the front part of the site has been informally used to provide some off-street parking in the past.

The applicant has requested a waiver of 13 spaces. They have calculated this number on the basis that the brewery operation currently uses an area of 540m² (including the building floor area and parts of the site used for storage, vehicle manoeuvring etc.). The “extension” is therefore only considered to be 460m² and requires 13 spaces. It is noted that the applicant has failed to consider any provision related to the 100m² visitor centre.

The approach of Council officers is to apply some “credit” to the existing use, based on the previously approved permit for the site. The plans endorsed under this permit show the existing garage building, loading area and rear service area, which collectively have an area of approximately 360m². It is considered appropriate that the 10 spaces that this use would have required are credited to the proposed extension. A total of 22 spaces should therefore be required.

The application is supported by a Traffic and Transport Assessment, prepared by Cardno. This report has reviewed the existing on-street parking available in the area and includes surveys of vacant spaces in the area, taken throughout the day on a Wednesday and a Saturday in November 2013. This concludes that there are typically high numbers of on-street spaces available in the area which could be utilised by staff or visitors to the brewery.

The applicant is also of the view that the development is not likely to increase the existing demand for car parking in the area, as it is not intended that there will be any increase in staff beyond the nine (9) which are already employed in association with the brewing operation. The visitor centre will also be staffed by persons already employed within the hotel. This view is not shared by Council officers, given that the development will clearly allow for future expansion of the brewing operation and, in addition, the redeveloped site will encourage visitors through the visitor centre, which will also increase the level of parking demand.

While it is acknowledged that there is ability for on-street parking within the general area, most of these available spaces are located within residential zones and not properly constructed for on-street parking. The adverse impacts which could result from this include loss of character and amenity from constant on-street parking on a residential street; inconvenience to residents when spaces are not available for their own visitors or from parked vehicles obstructing driveways; and damage to grassed road reserves and street trees from parked and manoeuvring vehicles.

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The application is for a substantial development across the site and therefore opportunity does exist at this time to provide at least some on-site parking. While this is still the preferred option, Council officers have also been in discussions with the applicant in relation to the potential to contribute towards the upgrade of on-street parking within the area. Collier Street has been identified as a potential location, given its proximity to the site and commercial zoning along part of its east side. An option presented to the applicant is to contribute towards the proper construction of angled parking at the south-east end of the street. Council Engineers have advised that the works required to achieve this would include the construction of shoulders and extension of seal to the kerb on both sides, to allow parallel parking on the west side and angled parking on the east side. The position of the centre line would also have to be adjusted to suit the new road layout.

Following lengthy discussions as to an appropriate way to achieve this preferred outcome, the applicant has agreed to enter into a Section 173 agreement with Council to provide a contribution towards upgrading of car parking within Collier Street. Council would fund the balance of the cost and undertake the upgrade works within three years of payment. This agreement is currently being finalised and will be signed prior to any permit being issued.

Matters Raised by Objectors

As noted above, the advertising of the application resulted in five (5) objections being received. Consideration of the issues raised are as follows:

Design Issues:

<p>Overdevelopment of the site as the building footprint takes up almost all of the site.</p> <p>Signage is overpowering to the village feel and residential areas.</p> <p>Design is out of character with the heritage precinct.</p>	<p>These matters have been discussed in the assessment above.</p>
<p>Laneway façade is claustrophobic and inconsistent with adjoining development.</p>	<p>The laneway façade is in keeping with the design style of the remainder of the building. It will include changes in height, materials and colours and is setback over 15m from the residential dwelling at the rear of 77 High Street (the property which raised this concern).</p>

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Use Issues:

Development will increase production from the site and the number of staff and visitors accessing the area.	Council officers share this view and have considered the likelihood of expansion in the assessment above.
Industrial use is not appropriate for the Commercial 1 zoning.	This matter has been discussed in the assessment above.

Amenity Issues:

Impact of concrete wall adjoining outdoor seating area associated with café on site to the west (visually overpowering, loss of light). Building will shade the rear of the adjoining property to the east.	These matters have been discussed in the assessment above.
Noise impacts on existing residential uses from plant and machinery at the rear of the development.	Conditions can be imposed on a permit to ensure noise levels are restricted to meet state noise policy guidelines.
No hours of operation for truck movements are specified.	Conditions can be imposed on a permit to limit hours within which deliveries and pick-ups can be made.
Impact of increased number of truck movements, including those reversing onto Anslow Street.	The site is located within a Commercial Zone and a higher level of traffic generation is anticipated. The development includes a new loading bay within the building, with appropriate manoeuvre space to ensure trucks can leave the site in a forward direction.
Impact of outdoor lighting within the laneway.	Conditions can be imposed on a permit to ensure lighting is designed and located to avoid adverse impacts on adjoining land.

Car Parking Issues:

Lack of car parking is inappropriate given the existing car parking problems in the area. Adverse economic impact on local business when car parking is not available. Impact on the amenity and convenience of residents of Collier Street. Precedent could be sent that parking in Woodend is unimportant and is unfair to other businesses.	All of these matters have been discussed in the assessment above.
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**10. PE.6 APPLICATION FOR PLANNING PERMIT PLN/2014/28 – 79
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Function Issues:

Re-marking of car parking spaces on Anslow Street will affect space available for rubbish bins.	The re-marking of spaces on Anslow Street is no longer proposed and therefore there is no change in this regard.
Laneway access to other properties may be impeded through the overpass, unloading vehicles, manoeuvring vehicles or gates.	The building development does not obstruct the right of way which provides access to the rear of the site. The overbridge has been designed to allow a complying height clearance for vehicles using the right of way.
Building development up to the edge of the carriageway easement will prevent vehicle access to the rear of the adjoining property to the east.	The building development does not obstruct the land subject to the right of way.
Access to beer garden is too close to the entrance to the adjoining property to the west.	The access to the beer garden is via the main entrance to the visitors centre. This is approximately 10m from the entrance to the adjoining property. Minor amendments will be requested to the plan to confirm that no access is provided to the north-west corner of the site.
Beer garden area is not contained and may overflow onto street frontage.	This is a management issue. Minor amendments will be requested to the plan to confirm a physical barrier will be provided between the beer garden and street.

Conclusion

As demonstrated in the above assessment, the development and use proposed is generally supported by Council officers, as a proposal which is consistent with the State and Local Planning Policy Framework in terms of its design and economic benefits and the purposes of the Commercial 1 Zone in terms of its use, design, function and response to surrounding uses. The inability of the applicant to provide any car parking on the site to cater for staff and visitors is a concern, however this is considered to be sufficiently addressed through the proposed legal agreement with Council to contribute towards the upgrade and increase of public parking spaces within the area. For these reasons, it is recommended that the application is supported by Council subject to formalisation of an agreement to contribute to off-site parking.

12 CHIEF EXECUTIVE OFFICER REPORTS

CX.1	REVIEW OF MAYOR AND COUNCILLOR ALLOWANCES
Officer:	Allison Watt, Coordinator Governance
Council Plan relationship:	5. Deliver strong and reliable government
Attachments:	Nil

Summary

An important reform of the *Local Government Act 2020* (LG Act 2020) is the transfer of responsibilities in determining mayoral, deputy mayoral and councillor allowances to the Victorian Independent Remuneration Tribunal (the Remuneration Tribunal).

However, until the Remuneration Tribunal makes its first determination on allowances, the allowance framework under the *Local Government Act 1989* (LG Act 1989) continues to apply, despite the repeal of those relevant provisions last year. Section 39(6) of the *LG Act 2020* provides for this transitional arrangement.

The Minister for Local Government will request that the Remuneration Tribunal make a determination, however a determination is not expected until late 2021.

All councils have received advice that they must undertake and complete their own review of allowances under the *LG Act 1989* by 30 June 2021. Community consultation was undertaken on proposed mayor and councillor allowances for Macedon Ranges Shire Council and no submissions were received.

Recommendation**That Council:**

- 1. Having undertaken a review of the Mayor and Councillor Allowances in accordance with section 74 (1) of the Local Government Act 1989, resolves to set the allowances as follows:**
 - (a) Mayoral allowance of \$81,204 per annum (excluding superannuation), being the maximum allowed for category 2 councils**
 - (b) Councillor allowance of \$26,245 per annum (excluding superannuation), being the maximum allowed for category 2 councils**
- 2. Notes this resolution will continue to apply until such time as the Victorian Independent Remuneration Tribunal makes a determination of allowances under the Local Government Act 2020.**

Background

Mayors and councillors are entitled to receive an allowance while performing their duty as elected officials. The state government sets the upper and lower levels for allowances paid to councillors, except for Melbourne and Greater Geelong City Councils where allowances are fixed separately.

Councils are required to review allowance levels by 30 June in the year following a general election and the allowance level determined remains in effect for the full term of the council. The mayor and councillor allowances are subject to annual automatic adjustments that are announced by the Minister for Local Government.

Councils are divided into three categories based on the income and population of each Council area. Macedon Ranges Shire Council is a category 2 council. The current allowances set by the Minister for Local Government are as follows:

	Mayor	Councillor	
	Category 2 up to	Minimum	Maximum
Allowances	\$81,204	\$10,914	\$26,245
Superannuation (9.5%)	\$7,714	\$1,037	\$2,493
Total	\$88,918	\$11,951	\$28,738

Discussion

The Mayor and Councillors of Macedon Ranges Shire Council are currently being paid the amounts shaded in the above table, which is the maximum for a category 2 council. There is a legislative requirement for a 9.5 per cent superannuation contribution payable to the Mayor and Councillors, which will increase to 10 per cent from 1 July 2021.

It should be noted that:

- A mayor cannot receive the councillor allowance at the same time as receiving the mayoral allowance
- A council does not have to pay an allowance to a councillor or mayor who does not want to receive an allowance
- The amount of the allowance must be the same for each councillor (except the mayor)
- A person is only entitled to receive an allowance while they hold the office of mayor or councillor

Under the *LG Act 2020*, the responsibility for determining allowances for mayors, deputy mayors and councillors is transferred to the Remuneration Tribunal. However, until the Remuneration Tribunal makes its first determination on allowances, the allowance framework under the *LG Act 1989* continues to apply, despite the 2020 repeal of the relevant provisions. Section 39(6) of the *LG Act 2020* provides for this transitional arrangement.

The Minister for Local Government will request the Remuneration Tribunal to make a determination, however a determination is not expected until late 2021.

All councils have received direction from Local Government Victoria that they must undertake and complete their own review of allowances under the *LG Act 1989* by 30 June 2021.

In undertaking their reviews, councils must ensure that a person has a right to make a submission under section 223 of the *LG Act 1989* (as required by section 74(4) of the *LG Act 1989*). At the conclusion of the consultation period, no submissions were received.

Consultation and engagement

Consultation on the review of mayor and councillor allowances took place in accordance with section 223 of the LG Act 1989 and included placing an advertisement in the *Midland Express* newspaper, publishing a notice in the Victorian Government Gazette and including it on Council's Have Your Say website inviting written submissions.

The submission period was open for 28 days and members of the community who wished to be heard on their submission would have been invited to speak to the Submitters Committee meeting on Wednesday 16 June 2021.

The consultation period ended on 4 June and no submissions were received.

Collaboration

There was no collaboration with other councils or agencies in the preparation of this report.

Innovation and continuous improvement

Council is committed to innovation and continuous improvement and has conducted this review in accordance with a direction from Local Government Victoria. The community was given an opportunity to provide feedback on the review in accordance with legislative obligations and Council's Community Engagement Policy.

Relevant law

The consideration of this report ensures Council is meeting its legislative obligations under the *LG Act 1989* and *LG Act 2020*, in addition to recent direction from Local Government Victoria.

Relevant regional, state and national plans and policies

There are no regional, state or national plans and policies that are relevant to the subject matter in this report.

Relevant Council plans and policies

This report is relevant to Council Plan strategic priority five: Deliver strong and reliable government.

Financial viability

The mayor and councillor allowances are provided for within operational budgets. It is not proposed to increase the allowances as part of this review.

Sustainability implications

There are no sustainability implications in the consideration of this report.

Officer declaration of conflicts of interest

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

CX.2	HANGING ROCK STRATEGIC PLAN UPDATE
Officer:	Bernie O'Sullivan, Chief Executive Officer
Council Plan relationship:	5. Deliver strong and reliable government
Attachments:	Hanging Rock Strategic Plan Update, May 2021 ↓

Summary

This report provides an update to Council on the Hanging Rock Ministerial Advisory Group, consistent with Council's resolution to receive reports provided by the group at the next available Council Meeting.

Recommendation

That Council receives and notes this report as an update from the Hanging Rock Ministerial Advisory Group.

Background

At the Ordinary Council Meeting of 24 July 2019 it was resolved:

That Council:

- 1. Resolve to formally wind up the Hanging Rock Strategic Advisory Committee following the adoption of the Hanging Rock Strategic Plan 2018;*
- 2. Note that the Hanging Rock Interim Control Board (HRIPCB) led by the Department of Environment, Land, Water and Planning (DELWP) is progressing with the development of a 'Joint Management with Traditional Owners' governance model;*
- 3. Note that the Hanging Rock Interim Control Board has commenced development of a Communications Plan that will provide regular updates to the community on the progress of the implementation of the Hanging Rock Strategic Plan 2018; and*
- 4. Write to the Department of Environment, Land, Water and Planning to request that opportunities for former HRSAC members are considered when planning for the development of a new governance model and implementation of the Hanging Rock Strategic Plan 2018 more broadly.*
- 5. Request the Hanging Rock Interim Project Control Board provide Council with a quarterly report on their deliberations and progress, including who has been present at the meetings, how many meetings have been held, and what topics were discussed, that will be tabled and noted at the next available council meeting.*

Discussion

Following the establishment of the Hanging Rock Project Control Group, a new Ministerial Advisory Group was appointed by the Minister for Energy, Environment and Climate Change. Since September 2020 the group has provided advice and recommendations to the Minister for appropriate long-term governance and management arrangements for the Hanging Rock precinct.

The Hanging Rock Ministerial Advisory Group includes three community representatives (who were appointed following a public expression of interest process), one representative

from Taungurung, Wurundjeri Woi Wurrung and Dja Dja Wurrung peoples, along with the Chief Executive Officer of Macedon Ranges Shire Council and the Regional Director of Department of Environment, Land, Water and Planning (DELWP). An independent Chair was also appointed to oversee the establishment of governance and management arrangements and guide the group in providing recommendations to the Minister.

Both Council and DELWP have dedicated webpages indicating that both state and local governments are working together to safeguard the Hanging Rock precinct as a popular local and tourist destination. The previous Hanging Rock Update, September 2020 was presented to the Council Meeting held on 21 October 2020.

The latest community Hanging Rock Strategic Plan Update, May 2021 (attached) was released on 4 May 2021 and provides an overview of the following:

- Ministerial Advisory Group
- East Paddock
- Planning Scheme Amendment
- Environmental Management Plan Update
- Aboriginal Conservation Management Plan
- Hanging Rock Master Plan

Community updates will be presented to Council upon receipt.

Consultation and engagement

No consultation or engagement was required in the preparation of this report.

Collaboration

The subject matter of this report involves Council collaboration with DELWP, as well as representatives from the community and Taungurung, Wurundjeri Woi Wurrung and Dja Dja Wurrung peoples, who form the Hanging Rock Ministerial Advisory Group.

Innovation and continuous improvement

Council's involvement with the Hanging Rock Ministerial Advisory Group is reflective of its commitment to innovation and continuous improvement in relation to the strategic management of Hanging Rock.

Relevant law

There are no legislative implications or risks associated with Council noting this report.

Relevant regional, state and national plans and policies

The subject matter of this report and attachment relate to the implementation of the Hanging Rock Strategic Plan 2018.

Relevant Council plans and policies

This subject matter of this report is aligned with the Council Plan Priority 5: Deliver strong and reliable government.

Financial viability

There are no resource, IT or asset management implications associated with this report.

Sustainability implications

This report is provided for Council's information only. As such, there are no social or environmental issues that may be impacted by the outcome of this report.

Officer declaration of conflicts of interest

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

Hanging Rock Strategic Plan Update

May 2021



Image Credit: A. Professor Wayne Quilliam

The Department of Environment, Land, Water and Planning (DELWP) continues to implement the Hanging Rock Strategic Plan (HRSP) with key partner Macedon Ranges Shire Council. While the Hanging Rock Strategic Plan Implementation project is happening, Macedon Ranges Shire Council continues to manage the day-to-day operations at Hanging Rock.

Ministerial Advisory Group

The Ministerial Advisory Group (MAG) met on the 4th February 2021. Participants viewed presentations from the consultants about the review of the Hanging Rock Environmental Management Plan (EMP) and preparation of the Aboriginal Conservation Management Plan (CMP).

East Paddock

DELWP and Macedon Ranges Shire Council continue to work together to progress the transfer of East Paddock.

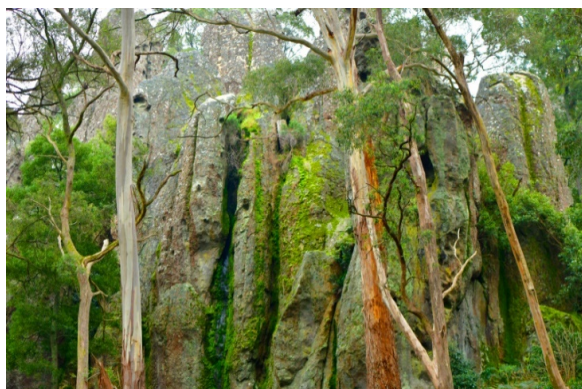


Image Credit: A. Professor Wayne Quilliam

Planning Scheme Amendment

Amendment VC185 was gazetted on 30 April 2021 and amends the Victoria Planning Provisions and all planning schemes to include the Macedon Ranges Statement of Planning Policy, and also amends the Macedon Ranges Planning Scheme ordinance and maps to give effect to the Macedon Ranges Statement of Planning Policy and introduce a new Hanging Rock Precinct local policy.

Further information can be found on the Planning Victoria website via the following link:

<https://www.planning.vic.gov.au/schemes-and-amendments/browse-amendments>

Environmental Management Plan Update

The review and update of the Environmental Management Plan (EMP) aims to:

- ensure consistency with the Hanging Rock Strategic Plan
- prioritise the ecological and traditional owner values

Hanging Rock Strategic Plan Update May 2021

- collect evidence and provide recommendations to inform the Hanging Rock Master Plan

The consultants reviewing the EMP have finalised the field surveys and have been busy conducting site visits with DELWP and Traditional Owners in the last couple months.

Aboriginal Conservation Management Plan

The Hanging Rock Aboriginal Conservation Management Plan is almost complete. This plan will provide an understanding of the cultural heritage significance of the Hanging Rock Precinct, identify the pressures and impacts to cultural values and provide information on how to manage and protect those values.

Over the last couple of months, the consultants have been undertaking archaeological field surveys and recording oral history and cultural knowledge with representatives from Taungurung, Wurundjeri, and Dja Dja Wurrung.

The final draft will be provided to each Traditional Owner Group for review before the Aboriginal Conservation Management Plan is finalised.

Hanging Rock Masterplan

The next step in the implementation of the Hanging Rock Strategic Plan is the preparation of a Master Plan for the Precinct.

DELWP has recently sought proposals from urban design and heritage consultancies to develop a masterplan for the Hanging Rock Precinct.

Contact Us

For questions about this project or to sign up to receive future updates, contact:

Jodi Cant – 136 186 or hanging.rock@delwp.vic.gov.au

For general enquiries about Hanging Rock:

Visit the newly updated DELWP Website www.forestsandreserves.vic.gov.au/initiatives/hanging-rock-project for up-to-date information regarding the Hanging Rock Project.

For information about the day-to-day operations of Hanging Rock, contact Macedon Ranges Shire Council Customer Service - (03) 5422 0333 or mrrsc@mrrsc.vic.gov.au or www.visitmacedonranges.com/see-do/the-great-outdoors/hanging-rock/

Hanging Rock Photographs

Taken by A. Professor Wayne Quilliam – Professional Indigenous Photographer/ Film Maker/ Drone Pilot.



Image Credit: A. Professor Wayne Quilliam

13 DIRECTOR CORPORATE AND COMMUNITY REPORTS

CC.1	AUDIT AND RISK COMMITTEE BIENNIAL UPDATE
Officer:	John Hausler, Director Corporate and Community
Council Plan relationship:	5. Deliver strong and reliable government
Attachments:	Nil

Summary

This report ensures Council transparently discloses a summary of the key matters discussed at the Audit and Risk Committee meetings for the first six months of 2021.

The report also ensures the requirements of the Audit and Risk Committee Charter are met, by providing a biannual report to Council that summarises the work of the Committee performed, to fully discharge its responsibilities.

The Audit and Risk Committee Biannual Report - June 2021 is attached and the Chairperson, Mr Peter Matthews, will attend the Council Meeting to present the report.

Recommendation**That Council:**

- 1. Notes the Audit and Risk Committee Biannual Report - June 2021 and thanks the committee for the report.**
- 2. Endorses the payment of \$500.00 to the Chairperson and \$350.00 to each Independent Member per meeting of the Audit and Risk Committee, noting these payments are to cover all costs relating to the member's participation and attendance at Audit and Risk Committee meetings.**
- 3. Endorse the payment of \$350.00 to the Independent Members who present reports at Council Meetings for their preparation, participation and attendance.**
- 4. Notes that no other payments or expense reimbursement are payable to the Independent Members of the Audit and Risk Committee.**

Background

The Audit and Risk Committee was formally appointed under Section 53 of the *Local Government Act 2020* (LGA) as an advisory committee to Council.

Discussion

The biannual report of the Audit and Risk Committee has been prepared and tabled for Council to consider. The provision of this report to Council is in line with the requirement in the Audit and Risk Committee Charter to, on a biannual basis, provide an audit and risk report that describes the activities of the committee. It also ensures Council is compliant with Section 54 (5) (a) of the LGA.

Summary of work

A summary of the work performed by the committee during the Quarters 3 and 4 of the 2020/21 financial year is as follows:

Risk management

The committee continued to focus on the key risks of Council, reviewing the updated Risk Management Framework Scoring Assessment. The assessment utilised the ten risk presentations delivered between November 2019 and September 2020, to evaluate any additional risk controls put in place by Council, which resulted in increased self-scoring for most areas. The one contrasting area was the Information Technology risk assessment, which subsequently received a decreased score. The committee will monitor this risk via regular Information Systems (IS) updates at each meeting.

Business Continuity and Disaster Recovery Planning

The committee stayed informed on the progress of Council's Business Continuity and Disaster Recovery Planning (BCP) framework and testing regime for 2021. It is worth noting that the interruption to Council business by the COVID-19 pandemic has been managed and responded to effectively, from the initial impact and restrictions of March 2020, to the current situation of return to work.

Review of reimbursement of expenditure for Councillors and delegated committees

Under Section 40(2) of the LGA, the Audit and Risk Committee must be provided with details of all reimbursements of expenses of Councillors and members of delegated committees. The Committee was provided with a draft report of this expenditure for Quarter 2 2020/21 at the March 2021 meeting and Quarter 3 2020/21 at the May 2021 meeting, for its feedback and information. The committee determined that the information presented by the organisation was appropriate and that more detailed information about particular expenses could be included on a by-request basis.

Information Services update

The committee highlighted IS as a particular area of concern, noting that there was a risk for the organisation if resourcing matters relating to supporting IS governance and project management are not addressed, given the significant investment in information systems. As such, the committee will receive regular IS updates, including minutes of IS Steering Committee meetings, to ensure oversight of the management of associated risks.

Biannual assessment of the control environment in relation to Council's Governing Principles

At the May 2021 committee meeting, members were provided with a report detailing Council's compliance with the Governance Principles. The report, known as the Governance Schedule, provides the committee with the assurance that Council is complying with the principles, including the numerous statutory obligations under the *Local Government Act 1989* and the LGA.

Councillor Gifts, Benefits and Hospitality Policy review

At its March 2021 meeting, the committee reviewed Council's draft Councillor Gifts, Benefits and Hospitality Policy. The committee recommended the strengthening of wording around bribery, to reflect the criminal nature of bribery and the statutory obligations of the CEO to report incidences. Feedback was incorporated into the final policy.

Draft Budget and draft Revenue and Rating Plan

The Committee reviewed the draft 2021/22 Budget and draft Revenue and Rating Plan 2021-2025, providing feedback on the readability of both documents, and provided suggestions to make them more user friendly. Overall, the committee were in support of the draft Revenue and Rating Plan and 2021/22 Budget, confident in its ability to execute the mandates of Council. The committee provided further feedback on the budget process, noting that there is room for streamlining of stages in the future.

Sexual Harassment in Local Government – Council’s response

In December 2020, the Victorian Auditor General’s Office (VAGO) released the Sexual Harassment in Local Government report, examining whether councils provide their staff and councillors with workplaces free from sexual harassment. The report audited five Victorian councils and provided 11 recommendations. At the May 2021 meeting, the committee was presented with Council’s response to the report’s recommendations. This addressed each of the 11 VAGO recommendations and outlined the practices and protocols in place at Council to address sexual harassment in the workplace.

Maintaining Local Roads – Council’s response

In March 2021, VAGO released the Maintaining Local Roads report, examining whether councils use asset data, budget information and community feedback to inform their planning for road maintenance. The report audited five Victorian councils and provided ten recommendations. At the committee’s May 2021 meeting, Council officers presented the draft Road Management Plan 2021 (RMP) and responded to the findings of the VAGO report, outlining how the RMP performs against each of the ten recommendations. The committee found the RMP to be a well-articulated document, providing good coverage of the VAGO recommendations, however noted that Council could make improvements with regards to asset management and the automation of road inspections.

People Culture and Performance reports

At each meeting, the committee was provided with a report from Council’s People, Culture and Performance division. The report included information regarding Council’s:

- COVID-19 response
- workers wellbeing and works compensation claims;
- notifiable incidents,
- learning and development updates; and
- customer services standards and responsiveness.

Vulnerable Persons Register

The committee received a briefing on the Vulnerable Persons Register, established in response to Recommendation 3 of the 2009 Victorian Bushfires Royal Commission. The briefing provided an overview of Council’s responsibilities under the Department of Health and Human Services’ Vulnerable People in Emergencies Policy (February 2018), and how these are managed within Council.

Payments to Audit and Risk Committee Members

Under section 53 of the LGA, Council may “pay a fee to a member of an Audit and Risk Committee who is not a Councillor of the Council”. Pursuant to a resolution at a Council Meeting on 27 February 2019, Council set the remuneration of the Audit and Risk Committee to be \$350 per meeting for an Independent Member and \$500 per person for the Nominated Chairperson for the period up to 31 December 2020. To address the end date of that resolution, it is recommended that Council now set the payments for the applicable Audit and Risk Committee members at those same rates.

For the March 2021 and May 2021 meetings Independent Members have been paid at these rates.

In order to ensure clarity regarding the coverage of the payments, the recommended resolution states the payments are for the members’ participation, preparation and attendance at Audit and Risk Committee Meetings. That is, the payment to the member is

inclusive of all costs of the Independent Member. The resolution also seeks to confer that attendance at a Council Meeting by an Independent member will result in payment of \$350.00.

Consultation and engagement

The Audit and Risk Committee received a draft version of the attached report at its May 2021 meeting.

Collaboration

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

Innovation and continuous improvement

The operation of the Audit and Risk Committee provides a structured, systematic oversight of Council's governance, risk management and internal control practices.

The committee reviews those practices and provides Council with independent advice and guidance regarding the adequacy and effectiveness of management's practices and potential improvements to those practices.

The Audit and Risk Committee is an important communication forum between the External Auditor, Internal Auditor, management and Councillors.

Relevant law

The Audit and Risk Committee is established in line with the LGA.

Relevant regional, state and national plans and policies

Nil

Relevant Council plans and policies

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

Financial viability

There are no financial implications relating to the subject matter of this report that are over and above the current cost of resourcing the Audit and Risk Committee.

Sustainability implications

There are no sustainability implications relating to the subject matter of this report.

Officer declaration of conflicts of interest

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



Audit and Risk Committee

Biannual Report June 2021

MACEDON RANGES SHIRE COUNCIL

Audit and Risk Committee

Biannual Report June 2021

Introduction

1. Internal Audit
2. External Audit
3. Summary of Work Performed

Peter Matthews
Chairperson
Audit and Risk Committee
23 June 2021

Introduction

As part of its governance obligations to its community, Council has established an Audit and Risk Committee. The Audit and Risk Committee is an Advisory Committee to Council, acting in accordance with Sections 53 and 54 of the *Local Government Act 2020*.

In accordance with the requirements of the Audit and Risk Committee Charter, the Committee members for 2021 are:

- Mr. Peter Matthews – Independent Member and Chairperson (Appointed 2018 through to 2021)
- Ms Michelle Betson – Independent Member (Appointed 2020 through to 2022)
- Ms Magdalena Williams – Independent Member (Appointed 2021 through to 2023)
- Cr. Geoff Neil – Councillor Delegate from 25 November 2020.
- Cr. Mark Ridgeway – Councillor Delegate from 25 November 2020.

The Local Government Act under section 5(a) requires the Audit and Risk Committee to produce a biannual audit and risk report describing the activities of the Audit and Risk Committee, including its findings and recommendations. The biannual audit and risk report must be provided to the Chief Executive Officer for tabling at the next Council meeting.

This is the first biannual Report prepared by the Audit and Risk Committee and presented to Council. During the first six months of 2021, the Committee has discharged its duties at the following meetings:

- Wednesday 3 March.
- Wednesday 19 May.

Meetings were in person (in contrast to the previous year's meetings held online due to the COVID-19 pandemic) at the Gisborne Council Chambers from 8:30am – 12:00pm.

1. Internal Audit

The Internal Auditor is a Consultant to Council. HLB Mann Judd were appointed the internal auditors in 2019 and are fulfilling the role of the internal auditor for the 2020/21 financial year and Mr Mark Holloway is the audit partner.

The purpose of an internal audit (also known as a Review) is to provide assurance to the Executive, Audit and Risk Committee and Council by reviewing and testing the existence and effectiveness of policies, procedures and practices of an area of operation. An internal audit is aimed at reviewing operational risks and implementing controls to eradicate or minimise the risk. The Internal Auditor will both offer an opinion on the existing policies and procedures, and provide recommendations to improve the policies and procedures to reduce the risk of systemic problems arising in the future.

Internal Audit Reports

In accordance with the Strategic Internal Audit Plan 1 July 2020 to 30 June 2023, the following report was presented to the Committee in the first half of the 2021 calendar year at the March 2021 meeting:

- Fraud and Corruption Control Framework (AS8001-2808)(incl. awareness survey)

The Audit and Risk Committee meeting held 3 March 2021 highlighted the extensive list of outstanding internal Audit Actions, many of them long-standing with stagnated progress. The Audit Action list is generated from the recommendations of each internal audit report. Following acceptance by management, audit recommendations become actions and are allocated to the relevant Department Manager to be implemented. Management provides regular progress updates against each action on the list, until the item is completed and removed.

Due to the backlog of internal audit actions, the Strategic Internal Audit Plan was revised (via an out of session Committee paper) to include a review of the Audit Actions list. This review will replace the scheduled Service Planning audit, now deferred to a future year.

Consequently, the following internal audits were initiated during the remainder of 2020/21:

- Outstanding Audit Action List Review
- Payroll

2. External Audit

The Victorian Auditor-General appointed RSD Audit as their agent to undertake the financial and performance audit for the year ended 30 June 2021. RSD Audit were represented at relevant Committee meetings by Ms Kathy Teasdale.

At the Audit and Risk Committee meeting held 3 March 2021, RSD Audit presented their Audit Strategy for the financial year ending 30 June 2021. This strategy addressed the key risks and areas of audit focus for both the financial report and performance report and outlined the audit approach and timetable. It was advised that VAGO and RSD Audit would continue to operate under their remote audit protocol for the foreseeable future.

RSD acknowledged the impact of COVID-19 and recognised that this creates an unfair comparison between the 2020/21 performance statement and that of the 2019/20 year. As such, it is probable that any comparisons will need to be with the statement of the 2018/19 financial year.

The Financial Audit protects the interests of Councillors and Ratepayers and enables the Auditor-General to form an opinion on whether Council's financial report and performance statement meet the requirements of the Audit Act 1994. The Financial Audit focuses on the accuracy of recording income and expenditure, the existence and measurement of assets and liabilities, and compliance with accounting standards.

The Performance Statement reports to the community on how well Council has performed against the Victorian Government's performance indicators. The Performance Statement includes the results for:

- Nine prescribed service performance indicators;
- Seven sustainable capacity indicators; and
- Eleven financial performance indicators.

3. Summary of Work Performed

This section provides a summary and update on the work performed by the Committee during Quarters 3 and 4 of the 2020/21 financial year.

3.1 Risk Management

The Committee continued to focus on the key risks of Council, reviewing the updated Risk Management Framework Scoring Assessment. The assessment utilised the 10 risk presentations, delivered between November 2019 and September 2020, to evaluate any additional risk controls put in place by the Council, which resulted in increased self-scoring for most areas. The one contrasting area was the Information Technology risk assessment, which subsequently received a decreased score. The Committee will monitor this risk via regular Information Systems (IS) updates at each meeting.

3.2 Business Continuity and Disaster Recovery Planning

The Committee stayed informed on the progress of the Council's Business Continuity and Disaster Recovery Planning (BCP) framework and testing regime for 2021. It is worth noting that the interruption to Council business by the COVID-19 pandemic has been managed and responded to effectively, from the initial impact and restrictions of March 2020, to the current situation of return to work.

3.3 Review of reimbursement of expenditure for Councillors and Delegated Committees

Under S40 (2) of the *Local Government Act 2020* the Audit and Risk Committee must be provided with details of all reimbursements of expenses of Councillors and members of delegated committees. The Committee was provided with a draft report of this expenditure for Quarter 2 2020/21 at the March meeting and Quarter 3 2020/21 at the May Meeting, for their feedback and information. The Committee determined that the information presented by the organisation was appropriate and that more detailed information about particular expenses could be included on a by request basis.

3.4 Information Services Update

The Committee highlighted Information Services as a particular area of concern, noting that there was a risk for the organisation if resourcing matters relating to supporting IS Governance and project management are not addressed given the significant investment in information systems. As such, the Committee will receive regular Information Services updates, including minutes of IS Steering Committee meetings, to ensure oversight of the management of associated risks.

3.5 Biannual assessment of the control environment in relation to Council's Governing Principles

At the May 2021 Committee meeting, members were provided with a report detailing the Council's compliance with the Governance Principles. The report known as the 'Governance Schedule' provides the Committee with the assurance that Council is complying with the governing principles including the numerous statutory obligations under the *Local Government Act 1989* and the *Local Government Act 2020 (the 'Act')*.

3.6 Councillor Gifts, Benefits and Hospitality Policy Review

At the March 2021 meeting of the Audit and Risk Committee the Committee reviewed the draft Councillor Gifts, Benefits and Hospitality policy. The Committee recommended that the wording around bribery be strengthened to reflect the criminal nature of bribery and the statutory obligations of the CEO to report incidences. Feedback was incorporated into the final policy.

3.7 Draft Budget and Revenue and Ratings Plan

The Committee reviewed the draft 2021/22 Budget and Revenue and Rating Plan 2021-2025, providing feedback on the readability of both documents and provided suggestions to make them more user friendly. Overall, the Committee were in support of the draft Revenue and Rating Plan and 2021/22 Budget, confident in its ability to execute the mandates of Council.

The Committee provided further feedback on the Budget process, noting that the process was long and drawn out and there is room for streamlining in the future.

3.8 Sexual Harassment in Local Government – MRSC Response

In December 2020, the Victorian Auditor General's Office (VAGO) released the 'Sexual Harassment in Local Government' report examining whether councils provide their staff and councillors with workplaces free from sexual harassment. The report audited five Victorian Councils and provided eleven recommendations. At the May meeting, the Committee were presented with the Macedon Ranges Shire Council response to the report recommendations. This addressed each of the eleven VAGO recommendations and outlined the practices and protocols in place at Council to address sexual harassment in the workplace.

In March 2021, the Victorian Auditor General's Office released a report 'Maintaining Local Roads' examining whether councils use asset data, budget information and community feedback to inform their planning for road maintenance. The report audited five Victorian Councils and provided ten recommendations. At the May meeting, Council Officers presented the Macedon Ranges Shire Council draft 'Road Management Plan 2021' (RMP) and responded to the findings of the VAGO report, outlining how the RMP performs against each of the ten recommendations. The Audit and Risk Committee found the RMP to be a well-articulated document providing good coverage of the VAGO recommendations, however noted that Council could make improvements with regards to asset management and the automation of road inspections.

3.10 People Culture and Performance Reports

At each meeting, the Committee were provided with a report from the Council's People, Culture and Performance division. The report includes information regarding the Macedon Ranges Shire Councils:

- COVID-19 response
- Workers wellbeing and works compensation claims;
- Notifiable incidents,
- Learning and development updates; and
- Customer services standards and responsiveness

3.11 Vulnerable Persons Register

The Committee received a briefing on the Vulnerable Persons Register, established in response to Recommendation 3 of the 2009 Victorian Bushfires Royal Commission. The briefing provided an overview of Council's responsibilities under the Victorian Government Department of Health & Human Services *Vulnerable people in emergencies policy* (February 2018) and how these are managed within Council.

CC.2	MACEDON RANGES SHIRE COUNCIL DISABILITY ACTION PLAN AND MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN DEVELOPMENT UPDATE
Officer:	Travis Harling, Manager Finance and Reporting
Council Plan relationship:	1. Promote health and wellbeing
Attachments:	Nil

Summary

This report provides a progress update on the development of the Macedon Ranges Shire Council Disability Action Plan and Municipal Health and Wellbeing Plan 2021-2025.

Recommendation

That Council

1. **Note the progress update provided in regards to the Macedon Ranges Shire Council Disability Action Plan and Municipal Public Health and Wellbeing Plan.**
2. **Endorse officers developing a standalone Macedon Ranges Shire Council Municipal Public Health and Wellbeing Plan.**
3. **Endorse officers developing a standalone Macedon Ranges Shire Council Disability Action Plan.**

Background

Councils are required to prepare a Municipal Public Health and Wellbeing Plan (MPHWBP) every four years by the *Public Health and Wellbeing Act 2008*, which also sets out what must be included in the MPHWBP. The Public Health and Wellbeing Act 2008 mandates that councils have responsibility to protect, improve and promote public health and wellbeing within their municipalities.

Under Section 38 of the *Victorian Disability Act 2006*, Councils are required to prepare a Disability Action Plan (DAP) as prescribed in the *Commonwealth Disability Discrimination Act 1992*. The Disability Action Plan identifies actions to remove barriers for people with a disability, is designed to promote inclusion and participation of persons with a disability, and change attitudes and practices, which discriminate against persons with a disability.

Discussion

At the Health and Wellbeing Advisory Committee (HWBAC) meeting held on 17 February 2021, a timeline for the development of the Macedon Ranges Shire Council MPHWBP was presented. An updated timeline for the development of both the MPHWBP and DAP is presented below based on feedback from the HWBAC meeting on 19 May. Notably for the Committee, draft-working documents of the plan are to be presented at the next scheduled HWBAC meeting on 21 July.

Activity	Start date	End Date
Development of Health and Wellbeing Plan and Disability Action Plan	1/03/21	24/10/2021
Collect, collate and edit background information	1/03/2021	7/04/2021
Develop draft goals and project plan	15/03/2021	21/05/2021
Health and Wellbeing Advisory Committee review	19/05/2021	19/05/2021
Review of existing consultation feedback detail, content and internal consultation and complete shell document and communication review	24/05/2021	15/06/2021
Councillor Briefing on process	8/06/2021	8/06/2021
Stakeholder engagement workshops (including Health and Wellbeing Advisory Committee)	15/06/2021	22/06/2021
Insertion of priorities and actions and final editing	23/06/2021	01/07/2021
Councillor Briefing – draft document presentation	6/07/2021	6/07/2021
Final draft document to Council Briefing for consideration and feedback prior to release for consultation	13/07/2021	13/07/2021
Council Meeting to adopt plans for community consultation	28/07/2021	28/07/2021
Community consultation re: final plans	29/07/2021	27/08/2021
Councillor Briefing to discuss community consultation and review final proposed documents	14/09/2021	14/09/2021
Planned Council adoption	22/09/2021	22/09/2021

Work has been undertaken, through a recent deliberative engagement process, towards the development of the Council Plan. The Public Health and Wellbeing Act requires the MPHWPB to be consistent with the Council Plan and, as such, the information gained through the deliberative engagement process will also help to inform the DAP and MPHWPB.

Officers have consulted with stakeholders in addition to feedback gained via the deliberative engagement process and drafted the below goals for discussion in the stakeholder consultation.

Draft goals for inclusion in the MPHWPB:

1. Improve physical and mental wellness and resilience
2. Promote gender equality and respectful relationships free from violence
3. Foster social connection and inclusion
4. Promote healthy eating
5. Facilitate and promote physical activity
6. Prevent harm from smoking, alcohol, other drugs and gambling
7. Contribute to community safety
8. Celebrate and respect Indigenous culture
9. Support the community through disaster recovery

10. Support the community through pandemic recovery

Draft goals for inclusion in the Disability Action Plan:

1. Increase participation of people with disabilities in community engagement activities
2. Improve access of people with disabilities to Council-managed reserves and services.
3. Continue to improve access and quality of change rooms
4. Increase our capacity to provide accessible facilities and services
5. Increase awareness of disability across the community and promote an understanding of the diverse and valuable contributions made by people with disabilities and their carers
6. Support volunteers (These points can be touched on where appropriate and link to Volunteer landing page)
7. Foster arts and culture (These points can be touched on where appropriate and link to Arts and culture landing page)

Plan formats

Under the Section 26 (1) of the Public Health and Wellbeing Act 2008, it is a requirement for Council to prepare a MPHWPB within the period of 12 months after each general election of the Council. Under the previous Council, the MPHWPB was incorporated into the Council Plan, after formally seeking approval from the Secretary for such an exemption.

Based on feedback from the Health and Wellbeing Advisory Committee (see resolution below) regarding their preference for a standalone plan, as well as officers' view that a standalone plan will create a document that highlights our response and is easily identifiable, this report recommends Council endorses that a standalone plan be prepared.

Under Section 38 of the Victorian Disability Act, councils are required to prepare a Disability Action Plan. Under the previous Council, the Disability Action Plan was incorporated into the Council Plan after seeking a resolution of Council for the incorporation of the document. This is outlined below.

At its Ordinary Meeting held in October 2018, Council resolved to:

1. *Integrate the Disability Action Plan into the Council Plan 2017-2027 from year three onward (commencing July 2019).*
2. *Extend the current Community Access and Inclusion Plan 2014-2018 until 30 June 2019 and:*
 - a. *Provide a copy of the extended Community Access & Inclusion Plan to the Australian Human Rights Commission.*
3. *Note that the Community Access & Inclusion Plan (extended to June 2019) will be superseded by the adoption of the Council Plan 2017-2027 (Year Three) incorporating the Disability Action Plan.*

In terms of the attendance at the December 2020 meeting of the Health and Wellbeing Advisory Committee, Council should note that there were 4 independent members in attendance with 3 Councillor representatives. The Health and Wellbeing Advisory Committee outlines that a quorum is formed by 7 representatives.

Based on feedback from the Health and Wellbeing Advisory Committee (see resolution below) regarding their preference for a standalone Disability Action Plan, as well as officers' view that a standalone plan will create a document that highlights our response and is easily identifiable, this report recommends Council endorses that a standalone plan be prepared.

At its December 2020 meeting, the Macedon Ranges Shire Health and Wellbeing Advisory Committee (HWBAC) recommended:

The Committee endorses to Council their preferred option to develop a standalone Municipal Public Health and Wellbeing Plan and Disability Action Plan in the 2021 cycle.

Proposed stakeholder consultation plan

The community engagement consultation approach selected from the Community Engagement Policy is “Involve”. Council will work with the community to ensure that public concerns and aspirations are consistently understood and considered throughout a process. This may involve the community through various stages of the project, in seeking specific answers to issues as opposed to broad general feedback sessions. Methods may include focus groups, workshops, advisory committees and online consultations.

Officers have prepared a list of internal and external stakeholders, which was informed by and reviewed by the Health and Wellbeing Advisory Committee and will continue to evolve during the consultation process.

Public consultation

A report will be prepared for Council’s consideration in regards to seeking endorsement for these documents to be placed on display for a period of 28 days.

Consultation and engagement

This information has been provided to HWBAC at its meeting held on 19 May 2021. Officers preparing these plans will work with internal and external stakeholders.

Collaboration

Macedon Ranges Health and Wellbeing Partnership, coordinated by the Central Victorian Primary Care Primary Care Partnership.

Innovation and continuous improvement

The consideration of how these documents are presented is a reflection of continuous improvements in our practice.

Relevant law

These documents are required to be prepared under the Public Health and Wellbeing Act 2008 and under section 38 of the Victorian Disability Act 2006. The *Climate Change Act 2017*, also needs to be taken into account.

Relevant regional, state and national plans and policies

Victorian Public Health and Wellbeing Plan 2019-2023.

Relevant Council plans and policies

These documents will link to the new Council Plan.

Financial viability

Funding for the development these plans has been included in the Annual Budget 2021/22.

Sustainability implications

Not applicable.

Officer declaration of conflicts of interest

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

CC.3	CONTRACTS TO BE AWARDED
Officer:	Corinne Farley, Coordinator Contracts
Council Plan relationship:	5. Deliver strong and reliable government
Attachments:	Nil

Purpose and Overview

The following report sets out the details of contracts proposed to be awarded from the date of the last report to 23 June 2021, under a delegation from Council. Although this report recommends noting the power delegated to Council officers, Council has the power to:

- (a) direct that the Chief Executive Officer award the contract under the direct delegation from Council; or
- (b) specifically delegate the power to the Chief Executive Officer.

Recommendation

That Council:

1. **Notes that the following contracts will be awarded by Council officers under delegated authority:**
 - (a) **C21.1115 Macedon Ranges Open Space Strategy**

Background Information

Council's delegated power 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 Council's Procurement Policy.

Opportunity to Review Delegated Authority

This report provides Council with a brief summary of proposed contracts, which are being advertised and also indicates whether or not there is already a delegated power to award the contract.

C21.1115 Macedon Ranges Open Space Strategy

Council is seeking the services of a suitably qualified consultant to prepare an Open Space Strategy for the Macedon Ranges Shire. The Open Space Strategy will provide strategic direction for the planning, management and delivery of public open space within the Macedon Ranges Shire. The project will involve a quantitative and qualitative assessment of Council's open space assets and use forecast population growth data to determine where the size, quality and distribution of open spaces is adequate for existing and future populations.

The Director Planning and Environment has delegated power to award this contract. Funds for these works have been provided in the 2020/21 budget and the 2021/22 budget.

Officer Declaration of Conflict of Interest

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

CC.4	PROCUREMENT POLICY 2021
Officer:	Travis Harling, Manager Finance and Reporting Kate Young, Manager Legal and Corporate Governance
Council Plan relationship:	5. Deliver strong and reliable government
Attachments:	Procurement Policy 2021 ↓

Summary

Consistent with the requirements of the *Local Government Act (LGA) 1989* an annual review of Council's Procurement Policy has been conducted and a number of changes are suggested for consideration and adoption.

Recommendation

That Council:

1. **Adopts the Procurement Policy 2021.**
2. **Places the adopted policy on Council's website.**

Background

The genesis of the Procurement Policy is the LGA 1989, which states in Section 186A that Council:

(a) must have a Procurement Policy;

(b) must comply with its Procurement Policy; and

(c) must review its Procurement Policy at least once in each financial year.

The LGA 1989 also states that a "*Procurement Policy means the principles, processes and procedures that will apply to all purchases of goods, services and works by the council.*"

Council adopted its most recent version of the Procurement Policy on 24 June 2020, during the 2019/20 financial year. During the 2020/21 annual review of the policy, it has been determined that changes should be considered. The updated Procurement Policy 2021 is attached for Council's consideration.

Discussion

The purpose of the Procurement Policy is to confirm the principles, internal controls and delegations that apply to the purchasing of goods and services, or undertaking works (such as construction and maintenance) thereby ensuring that Council continues to –

- Enhance the accountability and transparency of its procurement practices.
- Achieve good value for money and receive the benefits normally expected by seeking prices in a competitive market.
- Delegate appropriate levels of responsibility and control to officers.

The Procurement Policy 2021 is broadly consistent with the 2020 adopted policy, with an attached version outlining the changes made between versions. As a result of the review of the policy, a number of sections have been updated, including:

Section	Proposed changes
Cover page	Updating of dates
Definitions	Additional definitions added: <ul style="list-style-type: none"> • Public advertising • Public tender process • Related legislation
Related legislation	Reference is made to the LGA 2020 and the LGA 1989 for the Procurement Policy up to 31 December 2021.
Related policies and procedures	Included reference of Macedon Ranges Shire Council Governance Rules. Included reference to Local Government Victoria draft document – A conflict of interest guide for councillors, delegated committee members and council staff
Section 2.5 Environment responsible procurement	Additional text added in line with Council's Environment Strategy
Section 2.6 Socially responsible procurement	Additional text added to include reference to engaging opportunities for social enterprises and inclusion of Aboriginal Torres Strait Islander suppliers for procurement
Section 2.7 Managing risk	Reference changed to Council's Risk Management Framework
Section 2.9 Conflict of interest	Updated in line with Council's Governance Rules
Section 2.10 Supplier code of conduct	Intended to be added to Council's website
Section 3.3 Evaluation criteria	Environmental benefit 5% mandatory weighting and additional paragraph on the application of weighting
Section 3.4 Preferred supplier panels	Raised spend amount to \$5,000 and added information in regards to engaging supplier on a schedule of rates, following officer feedback that a limit of \$1,000 was too restrictive
Section 5.8 Director discretion	Added additional event
Appendix 1 Financial delegations	Raised delegations of Group B raised to \$300K, Group C raised to \$100K, Group D raised to \$25K and Group E raised to \$10K and added staff relevant to those groups

Officers also made amendments to position titles, included additional software licences and made some minor formatting and grammatical changes.

Consultation and engagement

Council staff were provided the opportunity to review and suggest changes. Some of these recommendations have been incorporated in the updated policy.

Collaboration

The subject matter of this report did not require collaboration with other councils, governments and/or statutory bodies.

Innovation and continuous improvement

Not applicable.

Relevant law

In accordance with the LGA 1989, councils are required to have a Procurement Policy in place, and to review the policy annually. This report seeks Council approval for changes to Council's *existing* Procurement Policy.

New legislative requirements around procurement are set out in Section 108 of the LGA 2020, which will commence from 1 July 2021. Councils will be required to approve a Procurement Policy reflective of these new requirements within six months of the commencement date. As such, officers will prepare and present a *new* Procurement Policy for Council approval prior to the end of the 2021 calendar year.

Until a new Procurement Policy is approved in accordance with the LGA 2020, the Act will recognise procurement policies approved under the LGA 1989 as valid documents.

Relevant regional, state and national plans and policies

Not applicable.

Relevant Council plans and policies

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

Financial viability

Not applicable.

Sustainability implications

Not applicable.

Officer declaration of conflicts of interest

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

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		by public duty a conflict of interest probably exists and it should be declared.
	Contract Management	The process that ensures both parties to a contract fully meet their respective obligations efficiently and effectively, being fair and reasonable in order to deliver the objectives and performance standards required from the contract.
	Council Staff	Staff employed by Council and, for the purpose of this Policy, the definition of Council Staff also includes contractors, consultants and agents whilst engaged by Council.
	Local Business	A Business whose registered business address is within the Shire of Macedon Ranges.
	Preferred Supplier Panels	Panels of suppliers or vendors who are able to supply goods, works or services. Panels are based on categories such as trade services and plant hire. Panels mean that Council staff are able to request a quotation (from suppliers on the panel) without publically inviting tenders (noting that the number of quotations requested still needs to be compliant with the policy). Preferred Supplier Panels are also known as Approved Supplier Lists or Approved Contractor Lists.
	Principles	Procurement principles are the fundamental propositions or forces that serve as the foundation for the policy and will govern procurement practices and decision making.
	Probity	Behaving ethically with integrity and honesty whilst upholding public values. Making decisions with impartiality, accountability and transparency. Always complying with legislation and policy.
	Processes	A process is a series of interrelated procedures taken to achieve an end result.
	Procedures	A procedure is a fixed, step-by-step sequence of activities (with definite start and end points) that must be followed in the same order to correctly accomplish a task.
	Procurement	Procurement is the whole process of acquisition of goods, services and works. This process spans the whole life cycle from initial concept through to the

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		end of a service or supply contract or the end of the useful life of an asset.
	Public Advertising	Public Advertising is online/digital through Council's eTender Portal
	Public Tender Process	A process where the tender is publicly advertised.
	Selective Tendering	Selecting suppliers to provide quotes
	Suppliers	Any organisation which supplies goods or services to Council including but not limited to, contractors, subcontractors, manufacturers, wholesalers, retailers and consultants.
	Sustainability	Activities that meet the needs of the present generation without compromising the ability of future generations to meet their needs.
	Tender Process	The process of inviting suppliers to submit a tender, usually by public advertisement, followed by evaluation of tenders and selection of a successful Tenderer.
	Value for Money	The supply of goods, services and works taking into account both cost and non-cost factors including: <ul style="list-style-type: none"> • Contribution to the advancement of the Council's goals and objectives; • Non-cost factors such as fitness for purpose, quality, service and support; • Environmental benefit; and • Cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding and maintaining goods, services or works.
References:	<p>"Doing business with local government: A guide to better understand how to successfully become a supplier for local government" by MAV Procurement.</p> <p>Victorian Local Government Best Practice Procurement Guidelines 2013 by the Victorian Government.</p>	
Related Legislation:	<p>Local Government Act 2020 (noting that this version of the Procurement Policy is made under the Local Government Act 1989)</p> <p>Sections 186 and 186A of the of the Local Government Act 1989 – (For procurement to 31 December 2021)</p> <p>Local Government (Planning and Reporting) Regulations 2014</p>	

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	<p>Victoria Government Gazette - Order in Council – An order fixing the value of contracts came into operation on 5 August 2008 - was published in the Government Gazette on 7 August 2008.</p> <p>http://www.gazette.vic.gov.au/gazette/Gazettes2008/GG2008G032.pdfPage 1908.</p>
<p>Related Policies and Procedures:</p>	<p>Staff Code of Conduct</p> <p>Councillor Code of Conduct</p> <p>Governance Rules</p> <p>Draft In the Public Interest A conflict of interest guide for councillors, delegated committee members and council staff.</p> <p>Public Tendering Process 2019</p> <p>Staff Expenditure Reimbursements Policy and Procedure</p>

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1 Policy

1.1 Legislation

The authority to prepare and approve the Procurement Policy is given under Section 186A of the Local Government Act 1989 [the Act].

The Act states that Council shall prepare, approve and comply with the Procurement Policy and review it annually.

The Act states that a "Procurement Policy means the principles, processes and procedures that will apply to all purchases of goods, services and works by the Council".

1.2 Scope

This policy applies to all procurement activities at Council. It is binding upon –

- Council Staff (which, for the purpose of this Policy includes Contractors, Consultants and Agents whilst engaged by Council).
- Councillors to the extent to which it applies to the role and responsibility of Councillors.

2 Principles

The following principles, collectively provide guidance to Council Staff in procurement activities irrespective of the complexity and dollar amount.

2.1 Value for Money

The principle of value for money is based on obtaining the best price for goods, services and works that meet Council's quality standards and cost constraints. Value for money is also based upon minimising the total cost of ownership over the lifetime of the goods, services and works. Council Staff are not obliged to accept the lowest price.

The principle of Value for Money is further defined under section 3.

2.2 Fair Competition

The principle of fair competition is that all prospective suppliers are treated (and seen to be treated), equally and fairly in an open and transparent manner without any bias (or perception of bias).

Council Staff shall provide prospective suppliers with the same information, timeframes, opportunities and consideration during a procurement process.

2.3 Accountability

The principle of accountability is based on a consistent approach to procurement in accordance with state government legislation and this Policy.

Council Staff shall ensure that processes are followed, internal controls are applied, and transactions are documented and authorised in accordance with Council's Delegations.

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Council Staff shall perform procurement activities in a manner that is able to withstand the closest possible scrutiny. The test of accountability is that an independent third party must be able to see clearly that the appropriate procurement process has been followed and that the process has been fair and equitable.

Council Staff shall ensure that, if and when required, they are able to –

- account for and explain all Procurement decisions made;
- provide feedback to suppliers who submitted a quote or tender; and
- provide an audit trail for monitoring and reporting purposes.

2.4 Probity

The principle of probity means that the highest standards of honesty and integrity shall be observed. In practice this means that procurement is conducted in an ethical manner that demonstrates a commitment to commercial confidentiality and public interest. The importance of this principle cannot be underestimated as it is the foundation upon which value for money; fair competition and accountability are based.

Council Staff shall deal with all potential and existing suppliers in a professional, honest and impartial manner and shall not seek or accept personal gain.

2.5 Environmentally Responsible Procurement

The principle of environmentally responsible procurement means that Council Staff will endeavour to procure goods, services and works, which minimise environmental impact over their life cycle. The aim is to –

- Reduce waste to landfill by purchasing goods which include recycled content and/or are recyclable.
- Avoid or minimise the use of non-recyclable plastics, hazardous materials and chemicals.
- Reduce greenhouse gas emissions by purchasing goods which have been manufactured using low emissions technology or renewable energy.
- Reduce water consumption and waterway contamination by procuring construction and maintenance works from contractors who manage water responsibly.
- Procure goods, services and works from suppliers who actively employ sustainable practices in their operations.

Avoid adverse impact on biodiversity values

Council's tendering process provides further guidance on the requirements regarding the assessment of environmental impact.

Further details on Council's environmental principles can be found in the Macedon Ranges Shire Council Environment Strategy.

2.6 Socially Responsible Procurement

The principle of socially responsible procurement means that Council Staff will endeavour to procure goods, services and works, which support (a) the Goals and Objectives in the Council Plan, (b) ethical and fair trade (c) local employment and (d) social enterprises.

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Council will explore opportunities in engaging social enterprises and Aboriginal and Torres Strait Islander suppliers for procurement activities where appropriate, and in line with any Reconciliation Action Plan adopted by Council.

2.7 Managing Risk

The principle of managing risk means that procurement shall be planned and carried out in a manner that will protect and enhance (a) Workplace Health and Safety and (b) the capacity and capability to prevent, withstand and recover from failure to supply or interruption to the supply of goods, services and works.

Furthermore, Council Staff shall apply, Council's risk management policies, procedures and processes to the extent that it is appropriate to do so.

2.8 Confidential Information

The principle of Confidential Information means that information about the Suppliers competitive advantage or disadvantage shall not be disclosed.

Councillors and Council Staff shall –

- avoid references to current or proposed contracts in discussions with outside acquaintances or interests; and
- not release or discuss information provided in tenders and quotes or any other pre-contract information including information provided during tender evaluation and in pre-contract negotiations.

2.9 Conflict of Interest

Council staff must disclose any conflicts of interest between their duties and responsibilities as part of their Council role and their personal interests.

Staff must disclose any general or material conflict of interest in accordance with section 130 of the LGA 2020 and Rule 50 of Council's [Governance Rules](#) and exclude themselves from the decision-making process in relation to that matter (including discussion about, voting on, or action in relation to, the matter).

Disclosures of conflicts of interest apply to matters:

- to be considered at a Council meeting, a meeting of a delegated committee, or a meeting of a community asset committee
- that arise in the course of exercising a power of delegation
- that arise in the course of exercising a statutory function under the LGA 2020 or any other Act.

If staff have a potential conflict of interest, please discuss with your supervisor/manager and if needed, complete a [MRSC Disclosure Form](#)

Staff can refer to the [Conflict of Interest Guide](#) developed by Local Government Victoria for more detailed information on conflicts of interest.

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2.10 Supplier Code of Conduct

A Supplier Code of Conduct (Code) sets out the standards of behaviour that a supplier agrees to adhere to when under contract with Council. Council's Supplier Code of Conduct will be located on Council's Web Site.

3 Value for Money

3.1 Achieving Value for Money

Procurement activities shall be carried out on the basis of achieving Value for Money. This principle will be accomplished by –

- effective use of competition;
- working with suppliers to deliver products that meet the needs of Council;
- improving procurement processes;
- managing procurement processes that support the co-ordination and streamlining of activities throughout the Organisation; and
- providing regular procurement reporting to the Chief Executive Officer (CEO) and Directors.

3.2 Role of Specifications

Specifications shall support and contribute to the Value for Money principle by being written in an impartial manner that –

- avoids over-specifying inputs;
- avoids unnecessarily stringent conditions and requirements;
- seeks quality assurance;
- seeks environmental benefit or advantage;
- encourages innovative outcomes;
- encourages sustainable solutions;
- encourages the use of normal and common products; and
- encourages local employment growth and retention.

3.3 Evaluation Criteria (also known as selection criteria)

The Act does not prescribe the tender evaluation method and criteria to be used; however, two obligations are placed on Council by Section 186 of the Act as follows:

(4) Nothing in this section requires Council to accept the lowest tender or to accept any tender.

(6) Wherever practicable, Council must give effective and substantial preference to contracts for the purchase of goods, machinery or material manufactured or produced in Australia or New Zealand.

The tender evaluation method and criteria is at Council's discretion. Council has adopted eight mandatory tender evaluation criteria as follows –

- Price
- Relevant Experience
- Methodology
- Compliance to the Specification
- Environmental Benefit 5% mandatory weighting unless the exception in section 5.8 applies.

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Pass / Fail Criteria

- Workplace Health and Safety
- Risk and Insurance
- Conflict of Interest

The application of weighting for all mandatory criteria will be at the discretion of the tender evaluation panel with the exception of environmental benefit criteria, which may be subject to the exception set out in section 5.8.

In addition to the mandatory evaluation criteria Council Staff may include additional evaluation criteria (from a discretionary list of criteria) that are appropriate and reflect the requirements of the particular contract. The discretionary criteria include:

- Australia and New Zealand Content
- Financial Viability
- Current Resources and Capacity
- Past Performance
- Technical Skills
- Management Skills and Systems
- Customer Service
- Industrial Relations
- Quality Systems
- Local Employment
- Compliance to Conditions of the Contract.

The way in which the collected vendor information is used to make the evaluation decision will be at the discretion of the evaluation panel, and the determined evaluation matrix.

3.4 Preferred Supplier Panels

Council recognises the importance of effective and open working relationships with its suppliers and is committed to maintaining Preferred Supplier Panels, which provide Council with efficiency, transparency, compliance and potential savings in quote-based procurement from preferred suppliers.

Contractors are appointed to a "Preferred Supplier Panel" after successfully participating in a tender process and being assessed as compliant with requirements. Whilst a panel provides benefits in the procurement process, staff should still consider the specific works and goods or services being sought and confirm the approach is going to get the best value outcome.

Prior to the conclusion of the tender evaluation process to appoint a supply panel, an assessment will be made to determine the level of local business representation on the supplier panel. Where the local business representation is less than 25%, consideration will be given to adding local businesses to the approved supply panel on the following grounds:

- Additional suitably qualified local business exist and were eligible to be considered as part of the tender evaluation process to select the supplier panel.
- Their tender submissions to be on the supplier panel were compliant and met Council's Pass/Fail criteria.

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- The order of adding any additional local suppliers to the panel to achieve the minimum 25% representation of local suppliers is done on the basis of the relative scoring that occurred in the evaluation process to appoint the supplier panel.
- Additional local suppliers will not be added to the supplier panel to achieve a minimum 25% representation where the local supplier has a documented record of non-satisfactory performance.

Council staff may obtain quotes by contacting preferred suppliers and inviting them to provide a quote to supply goods, services or works, within the requirements of section 5.5 of this policy which outlines requirements regarding the number of and formats of quotations. Whichever supplier provides the best value for money quote shall be accepted.

Preferred Supplier Panels should not be supplemented with additional non-panel providers when a public tender process is triggered, as such an approach will constitute a selective tender and be non-complaint. If additional suppliers outside of a Panel are required, the process should immediately become a public tender for expenditure above thresholds under the LGA 1989.

Notably, once a preferred supplier panel is appointed, not all preferred suppliers on the panel need to be sought for quotations. At a minimum, the number required quotations consistent with section 5.5 of this policy, should be sought. In seeking quotes from a preferred supplier panel, officers should seek quotations from all suppliers on the panel throughout the life of the arrangement, noting that being on the panel does not create any obligation from Council that the supplier will be selected.

Currently, Council uses a secure internet based system known as "VendorPanel". For access to VendorPanel please contact the Contracts Co-ordinator. For the purpose of engaging a supplier on a Supply Panel, it is mandatory for staff to use VendorPanel for all procurement over \$5,000.

The process above does not apply when engaging a supplier with a schedule of rates. However, staff must ensure that Council is getting value for money and that the suppliers are all given the opportunity to provide services.

4 Support of Local Business

The Local Government Act states that the primary objective of a council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions. In seeking to achieve its primary objective, a council must promote the social, economic and environmental viability and sustainability of the municipal district.

Furthermore, support of local business aligns to the "Council Plan 2017 - 2027" which has as one of its key priorities - "Enhance the social and economic environment".

The principle of supporting local business means that, in terms of procurement, Council is prepared to consider paying more for goods, services and works from a local business rather than a non-local business provided that –

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- the price is no more than 10% higher than the preferred tenderers price; and
- the price difference does not exceed \$10,000; and
- the evaluation reveals that the local business's goods, services or works are of equal or better quality than the lowest priced quote/tender from a non-local business.

As outlined in section 3.4, consideration is also given to local businesses when supplier panels are appointed.

5. Governance

5.1 Financial Delegations

Delegations define the limitations within which Council Staff are permitted to make decisions.

Council maintains Financial Delegations to ensure accountability and traceability in all procurement decisions. The Financial Delegations also mean that procurement may be conducted in an efficient and timely manner and thus avoids suppliers having to wait unreasonable periods of time for a decision and payment.

Delegated authority is determined by the monetary value. Council's Financial Delegations are shown in Appendix 1. The Financial Delegations authorise specified Council Staff to accept a quote or tender, award a contract, approve a purchase order and authorise a payment without prior referral to Council.

If the value of the contract exceeds the Chief Executive Officers delegated level, then, unless Council specifically delegates authority by resolution, an evaluation report including a recommendation shall be submitted to a Council meeting for a decision.

At its meeting on 25 March 1998 Council resolved that a public report be presented on a monthly basis to give Council the opportunity (upon resolution of Council) to revoke the delegated authority to award a contract in any instance where Council deems it appropriate.

Furthermore, a confidential report that summarises the status of tenders from specification stage to contract awarded stage is regularly issued to all Councillors. The report is confidential because it provides estimates of the expected value of the contracts (prior to tenders being invited). The report also indicates whether or not delegated authority to award the contract is expected to exist.

5.2 Responsible Financial Management

Responsible financial management shall be applied to all procurement activities. Accordingly, the availability of existing funds within an approved budget, or source of funds, shall be established prior to commencing the procurement process.

Council Staff shall not authorise the expenditure of funds in excess of their Financial Delegations.

Every attempt shall be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

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5.3 Procurement above the public tendering threshold

Section 186 of the LGA 1989 requires all Victorian councils to give public notice and conduct a tender process before entering into contracts for the purchase of goods and services or for carrying out of works with a value (including GST) that exceeds the following amounts –

- \$150,000 for purchase of goods and services; and
- \$200,000 for carrying out of works.

These financial expenditure levels are set by an order in Council fixing the value of contracts which came into operation on 5 August 2008 - as published in the Government Gazette on 7 August 2008.

Public Tendering under section 186 of the LGA 1989 shall be undertaken in accordance with Council's Public Tendering Process.

In some situations, the requirements to carry out a public tender or expression of interest for contracts valued at or over \$150,000 (for goods or services) or \$200,000 (for works) does not apply.

These include when:

- the council resolves that the contract must be entered into because of an emergency
- a council is acting as an agent for a group of councils and has carried out a public tender or expression of interest process on their behalf
- the Minister for Local Government has approved the arrangement prior to the council entering into the contract
- the contract is for legal services (which are exempt under the Local Government (General) Regulations 2015).

In accordance with section 186(5)(c) of the LGA 1989, Council does not have to give public notice and conduct a tender process if it enters a contract available to it under an arrangement approved by the Minister for Local Government. Such arrangements include the –

- Municipal Association of Victoria (MAV) Procurement;
- Procurement Australia;
- Construction Suppliers Register;
- State Purchase Contracts; and
- Whole of Victorian Government Contracts.

The Minister for Local Government can also (upon application) grant exemptions to the Public Tendering Requirements. The Minister's power to grant approval to councils is discretionary, and the Minister must be satisfied that there are sound reasons to do so and value for money will be achieved through the proposed arrangement.

LGV has developed an application form to assist councils seeking Ministerial Approval under section 186(5)(c) of the LGA 1989. The application form is designed to assist in the timely assessment of an application by ensuring that all key information is provided from the outset.

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Further information is available at:

<https://www.localgovernment.vic.gov.au/strengthening-councils/procurement>

5.4 Cumulative Expenditure

For the purposes of section 186 of the LGA 1989, any cumulative expenditure with a single supplier which, over two financial years exceeds or is expected to exceed –

- \$150,000 (including GST) on the purchase of goods and services; and/or
- \$200,000 (including GST) on the carrying out of works;

shall be subject to a public tendering process.

5.5 Procurement below the public tendering threshold

Procurement below the public tendering process (which is an open process) is considered to be selective tendering in that suppliers will be selected to provide quotes. The following procurement thresholds guide procurement requirements for selective tendering.

All of the values referred to in the procurement thresholds include GST.

5.5.1. Value of \$1,000 to \$5000

- A minimum of two verbal quotes shall be obtained.
- One quote should be sought from a local business if the goods, services or works are available locally.
- Details of the suppliers contacted, and the quotes received shall be recorded and retained (refer section 6.3).
- If the lowest price is not accepted, the reasons shall be recorded and retained.
- If quotes are sought through VendorPanel then reference to the VendorPanel Number along with an attached copy of the panel rates is required on the Purchase Order.

5.5.2. Value of \$5,001 to \$50,000

- A minimum of two written quotes shall be obtained.
- One of the quotes shall be sought from a local business if the goods, services or works are available locally.
- Details of the suppliers contacted and the quotes received shall be recorded and retained (refer section 6.3).
- If the lowest price is not accepted, the reasons shall be recorded and retained.
- If quotes are sought through VendorPanel then reference to the VendorPanel Number along with an attached copy of the panel rates is required on the Purchase Order.

5.5.3. Value of \$50,001 to \$150,000 for goods and services or value of \$50,001 to \$200,000 for carrying out of works.

- A contract number shall be obtained from the Contract Management System
- A minimum of three written quotes shall be obtained.
- At least one of the quotes shall be sought from a local business if the goods, services and works are available locally.
- A written specification and the evaluation criteria to be used for evaluating the quotes shall be provided to all suppliers at the same time.
- Each supplier shall be given the same closing date by which to submit their quote. Generally the timeframe would be a minimum of 10 business days.

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- Details of the suppliers contacted and the quotes received shall be recorded and retained (refer section 6.3).
- If the lowest price is not accepted, the reasons shall be recorded and retained.
- If quotes are sought through VendorPanel then reference to the VendorPanel Number along with an attached copy of the panel rates is required on the Purchase Order.

Regardless of the value of expenditure being incurred, consideration should be given to the existing cumulative expenditure with a potential supplier to ensure compliance with Section 5.4 of this policy, prior to raising a purchase order for that supplier.

5.5.4. Methods of obtaining quotes

Council Staff may obtain quotes by contacting suppliers –

- directly.
- under a Preferred Supplier Panel as described in section 3.4.
- under an approved Ministerial arrangement as described in section 5.3.
- using collaborative purchasing arrangements with other councils or Victorian government bodies.

As an alternative to obtaining quotes, Council Staff may decide to publicly advertise the contract and invite tenders in accordance with Council's Public Tendering Process.

5.6 Collaborative Procurement

Council will seek and encourage the development of procurement collaboration with other councils and organisations including contracts available through the Victorian State Government, the Municipal Association of Victoria Procurement Australia (PA) and other aggregated procurement providers as applicable.

5.7 Exceptions to obtaining Quotes

The required number of quotes shall be obtained in all circumstances except for –

- At the relevant Director's discretion in accordance with section 5.8.
- Emergency response, relief or recovery including urgent medical attention.
- Performers, Facilitators, Presenters, Artists and the like.
- Plant and equipment servicing and spare parts and the like under warranty.
- Legal Services (exempt).
- Specialist knowledge and skill or sole supplier of intellectual property.
- Conferences, Seminars, Information Forums and the like.
- Training Courses, (for individual training only). Group in-house training sessions are still bound to obtain quotes.
- Sole Supplier of services such as library, water and fire.
- Agency Contracts e.g. MAV, PA and State Government Contracts (Panel arrangements through these sources as per Clause 3.4 of this policy).
- Contributions to cross municipality infrastructure projects that are led by neighbouring councils, e.g. a road upgrade that is part in the Macedon Ranges Hire and part in a neighbouring Shire.

An exemption to obtaining quotes for expenditure (cumulative or otherwise) above the public tendering thresholds needs to follow the process outlined in Section 5.3.

Macedon Ranges Shire Council Procurement Policy 2021**5.8 Directors' Discretion**

In the event of –

- an unforeseen urgency; or
- a strong preference for continuity of supply; or
- goods, services or works being of such a specialised nature that there are insufficient known Suppliers from which to seek the required number of quotes
- an environmental benefit criterion mandatory minimum weighting of 5% not being appropriate and/or feasible,

the relevant Director or CEO may, upon receiving a satisfactory written explanation from the relevant Manager, approve an exemption to this policy, which may include reducing the mandatory minimum weighting in relation to environmental benefit to any amount less than 5%, including to zero. However, there must not be a reduction to the mandatory weighting of the environment benefit criterion unless there are strong reasons why it is not appropriate and/or feasible to apply the mandatory minimum weighting of 5% as determined by the relevant Director.

It is important to note that Directors' Discretion does not apply to expenditure (cumulative or otherwise) above the public tendering thresholds.

In the event of any irregularities in regard to the application of the Directors' discretion, the Director Corporate and Community and the relevant Director will intervene to take any corrective action required.

6. Internal Controls

Internal controls shall be maintained over the procurement process to ensure there is transparency, appropriate documentation and proper authorisation. There shall be three standard methods for purchasing goods, services and works –

- Purchase Order.
- Corporate Credit Card – for small value one-off purchases.
- Petty Cash – for purchases less than \$50. Petty cash should only be used if the options above cannot be used for a purchase.

6.1 Purchase Order

Goods, services and works shall not be purchased without agreement on price with the supplier before the purchase order is given. Where this is not possible, an estimate of the price shall be obtained from the supplier before a purchase order is given. Where this is not possible, the basis for calculating the price shall be agreed with the supplier before a purchase order is given.

Unless section 6.2 applies, a purchase order shall be completed and issued to the supplier on the same day that a commitment is made with the supplier. No commitment shall be made with a supplier until a purchase order has been completed. A purchase order is completed after a purchase requisition has been raised in Council's supply chain system (currently

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“Technology One CiA”), approved by a Staff member with the appropriate financial delegation and transmitted to the supplier.

In some circumstances, it may not be practical to complete a purchase order on the same day that a commitment is made with the Supplier. In these circumstances the purchase order shall be completed before the close of business by the second business day after the commitment is made with the supplier. A summary of instances of high value non-compliance with purchase order requirements will be reported to Executive consistent with Section 6.4.

Purchase orders shall be in the format prescribed by Council’s Manager Finance and Reporting.

The supplier shall record the purchase order number on their tax invoice.

6.2 Exceptions to raising a Purchase Order

A purchase order shall be raised in all circumstances except for –

- Water, waste water, electricity and gas to and from Council Properties;
- Usage charges for telecommunication charges;
- Salaries, wages, taxation, superannuation and other direct payroll payments;
- Fuel and fuel card costs;
- Vehicle registrations and road tolls;
- Planning Panel and Planning Scheme Amendment fees;
- Memberships and subscription renewals to professional peak bodies and journals;
- Software licence renewals
- Emergency response and recovery for up to 2 weeks from the day of the incident;
- Grants and contributions to other organisations provided they have been included in the adopted Budget;
- Contribution to Regional Library Corporation;
- Urgent medical attention;
- Licences;
- Motor vehicle end of lease payments;
- Postage;
- Goods, services or works under contract – provided that a purchase order was raised at the time the contract was awarded;
- Items purchased using a Corporate Credit Card;
- Incidental items up to \$50 that are claimed via a petty cash reimbursements; and
- Any other purchases where an exemption is approved by the Manager Finance and Reporting.

Although a purchase order is not required to enable efficient Accounts Payable processing an Accounts Payable officer may request a purchase order be completed.

In the case of any of the circumstances where there is an exception to raise a Purchase Order, the purchase must still be in accordance with the Financial Delegations (Appendix 1).

Macedon Ranges Shire Council Procurement Policy 2021**6.3 Other Internal Controls**

All Staff members involved in procurement activities shall ensure that clearly documented purchase orders and appropriate authorisations are obtained as follows:

- Documentation in relation to quotes sought, received and accepted shall be recorded by the Staff member making the purchase. All quotes obtained shall be kept as an electronic attachment to the purchase order in Council's supply chain system (currently "TechnologyOne CiA"). Any other related information should be retained consistent with Council's record keeping requirements.
- For audit purposes reasons for quotation exemption on purchase orders requiring quotes in accordance with section 5.5 but are exempted in accordance with section 5.7 must be attached to the purchase order in Technology One CiA.
- Tenders shall be kept on the contract file in the records management system (currently "RM8").
- Two Staff members from within the Department shall be involved in each procurement process – that is, one Staff member within the Department shall raise the purchase order and another Staff member from within the Department shall approve the purchase order within their delegated authority.
- When there is a variation to a purchase order the total expenditure to be committed on that order must be considered when determining who will approve the variation in terms of the required delegation, i.e. the delegation is based on the total expenditure not the variation on its own. For example if an initial purchase order was approved for \$45,000 and a variation of \$10,000 was required, then the delegation for the approval is based on \$55,000.
- Any variation should be completed on the original purchase order.
- Raising a purchase order may be done by any Staff member within the Department; however, the purchase order shall be approved by the Staff member with the appropriate level of delegation as outlined in Appendix 1.

6.4 Compliance Checking and Reporting

The Director Corporate and Community is responsible for reviewing compliance with the Policy supported by the Manager Finance and Reporting and the Coordinator Contracts. A report of policy compliance and supplier expenditure will be provided to the Council Executive on at least a quarterly basis by the Manager Finance.

Policy Breaches

If a breach of the tendering (section 5.3) and cumulative spend thresholds (section 5.4) is identified, a comprehensive investigation will be undertaken.

Any breaches of the tendering and cumulative spend thresholds will be reported to the Audit Committee, Council and disclosed in the annual report.

6.5 Payment Terms and Conditions

- Payments shall not be made in advance of works being completed or goods being received. This excludes training, software maintenance and deposits of 50% or less up to \$10,000.
- Payment terms for all transactional payments shall be 14 days from the receipt of the invoice.

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- Suppliers shall include the purchase order number on their invoice.
- Payment will be in Australian dollars, to a valid Australian bank account via EFT.

Any exceptions to the above must be approved by the Manager Finance and Reporting. Officers are encouraged to negotiate the payment of amounts in advance to suppliers prior to seeking approval for an exception. For non-contract suppliers requesting payment in advance of \$5,000 or more, a credit rating assessment must be undertaken prior to approval being given by the Manager Finance and Reporting. The cost of the assessment will be borne by the Department making the purchase.

6.6 Training

All new staff with duties that involve the purchasing of goods and services will undertake procurement training when they commence employment. In order to ensure existing staff are up-to-date with the latest requirements of this policy they should participate in refresher training every two years. Staff that breach the policy will be required to undertake refresher training immediately and may be subject to disciplinary action.

7. Other

The Policy is complemented by internal processes and procedures that already exist to provide instructions to Council Staff including specification preparation, conditions of tendering, tender evaluation criteria, purchase orders, contractor induction, contract supervision, terms of payment and payment approvals.

These internal processes and procedures shall be followed by Council Staff involved in procurement activities.

Council has dedicated two positions to procurement. They are the Team Leader Purchasing and Accounts Payable and the Coordinator Contracts. These two positions are responsible for providing advice, guidance, and instructions to Council Staff.

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APPENDIX 1 – Financial Delegations

Financial Delegations permit the Council Staff specified below to accept a quote or tender, award a contract, approve a purchase order and authorise a payment without prior referral to Council – subject to the conditions below.

Delegated Level (including GST)	Group	Delegate	Conditions
Up to \$1,000,000	Group A	CEO	1. In the case of a project, the expenditure shall be in accordance with approved budget allocation for the project and if the expenditure exceeds the project budget by 5% or more, then a written request shall be prepared for, and written approval shall be obtained from, the relevant Manager, Director or CEO (as appropriate). 2. If any purchase will exceed the level of delegation granted to the CEO then a report and recommendation shall be prepared by the relevant Manager or Director for Council’s consideration. 3. Expenditure shall be in accordance with the restrictions imposed by Council’s Procurement Policy or section 186 of the Local Government Act. 4. If the expenditure needs to be publicly tendered (as required by section 186 of the Local Government Act or the Procurement Policy) the tendering process shall be undertaken in accordance with Council’s Public Tendering Process. 5. IT hardware and software purchases shall be discussed with and shall receive prior approval from the Manager Information and Communications before a purchase order is raised.
Up to \$300,000	Group B	Director	
Up to \$75,000	Group C	Manager	
Up to \$25,000	Group D	Team Leaders, Supervisors and Coordinators that report directly to a Manager or Director. Senior Project Officers Major Projects	
Up to \$10,000	Group E	Building Projects Officer. Executive Assistants. Hanging Rock Senior Ranger. Coordinator Aquatics and Fitness Workshop Mechanic. Store Person. Strategic Planners. Team Leaders, Supervisors and Coordinators, who do NOT report directly to a Manager or Director.	

Procurement in excess of \$1M shall be approved by Council. The CEO and Director Corporate and Community shall have (TechnologyOne CIA) system delegation up to \$20M to authorise purchase orders and payments, which are over \$1M, which have either been approved by Council or are payments required to be made to meet legislative obligations.

14 DIRECTOR ASSETS AND OPERATIONS REPORTS

AO.1	MACEDON RANGES REGIONAL SPORTS PRECINCT - RECOMMENDED SCOPE FOR STAGE 1 DELIVERY
Officer:	Meaghan McNamara, Manager Major Project Management Office
Council Plan relationship:	1. Promote health and wellbeing
Attachments:	Macedon Ranges Regional Sports Precinct - Stage 1 presentation (under separate cover) ⇒

Summary

Macedon Ranges Regional Sports Precinct (MRRSP) will deliver a 15-hectare regional park, providing facilities for a range of sport and passive recreation activities, enabling improved social connections and health outcomes for the growing Macedon Ranges community.

Council and lead design consultants have refined the concept presented in the original sports hub and fields feasibility studies (New Gisborne Regional Sports Fields Feasibility Study, dated 2017, and Macedon Ranges Regional Sports Hub Feasibility Study, dated 2018). The team produced a precinct masterplan focused on active and passive recreation offered in a welcoming, inclusive, equitable and accessible way for locals and regional visitors. Given the project's funding constraints, the masterplan will be delivered via a staged approach, with Stage 1 construction forecast in early 2022. In determining the optimal scope for Stage 1 delivery, the design team considered all the consultation feedback captured to date. The team recommend a program of diverse sport and recreation functions, with a safe and accessible linkage between the two sites and a scope that aligns with the available funding and funding requirements.

This report presents the preferred scope for Stage 1 delivery and relevant financial considerations.

Recommendation**That Council:**

- 1. Approves the detailed design scope for Stage 1 of the Macedon Ranges Regional Sports Precinct, noting potential value management decisions on reducing the Sports Hub and Pavilion roof height, the signalisation of Hamilton and Barringo Roads and delayed delivery of the spectator mound.**
- 2. Approves the finalisation of the Stage 1 design and tendering of the project for construction.**
- 3. Directs the CEO to continue to advocate for Federal Government and other agencies for Stage 2 funding.**
- 4. Directs the CEO to prepare and execute a funding agreement with Sport and Recreation Victoria and AFL Victoria.**
- 5. Notes that these decisions commit Council funding to future budget consideration in the 2022/23 financial year.**

Background

In December 2017 Council received the New Gisborne Regional Sports Fields Feasibility Study and resolved to:

1. *Thank the clubs, groups and submitters involved in the study process; and*
2. *Adopt the New Gisborne Regional Sports Fields Feasibility Study subject to the inclusion into Appendix 2 of:*
 - *The word 'concept' into the title*
 - *A notation outlining the potential incorporation of a criterium circuit subject to a feasibility assessment as outlined on page 18 of the study;*

and pursue funding for implementation as soon as possible.

In March 2018 Council received the Macedon Ranges Regional Sports Hub Feasibility Study and resolved to:

1. *Formally thank clubs, groups, submitters and the reference group for their input into the process;*
2. *Adopt the concept of a Sports Hub, as outlined in the Macedon Ranges Regional Sports Hub Feasibility Study;*
3. *Endorse the Sports Hub concept being integrated into the Macedon Ranges Regional Sports Precinct;*
4. *Seek all funding opportunities, including grant opportunities, to fund the proposal;*
5. *Continue to work with the community to refine the concept, having regard to:*
 - *Council's financial priorities and budget imperatives and directions;*
 - *the development of a staged approach to delivery should funding opportunities require it.*

The concept design phase of this project established the vision and goals of the Council and the community. Key stakeholders involved in the consultation included internal stakeholders, subject matter experts, key users and sporting club representatives. Concept design consultation with the community occurred through August/September 2020. There was a high level of engagement and feedback, and the community's response was generally positive and supportive. Officers included the feedback received through this consultation in the Design Issue Register, and the design team has been responding to these items throughout Schematic Design.

The team developed the endorsed concept design and Functional Technical Brief (FTB) to schematic design level by refining feedback responses, workshoping and coordination. The FTB includes the precinct's functional needs and performance quality, comprising four main brief areas – the Sports Hub, the Sports Pavilion, the Sports Fields and Landscape & Stormwater. The FTB serves as a reference point for the continued development through to detailed design in alignment with the concept design. The design strategies prioritise cultivating a quality experience that fosters connections, activation, accessibility, inclusivity and safety throughout the precinct.

The schematic design has further developed the functional relationships, key requirements, and compliance to sporting codes and relevant standards.

Council officers and the design team developed the schematic design in keeping with key themes identified through the consultation process. Specialist consultants and key

stakeholders met to analyse and investigate responses and recommendations to address the items of the design issue register.

Council officers presented the schematic design to Council via a series of Councillor Briefings in January and February 2021, before releasing the schematic design to the community. This presentation included the rationale behind the design decisions made on the project to date. In-principle support of the precinct masterplan and proposed Stage 1 scope was gained at that time, enabling the project to continue to schematic design community consultation.

The schematic design consultation, including the scope of Stage 1 delivery, occurred with the community through February and March 2021. Feedback received during this process has been considered, to refine and develop the design before moving to the detailed design phase.

The team estimate the cost of Stage 1 is \$24.9M. This cost includes \$4.6M to upgrade the Barringo Road and Hamilton Road intersection, based on a roundabout design.

Council applied to the Commonwealth Government's Building Better Regions (BBR) Fund and the Victorian Government's Growing Suburbs Fund (GSF). Council received \$3.2M via the GSF, which brings the total overall funding commitment to \$25.8M. The GSF funding agreement is signed, with funds expected before the end of June 2021. The response on the BBR Fund bid is expected mid-2021.

The GSF provides funding for passive infrastructure (non-sporting) on the precinct. The BBR funding is sought for the traffic improvement works at the intersection of Hamilton and Barringo Roads.

The design to date has included a roundabout at this intersection. In conjunction with internal subject matter experts, the project team is investigating a signalised option at the intersection due to the increased safety and functional benefits and future-proofing that this option could provide. Officers propose undertaking community consultation on the signalised option before deciding on the preferred solution.

Discussion

Consultation with internal stakeholders, subject matter experts, specialist consultants, and key user representatives has identified the Stage 1 scope of works.

The following factors influenced the stage 1 scope of works:

- Responding to feasibility reports and community feedback from the concept design and schematic design consultation processes;
- Providing safe and accessible networks linking the precinct and programs;
- Aligning with the budget and funding agreements for Stage 1;
- Delivering diversity of programs across the precinct.

The intended scope on the sports hub site for Stage 1 is:

- Three court sports hub with reception/foyer, café/kiosk, public amenities, player change rooms and first aid/referee change rooms
- Carpark extension
- Extended vegetated flood basin and vegetated swale
- Reinforced grass to allow flexible car park/open space adjacent to the Hub
- Connection to the existing netball court circulation

The intended scope on the sports fields site for Stage 1 is:

- Natural turf main oval and adjacent car parking accessible from Hamilton Road
- Sports pavilion including change rooms, public toilets, social space and kitchen/kiosk
- Spectator mound
- Outdoor table tennis
- Playground
- Half basketball court
- Two cricket practice nets
- Vegetated swale, vegetated pond and adjacent timber platform
- Picnic/BBQ areas
- Outdoor fitness area
- Fitness/bike loop
- Open lawn and some landscaping

The intended traffic and pedestrian networks intended for Stage 1 are:

- A pedestrian spine linking the two sites and running through the precinct
- Pedestrian access from Barringo and Hamilton Roads
- Road realignment and traffic upgrade to the intersection of Barringo and Hamilton Roads
- Pedestrian connection from Barringo Road to Sports Hub and Fields sites
- Pedestrian connection from Hamilton Road to Sports Field car parking

Attachment 1 provides the Stage 1 Implementation Plan with a visual depiction of the scope.

From day one, the sports hub will cater to various competitive team and casual recreation users for a variety of indoor sports, including basketball, netball, futsal, volleyball and badminton. A priority of the design is to link to the existing netball facility and courts while creating an open and welcoming front door to the precinct. The scope provides additional car parking and an updated retention basin to cater to future site expansion.

Like the sports hub, the outdoor sports fields will cater to various competitive sports clubs and public recreational users for AFL, cricket, soccer, lacrosse, touch rugby, and tennis. The sports pavilion will support both the players and spectators of the outdoor sports fields and allow for social functions and events and publicly accessible amenities.

The site will be accessible for vehicles from Hamilton Road, with additional car parking provided to both the hub and fields sites. The intersection upgrade works and associated realignment of the incoming roads to the east and west will be completed with Stage 1. The site plan is future-proofed to provide the total capacity of the masterplan with site-wide infrastructure enabling operation from day one.

This preliminary cost review provided Stage 1 cost estimates of \$24.9M, which was \$2.3M over the \$22.6M committed funding. These costs included \$4.6M for the intersection upgrade based on a roundabout solution.

With the Victorian Government's additional \$3.2M commitment to the project via the Growing Suburbs Fund, the total committed funding is now \$25.8M. Noting the requirements of the

GSF for delivery with Stage 1, the revised Stage 1 cost estimates are \$26.8M, resulting in a cost overrun of \$1M for Stage 1.

Officers completed a significant amount of value management throughout the design process, via focused workshops with specialist consultants. The consultant team and internal stakeholders have been cost-conscious through each design phase. The group considered the design outcomes, noting the impact of materiality, efficiency of design, the durability of form and materiality, ease of operation and minimising maintenance costs and limiting the project's environmental impact.

A recent value management process has identified several options to bring the costs closer to the available funding. These options are presented briefly below and in more detail in Attachment 1.

- Landscape savings with particular emphasis on the passive recreation spaces on the sports fields site
- Height reduction to the sports hub roof without impacting useability
- Height reduction to the sports pavilion
- Change from the roundabout to signalised intersection option

The landscape savings maintain the spread of functions across the site accessible to a range of community members, but reduce the extent to the playground and picnic/BBQ areas while still meeting the requirements of the GSF funding agreement. There is an option to delay delivery of the spectator mound to later, as no current funding agreements require this provision. The relative saving is significant, with only a minimal increase in expense if provided later.

The current design for the sports hub height clearance meets the Netball Victoria Facility Guidelines, which prescribe 8.3m clearance to the underside of the roof structure, services and stored basketball rings. The design includes this clearance to the entire width of the building and not only the court length. Therefore there are possible height reductions of between 300mm and 1100mm to the hub.

Small savings are available in a selected reduction in both the sports hub and pavilion's roof heights, without impacting sporting association standards.

The project team is considering changing the Barringo/Hamilton roundabout to a signalised option, reducing cost and delivering other benefits. Officers considered the following in this decision:

- The preferred option proposes a signalised cross-intersection, which resolves the issue of the offset intersection, assuming the realignment of the western section of the Hamilton Road approach to align with the eastern approach.
- The signalised option offers:
 - safer pedestrian/cyclist connectivity with controlled crossings provided on each approach
 - relatively small footprint that maximises usable land
 - concurrent right turns on all approaches, maximising traffic capacity
 - more effective than roundabouts where traffic volumes on one approach are significantly higher than others
 - it is a future-proof solution to cater for expected population growth over the next five to ten years

While the roundabout ensures slower traffic speeds generally, the signalised option ensures a safer outcome for pedestrians and cyclists. Both options have minimal impact on native vegetation at the sports fields site’s southwest corner and require relocation of a high voltage power pole. The signalised opportunity comes with an estimated \$341,000 cost-saving.

In conjunction with the specialist design consultants, the project team will continue to investigate value management options during the detailed design phase. Council officers are confident that the design can evolve to a position that cost estimates align with available funding before tendering the project. The current project schedule accommodates a pre-tender assessment and a further value management process before releasing the project for tender.

Current timelines are presented below (Figure 1), which target design completion by early October, and tender in early November 2021, with a forecast construction commencement of April 2022.

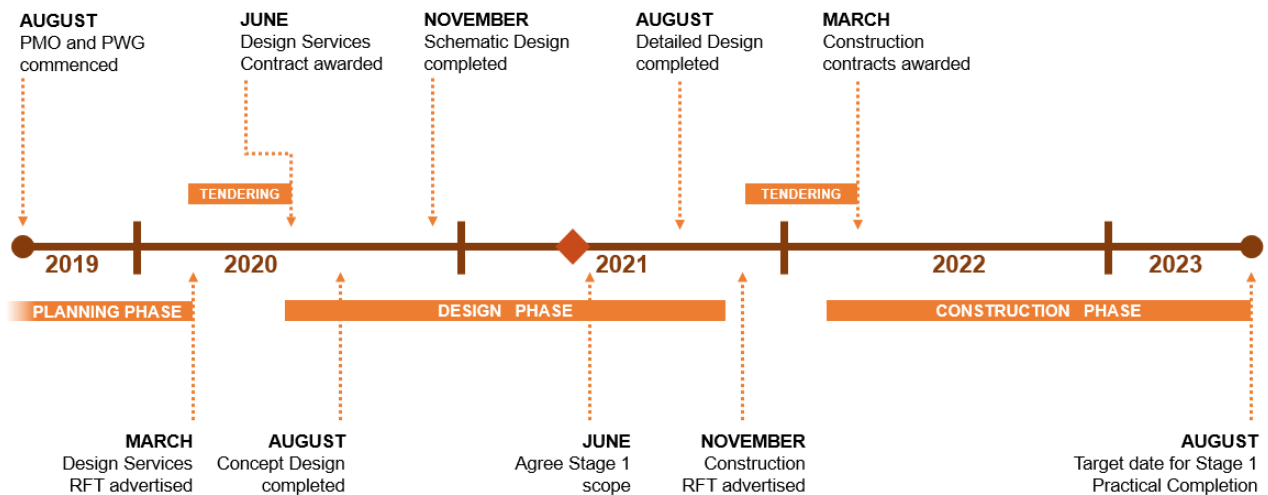


Figure 1: Project timeline

Consultation and engagement

The design team and Council developed the concept design via several design workshops and meetings with key internal stakeholders, subject matter experts, specialist consultants and external key user representatives. Concept design consultation was completed through August-September of 2020 and offered the community an opportunity to provide feedback on the presented masterplan arrangement and proposed functional provisions. Generally, the feedback received was positive and supportive of the presented masterplan. Feedback was analysed and captured in the Design Issue Register, and the design team has responded to these items throughout the Schematic Design.

Widespread consultation with internal and external stakeholders continued through schematic design. Council have maintained engagement with the Primary User Reference Group throughout the design phases. Schematic design community consultation occurred over six weeks through February and March 2021. The draft schematic design was presented to the community via Zoom on Thursday 25 March 2021, and the Have Your Say page went live on Council’s website at the same time. Submissions were open until Monday 3 May 2021, and officers received 34 survey responses along with five submissions.

The general tone of the community feedback was positive, with the majority of respondents endorsing the schematic design and proposed scope for Stage 1 delivery. The survey asked respondents to rank the precinct facilities as the highest priority and identify what activities

are most likely within the precinct. The responses indicate that the sports hub with three courts, the sports pavilion, and the natural turf main oval are the precinct’s three highest priorities – supporting the Stage 1 design.

Regarding the proposed Stage 1 plan, the community nominated that additional parking, having two natural turf ovals, and investigation of additional indoor courts as possible improvements/amendments to the proposed scope for Stage 1. Officers note that these items are not deliverable within the existing Stage 1 budget.

Officers received six submissions, and these are summarised below (Table 1) along with the design team’s response:

Issues/theme	Response
Ensuring provision for volleyball facility that meets state standards	<p>The sports hub accommodates volleyball to Volleyball Victoria prescribed standards. This requirement responds to community requests and the intent of the 2018 Feasibility Study, which intended to support playing volleyball at a local level in this facility.</p> <p>Further consultation with Volleyball Victoria will be undertaken to determine the specific requirements regarding ancillary spaces, change facilities and storage.</p>
Adequate space to allow safe movement of traffic entering/exiting the precinct (particularly for buses)	<p>The current design considers vehicle and pedestrian access to the site. Through additional traffic workshops, the design team and internal stakeholders will consider the range of expected traffic scenarios for the site (including bus movement and parking) and how these impact vehicle access, turning circles and required parking numbers.</p> <p>Further consultation on communication modes will occur with external sporting agencies and internal subject matter experts.</p>
Considerations for pavilion to be set up and utilised for non-sporting events (i.e. community markets, conferences etc)	<p>The design already incorporates multiple uses for the site and the pavilion with flexibility considered in the design. Large stacking doors are positioned on both sides of the social space to allow connectivity to the external spaces, and there are undercover paved areas that can accommodate other functions. The options available are quite extensive, noting the link between the amenities and kitchen space.</p>
Request for sporting facilities to be considered for future planning for Kyneton	<p>The Active Sport and Recreation Strategy considers the future needs of Kyneton.</p>

Issues/theme	Response
<p>Opportunity to provide safe, protected pedestrian and bicycle links from Gisborne / New Gisborne through neighbouring land and request for consultation on the intersection design</p>	<p>Officers are considering safe pedestrian and cycle access to and within the precinct during the implementation of this precinct. The Macedon Ranges Shared Trails project provides a pedestrian/cycle path along the rail corridor, running through New Gisborne Station. Gisborne Futures plans for pedestrian and cyclist connectivity up Station Road from New Gisborne station to the precinct.</p> <p>There will be further consultation on the Barringo Road/Hamilton Road intersection.</p>
<p>Adjacent landowners to the east raise concerns over the lack of tree planting/screening between their property and the precinct</p> <p>Further questions were raised regarding regeneration of the fields site.</p>	<p>The design team proposes addressing some of the noted concerns by increasing vegetation density (mainly trees and shrubs) to create an effective shelterbelt design through the site's eastern boundary for visual and noise mitigation impacts on adjacent property, using Agriculture Victoria guidance. The boundary design will require slight adjustment to accommodate this.</p> <p>Regarding regeneration, the neighbouring site in question is a Rural Conservation Zone (RCZ1), which explicitly protects and enhances the natural environment. This includes the protection and enhancement of natural resources and biodiversity. Officers will create an integrated land management plan to address the protection and enhancement of native vegetation and waterways, stabilising soil and pest plant and animal control.</p> <p>However, the precinct site is within the Public Park and Recreation Zone (PPRZ), with the purpose being for public recreation and open space and mindful of the protection and conservation areas of significance. The decision guidelines do not require a land management plan. A biodiversity assessment undertaken for the site informed the design for the sports precinct and sought to avoid and minimise the removal of native vegetation.</p> <p>Where native vegetation removal is identified, this will follow Council's policy and any Planning Scheme requirements.</p>

Table 1: Schematic design community consultation submissions and responses

Officers considered community feedback and refined the design through the detailed design process and documentation. Council officers are confident that the current Stage 1 scope reflects community needs and interests.

Collaboration

As detailed throughout this report, Council and project consultants have collaborated with various government departments and agencies, as well as other organisations, including sporting peak bodies, throughout the stages of the MRRSP project to date.

Innovation and continuous improvement

Not applicable.

Relevant law

The contents of this report do not have any legislative links that require reference. The proposal, as outlined within this report, does not result in any direct or indirect human rights implications.

Relevant regional, state and national plans and policies

The contents of this report do not relate to any external policy position requires a reference with this report.

Relevant Council plans and policies

The MRRSP aligns with each of the five Council Plan priorities.

The precinct will promote health and wellbeing by offering various purpose-built sporting facilities with interconnected social and passive recreation spaces to support healthy lifestyles for all ages and abilities, social connection/inclusion and social equity.

The precinct will protect the natural environment by integrating environmental and social conscious Environmentally Sustainable Design (ESD) principles, aimed to ensure health and comfort for visitors while reducing negative impacts on the environment.

The precinct will improve the built environment by delivering a multi-purpose community infrastructure precinct, enabling competition for various sports, including regional level competition for identified sports. The precinct is designed, and construction will be of a high-quality level and durability, extending the asset lifecycle and long-range financial performance to enable Council to maintain the facility in a fiscally, environmentally and socially sustainable manner.

The precinct will deliver on reliable and robust governance by adopting a value-for-money delivery approach supported by clear business justification. The project incorporates rigorous controls and governance measures underpinned by the Prince2 methodology.

The precinct will enhance the social and economic environment by supporting local employment and economic development through responsible procurement. The regional significance of the precinct will encourage tourism and investment by facilitating exhibition games, large events and regional programs, fostering economic vitality in a way that promotes positive individual and community health outcomes.

The estimated regional economic benefit of construction and the flow-on effects for developing the precinct is \$59.04M.

Based on a construction cost of \$25.8M, the resulting direct benefit is through significantly increased demand for intermediate goods and services from the local economy. These 'industrial effects' include multiple rounds of flow-on benefits, as servicing sectors increase their output and demand for local goods and services in response to the immediate change in the economy. Officers estimate that the project would support 68 direct and 93 indirect jobs during the construction period.

Once fully operational, the MRRSP will support up to 23 direct and 11 indirect jobs.

The precinct should attract regional, state, and other elite level competitions and carnivals to the area, generating significant ongoing added flow-on benefits to the local economy.

Financial viability

The project has a current funding commitment of \$25.8M. This commitment comprises Council committed funding of \$10.9M (captured in the Strategic Resource Plan); Sport and Recreation Victoria commitment of \$11.6M; AFL Victoria commitment of \$100,000 and the Victorian Government's Growing Suburbs Fund of \$3.2M.

Council's draft 2021/22 Budget provides for continued funding towards the project. The \$3.2M from the Growing Suburbs Fund is forecast to be received by the end of the 2020/21 financial year. Funding from Sport and Recreation Victoria is via a staged approach to support the delivery of the precinct. A funding agreement will be executed with Sport and Recreation Victoria once the scope for Stage 1 delivery has received endorsement from Council. Sport and Recreation Victoria maintain their commitment to the project and have allocated staged payment instalments over the next three financial years.

Updated cost estimates valid after schematic design consultation, demonstrating a total estimated cost of \$26.8M to deliver Stage 1. These costs have considered the passive recreation spaces made possible by the Victorian Government's recent contribution to the project. These latest cost estimates demonstrate a \$1M cost shortfall in the current committed funding. The potential value management process provides a range of options that bring the project cost estimates to within plus \$170,678 of the current committed funding. Council and the design team will explore and investigate the value management options and other possibilities through the detailed design phase, to bring the project cost estimates as close as possible to the current funding. The design team will take a conscientious approach to ensure the costs are maintained within existing budgets, considering the 3.5% design contingency available to support this process.

Current project timelines accommodate a pre-tender cost estimate on completion of documentation and other value management processes if required before tendering. The project's quantity surveyor confirms that the prepared cost estimates follow cost benchmarking against relevant projects currently under construction and allow for projected cost escalations in line with current market trends and forecasts.

Cost estimates are at the schematic design level, containing a tolerance level for unknown costs. After the detailed design and documentation phase, officers will obtain more accurate pricing before tendering the construction. The current budget contains a 5% construction contingency that is not substantial but is deemed adequate given the project will be 100% documented to a high quality.

A wide range of internal stakeholders and subject matter experts support the well-resourced project team. A dedicated senior project officer and project support officer are delivering the project, with a Project Board representing infrastructure and sporting staff within the organisation. The Project Manager uses a Prince2 methodology that ensures a robust governance structure and good project controls.

Representatives from asset management have been involved through the entire design process and will continue to be consulted through the resolution of design and during construction. Their inclusion ensures conscientious design and construction decisions regarding durability, ease of use and maintenance, asset life cycle, and financial performance.

Sustainability implications

Engagement with relevant subject matter experts and specialist consultants mitigate anticipated social and environmental issues via a consultative design approach. A fundamental project objective is to provide positive social outcomes for the community and limit the project's environmental impact.

The 2019 Active Living Census found that a significant number of Macedon Ranges Shire residents (61%) are overweight or obese. This finding is well above the statewide average of 49.7%. It represents an avoidable risk for chronic health conditions such as heart disease, type 2 diabetes and several cancers, putting pressure on health services and cause flow-on impacts to community wellbeing.

Walking is the most popular recreational activity in the Macedon Ranges, with footpaths, parks and off-road walking and cycling paths presenting as the three highest used facilities for physical activity. Over half of our residents (53%) want to be more active. The provision of 4.5km of safe, all-abilities walking paths with integrated recreation facilities in a central, well-maintained precinct benefits the whole Macedon Ranges community by reducing healthy lifestyle barriers. A future Active Living Census will evaluate this benefit through the physical activity and frequency of open space use metrics.

The MRRSP is situated at the head of the Jacksons Creek catchment, which is within the Upper Maribyrnong system, and identified as a stormwater priority area in the 2018 Healthy Waterways Strategy adopted by Melbourne Water. The integrated stormwater management system proposed for the precinct is designed with input from Melbourne Water and Department of Environment Land Water and Planning (DELWP) to provide biofiltration of stormwater and manage flow rates through natural permeation and harvesting. Officers will evaluate this benefit by monitoring the stormwater infrastructure.

Council has committed to achieving net-zero emissions by 2030. An Environmentally Sustainable Design (ESD) benchmark derived from other Victorian municipalities and comparable facilities informed this project's design phase.

The target ESD initiatives to be delivered throughout the precinct include:

- passive design, including the use of transparent materials to provide passive solar heating
- the use of thermal mass and insulation to roof and walls to minimise heat transfer
- solar photovoltaic panels on the Sports Hub roof and roof overhangs to provide shading
- reuse of rainwater for flushing toilets and wash down, roof overhangs to provide shading
- intake louvres at a low level and extract at a high level for passive ventilation of courts
- provision of 120kL and 25kL tanks for collection and storage of rainwater for reuse on-site
- LED lighting throughout and sensors in lower use spaces for control only when in use
- consideration to be given to cement replacement to concrete and a portion of recycled content to steel
- car parking and hard landscaping materials to be light in colour to reduce the heat island effect

- collection of water from impervious surfaces to be directed to a rain-garden network through swales across the site and into detention basins
- limit air conditioning to select spaces to optimise the plant and equipment required for the building
- end of trip provisions for active transport
- indigenous plantings to enhance the existing natural habitat values.

Officers will evaluate these benefits through the management of the construction contract.

The positive outcomes are broad and ensure that the community will have health, social, economic and environmental benefits. This project will support jobs across various skills, experience and qualifications. Included in this will be jobs requiring little previous experience and skill; this will provide an opportunity for these vulnerable job seekers to gain employment and build on their experience and skill. The construction tender will highlight a need to demonstrate local jobs and local supply.

Officer declaration of conflicts of interest

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

AO.2	ROAD MANAGEMENT PLAN 2021
Officer:	Steve Skinner, Coordinator Road Maintenance
Council Plan relationship:	3. Improve the built environment
Attachments:	Final Draft Road Management Plan 2021 (under separate cover) ⇒

Summary

This report recommends that Council adopt the revised Road Management Plan (RMP) 2021.

The *Road Management Act 2004* (RMA) requires Council to undertake a review of its Road Management Plan within six months of the election of a new Council.

Development of this revised Road Management Plan has included a public display of the document and an internal stakeholder review of the previous Road Management Plan version.

Recommendation

That Council:

1. **Adopts the Road Management Plan 2021 in accordance with the Road Management Act 2004 and Road Management (General) Regulations 2016;**
2. **Notes that the amended Road Management Plan 2021 will take effect from 1 July 2021;**
3. **Notes that the Road Management Plan 2021 applies to all roads and classes of road listed in Council's register of public roads;**
4. **Notes that the Road Management Plan 2021 and this report will be available for public inspection during regular business hours at the following locations**
 - (a) **Gisborne Administration Centre**
 - (b) **Kyneton Administration Centre**

Background

Development of Council's RMP occurs as per section 52 of the RMA, which identifies Council as the relevant road authority for roads on our road register. The RMP establishes Council's road management system for road and road-related infrastructure. The RMP is developed in line with Council's obligations under the RMA and *Wrongs Act 1958*, considering resource availability and operational objectives.

Council must review, update and endorse a new RMP by the end of June in the first year of their four-year term.

This RMP reflects a complete review of every inspection, defect and maintenance response standard. Officers benchmarked the proposed standards against those of similar councils.

Macedon Ranges Shire Council records 1765 kilometres of roads and access tracks in the corporate asset register; not all are public roads. Council's Register of Public Roads lists

approximately 1570 kilometres of roads (sealed 840km, unsealed 730km), which makes up the bulk of the local road network provided by Council. The RMP covers these public roads.

Council maintains a further 97 kilometres of roads, including:

- roads within reserves and facilities (30km); and
- fire access tracks (67km).

These roads have a less stringent inspection and maintenance regime than those on the Public Road Register.

Council does not maintain the remaining 98 kilometres of roads. These include:

- access tracks to private properties (28km);
- fire access tracks maintained by others (47km); and
- public roads maintained by neighbouring shires by agreement with Council (23km).

Discussion

In accordance with the RMA, Council should have a valid RMP. The RMP contains:

- details of the management of road network listed on Public Road Register;
- classification of road and footpath assets;
- inspection frequencies and standards, e.g. reactive, proactive and condition;
- maintenance standards, including intervention levels and response times for repair;
- identified stakeholders and outlines their responsibilities, e.g. road authorities, service authorities and road users.

Why do we need an RMP?

Having an RMP is voluntary, however, if no RMP is in place, Council may be found negligent in meeting its duties under the RMA. An RMP provides statutory defence/protection under the RMA. The RMP is a risk-based approach to road management that prioritises and programmes works.

Objectives of this Road Management Plan

The objectives of this RMP are to provide:

- an overview of the management system used to execute Council's road management functions as the responsible road authority under the RMA;
- objectives for the management and maintenance of roads within available resources;
- relevant standards in the discharge of Council's duties in the performance of road management functions;
- a safe and efficient municipal public roads network primarily for travel and transport of its road assets and associated activities to manage risk across the municipal road network;
- a simple, easy-to-understand overview of Council's road management system and responsibilities as required under the RMA.

Road Management Plan scope

The RMP includes all roads for which Council is responsible, but concentrates on those roads listed in Council's Register of Public Roads. It is limited to road infrastructure and

road-related infrastructure, as defined under the RMA, and for which Council is the relevant road authority. The assets covered include:

- road pavement and surface;
- on-street car parking;
- off-street Council owned car parks;
- traffic control devices;
- paths;
- shared paths;
- bridges (only the road pavement, surface and footpath components - Council's Bridge Asset Management Plan covers the management of other bridge components); and
- culverts, table drains and drainage pits.

Examples of infrastructure not covered in the RMP include:

- underground drainage pipes;
- roadsides (Council is preparing a Roadside Conservation Management Plan, which refers to management standards for areas of the road reserve);
- substructures and superstructures of bridges;
- vehicle crossings providing access to private properties; and
- non-road infrastructure.

Various utilities make use of the road reserve to provide essential services. The RMP considers these assets' potential impact on the road assets and safe road use.

Summary of Changes to the Road Management Plan (2017/2021)

The following are the key changes between the previous version of the RMP and the version for consideration.

- The initial section of the RMP was reviewed and rewritten to make the document more readable, using accessible, plain English.
- Vegetation has been removed from the Sealed Roads, Unsealed Roads and Urban Streets schedules and placed into a newly created 5th Schedule, Vegetation Management.
- One fundamental change is aligning all initial response times to three working days. Previously the response time was 48 hours. 48 hours is not always achievable within a large area municipality such as Macedon Ranges. When benchmarked against other councils' RMPs, our response timeframes were equal to or less than the standard three-day response time. Inspections and repairs will continue to be risk assessed and scheduled on a case-by-case basis.
- The wording 'defect repair time' was changed to 'defect treatment time' to allow the use of temporary measures such as quick repairs and warning signage as part of our risk management assessment. Professional advice indicated that the wording wasn't critical. Quite a few other councils are using different terminology. A defect should only be closed when appropriately repaired.
- The inspection frequency of our sealed roads is increased.
- Updated the defect repair table for sealed roads with 'edge repairs'.

- Changed wording in the defect repair to clearly outline 'business days'.
- Reduced some defect repair timeframes in line with the potential risk.
- Drainage pits inspection frequency was changed from reactive to annually, in line with current practice.
- Guideposts on Category 1, 2 and 3 sealed roads have been changed from twice annually to annually.
- Removed the missing bluestones (Schedule 3, Item 3.5) and dislodged bluestones greater than 100mm vertical or horizontal (Schedule 3, Item 3.6) defect items.
- Retained Schedule 3, Item 3.7, the kerb is broken or 'heaved' to the extent of preventing the free flow of water for all kerbs. The retention of this item is required due to the condition of a significant amount of kerb close to trees.
- The intervention levels (the point at which the defect requires action) is unchanged. Our intervention levels are equal to or higher than other councils.

Consultation and engagement

Development of this draft RMP has occurred over several years, during which time Council's processes and practices have evolved. The following assessments and experiences have informed the recommendations and strategies outlined in the draft RMP.

- Public display / advertising plan
- Advertise intent to review (Victorian Government Gazette), February 2021
- Council Briefing, March 2021
- Advertisements in local papers, March 2021
- Media release, March 2021
- Council's website, March 2021

The advertisement and RMP presentation to the public was a public display of the Road Management Plan, as per the RMA, not a full consultation.

During the 28 day advertising period Council received three responses;

1. Regarding programming and investment in capital works.

Response: The issues highlighted in this response are not relevant to the RMP. Officers informed the respondent how to raise these concerns through the council's customer service.

2. Concerns with greenhouse emissions, emerging issues around higher use of rural roads, drivers using minor roads as short cuts and animal welfare along rural roads. Also mentioned was the 100kph default speed limit creating safety issues for pedestrians, bike riders and horse riders sharing local roads.

Response: The issues highlighted in this response are not directly relevant to the RMP. Officers provided the resident with further information pertinent to their concerns. Many of these concerns will be relevant to the Road Safety and Mobility Strategy, which will seek community input.

3. This response highlighted concerns around not referencing or including all other infrastructure (such as bridges) and the risks to businesses. The respondent questioned what risks the RMP covers, e.g. are they safety risks, risks related to Council assets, wildlife or damage to vehicles?

Response: Officers provided the respondent with information about the risk management incorporated within the RMP and how Council manages the business and non-road infrastructure risks.

The other issue of concern in this response was why the aim is not to attend to defects earlier.

Response: Council aims to attend to all defects quickly, in the most efficient manner possible. High-risk interventions are subject to a risk assessment subject to the RMP and are assessed on a case-by-case basis. The RMP indicates the intended maximum time to attend, not the minimum time to attend.

The RMP 2021 outlines the maximum times to attend to defects (as set out in the service levels), to responsibly manage Council's resources and liability.

Council officers responded to all feedback received. The responses did not directly relate to the RMP 2021 and did not contribute to further changes to the draft RMP 2021.

Collaboration

Collaboration with other councils and government bodies was not required in relation to the subject matter of this report, however the process of updating Council's RMP did involve benchmarking practices against other councils.

Innovation and continuous improvement

Not applicable

Relevant law

Officers reviewed and updated the RMP as per the *Road Management Act 2004* and *Road Management (General) Regulations 2016*.

The RMP must be endorsed by Council before 30 June 2021.

The proposed changes to the RMP does not have any direct or indirect human rights implications.

Relevant regional, state and national plans and policies

The subject matter of the report does not require reference to any regional, state and national plans or policies.

Relevant Council plans and policies

The subject matter of this report aligns with four Council Plan priorities:

- Promoting health and wellbeing
- Protecting the natural environment
- Improving the built environment
- Delivering strong and reliable government

Financial viability

Current capital works budgets are not meeting the renewal requirements of the road asset class, which will likely place pressure on operating budgets to achieve the standards specified in the RMP.

Recent audits into asset management have identified improvement actions in the organisation's method, records, and reports on maintenance activities. These improvement

actions, once implemented, will support better decision making in regards to assets management and asset maintenance.

Officers will review processes throughout the 2021/22 Financial Year to identify compliance with the RMP and any resource implications.

Sustainability implications

The proposed RMP is consistent with Council's social outcomes, particularly the standards for roads and pathways that meet the community's walking, cycling and transport needs and promotes a level of resilience and safety for community members with mobility issues.

Officer declaration of conflicts of interest

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

15 NOTICES OF MOTION AND RESCISSION

No. 23/2020-21: NOTICE OF MOTION - AMENDMENT TO PLANTATIONS ACT – MACEDON RANGES ENERGY PARK

I, Councillor Mark Ridgeway, give notice that at the next Meeting of Council to be held on 23 June 2021, I intend to move the following motion:

That Council writes a letter to The Hon Mary-Anne Thomas MP, Minister for Agriculture and Regional Development, and to The Hon Lily D’Ambrosio MP, Minister for Energy, Environment and Climate Change, calling on the State Government to consider an amendment to the Victorian Plantations Corporation Act 1993 to enable the proposed Macedon Ranges Energy Park to lodge a planning permit application on forestry land located south of Woodend.

No. 24/2020-21: NOTICE OF MOTION - KINDERGARTEN AT GISBORNE SOUTH

I, Councillor Dominic Bonanno, give notice that at the next Meeting of Council to be held on 23 June 2021, I intend to move the following motion:

That Council directs the Chief Executive Officer to provide a Councillor briefing on the implications of pursuing an opportunity to express an interest in running a new kindergarten at South Gisborne, including the associated budgetary and resourcing implications.

No. 25/2020-21: NOTICE OF MOTION - COMMUNITY FUNDING SCHEME

I, Councillor Janet Pearce, give notice that at the next Meeting of Council to be held on 23 June 2021, I intend to move the following motion:

That Council directs the Chief Executive Officer to write to the owner/s of the Victorian Tavern in Gisborne to advise that Council declines to accept a monetary contribution from them which has originated from electronic gaming machines for Council's Community Funding Scheme for the 2021/22 financial year. Council will not be asking for - or accepting - a monetary contribution which has originated from electronic gaming machines from the Victorian Tavern, for this Funding Scheme in subsequent financial years.

No. 26/2020-21: NOTICE OF MOTION - AMESS ROAD PRECINCT STRUCTURE PLAN

I, Councillor Annette Death, give notice that at the next Meeting of Council to be held on 23 June 2021, I intend to move the following motion:

That Council requests the Chief Executive Officer to bring a report to a future Scheduled Council Meeting outlining:

- 1. An update on the progress of the Amess Road Precinct Structure Plan**
- 2. Options available to Council regarding the planning for the Amess Road precinct. These options to include:**
 - a. Progression of the current developer-led precinct structure plan process for the Amess Road precinct.**
 - b. Commencement of a Council-led precinct structure plan process for the Amess Road precinct.**
 - c. Not progressing a precinct structure plan for the Amess Road precinct until:**
 - i. A review of the Riddells Creek Structure Plan is undertaken with a specific focus on the quantum of land identified for future residential development and the community infrastructure required to support the future growth of Riddells Creek.**
 - ii. The Riddells Creek Movement Network Study (Gap Analysis) is completed**

No. 27/2020-21: NOTICE OF MOTION - FINANCIAL RESERVES POLICY REVIEW

I, Councillor Jennifer Anderson, give notice that at the next Meeting of Council to be held on 23 June 2021, I intend to move the following motion:

That Council requests the Chief Executive Officer to provide a report to a Councillor briefing prior to the end of July 2021, regarding the approved use of funds section associated with the Public Open Space reserve section of Council's Financial Reserves Policy currently under review and;

- 1. Brings the briefing report and a summary of any Councillor discussions on this item to the August 2021 Audit and Risk committee meeting.**
- 2. Ensures the report includes but is not limited to:**
 - a. Clarity about how Council interprets the wording from the Subdivision Act 1988 as "land set aside in a plan or land in a planned zone or reserve under a planning scheme-for public recreation or public resort; or as parklands; or for similar purposes";**
 - b. Whether the preparation of a master plan for future improvements of public open space can be included;**
 - c. Whether unrestricted or restricted club and sporting facilities can be funded from this reserve; and**
 - d. How passive public open space could be prioritised over facilities referred to in point c of this motion.**

No. 28/2020-21: NOTICE OF MOTION - APPRECIATION FOR ASSISTANCE DURING STORM

I, Councillor Geoff Neil, give notice that at the next Meeting of Council to be held on 23 June 2021, I intend to move the following motion:

That Council:

- 1. Formally thanks its staff, the State Emergency Service (SES) and other emergency services, Powercor, associated organisations, volunteers and members of the community who assisted during the storm event that badly affected the Macedon Ranges on 9 June 2021 and in the days that followed. In giving our appreciation, Council acknowledges the many hours of work that went into clearing roads of fallen trees and debris, restoring power and mobile coverage and the community spirit of helping to make Macedon Ranges liveable again. It is acknowledged that there is still much work to be undertaken to recover from this event.**
 - 2. Requests the Chief Executive Officer to issue suitable communications to spread Council's acknowledgement and appreciation of the many and various actions undertaken during the storm event and afterwards.**
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16 URGENT AND OTHER BUSINESS

17 CONFIDENTIAL REPORTS

Nil