

Agenda

Council Meeting
Wednesday 26 October 2022 at 7pm
Gisborne Administration Centre
40 Robertson Street, Gisborne

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1 ACKNOWLEDGEMENT OF COUNTRY

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

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

2 RECORDING OF LIVE STREAMING OF THIS COUNCIL MEETING

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

3 PRESENT**4 APOLOGIES****5 CONFLICTS OF INTEREST****6 PETITIONS****7 DEPUTATIONS AND PRESENTATIONS TO COUNCIL****8 ADOPTION OF MINUTES****Recommendation**

That Council confirms the minutes of the Scheduled Council Meeting of Macedon Ranges Shire Council held on 28 September 2022, as circulated.

9 MAYOR'S REPORT**9.1 MAYOR'S REPORT - SEPTEMBER TO OCTOBER 2022****Summary**

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

Recommendation

That Council receives and notes the Mayor's report.

Mayor's report

October has been a month of contrast from celebrating Council and community achievements through to having to face more damage across the Shire due to heavy rain and flood waters.

Council Staff, Emergency Recovery Victoria, SES, Victorian Council of Churches, Neighbourhood houses and many other volunteer organisations and kind residents and businesses have assisted in the preparation for and support during and after the consequences of the heavy rain. We thank all involved, particularly our staff who continue to deal with business as usual matters whilst assisting in the flood clean-up. We continue to learn from every disaster and emergency we face, and appreciate everyone's patience and kindness towards one another as we cope with a greater workload than usual, on top of the already high load as a result of COVID and the June storm of 2021.

We are grateful for the \$500,000 provided to us by the State government for immediate emergency relief, and the ability to apply for other flooding relief grants.

One of the strongest messages from all our emergency services is install the emergency services App on your phone to keep up to date and do not try crossing through water over a road.

We have been updating our website regularly for who to contact and you can always call customer service who can direct your call to an appropriate member of staff or other agency involved. We appreciate your patience and courtesy towards our staff always, but particularly during this stressful time.

Ministerial Visits

- A visit from the Honourable Harriette Shing, MP Minister for Regional Development, Victoria to the Woodend library to view the detailed designs for stage one of the Woodend community centre redevelopment.
- The Honourable Lizzie Blandthorn, MP Minister for Planning, Victoria, to announce funding for Kyneton Mechanics Institute remedial works to water damage from the Living Heritage Grant Program and to assist in preventing future water damage from occurring.
- Attendance in Bendigo by the Mayor and Council staff with the Victorian 2026 Commonwealth Games committee and stakeholders from across the region on 3 October.

Events

Councillors were pleased to be invited to the following events/meetings:

- Garden Lovers Fair at Bolobek in Macedon on 1 October.
- Official opening of the Rotary centenary reflection space in Woodend on 1 October.
- Calder Fly Fishing Expo in Woodend on 2 October.
- Attendance in Bendigo to hear from the Victorian 2026 Commonwealth Games Organising Committee and stakeholders from across the region on 3 October.
- Macedon Ranges Rural Australians for Refugees Annual General Meeting in Woodend on 6 October.
- Macedon Ranges Business Breakfast in Macedon on 7 October.
- Chicks in the Sticks in Springhill on 8 October.
- LEAD Loddon Murray first pilot alumni networking event in Lancefield on 8 October.
- Mount Macedon Anzac Day Dawn Service Committee Annual General Meeting on 10 October.
- Workspace Australian Board Meeting in Bendigo on 13 October.
- MAV annual conference and dinner in Melbourne 13 October.
- MAV State Council Meeting in Melbourne on 14 October.
- Community Meetings about the floods in Darraweit Guim, Romsey, Gisborne and Kyneton.
- Kyneton Fire Brigade presentation and awards ceremony in Kyneton on 15 October.
- Karlsruhe Fire Brigade presentation of awards Dinner in Kyneton on 15 October.
- Celebration of 50 years of community theatre by The Mount Players in Gisborne on 15 October.
- Resonance String Orchestra performance in Castlemaine on 16 October.
- “Regenerating the Ranges Festival” in tribute to International Day for Disaster Risk Reduction on 16 October at Woodend RSL. Over 200 people participated, organised by Kylie Swain of Macedon Ranges Seed Savers, supported by Woodend Neighbourhood House and Council following a successful grant application from the Department of Families, Fairness and Housing

Firewood

As part of the ongoing storm recovery efforts, Council has once more made a limited quantity of free firewood available to residents who have not previously collected. As firewood is made from recycled storm timber, stocks are limited. Once the stock is exhausted no more firewood is expected to become available. Booking is through Council’s website.

2023 Autumn Festival

Local groups and businesses are encouraged to register to be included on the program for the 2023 Autumn Festival. Self-funded events and activities will need to appeal to visitors and meet set criteria, whether it be a unique food, drink or nature-based experience, live music or even an autumn themed workshop. Sponsorship packages are also available for businesses. Please refer to Council’s website for more information.

Digital Education Sessions

Council offered free digital education sessions on scam awareness and digital preparation for power outages for Macedon Ranges residents aged over 55 years as part of the Village Connect program. The sessions were held in Woodend on 28 September. The program helps older residents to stay socially connected, and provides information about local supports and opportunities to learn new skills.

2022 Youth Awards

The 2022 Youth Awards were held in the Kyneton Town Hall on 6 October. Since 2006 the awards have been an event dedicated to acknowledging and celebrating the achievements and success of young people in the Macedon Ranges Shire. The focus of the awards is to recognise the significant contribution young people make to society, and to encourage young people to strive for their best and continue doing what they love and enjoy. Congratulations to all nominees and award recipients.

Citizenship Ceremony

Over 30 residents were invited to make a formal pledge to become Australian citizens on 11 October. Together with my fellow Councillors, I welcomed the new citizens who now take on the privileges and responsibilities of being an Australian citizen.

Every Age Counts

An event was held in the Kyneton Town Hall on 19 October to celebrate ageing, Every Age Counts. The event was attended by the Commissioner for Senior Victorians, Gerard Mansour who spoke about ageism and its impact on older people. Older people nominated by community members were invited and presented with 'celebration boxes'

Awards

The team at our storm processing site won an award in the Australian Workplace Health and Safety Awards. We are proud of the innovative and excellent no waste work they continue to undertake.

Council is a finalist in the Outstanding Waste and Resource Recovery Project: Regional category of the Waste Innovation & Recycling Awards for our 4 bin system. By the time of publication, we will know the result. Thanks everyone for trying to do the right thing through refuse, reduce, and reuse recycle as much as possible.

Upcoming events

- Macedon Ranges Children's Festival 29 October, Woodend.
- Events and festivals/ community funding scheme grants ceremony.
- Macedon Ranges Business Excellence Awards Gala event.
- Malmsbury Fayre.
- Concerts at Hanging Rock.

Current consultations

- Gilbert Gordon Oval, Kyneton Show grounds and Romsey Recreation reserve master plans until 14 November.
- Public Toilet and BBQ Strategy until 31 October.
- Attitudes to Gambling and Gambling Harm, until 31 October.
- Amendment c145macr with Coliban water closing 24 November.

10 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF**10.1 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL OFFICERS - SEPTEMBER TO OCTOBER 2022****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

Type of meeting	Councillor Briefing
Date and time	27 September 2022, 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Jennifer Anderson (Mayor) • Cr Rob Guthrie (Deputy Mayor) • Cr Annette Death • Cr Anne Moore • Cr Geoff Neil • Cr Janet Pearce • Cr Mark Ridgeway • Cr Bill West
Apologies - Councillors	<ul style="list-style-type: none"> • Cr Dominic Bonanno
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan, Chief Executive Officer • Rebecca Stockfeld, Director Planning and Environment • Adele Drago-Stevens, Director Corporate • Maria Weiss, Director Community • Shane Walden, Director Assets and Operations • Lauren Wall, Manager Communications and Engagement • Awais Sadiq, Acting Manager Statutory Planning • Patricia Clive, Coordinator Governance

	<ul style="list-style-type: none"> Lucy Webb-Wilson, Senior Officer Governance - Council Business
Apologies officers	NIL
Presenters	<ul style="list-style-type: none"> Steve Cooper (VLGA) Tony Raunic (Hunt & Hunt) Melissa Scadden (Justitia)(Via Zoom)
Items discussed	<ul style="list-style-type: none"> Facilitated Workshop – Being an Effective Councillor Gisborne Market Annual Report Register of Policies, Plans and Strategies Agenda Review for 28 September Council Meeting Planning Delegated Committee Agenda Review for 12 October 2022 Other business
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Councillor Guthrie had previously advised the Chief Executive Officer in writing of a Material conflict of interest in relation to 89 Ross Watt Road as he lives opposite the site.</p> <p><i>Did they leave the meeting?</i> No, as the matter was not discussed.</p>
Conflicts of interest declared by officers	<p>NIL</p> <p><i>Did they leave the meeting?</i> N/A</p>

Type of meeting	Councillor Briefing
Date and time	4 October 2022, 8:30am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> Cr Jennifer Anderson (Mayor) Cr Rob Guthrie (Deputy Mayor) Cr Geoff Neil Cr Janet Pearce Cr Mark Ridgeway Cr Bill West
Apologies - Councillors	<ul style="list-style-type: none"> Cr Dominic Bonanno (on leave) Cr Annette Death Cr Anne Moore
Present - officers	<ul style="list-style-type: none"> Bernie O'Sullivan, Chief Executive Officer

	<ul style="list-style-type: none"> • Rebecca Stockfeld, Director Planning and Environment • Adele Drago-Stevens, Director Corporate • Maria Weiss, Director Community • Shane Walden, Director Assets and Operations • Awais Sadiq, Acting Manager Statutory Planning • Simon Finlay, Manager Open Space and Recreation • Sarah Annells, Manager Safer Communities • Stephen Pykett, Manager Economic Development and Visitor Economy • Eng Lim, Manager Engineering and Resource Recovery • Rob Ball, Manager Strategic Planning and Environment • Patricia Clive, Coordinator Governance • Allie Jalbert, Coordinator Local Laws • Nicole Pietruschka, Coordinator Visitor Economy • Leanne Khan, Coordinator Strategic Planning • Dean Frank, Coordinator Recreation • Jason Jordon, Team Leader Business Support and School Crossings • Lucy Webb-Wilson, Senior Officer Governance - Council Business • Victoria Anderson, Business Support Officer • Gaye Marquison, Business Support Officer • Harry Rehal, Traffic and Road Safety Officer
Apologies officers	NIL
Presenters	<ul style="list-style-type: none"> • Steve Cooper (VLGA) • Sarah Rey (Justitia) • Daisy Aga (Echelon) • Sarah McQuillen (Echelon)
Items discussed	<ul style="list-style-type: none"> • Monthly Councillor only session • Facilitated Workshop by Sarah Rey – Justitia • Local Laws Workshop • Proposed Changes to Autumn Leaves Management Plan • Woodend Integrated Transport Study

	<ul style="list-style-type: none"> • Draft Amess Road Precinct Structure Plan • Barkly Square Building Renewals Change of Scope • Other business
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Cr Neil declared a conflict with the Barkly Square Building Renewals Change of Scope item as a family member is on one of the committees of the effected groups</p> <p><i>Did they leave the meeting?</i> Yes, at 4pm and did not return.</p>
Conflicts of interest declared by officers	<p>NIL</p> <p><i>Did they leave the meeting?</i> N/A</p>

Type of meeting	Councillor Briefing
Date and time	11 October 2022, 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Jennifer Anderson (Mayor) • Cr Rob Guthrie (Deputy Mayor) • Cr Annette Death • Cr Anne Moore (Zoom) • Cr Geoff Neil • Cr Janet Pearce (Zoom) • Cr Mark Ridgeway • Cr Bill West (Zoom)
Apologies - Councillors	<ul style="list-style-type: none"> • Cr Dominic Bonanno (on leave)
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan, Chief Executive Officer • Rebecca Stockfeld, Director Planning and Environment • Adele Drago-Stevens, Director Corporate • Maria Weiss, Director Community • Shane Walden, Director Assets and Operations • Rob Ball, Manager Strategic Planning and Environment • Amy Holmes, Manager Community Strengthening • Patricia Clive, Coordinator Governance • Julius Peiker, Coordinator Community Development • Krista Patterson-Majoor, Coordinator Environment

	<ul style="list-style-type: none"> • Lucy Webb-Wilson, Senior Officer Governance - Council Business • Tanya Loos, Biodiversity Strategy Projects Officer • Silvana Predebon, Environment Policy and Sustainability Officer
Apologies officers	NIL
Presenters	<ul style="list-style-type: none"> • Dennis Batty (Indigenous Employment Partners)
Items discussed	<ul style="list-style-type: none"> • Councillor and CEO only session • Cultural Safety Training Session for Councillors • Woodend Five Mile Creek Master Plan • Adoption of Zero Net Emissions Plan for Council Operations • Community Funding Scheme Guidelines • Planning Matters • Planning Delegated Committee Meeting Agenda Review • Agenda Review for 26 October Council Meeting • Other business
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Cr Guthrie had previously advised the Chief Executive Officer in writing of a Material conflict of interest in relation to 89 Ross Watt Road on the Planning Delegated Committee agenda as he lives opposite the site.</p> <p><i>Did they leave the meeting?</i> Yes, at 1:53pm and returned at 2:07pm.</p>
Conflicts of interest declared by officers	<p>NIL</p> <p><i>Did they leave the meeting?</i> N/A</p>

Type of meeting	Councillor Briefing
Date and time	18 October 2022, 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Jennifer Anderson (Mayor) • Cr Rob Guthrie (Deputy Mayor) • Cr Annette Death • Cr Geoff Neil • Cr Janet Pearce (Zoom) • Cr Mark Ridgeway (Zoom) • Cr Bill West

Apologies - Councillors	<ul style="list-style-type: none"> • Cr Dominic Bonanno (on leave) • Cr Anne Moore
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan, Chief Executive Officer • Rebecca Stockfeld, Director Planning and Environment • Adele Drago-Stevens, Director Corporate • Maria Weiss, Director Community • Shane Walden, Director Assets and Operations • Rob Ball, Manager Strategic Planning and Environment • Travis Harling, Manager Finance and Reporting • Duncan Kelly, Manager Information Services • Awais Sadiq, Coordinator Statutory Planning • Patricia Clive, Coordinator Governance • Lucy Webb-Wilson, Senior Officer Governance - Council Business • Jack Wiltshire, Strategic Planner
Apologies officers	NIL
Presenters	<ul style="list-style-type: none"> • Mark Hands (Goldfields Library Corporation) • Julie McDougall (Principal - St Mary's Primary School) • Michael McCarthy (Advisory Chairperson - St Mary's Primary School)
Items discussed	<ul style="list-style-type: none"> • Councillor and CEO only session • Budget 2023/24 – Community Consultation Outcomes • Financial Statements • Aged Care Future Directions • Monthly Capex Monitoring Report • Presentation by Mark Hands – Central Goldfields Library Update • Presentation by St Mary's Primary School – Raglan Street Closure • Planning Matters • 2023 Council Meeting Dates – Mayoral/Deputy Election Process, Councillor Appointments to Committees • IS Strategy

	<ul style="list-style-type: none"> • Governance Rules – Draft for Feedback Prior to Consultation • Other business
<p>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>	<p>Cr Neil declared a conflict with the Barkly Square Building Renewals Change of Scope in the Monthly Capex Monitoring Report item as a family member is on one of the committees of the effected groups.</p> <p><i>Did they leave the meeting?</i> Yes, at 10:51am and returned at 11:00am.</p>
<p>Conflicts of interest declared by officers</p>	<p>NIL Did they leave the meeting? N/A</p>

11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS

PE.1	ANNUAL ENVIRONMENT REPORT 2021/22
Officer:	Krista Patterson-Majoor, Coordinator Environment
Council Plan relationship:	2. Healthy environment, healthy people
Attachments:	Report - Annual Environment Report - 2021-22 - Final (under separate cover)

Summary

Each year Council Officers prepare an Annual Environment Report, which outlines Council's progress towards achieving the vision and the objectives of Council's Environment Strategy. The reporting framework is consistent with the indicators in Councils *Environment Strategy - Refreshed 2021*.

Highlights from Council's 2021-22 Annual Environment Report include:

- Sourcing all of Council's electricity from renewable sources from 1 July 2021, through the Victorian Energy Collaboration.
- Completing community climate change action plans for Romsey/Lancefield, Gisborne and Riddells Creek.
- Completing the Snow Gum Monitoring Project that identified that the Macedon Ranges is an 'epicentre for low lying Snow Gums'.
- 22,245 people exposed to the environmental messages from the Kyneton Museum exhibit, 'A Biodiversity Crisis: Animals and Plants of the Macedon Ranges'.
- Winning the Premiers Choice Sustainability Award for our Healthy Landscapes program.
- Completing the roll-out of a four bin kerbside collection service with a significant reduction in household items received at our transfer station
- Responding to the environmental impacts of the 2021 Storm Events.

Recommendation

That Council notes the Annual Environment Report 2021-22, as attached.

Background

The Annual Environment Report 2021-22 reflects the reporting framework included in Council's *Environment Strategy – Refreshed 2021*. This framework focuses on environmental outcomes rather than completed activities or outputs. This approach provides an indication of the shire's ecological condition and progress towards achieving Council's environmental goals.

A list of highlights from the year is also included in the report to capture some of the organisation's environmental activities and achievements. The 2021-22 report also includes a special section to summarise the environmental response to the 2021-22 storm events.

For some indicators, data is currently not available to enable reporting. This data will be collected as a part of future projects and reports.

A copy of the Annual Environment Report 2021-22 is provided at Attachment 1.

Discussion

The 2021-22 year had some big influences on our local environment. The storm events in 2021 had huge impact on our natural environment, and COVID-19 continued to effect the way we work and live.

Key highlights from the 2021/2022 Annual Environment Report include:

Climate Emergency

- Commenced sourcing all of Council's electricity as 100% renewable energy on 1 July 2021, through the Victorian Energy Collaboration.
- Completed community climate change action plans for Romsey/Lancefield, Gisborne and Riddells Creek.
- Adopted the Sustainable Buildings Policy in October 2021.
- Conducted Bridging the Divide, a project that explored inter-generational health and wellbeing concerns about climate change
- Commenced development of a Zero Net Emissions Plan for Council operations, including investigations to reduce emissions from high use sites
- Constructed 15.93 km of new footpaths across the Shire to support active transport.

Biodiversity

- Completed the Snow Gum Project that identified that the Macedon Ranges is an 'epicentre for low lying Snow Gums'.
- 22,245 people exposed to the environmental messages from the Kyneton Museum exhibit, 'A Biodiversity Crisis: Animals and Plants of the Macedon Ranges'.
- Our Healthy Landscapes program winning the Premiers Choice Sustainability Award in 2021.
- 905 participants in our biodiversity related events and 875 participants in the Healthy Landscapes program events.
- Completion of Dalton Street Reserve Network Environmental Management Plan
- Updated the Hanging Rock Reserve Environment Management Plan.
- Recorded the following threatened species: Brush-tail phascogale in the Cobaw Biolink, Gang-Gang Cockatoo in the Upper Coliban Biolink and the Brown-headed Honeyeater in the Cobaw, Mount William and Kyneton Woodland Biolinks through our biodiversity monitoring program.
- Developed a Guide to the Insects of Central Victoria in partnership with Upper Campaspe Landcare Network.

Water

- Council's new waterway restoration program, in partnership with Melbourne Water, delivered significant weed control and revegetation along Council-managed waterways within the Shire.

- The Healthy Coliban Catchment project achieved 11 new On-Ground Works Agreements and installed 6.6km of fencing, 13 off-stream systems, 27 ha of woody weed control and 3.8 ha of revegetation.
- Large scale woody weed removal along Jacksons Creek and Bunjil Creek in Gisborne, Deep Creek in Darraweit Guim, and Five Mile Creek in Romsey as part of Melbourne Waters capital works program.

Waste

- Completed roll-out of a four bin kerbside collection service.
- Completed a Towards Zero Single-use Plastics Action Plan.
- Delivered several waste education programs that reached 500 participants.
- Significant reduction in household items received at our transfer stations.

2021-22 Storm Recovery – Environment Response

- Supported the Storm Recovery Habitat Kit Project
- Recycled fallen trees from Council managed roadsides for a multitude of uses
- Undertook tree safety works across 22 Bushland and Conservation Reserves, including Hanging Rock, to mitigate risks and reinstate access tracks.
- Sought to minimise damage to roadside vegetation through retaining habitat logs and signage.

Consultation and engagement

No community engagement is required to inform the Annual Environment Report.

Collaboration

Officers collaborate with external agencies as required to source data for the Annual Environment Report.

Innovation and continuous improvement

The Annual Environment Report provides an overview of Council's environmental performance as well as the shire's ecological health. This information helps identify areas for improvement and future focus.

In particular, the outcomes of the Annual Environment Report 2020-21 highlights the following areas for future work:

- Reducing emissions from fuels and gas – a major focus of the Zero Net Emissions Plan (currently under development)
- Facilitating the transition to electric vehicles, both for Council fleet and the community.
- Investigating options for a carbon offset program that has co-benefits for biodiversity and local economies.
- Developing a Climate Emergency Response Plan that guides Council to take action on climate change in collaboration with the community and organisational stakeholders.
- Continuing to implement Council's Biodiversity Monitoring Program to enable identification of trends and changes over time.

- Continuing to improve the biodiversity values and accessibility of Councils conservation reserves.
- Supporting community environment groups to gain momentum following the disruption of the COVID-19 pandemic.
- Building on Council's ability to implement Water Sensitive Urban Design to improve storm water management and water quality entering rivers and streams.
- Continuing to build relationships with Traditional Owner groups in regard to management of conservation areas and Councils response to the Climate Emergency.

Relevant law

No legislation is directly relevant to this report.

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

Relevant regional, state and national plans and policies

No regional, state or national plans or policies are directly relevant to this report.

Relevant Council plans and policies

The Annual Environment Report provides information on the implementation progress of the following Council plans and strategies:

- *Environment Strategy - Refreshed 2021*
- *Roadside Conservation Management Plan 2021*
- *Waste Management and Resource Recovery Strategy 2021*
- *Biodiversity Strategy 2018*

Financial viability

There are no financial implications associated with this report.

Sustainability implications

The Annual Environment Report provides an overview of how Council is progressing towards achieving its environmental and sustainability agenda.

Officer declaration of conflicts of interest

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

PE.2	FUTURE MANAGEMENT OF BARRM BIRRM
Officer:	Krista Patterson-Majoor, Coordinator Environment
Council Plan relationship:	2. Healthy environment, healthy people
Attachments:	Prospectus - Project Description - A new nature reserve in the Macedon Ranges - Barrm Birrm - August 2022 ↓

Summary

The former Shone and Schultz subdivision in Riddells Creek, known as 'Barrm Birrm' (place of many yam roots), has high quality woodlands in private and Council ownership. This report provides Councillors with an update on the current status of Barrm Birrm and outlines the next steps to progress toward permanent protection of the site.

Unfortunately, due to a legacy of planning from the 1880s, this 118.6 hectare site is divided into 162 lots and owned by 130 different landowners. Due to the site's natural values, high fire risk, land form constraints and lack of services, the land is not considered to be suitable for development. As a result, current planning controls prevent development in the estate – creating frustration for many of its owners.

In response to the 24 August 2022 Scheduled Council Meeting Council resolution to advocate to the Victorian Government for the public purchase of the privately owned lots within Barrm Birrm, an advocacy document has been prepared (Attachment 1). This document will be used to support council and the community by telling the story of why Barrm Birrm is important and what we are asking the State Government to do.

The proposed actions intend to resolve a historic planning decision that creates conflict and risk for the environment and adjacent community.

Recommendation

That Council:

- 1. Supports the ongoing advocacy to the State Government, in the lead up to the State Election on 26 November 2022, for the purchase of the privately owned lots in Barrm Birrm for both community and environment benefit. This includes, but is not limited to, inclusion of the project in Council's Priority Projects Prospectus and on-going liaison with State Government representatives.**
- 2. Notes that detailed ecological and cultural heritage assessments are planned that will help demonstrate the significant ecological and heritage values of the site.**
- 3. Continues to offer the gift back program to all landholders and consider waiving outstanding rates to expedite this offer.**
- 4. Continues to explore possible options to protect the site including seeking probate for deceased estates and new planning provisions.**
- 5. Continues to liaise with real estate agents, new landholders or prospective buyers of the subdivision to ensure that they are aware of planning restrictions, native vegetation protection, access difficulties and promotion of natural values.**
- 6. Continues to work with community groups to build awareness of the site's importance and natural values.**

Background

The former Shone and Schultz subdivision in Riddells Creek, known as 'Barrm Birrm' (place of many yam roots), has high quality woodlands in private and Council ownership.

Macedon Ranges Shire Council recognises the unique and special environmental and community values of Barrm Birrm. The land supports high conservation assets and a number of threatened flora species, including the critically endangered Hairyleaf Trigger plant, and the only plant endemic to the Macedon Ranges.

The 118.6 hectare site was subdivided in the 1880s into 162 allotments ranging in size from 0.3 hectares to 5.2 hectares. The inappropriate subdivision was sold to private owners in the 1970s by a property developer called Shone & Shultz. Over the years, some land owners have transferred the titles of their land to Council but most of the lots (107) remain in private ownership. See the attached map showing the current ownership of the subdivision.

Of the 107 privately owned lots:

- 32 are in 9 names/business with the rest in single lots/ownership.
- 10 are possibly able to be obtained under the Section 181 of the Local Government Act for non-payment of rates. Some of these are in estate names or address unknown so might be difficult to obtain.
- A number of the properties within the subdivision are in the name of estates and Council has no knowledge of current ownership.

The land supports high conservation values and a number of threatened flora species. Council's Biodiversity Strategy 2018 outlines a series of actions aimed at achieving the transfer of Barrm Birrm properties to public ownership and, ultimately, the creation of a nature conservation reserve.

The lots cannot be developed due to planning scheme restrictions, lack of services, fire risk concerns and the protection of high value native vegetation on the site. Despite this, lots have recently been sold for up to \$74,000.

The lots are rateable and each property receives a municipal charge and the State Government's Fire Service Property levy. The tracks in the estate are not on Council's road register and are therefore not maintained.

Landowners within the subdivision currently have the option to gift the land to Council as long as they meet certain conditions including the payment of any outstanding rates and charges. A number of landowners have taken up this option.

Access to the land parcels and the adjoining areas has resulted in amenity impacts and illegal activity. Ignition from illegal fires presents a significant risk to the values of the area and the surrounding residents.

Private ownership results in the land being not entirely accessible to the local community. Nor is the land manageable to improve the quality of native vegetation, support local fauna and address the fire risk facing the Riddells Creek township.

Past action by Council

Council has made multiple attempts to resolve the situation in the past;

- In 2000, Council commenced a lease-transfer-sale scheme whereby land leased to Council was deemed to be non-rateable, the aim being to secure enough participation to enable consolidation into a number of sale lots. Only a small number of landowners were willing to participate in the 10 year project; due to this the leaseback scheme was not renewed in 2010 and the land involved was once again rateable land.

- In 2005, Council staff and Riddells Creek Landcare prepared a “Statement of Significance for The Riddell Ranges Estate” that demonstrated the significance of this land and recommended that the land be set aside as a public conservation reserve.
- In 2009, Council staff put Barrm Birrm on a state government list of properties to be purchased for their conservation value.
- In 2013, Council wrote to the State Government seeking the creation of a Flora & Fauna reserve but the State Government advised that this was not a priority for the State but to consider a Trust for Nature covenant.
- In 2018, Council included the permanent protection of Barrm Birrm as a key action in its Biodiversity Strategy.
- In 2018, Council as part of its submission to the Victorian Environmental Assessment Council’s Central West Investigation included advocacy for Barrm Birrm.
- In 2018, Council approached Bush Heritage and Trust for Nature to gauge their interest in the permanent protection of the site – both declined due the complexities of multiple owners.
- In 2020, DELWP completed a strategic assessment of the area and has noted its importance for future protection but again highlighted that they do not have the necessary funds to acquire the remaining privately owner allotments.
- In 2020, Council sought legal advice to understand our responsibilities over the unmade roads into the estate and possibilities of obtaining probate on the deceased estates.
- In 2020, Council as part of its submission to the State Government’s Investigation into Ecosystem Decline in Victoria process included advocacy around Barrm Birrm.
- In 2020, Council ensured that the permanent protection of Barrm Birrm was included in the Port Phillip Regional Catchment Strategy Prospectus.

Recent action by Council

More recently, in response to growing safety and environmental concerns raised by the community and police in regard to negative uses occurring on the subdivision land, Council has undertaken a number of actions. Actions include:

- **Promotion of gift back program to landholders:** Landholders were contacted via a mail-out in June and October 2021 to promote the natural values of the site and Councils Gift Back Program. Landholders were reminded that, as the land is protected from development through the planning scheme, native vegetation removal is not permitted and the collection of firewood is not encouraged. Landholders were also informed of the installation of locked gates and how they can have access, noting that it is preferred that access into the estate is made on foot due to safety concerns about the unmade roads. The mail-out resulting in several parcels of land being gifted-back to Council, but there has since been little interest in this option.
- **Restricted access and signage:** Council installed signage at all access points indicating that it is private property. Council also blocked many of the informal entrance tracks with large logs and installed gates at the four key public entrances into the subdivision. As a result, Council have received reports from local residents and police of much reduced impacts and illegal activity in the area.
- **Letter to real estate agents:** Letters have been sent to the key real estate agent selling lots in the subdivision outlining the site restrictions and planning controls on the

lots. The letters request that the agents appropriately advise prospective buyers that development of the land is not permitted due to the planning restrictions of the area, that the removal of native vegetation without a permit is illegal and that prospective buyers are most welcome to contact Council for further information.

Discussion

Council's Biodiversity Strategy 2018 outlines a series of actions aimed at achieving the transfer of Barrm Birrm properties to public ownership and, ultimately, the creation of a nature conservation reserve.

Council currently operates a "gift back" scheme to encourage the transfer of private land parcels to Council. This process is slow and relies on the voluntary participation of landowners. A more efficient and effective alternative would be public acquisition of the land.

At its Scheduled Council Meeting on 24 August 2022 Council resolved to advocate to the Victorian Government for the public purchase of the privately owned lots within the area known as Barrm Birrm for community benefit.

The following actions are recommended to move closer to resolving this complex and ongoing issue.

- Undertake detailed ecological and cultural heritage assessments that demonstrate the significant ecological and heritage values of the site. An ecologist will survey the site in Spring 2022 and provide a detailed report outlining the ecological values. Discussions are underway with Wurundjeri Land Council representatives to undertake a Cultural Heritage Assessment (probably Summer 2023).
- Continue to liaise with new landholders or prospective buyers of the subdivision to ensure that they are aware of planning restrictions, native vegetation protection, access difficulties and promotion of natural values.
- Continue to offer the gift back program to all landholders and consider waiving outstanding rates to expedite this offer.
- Continue to explore options to protect the site including seeking probate for deceased estates and additional planning provisions.
- Continue to work with community groups to build awareness of the sites importance and natural values.
- Supports the ongoing advocacy to the State Government, in the lead up to the State Election, for the purchase of the privately owned lots in Barrm Birrm for both community and environment benefit. This includes, but is not limited to, inclusion of the project in Council's Prospectus and on-going liaison with State Government representatives.
- Consider allowing budget for the cost-share of acquisition. The public acquisition of Barrm Birrm by the State Government is very likely to require matched funding to be successful.

Consultation and engagement

The Riddells Creek community have been active in their advocacy for the protection of Barrm Birrm over many years. Riddells Creek Landcare was formed with the purpose of advocating for the appropriate ecological management of Barrm Birrm, and the creation of a public

reserve. Council has, and will continue to, work closely with the Riddells Creek community on this issue.

Collaboration

Council has engaged with a number of government and statutory bodies in regard to the protection of Barrm Birrm.

Council worked with both CFA and the Vic Police to reduce illegal activities and fire risk in the area through the installation of gates at the main tracks. Both organisations were supportive of the actions undertaken and reported reduced issues in the area as a result.

In 2020, Council ensured that the permanent protection of Barrm Birrm was included in the Port Phillip Regional Catchment Strategy Prospectus. Melbourne Water is now responsible for the delivery of this important regional document.

Council has invited Trust for Nature and Bush Heritage to visit the site and consider how they could support its protection. Unfortunately, due of the complexity of multiple owners, both organisations were unable to provide support at this stage, however noted the important environmental values of the site.

Innovation and continuous improvement

Council's Biodiversity Strategy 2018 outlines a series of actions aimed at achieving the transfer of Barrm Birrm properties to public ownership and, ultimately, the creation of a nature conservation reserve.

Ecological consultants and the traditional owners of the land, Wurundjeri Land Council, are currently being engaged to provide expert advice for the ecological and heritage values of the site. Reports from both of these investigations will become important reference material should Council pursue any planning scheme amendments or advocate for public acquisition.

Relevant law

In 2020, Council sought legal advice to understand our responsibilities over the unmade roads into the estate and possibilities of obtaining probate on the deceased estates.

Currently, the land is zoned as Rural Conservation Zone (RCZ1) with the overlays:

- Wildfire Management Overlay
- Significant Landscape Overlay
- Vegetation Protection Overlay
- Restructure Overlay

The following plants found in Barrm Birrm are listed under the *Flora and Fauna Guarantee Act 1988*:

- Hairy-leaf Triggerplant (*Stylidium armeria subsp. Pilosifolium*) is listed as Critically Endangered, and
- Dwarf Silver Wattle (*Acacia nano-dealbata*) is classified as rare.

In addition, 29 species of orchid have been recorded on site, all of which are considered to be of local significance to the Gisborne area.

Council is obliged to manage weed species as outlined in the *Catchment and Land Protection Act 1994*.

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

Relevant regional, state and national plans and policies

- Port Phillip Regional Catchment Strategy 2021 - New parks – Significant areas of additional new parks established across this region providing improved security, extent and quality of native habitat. The Permanent Protection of Barrm Birrm is included as a project in the Port Phillip Regional Catchment Strategy Prospectus.
- State Governments Biodiversity 2037 plan - Create new areas of permanently protected native vegetation.

Relevant Council plans and policies

- Biodiversity Strategy 2018 - actions aimed at achieving the transfer of Barrm Birrm properties to public ownership and, ultimately, the creation of a nature conservation reserve

Financial viability

The current status of the land requires a large investment of Council resources to continually resolve on-going issues. This includes significant staff time responding to landholder and community requests around use of the land, native vegetation impacts, and safety concerns. Council is also undertaking the ecological and cultural heritage assessments with existing resources. In addition, Council covers the costs of the title transfers through the gift back scheme.

Additional resources would be required to seek probate for deceased estates, undertake any new planning amendments, and to waive outstanding rates to expedite the gift back program.

Council rate valuations value the land at Barrm Birrm at approximately \$4,700,000. Valuations were last undertaken in January 2022. The lots across the site vary in size, and recent sales have seen lots sold for \$74,000. Council is advocating for the State Government to support a public purchase of Barrm Birrm, which officer's value at approximately \$6,360,000. Management of the site could be Council, State Government or other options including traditional owners.

We note that resources for the on-going management of the site would be required should the entire area ultimately end up under Council ownership.

Sustainability implications

Public ownership of Barrm Birrm would ensure its permanent protection and allows for the appropriate management of the site's ecological and community values.

Officer declaration of conflicts of interest

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

Barrm Birrm - A bushland worth protecting

Creating a new nature reserve in the Macedon Ranges

About the project

The purpose of this project is to resolve a historic planning decision that creates conflict and risk for the environment and adjacent Riddells Creek community, via the public acquisition of a beautiful bushland.

This potential nature reserve is Barrm Birrm - place of many yam roots. The 118 hectare open forest is arguably the most intact flora and fauna area in the region which comes alive in Spring with a vast diversity of groundcover plants and wildflowers – particularly Yam Daisies or Murnong.

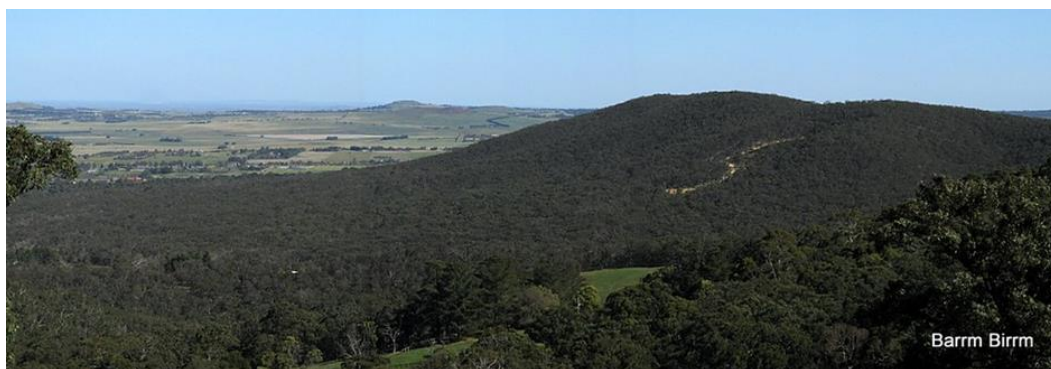
The area is also known as “Riddells Ranges Estate” or the former Shone and Schultz sub-division in Riddells Creek. Unfortunately, due to a legacy of planning from the 1880s, this land is divided into 162 lots and owned by 98 different landowners. Due to the site’s natural values, high fire risk and lack of services, the land is not considered suitable for development. As a result, current planning controls prevent development in the estate – creating frustration for many of its owners.

Council currently operates a “gift back” scheme to encourage the transfer of private land parcels to Council. This process is slow and relies on the voluntary participation of landowners. Through this process, Council now owns 56 of the lots. However, Council has found that with increasing land prices, this program has stalled.

Public acquisition has significant support from the local community. In 2005, residents formed Riddells Creek Landcare to care for Barrm Birrm, removing rubbish and invasive weeds, introducing the local community to its plant and animal life and advocating for its permanent protection.

Public acquisition of Barrm Birrm meets actions identified in multiple strategy documents:

- Council’s Biodiversity Strategy 2018 - actions aimed at achieving the transfer of Barrm Birrm properties to public ownership and, ultimately, the creation of a nature conservation reserve
- Port Phillip Regional Catchment Strategy 2021 - New parks – Significant areas of additional new parks established across this region providing improved security, extent and quality of native habitat
- State Governments Biodiversity 2037 plan - Create new areas of permanently protected native vegetation



Benefits

- Permanent protection of native vegetation of high conservation significance on the south east side of the Macedon Ranges, over 27 species of native orchids and the only plant endemic to the Macedon Ranges Shire – the Hairy-leaf Triggerplant.
- Prevents use of the site by multiple landholders including destruction of flora from illegal camping, firewood collection, 4WD and dirt bikes – and the resources required by Council to manage these increasing threats.
- Allows for appropriate management of fire risk to adjoining Riddells Creek township
- Open space for the Riddells Creek community for passive recreation such as bushwalking, picnics and appreciating local biodiversity
- Opportunity for a nature reserve to attract visitors to Riddells Creek and create longer distance walking tracks linking up with adjoining public land including Conglomerate Gully Reserve, Sandy Creek Bushland Reserve and Mount Charlie Flora Reserve.
- Economic benefits – significantly rising land prices create an urgency around public acquisition.
- Landscape connectivity linking public land at Conglomerate Gully Reserve and providing habitat links for threatened species through to T Hill Flora Reserve and Mount Charlie Reserve.

Project stage

Council is currently undertaking detailed ecological and cultural heritage assessments that *further* demonstrate the significant ecological and heritage values of the site.

The next step is to generate the resources and support for public acquisition.

Total estimated project cost	Council funds	Funding sought	Timeline
\$4,909,100	Project management, in-kind works and support	\$4,659,100 <i>*based on 2022 rates valuations noting that market value is likely to increase.</i> \$250,000 for planning scheme amendment, plus project management, in-kind works and support.	ASAP

PE.3	AGR/2022/5 - END OF SECTION 173 AGREEMENT AU829337V - 52B MURPHY STREET, ROMSEY
Officer:	Koko Cheng, Statutory Planning Officer
Council Plan relationship:	3. Improve the built environment
Attachments:	<ol style="list-style-type: none"> 1. Title Documents ↓ 2. Application Letter ↓
Applicant:	Urban Design and Management Pty Ltd
Date of receipt of application:	18/08/2022
Trigger for report to Council	Councillor Call-in

Summary

The purpose of this report is to seek Council's in principle support to end Section 173 Agreement AU829337V ('the Agreement') in relation to 52B Murphy Street, Romsey.

The Agreement was registered on the title in 2021 in accordance with planning permit PLN/2019/288 which sought the Subdivision of Land into Two (2) lots. The Agreement contains restrictions in relation to building envelope and compliance and maintenance of landscaping area for Lot 2.

It is considered that the ending of the Agreement is appropriate and would facilitate the medium density development in accordance with the objectives of Design and Development Overlay (Schedule 18). It is recommended that Council provide in principle support to end the Agreement.

Recommendation

That Council provides in principle support for the ending of section 173 Agreement AU829337V for the land at Lot 2 on Plan of Subdivision 830900H at 52B Murphy Street, Romsey in accordance with Section 178A of the Planning and Environment Act 1987.

Existing conditions and relevant history

Subject land

The subject site is located on the northern side of Murphy Street, approximately 85 metres east of the Murphy Street and Wrixon Street intersection and is located 250 metres west of the Romsey town centre. The land is a battle-axe lot with a driveway shaft on to Murphy Street having a 6m frontage. It has a depth of 100.58 metres and a rear boundary width of 22.02 meters. The site slopes slightly from the southwest corner towards the northeast corner, with an overall fall of approximately 1.5 metres along the length of the allotment. The land is currently vacant and is clear of vegetation.

It is noted that the subject site was created by a recent two (2) lot subdivision approved in PLN/2019/288.

Surrounds

The surrounding properties vary in size to the subject site. There is a mixture of smaller medium density developments and larger residential lots containing a single dwelling within Murphy Street and the immediate surrounds. The immediate land to the south (52A Murphy Street) contains a single storey weatherboard dwelling in the southern section of the lot, with a cluster of trees, a sparse amount of overgrown and non-native scrub vegetation located to the north of the dwelling and at the rear of the lot.

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

A current copy of title has been provided with the application which shows a Section 173 Agreement have been registered on the title to this property. Owner's covenants agrees as follows:

7.1 Building Envelope

No buildings and works, with the exception of the construction of a driveway on lot 2, shall be undertaken outside the building envelope shown on the endorsed plan of subdivision, without prior written consent from Council.

7.2 Landscaping

Prior to the occupation of the dwelling on Lot 2, landscaping works shown on the endorsed landscape plan must be carried out, completed and thereafter maintained to the satisfaction of Council.

The applicant is seeking in principle support to end the Agreement for Lot 2 in its entirety.

Previous planning permit history

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

Permit No.	Description
PLN/2021/553	Subdivision of the Land into Two (2) Lots and Development of Two (2) Dwellings
PLN/2019/288/A	Subdivision of the Land into Two (2) Lots and Creation of an Easement (Secondary consent sought to correct dimensions on Plan of subdivision)
PLN/2019/288	Subdivision of the Land in to Two (2) Lots and Creation of an Easement
PLN/2019/113	Five (5) Lot Subdivision (withdrawn)

Proposal

The applicant seeks in principle support to end the Section 173 Agreement AU829337V registered on the title of the subject land.

The Agreement contains restrictions in relation to building envelope and compliance and maintenance of landscaping area for Lot 2. The Agreement was registered on the title in 2021 in accordance with planning permit PLN/2019/288.

A new permit has been lodged under PLN/2021/553 for a further two (2) lot subdivision and the development of two (2) dwellings on the subject site.

Relevant Macedon Ranges Planning Scheme controlsPlanning Policy Framework

Clause no.	Clause name
Not Applicable	

Local Planning Policy Framework

Clause no.	Clause name
Not Applicable	

Zoning

Clause no.	Clause name
32.08	General Residential Zone Schedule 1

Overlay

Clause no.	Clause name
43.02	Design and Development Overlay Schedule 18
45.06	Development Contribution Plans Overlay Schedule 1

Particular provisions

Clause no.	Clause name
Not Applicable	

General provisions

Clause no.	Clause name
Not Applicable	

Cultural Heritage Management Plan assessment

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

Based on the above assessment, a cultural heritage management plan is not required in accordance with Part 2 Division 1 Regulation 6 *Aboriginal Heritage Regulations 2018*

The process to dateReferral

Authority (Section 55)	Response
Nil	
Authority (Section 52)	Response
Nil	

Advertising

The Agreement was entered between Macedon Ranges Shire Council and landholder on

- Lot 1 PS830900H (52A Murphy Street)
- Lot 2 PS830900H (52BMurphy Street)

Consent from Lot 1 PS830900H (52A Murphy Street ROMSEY) has been provided.

Consent of all parties bound by the Agreement has been obtained.

Officer assessment

Section 178B (2) of the Planning and Environment Act 1987 sets out matters which must be considered when considering a proposal to amend or end a Section 173 Agreement. The matters are addressed below:

a) The purpose of the Agreement

The Agreement was entered into as part of the previous two lot subdivision (PLN/2019/288) of 52 Murphy Street. The Agreement was included to ensure the compliance with the requirements of Design and Development Overlay (Schedule 18) which contributes to the neighbourhood character and landscape character of the area. It is noted that the building envelope registered on the title was assessed against one dwelling under the overlay provision.

b) Whether and why the agreement is no longer required.

A new permit has been lodged under for a further two (2) lot subdivision and the development of two (2) dwellings on Lot 2. The ending of the Agreement will facilitate the assessment of the current planning application. The subject site is located within medium density precinct under the Design and Development Overlay (Schedule 18) which encourages medium density development. Ending of the Agreement will assist in achieving the objectives of the precinct.

The owners will be required to enter into a new Section 173 agreement (subject to the assessment of the current planning permit application) in relation to the built form.

c) Whether the ending of the agreement would disadvantage any person, whether or not a party to the agreement

The Agreement is entered between Macedon Ranges Shire Council and the landholder/s of Lot 1 and Lot 2 PS830900H. Consent of all parties bound by the Agreement has been provided. The ending of the Agreement would not cause detriment to adjoining landholders as the landowner will be required to enter into a new Section 173 agreement (subject to the assessment of the current planning permit application) in relation to the built form, neighbourhood and landscape character of the area.

d) The reasons why the Responsible Authority entered into the agreement

The Agreement was registered on the title in 2021 in accordance with planning permit PLN/2019/288. The Agreement was included to ensure compliance with Design and Development Overlay (Schedule 18) which contributes to the neighbourhood character of the area. It is noted that the building envelope registered on the title was assessed against one dwelling.

e) Any relevant permit or other requirements the land is subject to under the Subdivision Act 1988

The landowner will be required to enter into a new Section 173 agreement (subject to the assessment of the current planning permit application PLN/2021/553) in relation to the built form. No other liabilities are contained within the Agreement that should be retained.

f) Any other prescribed matter

There are no other prescribed matters.

Officer declaration of conflicts of interest

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

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 12340 FOLIO 127

Security no : 124099376712N

Produced 02/08/2022 05:13 PM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 830900H.
PARENT TITLE Volume 09136 Folio 173
Created by instrument PS830900H 04/11/2021

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
KIM ELIZABETH ALLEY
DEAN ROBERT ALLEY both of 2 GREEN GULLY CLOSE GISBORNE VIC 3437
PS830900H 04/11/2021

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AR855953A 21/01/2019
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 Planning and Environment Act 1987
AU829337V 21/09/2021

DIAGRAM LOCATION

SEE PS830900H FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 52B MURPHY STREET ROMSEY VIC 3434

ADMINISTRATIVE NOTICES

NIL

eCT Control 20427W ARMSTRONG COLLINS & DELACY
Effective from 04/11/2021

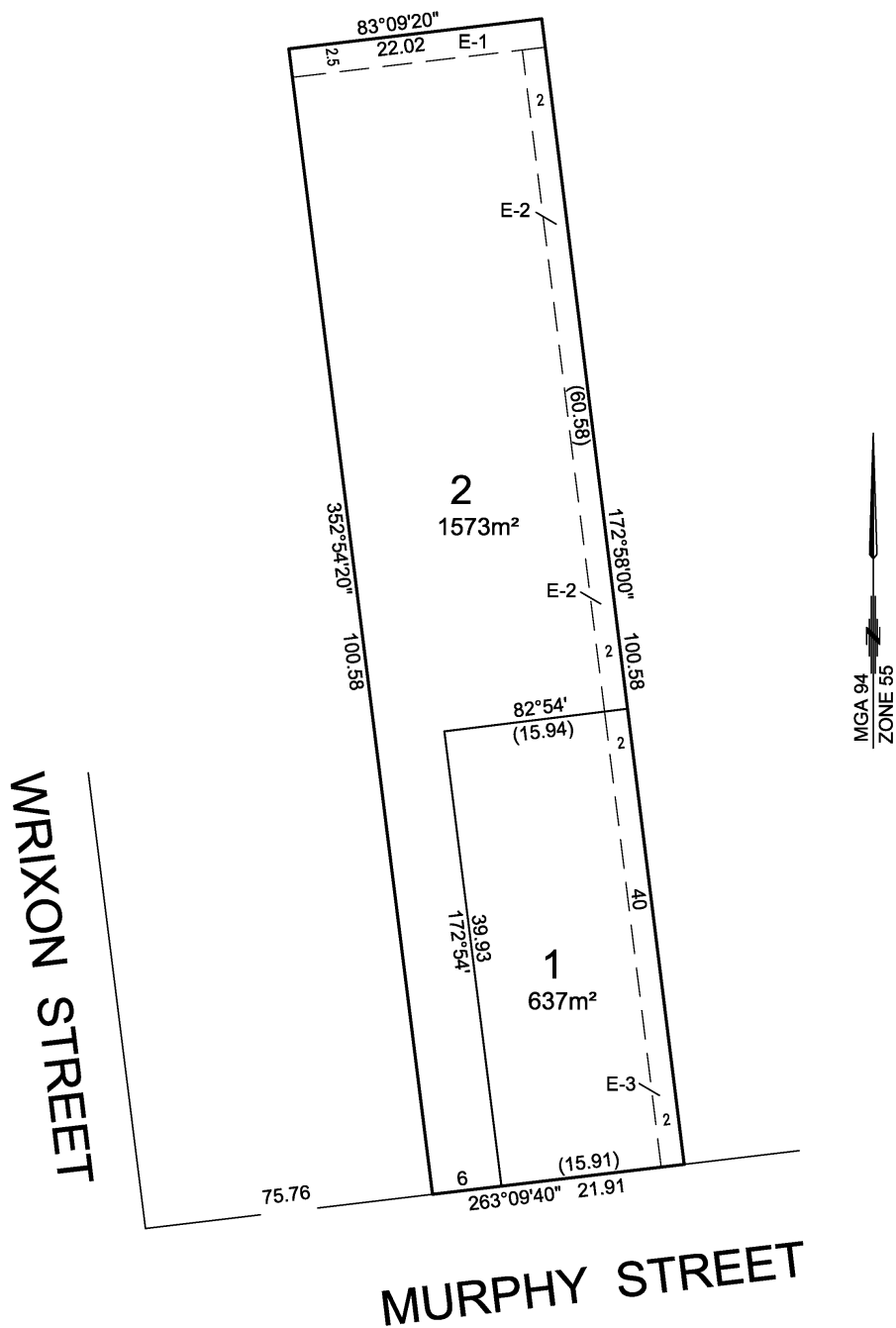
DOCUMENT END

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PLAN OF SUBDIVISION	EDITION 1	PS830900H		
<p>LOCATION OF LAND</p> <p>PARISH: LANCEFIELD TOWNSHIP : ROMSEY CROWN ALLOTMENT : 2 (Part)</p> <p>TITLE REFERENCES : VOL.09136 FOL.173</p> <p>LAST PLAN REFERENCES : LP117048 (Lot 3)</p> <p>POSTAL ADDRESS: 52 MURPHY STREET (at time of subdivision) ROMSEY, 3434</p> <p>MGA94 CO-ORDINATES: E: 299 800 ZONE: 55 (of approx centre of land N: 5 864 250 in plan)</p>	<p>Council Name: Macedon Ranges Shire Council</p> <p>Council Reference Number: CRT/2020/14 Planning Permit Reference: PLN/2019/288 SPEAR Reference Number: S152925A</p> <p>Certification</p> <p>This plan is certified under section 6 of the Subdivision Act 1988</p> <p>Public Open Space</p> <p>A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made</p> <p>Digitally signed by: Declan Hunter for Macedon Ranges Shire Council on 10/09/2021</p> <p>Statement of Compliance issued: 04/10/2021</p>			
VESTING OF ROADS AND/OR RESERVES	NOTATIONS			
IDENTIFIER	COUNCIL/BODY/PERSON			
NIL	NIL			
NOTATIONS				
DEPTH LIMITATION : DOES NOT APPLY				
<p>SURVEY: This plan is based on survey.</p> <p>STAGING: This is not a staged subdivision. Planning Permit No. : PLN/2019/288</p> <p>This survey has been connected to permanent mark No. 59 & 17 In Proclaimed Survey Area No.120</p> <p>SPEAR REFERENCE : S152925A</p>				
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	DRAINAGE & SEWERAGE	2.50	LP117048	ALL LOTS IN LP117048
E-1	SEWERAGE	2.50	THIS PLAN	WESTERN REGION WATER CORPORATION
E-2	SEWERAGE	2m	THIS PLAN	LOT 1 ON THIS PLAN
E-3	DRAINAGE	2m	THIS PLAN	LOT 2 ON THIS PLAN
<p>Land Development Consulting Pty Ltd Suite 20, 255 Drummond Street CARLTON, 3053 Ph : 9347 5655 E-mail : ldc@landevco.net.au</p>	<p>SURVEYORS FILE REF: PS 3818 Version : B</p> <p>Digitally signed by: Mark Charles Tomkinson, Licensed Surveyor, Surveyor's Plan Version (B), 29/10/2020, SPEAR Ref: S152925A</p>	<p>ORIGINAL SHEET SIZE: A3</p>	<p>SHEET 1 OF 2 SHEETS</p>	<p>PLAN REGISTERED TIME: 7:52pm DATE: 4/11/2021</p> <p style="text-align: right;">Roger Mellor Assistant Registrar of Titles</p>

PS830900H



Land Development Consulting Pty Ltd Suite 20, 255 Drummond Street CARLTON, 3053 Ph : 9347 5655 E-mail : ldc@landevco.net.au	SCALE 1 : 400	LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	SHEET 2
	Digitally signed by: Mark Charles Tomkinson, Licensed Surveyor, Surveyor's Plan Version (B), 29/10/2020, SPEAR Ref: S152925A		Digitally signed by: Macedon Ranges Shire Council, 10/09/2021, SPEAR Ref: S152925A	

MACEDON RANGES SHIRE COUNCIL

- and -

DEAN ROBERT ALLEY AND KIM ELIZABETH ALLEY

SECTION 173 AGREEMENT

**Lot 3 on Plan of Subdivision PS117048
Certificate of Title Volume 09136 Folio 173**

52 Murphy Street, Romsey

Section 173 Agreement

THIS AGREEMENT is made on the _____ day of _____ 2021.

BETWEEN:

MACEDON RANGES SHIRE COUNCIL of 129 Mollison Street, Kyneton, Victoria ("the Council")

AND

DEAN ROBERT ALLEY AND KIM ELIZABETH ALLEY of 2 Green Gully Close, Gisborne, Victoria ("the Owner")

RECITALS:

- A. The Owner is the registered proprietor of Lot 3 on Plan of Subdivision PS117048, Parish of Lancefield being the land described in Certificate of Title Volume 09136 Folio 173 ("the land").
- B. The Council is the Responsible Authority pursuant to the Act for the Scheme.
- C. The Owner has obtained a Planning Permit from the Council for subdivision of the Land into Two (2) Lots and Creation of an Easement.
- D. As a condition of the Planning Permit, the Owner must enter into an agreement pursuant to Section 173 of the Act to be registered on title which addresses the issues stated in condition 4 of the Planning Permit.

OPERATIVE PROVISIONS:

1. Definitions

In this Agreement the terms and words set out in this clause shall have the following meanings unless otherwise indicated by the context:

- 1.1 **"the Act"** means the *Planning and Environment Act 1987*;
- 1.2 **"the Agreement"** or **"this Agreement"** means this agreement and any agreement executed by the parties expressed to be supplemental to this agreement;
- 1.3 **"approved"** means approved by Council;
- 1.4 **"complete"** in respect of any works or any part of any works means the completion of those works or the specified part of those works in accordance with plans and specifications approved by the Council to the satisfaction of the Council;
- 1.5 **"the land"** means the land described in recital A;
- 1.6 **"endorsed landscape plan"** means the landscape plan (1 sheet) prepared by Draftscope Pty Ltd and endorsed by Council on 12 February 2021, a copy of which is contained in Annexure B to this Agreement;
- 1.7 **"endorsed plan of subdivision"** means the proposed plan of subdivision (1 sheet) prepared by Land Development Consulting Pty Ltd and endorsed by

Section 173 Agreement

Council on 28 April 2021, a copy of which is contained in Annexure A to this Agreement;

- 1.8 **“Owner”** means Dean Robert Alley and Kim Elizabeth Alley and any persons entitled from time to time to be registered as proprietor or proprietors of any estate in fee simple in the land or any part of it;
- 1.9 **“Planning Permit”** means Planning Permit PLN/2019/288 issued by the Council on 13 December 2019;
- 1.10 **“the Scheme”** means the Macedon Ranges Planning Scheme as amended from time to time;
- 1.11 **“Lot”** means a lot (as that term is defined in section 3 of the *Subdivision Act 1988*) as shown on the endorsed plan.

2. Interpretation

All provisions of this Agreement are to be interpreted in the following manner unless otherwise indicated by the context:

- 2.1 Undefined terms or words shall have the meanings given in the Act or the Scheme.
- 2.2 The singular includes the plural and the plural includes the singular.
- 2.3 A reference to a gender includes a reference to each other gender.
- 2.4 A reference to a person includes a reference to a firm, corporation or other corporate body.
- 2.5 If a party consists of more than one person this Agreement binds them jointly and each of them severally.
- 2.6 A reference to a “planning scheme” or “the Scheme” shall include any amendment, consolidation, or replacement of such Scheme and any document incorporated by reference into such Scheme.
- 2.7 A reference to a statute shall include any statutes amending, consolidating or replacing same and any regulations made under such statutes.
- 2.8 Where in this Agreement the Council may exercise any power, duty or function, that power may be exercised on behalf of the Council by an authorised or delegated officer.
- 2.9 All headings are for ease of reference only and shall not be taken into account in the construction or interpretation of this Agreement.
- 2.10 The introductory clauses to the Agreement are and will be deemed to form part of this Agreement.

3. Agreement Under Section 173 of the Act

The Council and the Owner agree that without limiting or restricting their respective powers to enter into this Agreement and in so far as it can be so treated, this Agreement is made pursuant to Section 173 of the Act.

4. Effect of Agreement

This Agreement shall come into force and effect from the date of this Agreement.

Section 173 Agreement

5. Disclosure of Agreement

The Owner must not sell, transfer, dispose of, assign, mortgage, lease, licence or otherwise part with possession of the land or any part of it without first disclosing the existence and nature of this Agreement.

6. Successors in Title

It is intended that the covenants hereafter shall run with the land and Council shall have the power to enforce the covenants against any person or persons deriving title from the Owner.

7. Owner's covenants

The Owner covenants and agrees as follows:

7.1 Building Envelope

No buildings and works, with the exception of the construction of a driveway on Lot 2, shall be undertaken outside the building envelope shown on the endorsed plan of subdivision, without prior written consent from Council.

7.2 Landscaping

Prior to the occupation of the dwelling on Lot 2, landscaping works shown on the endorsed landscape plan must be carried out, completed and thereafter maintained to the satisfaction of Council.

7.3 Notice

To bring this Agreement to the attention of any mortgagee of the land and any assignee, transferee, lessee or licensee of the land.

7.4 Compliance

- (a) To carry out and comply with the requirements of all statutory authorities and comply with all statutes, regulations, local laws and planning controls in relation to the land.
- (b) To take all necessary steps to comply with the obligations of each and every clause in this Agreement.

7.5 Registration

To do all things necessary to enable the Council to register notification of this Agreement against the title or titles to the land in accordance with Section 181 of the Act.

7.6 Mortgagee to be Bound

To obtain the acknowledgment of and consent to this Agreement of any mortgagee, to be witnessed by its written endorsement on the Agreement.

7.7 Council's Costs to be Paid

To pay all of the Council's costs and expenses of and incidental to the preparation, execution and registration of this Agreement and its enforcement.

7.8 Indemnity

To indemnify and keep indemnified the Council and its officers, employees, agents, workmen and contractors from and against all costs, expenses, losses or damages whatsoever which they or any of them may sustain incur or suffer to be or become liable for or in respect of any suit action proceeding judgment or claim brought by any person whatsoever arising from or referable to this Agreement or any non-compliance with this Agreement.

7.9 Council Access

To allow the Council and/or its officers, employees, contractors or agents (at any reasonable time) to enter the land to assess compliance with this Agreement.

8. Notices**8.1 Service of Notice**

A notice or other communication required or permitted to be served by a party on another party shall be in writing and may be served:

- (a) personally on the party; or
- (b) by sending it by pre-paid post, addressed to that party at the address specified in this document or subsequently notified to each party; or
- (c) by email to the person's email address specified in this document or subsequently notified to each party.

8.2 Time of Service

A notice or other communication is deemed served:

- (a) if served personally, upon service;
- (b) if posted within Australia to an Australian address, two business days after posting and in any other case, seven business days after posting; or
- (c) if served by email, at the time the recipient's email server receives the email without the sender receiving an error or "out of office" report;
- (d) if received after 6.00pm in the place of receipt or on a day which is not a business day, at 9.00 am on the next business day.

9. General**9.1 Further Assurance**

Each party must promptly execute and deliver all documents and take all other action necessary or desirable to effect, perfect or complete the transactions contemplated by this Agreement.

9.2 No Waiver

Any time or other indulgence granted by the Council to the Owner or any variation of the terms and conditions of this Agreement or any judgment or order obtained by the Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of the Council in relation to the terms of this Agreement.

9.3 Severability

If a court, arbitrator or tribunal determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it shall be severed and the other provisions of this Agreement shall remain operative.

9.4 Disputes

If any disputes arise between the Owner and the Council in respect of anything to be ascertained, done or agreed pursuant to this Agreement ("the Dispute"), and that Dispute is not resolved by agreement between the parties within 14 days of it arising (or any later period mutually agreed to by the parties), either the Owner, or the Council may refer the Dispute for determination to the Victorian Civil and Administrative Tribunal pursuant to Section 149A of the Act.

9.5 Alteration of Agreement

This Agreement may only be altered or modified by a subsequent agreement in writing executed under seal of the Council and signed by the Owner, or otherwise in accordance with section 178 of the Act.

9.6 Ending of Agreement

This Agreement shall end in accordance with Section 177 of the Act upon agreement by the parties to this Agreement, or otherwise in accordance with section 177 of the Act.

Section 173 Agreement

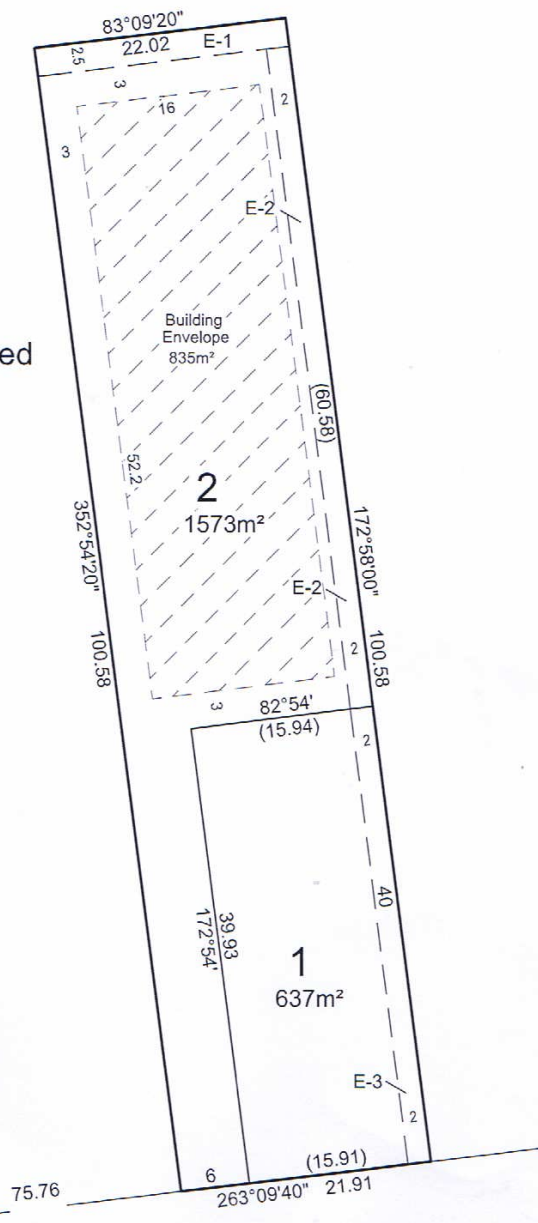
ANNEXURE A
ENDORSED PLAN OF SUBDIVISION
(1 Sheet)

Prepared By:
Land Development Consulting Pty Ltd

PS830900H

Building Envelope shown hatched

WRIXON STREET



MURPHY STREET

MACEDON RANGES PLANNING SCHEME
 PLANNING PERMIT NO: FLN/2019/288/A
 This plan is approved as an amendment to the above Planning Permit
 Date: 28/04/2021
 Authorised Officer: Shi Yang (Lydia)
 Page: 1 of 1
Shi Yang

Land Development Consulting Pty Ltd Suite 20, 255 Drummond Street CARLTON, 3053 Ph: 9347 5655 E-mail: ldc@landevco.net.au	SCALE 1 : 400	LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	SHEET 2
	Licensed Surveyor : Mark Charles Tomkinson Reference : PS 3818 Version : B			

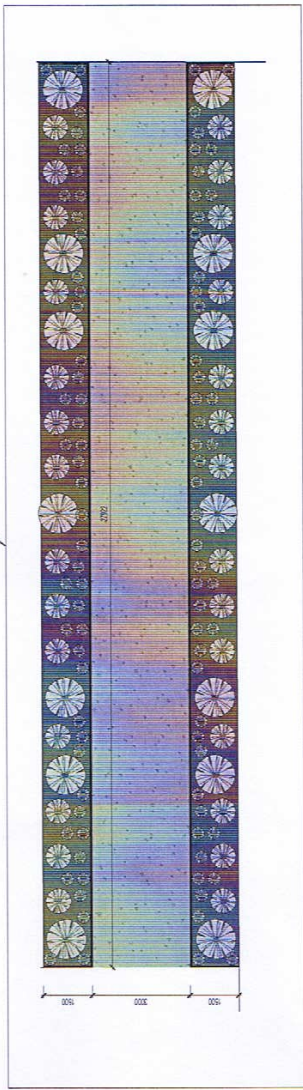
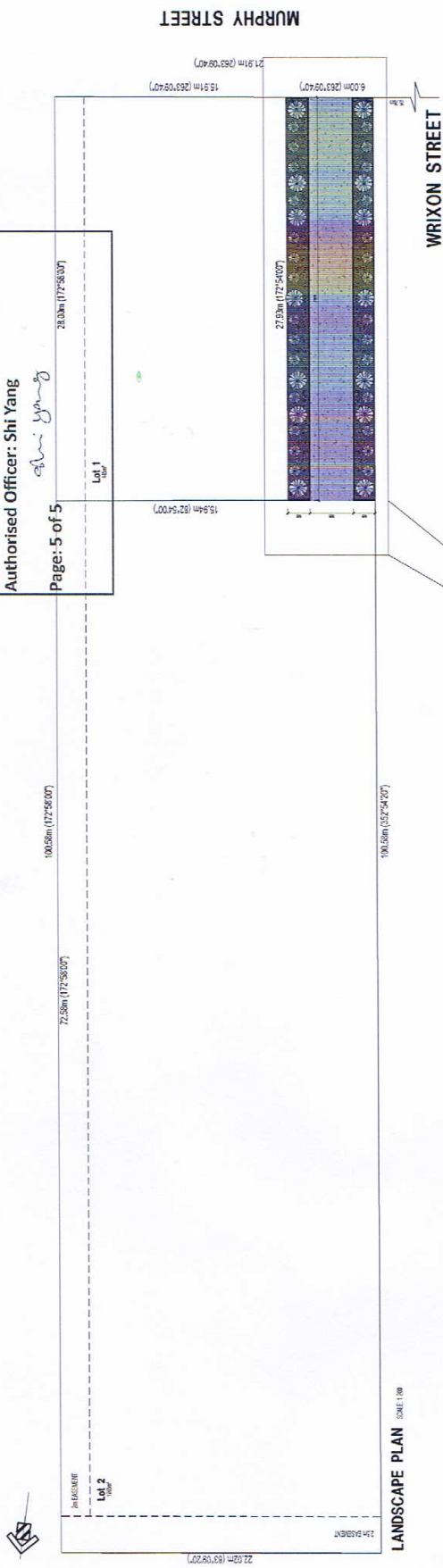
Section 173 Agreement

ANNEXURE B
ENDORSED LANDSCAPE PLAN
(1 Sheet)

Prepared By:
Draftscope Pty Ltd



MACEDON RANGES PLANNING SCHEME
PLANNING PERMIT NO: PLN/2019/288
 This plan satisfies condition 1
 Date: 12/02/2021
 Authorised Officer: Shi Yang
 Page: 5 of 5



KEY

	BOTANICAL NAME - LEPTOSPERMUM COMMON NAME - STARRY NIGHT
	BOTANICAL NAME - CALLISTEMON COMMON NAME - KNISST PARK SPECIAL
	BOTANICAL NAME - GREVILLEA COMMON NAME - AT TAMBARITHA
	BOTANICAL NAME - ACACIA COGNATA DAWRF COMMON NAME - MINI COG
	BOTANICAL NAME - COREOA RELEZA COMMON NAME - AUTUMN BLAZE
	BOTANICAL NAME - COREOA RELEZA COMMON NAME - FALL FORM
	BOTANICAL NAME - COREOA COMMON NAME - DUSKY BELLS
	DARK GREY PEBBLES TO GARDEN BEDS
	CONCRETE DRIVEWAY - NATURAL GREY COLOUR

PROJECT CODE	CUSTOM
PROJECT NAME	PRELIMINARY
PROJECT ADDRESS	52 MURPHY STREET, ROMSEY VIC. 3434
DATE OF PRELIMINARY DESIGN	12/02/2021
DATE OF ASSESSMENT	12/02/2021
DESIGNER	STROUDHOV
APPROVED BY	DEAN & RIM ALLEY
DATE OF APPROVAL	
PROJECT NO.	LANDSCAPE PLAN
REV. NO.	
REV. DESCRIPTION	
DATE	
BY	
FOR	
PROJECT NO.	
DATE	
BY	
FOR	
PROJECT NO.	
DATE	
BY	
FOR	

Section 173 Agreement

Executed as a Deed

THE COMMON SEAL)
of the MACEDON RANGES)
SHIRE COUNCIL was hereto)
affixed on the/...../.....)
in the presence of:)

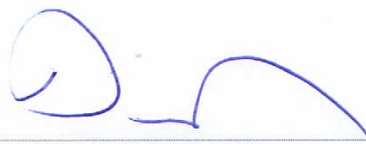
Signature of Councillor

Signature of Chief Executive Officer

Name of Councillor (please print)

Name of Chief Executive Officer (please print)


SIGNED SEALED and DELIVERED by)
the said DEAN ROBERT ALLEY in the)
presence of:)



DEAN ROBERT ALLEY

 LAILA TANANA
Witness NOT KIM ALLEY

SIGNED SEALED and DELIVERED)
by the said KIM ELIZABETH ALLEY in)
the presence of:)


KIM ELIZABETH ALLEY

 LAILA TANANA.
Witness NOT DEAN ALLEY

Section 173 Agreement

MORTGAGEE'S CONSENT

Australia and New Zealand Banking Group Ltd as Mortgagee under Instrument of Mortgage No. AR855953A which encumbers the subject land consents to the Owner entering into this Agreement and agrees to be bound by the terms and conditions of this Agreement.

UrbanDesign
and managementLand Development | Project Management
Planning | Urban Design | Civil EngineeringProject No: 21053
Your Reference:

2 August 2022

Koko Cheng
Statutory Planning Officer
Macedon Ranges Shire CouncilVia email: kcheng@mrsc.vic.gov.au; planning@mrsc.vic.gov.au

Dear Koko,

**Re: 52B Murphy Street, Romsey
Application to end an Agreement**

Urban Design and Management acts on behalf of Dean Alley in relation to this application to end an agreement in accordance with Section 178A(1)(b) of the Planning and Environment Act 1987. This request is provided in accordance with the requirements of Section 55 of the Planning and Environment Regulations 2015.

Applicant details

The applicant for this request is:

Dean Alley

Address: 2 Green Gully Close, Gisborne 3437

Phone Number: 0408 168 676

Section 173 Agreement AU8293377

A current copy of the Certificate of Title for 52B Murphy Street, Romsey is attached (Lot 2 on Plan of Subdivision 830900H, Volume 09136/Folio 173).

Agreement AU8293377 is included on the title and is also attached.

The Agreement is between our clients, Dean and Kim Alley, and Macedon Ranges Shire Council. It applies to Lot 3 on Plan of Subdivision PS117048, which is the parent lot to 52A and 52B Murphy Street, Romsey.

At 7.1, the Agreement requires all buildings and works, with the exception of the construction of a driveway on Lot 2, to be located within the building envelope shown on the endorsed plan of subdivision.

At 7.2, the Agreement requires landscaping works shown on the endorsed landscape plan to be completed prior to the occupation of a dwelling on Lot 2.

Reasons for ending of Agreement AU8293377

The applicant is seeking a new planning permit to subdivide and develop Lot 2 (refer to application PLN/2021/553).

The proposed development would not comply with the existing building envelope and is required to be removed.

A new building envelope is proposed as part of PLN/2021/553. This building envelope would effectively replace that required by Agreement AU8293377.

The proposed plan of subdivision and building envelopes are attached.

Agreement AU8293377 would be removed from Lot 2 completely and likely replaced with a new Agreement via the PLN/2021/553 permit process.

Consent of 52A Murphy Street, Romsey

52A Murphy Street, Romsey is now a separately titled lot. Agreement AU8293377 does not apply to this lot and 52A Murphy Street, Romsey is not a party to Agreement AU8293377.

Application fee

The application fee of \$680.40 is enclosed.

We look forward to Council's consideration of this request. Should you require any additional information please contact me on 0423 572 451 or shannon.hill@udmgt.com.au.

Yours sincerely



Shannon Hill
Principal Planner

Urban Design and Management Pty Ltd

Enclosure As noted

12 CHIEF EXECUTIVE OFFICER REPORTS

CX.1	ANNUAL REPORT 2021-22
Officer:	Lauren Wall, Manager Communications and Engagement
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Annual Report 2021/22 (under separate cover)

Summary

Macedon Ranges Shire Council's 2021-22 Annual Report has been prepared in accordance with Section 98 of the Victorian Local Government Act 2020 (the Act). Section 100 of the Act requires a Council to consider its annual report at a meeting of Council.

Recommendation**That Council:**

- 1. Receives the Annual Report 2020/21; and**
- 2. In accordance with Section 98 of the Victorian Local Government Act 2020, gives public notice that the Annual Report 2021/22 has been prepared and that it will be available on Council's website and at Council offices.**

Background

Macedon Ranges Shire Council's Annual Report informs our community of our performance for the financial year, 1 July 2021 to 30 June 2022. It also provides details of our operations, achievements and challenges. Performance is measured against how well we achieved our goals and objectives outlined in the Council Plan 2021–31 (Year One).

The report is structured using the Victorian Government's Local Government Performance Reporting Framework. It also includes the audited Performance Statement and Financial Statements.

Discussion

The Annual Report highlights many of Council's achievements during the 2021/22 financial year which included:

- Ongoing storm recovery efforts and supporting community resilience.
- Council's Reconciliation Action Plan was formally launched at three events during the Autumn Festival.
- Council's flagship storm-waste facility at Romsey processed 63,000 tonnes of green waste from across Victoria in just six months.
- Ongoing pandemic relief and recovery efforts.
- Increased emergency management planning.

Capital expenditure included the commencement of works on two significant multiyear projects along with the completion of a number projects across the shire.

Commenced multiyear projects

- Construction contract awarded for Stage 1 of the Macedon Ranges Regional Sports Precinct project
- Design and construction contract awarded for the Macedon Ranges Shared Trails project – Woodend to Riddells Creek.

Completed projects

Kyneton Town Hall exterior façade works

- Purpose built, state of the art Kyneton Kindergarten
- Lancefield Park Lighting
- Installation EV Charging stations
- Kyneton Livestock Exchange upgrade

Significant expenditure was also allocated to renewing and improving our roads and footpaths and this will continue into 2022-23.

Consultation and engagement

There has been internal consultation on the Annual Report. The Audit and Risk Committee approved the Financial Statements and Performance Statement.

Collaboration

Nil

Innovation and continuous improvement

The Financial Statements have been prepared in accordance with relevant Australian Accounting Standards and Financial Reporting Standards.

Relevant law

The Financial Statements have been prepared in accordance with Australian Accounting Standards.

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

Relevant regional, state and national plans and policies

Nil

Relevant Council plans and policies

In order to ensure Council carries out its requirements in accordance with the Act, this report is provided to acquit those requirements. Delivering on the above requirement ensures that Council delivers on its priority of strong and reliable government.

Financial viability

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

Sustainability implications

Nil

Officer declaration of conflicts of interest

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

CX.2	CEO EMPLOYMENT AND REMUNERATION COMMITTEE REPORT
Officer:	Jennifer Anderson, Mayor
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Nil

Summary

To provide the community with a transparent record of the comprehensive process to complete the annual evaluation of the performance of the CEO.

Recommendation

That Council notes the CEO Employment and Remuneration Committee's successful completion of the assessment of Bernie O'Sullivan's performance as Chief Executive Officer of Macedon Ranges Shire Council during the first year to 30 June 2022, in accordance with Council's CEO Employment and Remuneration Policy and the Local Government Act 2020.

Background

Mr Bernie O'Sullivan commenced as the Chief Executive Officer (CEO) of Macedon Ranges Shire Council on 10 May 2021.

Agreed key performance indicators (KPIs) were outlined in the employment agreement for the first twelve months of the CEO's engagement, to be assessed following completion of the first full financial year of employment to 30 June 2022.

A 6-month review was completed in October 2021, in line with the performance process, and endorsed by Council.

In accordance with the Local Government Act 2020 and Council's CEO Employment and Remuneration Policy, the 12-month review of the CEO's performance within the first year of the employment agreement has now been completed, conducted by the CEO Employment and Remuneration Committee (ERC) who have, as per their terms of reference, included feedback from all Councillors.

The CEO ERC consists of Mayor Councillor Jennifer Anderson (Chair), Councillor Annette Death, Councillor Rob Guthrie and Independent Member Mr John Nevins.

Discussion

The ERC has reviewed and discussed the CEO's progress against the KPIs established at the commencement of his employment.

The assessment of the CEO's Performance and Remuneration has included:

- Review of performance data as evidence for KPI outcomes, including qualitative and quantitative data from a variety of sources.
- Review of benchmarks on performance and salaries in accordance with section 45(3) of the Act.

Consultation and engagement

The Committee met on 6 September 2022 and again on 13 September 2022 to discuss the CEO's performance against the KPIs over the period from May 2021 to 30 June 2022. Mr O'Sullivan presented to the Committee's meeting on 13 September 2022. On 20 September 2022 the Committee presented their findings to the whole councillor group, followed by a session with the CEO and all councillors.

Following input from all these meetings the Committee finalised their recommendations to Council.

All Councillors have had the opportunity to provide feedback during the review, including on the review process and the outcome of the evaluation.

Collaboration

N/A

Innovation and continuous improvement

This is the first year under the Local Government Act 2020 that a CEO employment and remuneration policy and committee have been established.

Council will monitor each year how the process has occurred and make any improvements they can identify. Apart from the formal review process Councillors and the Mayor meet regularly with the CEO without other staff being present. The regular review process allows both the CEO and Councillors to highlight any opportunities or discuss any challenges for continuous improvement across Council's operations throughout the year.

Relevant law

This report has been prepared in accordance with the *Local Government Act 2020* and the *Charter of Human Rights and Responsibilities Act 2006*.

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

Relevant regional, state and national plans and policies

N/A

Relevant Council plans and policies

CEO Employment and Remuneration Policy

Financial viability

N/A

Sustainability implications

N/A

Officer declaration of conflicts of interest

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

13 DIRECTOR CORPORATE REPORTS

COR.1	CONTRACTS TO BE AWARDED AS AT OCTOBER 2022
Officer:	Corinne Farley, Coordinator Contracts
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Nil

Summary

This report provides details of contracts proposed to be awarded under a delegation from Council, from the date of the last report. Although this report recommends noting the power delegated to Council officers, Council has the power to:

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

Recommendation**That Council:**

1. **Notes that the following contracts will be awarded by Council officers under delegated authority:**
 - (a) **C2023.12 Road Reconstruction Hamilton and Fitzgerald Streets Riddells Creek**
 - (b) **C2023.15 Project Management Services Shared Trails**
 - (c) **C2023.16 Five Mile Creek Footbridge Wood St Woodend**
 - (d) **C2023.18 Woodend Golf Club Renewal**
2. **Grants delegated authority to the Chief Executive Officer to award the following contracts:**
 - (a) **C2023.14 Public Place and Reserve Litter Bin Clearance**
 - (b) **C2023.08 Bulk Waste and Recycling Services**

Background information

Council's delegated authority to its officers to award a contract is controlled by the financial value of the contract. The various financial limits of the authority are specified in Appendix Six (6) of the Procurement Policy.

Opportunity to review delegated authority

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

C2023.08 Bulk Waste and Recycling Services

This contract is for the provision of waste and recycling services at Council Transfer Stations and other Council Facilities. The contract will include the removal and disposal or processing of various waste streams at licensed facilities agreed upon by Council.

This contract replaces the existing contract which is due to expire 14 August 2023.

The potential seven year contract exceeds the \$1 million financial delegation of the CEO.

C2023.12 Road Reconstruction Hamilton and Fitzgerald Streets Riddells Creek

This contract is to deliver road construction works of Hamilton Street and Fitzgerald Street, Riddells Creek project. The scope of this project includes road work, drainage construction, footpath construction and Kerb and Channel construction.

The CEO has delegated authority to award this contract.

C2023.14 Public Place and Reserve Litter Bin Clearance

This service contract is for the clearance of Council owned bins within parks, reserves, streets, and gardens. It also includes the refilling of the dog waste bag dispensers installed at various locations and. The collection of the 4 bin service provided to sporting clubs and the deployment, emptying & collection of special events bins within the Shire.

This contract replaces the existing contract which is due to expire 31 August 2023.

The potential eight-year contract exceeds the \$1 million financial delegation of the CEO.

C2023.15 Project Management Services Shared Trails

This is a selective tender process through the Department of Industry's Construction Suppliers Register for Consultants. Council is seeking to engage a suitably qualified Project Manager to lead the delivery and close-out of the Macedon Ranges Shared Trails Project during the period September 2022 to June 2024.

The CEO has delegated authority to award this contract.

C2023.16 Five Mile Creek Footbridge Wood Street Woodend

This contract is to deliver a new footbridge at Five Mile Creek Wood Street Woodend. This is not a renewal of an old bridge, it is for the construction of a new footbridge that is being funded by the Woodend Five Mile Landcare Group.

The CEO has delegated authority to award this contract.

C2023.18 Woodend Golf Club Renewal

This contract is for the refurbishment and repair of facilities at the Woodend Golf Club including DDA upgrades.

The CEO has delegated authority to award this contract.

Consultation and engagement

The nature of this report does not require any consultation or community engagement.

Collaboration

The nature of this report does not require collaboration with other councils, governments or statutory bodies.

Innovation and continuous improvement

Council reviews its Procurement Policy regularly, in accordance with the *Local Government Act 2020*. These reviews consider options for innovation and are part of continuous improvement processes.

Relevant Law

The *Local Government Act 2020* provides for Council to delegate powers to staff, including the power to award contracts.

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

Relevant regional, state and national plans and policies

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

Relevant Council plans and policies

The awarding of contracts is undertaken in accordance with the provisions of Council's Procurement Policy.

Financial viability

Funds for all contracts to be awarded, as listed above, have been provided in the operational and capital works budget and future annual budgets.

Sustainability implications

Council's Procurement Policy requires staff to procure goods, services and works from suppliers who actively employ sustainable practices in their operations.

Officer declaration of conflicts of interest

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

COR.2	INVESTMENT POLICY
Officer:	Travis Harling, Manager Finance and Reporting
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Investment Policy 2022 - for Endorsement ↓

Summary

The Investment Policy was last reviewed and adopted by Council in April 2019. This policy has been reviewed by officers and Council's Audit and Risk Committee and is now presented to Council for adoption.

Recommendation

That Council:

- 1. Adopts the Investment Policy as attached to the agenda effective from 27 October 2022, replacing the previous Investment Policy.**
- 2. Notes the ongoing work to consider further application of responsible investment and Environment, Social and Governance (ESG) principles, including seeking community feedback and understanding the potential risks and benefits.**

Background

Council's is granted power to invest its money, in accordance with the *Local Government Act 2020*. Council holds a significant amount of public funds, so it is appropriate that there are controls in place to safeguard money whilst ensuring optimal returns on investment.

The objectives of this policy are to:

- Maximise investment returns subject to risk reduction controls.
- Safeguard Council's investments.
- Provide guidance to staff in relation to managing Council's investments and cash flow to meet operating requirements.
- Align our investment approach to be consistent with Council's social and environmental obligations.

Discussion

Council cash and investment totalled \$45,384,000 at the end of the 2021/22 financial year, the current balance is \$34,838,265.

Officers have proposed several changes to the policy, they are as follows:

- Updated references to how Council is granted power to invest its money in accordance with Section 103 of the Act.
- Included reference to Section 101 of the Act which provides Council with financial management principles in relation to financial risks, including that financial risks must be monitored and managed prudently with regard to economic circumstances.

- Updated Section 4 - Funds available for Investment - including the use of surplus cash funds in the short term, the protection of the principal investment and the safety of the investment.
- Updated Section 5 - Investment portfolio management - to include three key components when taking out a new investment:
 - Risk Management and Investment Diversification
 - Return on investment
 - Environmental considerations.
- Section 5.1 (a) - updated portfolio credit framework percentages A review was undertaken of Macedon Ranges Shire Council's current exposure to institutions across Standard and Poors (S&P) Ratings, along with a comparison to several other Councils. As a result of this review, Officers are recommending the threshold limits of exposure be increased across several of the categories. This will enable greater flexibility of institutions with which Council can invest. When considering this increase reference was also made to Appendix 1 of the Policy, which outlines the S&P ratings. Officers recommend that, as a minimum, Council invest in institutions that have an "Adequate capacity to pay" (BBB), or higher, rating.
- Section 5.1 (b) Individual Institution Credit Framework. A review of the limit on the proportion of funds Council can hold in investments with individual institutions was also undertaken. Given the increase in the percentage permitted to be held per credit rating group, the need to increase the level held with each institution is recommended. Noting the increase in funds permitted to be held by each institution is either consider "Adequate capacity to pay" through to "Extremely strong capacity to pay". Officers believe Council's risk is to being adequately managed. Also worth noting that one Council included in the review does not have a limit on the value of funds held by any one institution.
- Section 5.1 (c) Term to Maturity Framework. The final part of the risk framework is the term investments are held to maturity. This risk measure is new to this policy. It sets out the length of time investments can be invested. This ensures investments are readily available to maintain cash flow for operations. It also provides the opportunity for investments over a longer period of time to attract a higher rate of return where these funds are not required in the short- medium term. Investments most appropriate for this form of investment are those linked to Reserves
- Section 5.3 remains in line with the previous policy aiming to have at least 20% of investments with ADI's that do not invest in, or finance, the fossil fuel industry.
- Section 6 revised the reference to liquidity and ensuring investments are made to support Council's day to day operations.
- Section 7 was updated to include Officers who are permitted to undertake investing activities on behalf of Council.
- Section 8 was updated to include the minimum of quotes required when undertaking new investment proposals.
- Section 9 now includes the title of each investment. All investments must be in the name of the Macedon Ranges Shire Council.
- Section 10 – now includes maturing investments and notes all maturing investments must paid into the Macedon Ranges Shire Council Operating Bank Account.

- Section 11 – now includes reporting and compliance requirements, monthly to ELT and quarterly to Councillors.
- Section 12, 13 and 14 have been included in line with current policy reviews.

Consultation and engagement

The Investment Policy was presented to Council's Audit and Risk Committee on 17 August 2022. The Audit and Risk Committee noted the draft Investment Policy as presented and a number of suggested changes were provided by the Committee.

Additional information was also distributed to Councillors on 13 September 2022 in response to a request for additional information.

Collaboration

Not applicable to this report.

Innovation and continuous improvement

Officers will continue to provide regular reporting on Council's investments via monthly reporting to Executive and quarterly reporting to Council, the quarterly reporting is made available to the community.

Relevant law

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

Relevant regional, state and national plans and policies

The Investment Policy has been reviewed in consideration with the following legislation and standards:

- *Local Government Act 2020*
- *Australian Prudential Regulation Authority (APRA)*
- *Corporations Act 2001 (Clth)*
- *Banking Act 1959*
- *Banking Regulations 2016*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Australian Accounting Standards*

Relevant Council plans and policies

The Investment Policy supports Council in meeting its strategic objective to "Deliver strong and reliable government".

Officers have also considered a number of Council policies in this reviewing the Investment Policy, including:

- *Climate Change Action Plan*
- *Cash Handling Policy*

Financial viability

The adoption of this policy will enable Council to invest funds in financial institutions and the revenue earned will be included in the budget each year. This contributes towards funding the operations of Council annually.

Sustainability implications

Council will invest funds in ADIs that do not invest in or finance the fossil fuel industry or support the International Campaign to abolish Nuclear Weapons (ICAN), in line with our investment credit framework, investment return goals, and existing plans and policies on Climate Change and endorsement of the ICAN Cities Appeal.

Officer declaration of conflicts of interest

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

Policy



Investment Policy

Date of Adoption	26 October 2022		
Adoption Method	<input checked="" type="checkbox"/> Council	<input type="checkbox"/> CEO	<input type="checkbox"/> Other (<i>please specify</i>)
CEO Signature			Date
Responsible Officer and Unit	Manager Finance and Reporting		
Nominated Review Period	<input type="checkbox"/> Annually	<input checked="" type="checkbox"/> Every 4 years	
Last Endorsement Date	April 2019		
Next Endorsement Date	October 2026		

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

DOCUMENT HISTORY	Version	Date	Author
Initial Draft		08/2022	T Harling
Second Draft			
Final Draft		October 2022	
Approval			

1

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Purpose/Objective

The objectives of this policy are to:

- Maximise investment returns subject to risk reduction controls
- Safeguard Council's investments.
- Provide guidance to staff in relation to managing Council's investments and cash flow to meet operating requirements.
- Align our investment approach to be consistent with Council's social and environmental obligations

Background/Reasons for Policy

Council is granted power to invest its money – in accordance with the *Local Government Act 2020*. Council holds a significant amount of public funds so it is appropriate that there are controls in place to safeguard the money whilst ensuring optimal returns on investment.

Gender Impact Assessment

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

1. Scope

This policy covers the governance requirements for investing Council funds to maximise returns while managing risk, incorporating consideration for Council's social and environmental commitments and ensuring compliance with the Act and other legislative requirements.

2. Legislative Requirements

The Local Government Act 2020 (the Act):

Section 101 of the Act provides Council with financial management principles as follows:

- a) revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans
- b) financial risks must be monitored and managed prudently having regard to economic circumstances
- c) financial policies and strategic plans, including the Revenue and Rating Plan, must seek to provide stability and predictability in the financial impact on the municipal community
- d) accounts and records that explain the financial operations and financial position of the Council must be kept.

Section 103 of the Act provides Council with the power to invest money as follows:

- a) in Government securities of the Commonwealth
- b) in securities guaranteed by the Government of Victoria
- c) with an ADI
- d) with any financial institution guaranteed by the Government of Victoria
- e) on deposit with an eligible money market dealer within the meaning of the *Corporations Act 2001 (Clth)*
- f) in any other manner approved by the Minister, either generally or specifically, to be an authorised manner of investment for the purposes of this section.

Banking Regulations 2016

The Australian Government introduced the Financial Claims Scheme (FCS) under the Banking Regulations 2016. The FCS protects money held by an account-holder with an ADI, whether in one or more accounts, up to a total value of \$250,000.

A list of approved ADIs can be found on the APRA website.

<https://www.apra.gov.au/list-of-authorised-deposit-taking-institutions-covered-under-financial-claims-scheme>

3. Funds Available for Investment

Council Funds that are not required for short term financial commitments are invested in a manner in accordance with the investment portfolio management components of this policy (section 4). Funds should, to the extent that the future can be forecast, be available for recurrent or capital expenditure where required and invested productively if not.

Protection of principal is essential in the investment program. Investments of Council will be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The capital investment must not drop below face value.

4. Investment Portfolio Management

Investments will be made with good judgement and care, not for speculation, and consider the probable safety of the capital as well as the probable income to be derived.

All else being equal, Council will give priority to those ADIs which demonstrate a positive commitment within the region and in accordance with Council's social and environmental considerations.

Council's investment Portfolio management is made up three key components:

- 4.1 Risk Management and Investment Diversification
- 4.2 Return on investment
- 4.3 Social and environmental considerations

4.1 Risk Management and Investment Diversification

Risk management and investment diversification of Council's investment portfolio is to comply with three key criteria:

- (a) Portfolio Credit Framework: limit overall credit exposure of the portfolio.
- (b) Counterparty Credit Framework: limit exposure to individual institutions.
- (c) Term to Maturity Framework: limits based upon maturity of securities.

(a) Portfolio Credit Framework

To control credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio, based upon Council's average annual balance, exposed to any particular S&P credit rating category:

Long Term Credit Ratings (1)	Short Term Credit Ratings (1)	Maximum Exposure to this Credit Rating Group (2)
AAA/AA-	A1+/A1	100%
A+/BBB-	A2/A3	70%
BB+/D	B	Nil

Following the adoption of this policy investments entered into are to be restricted to ADI's – such as banks, building societies and credit unions regulated by, and subject to the prudential standards of APRA.

Refer to the APRA website, (<https://www.apra.gov.au/register-of-authorized-deposit-taking-institutions>) for a listing of approved ADIs.

Council is not to invest with any unrated ADIs.

(b) Individual Institution Credit Framework

Exposure to an individual ADI will be restricted by their S&P credit rating so that single entity exposure is limited, as detailed in the table below:

Long Term Credit Ratings (1)	Short Term Credit Ratings (1)	ADI limit (2)
AAA/AA	A1+/A1	45%
A+/A-	A2	40%
BBB+/BBB-	A3	35%
BB+/D	B	Nil

Notes:

Financial institutions have ratings based on the long term (12 month +) and the short term (less than 12 months). The categories are based on S&P's investment ratings. See Appendix 1 for further details.

The percentages are of the total amount of money held by Council in investments and in bank accounts.

Percentage holdings in each security should be based on average investment holdings, excluding at call amounts and bank accounts.

ADIs that are a subsidiary of another ADI will be considered to be a separate entity for the purpose of the institution limit.

The short-term credit rating limit will apply in the case of discrepancies between short and long term ratings.

(c) Term to Maturity Framework

The investment portfolio is to be invested within the following terms to maturity constraints:

Overall portfolio Term to maturity Limits	
Portfolio % < 12 months	100% max; 70% min
Portfolio % > 12 months < 36 months	30% max

4.2 Return on Investment

Within the risk reduction controls (see section 4.1) and social and environmental considerations (see Section 4.3); Council investments shall be made with ADI's offering the highest rate of return at the time the money is invested.

The period of investment shall be determined in accordance with the level of returns offered and Council's Liquidity (section 5) whilst ensuring compliance with the criteria of section 4.

Funds held in Council's cash accounts (where interest rates are usually lower) shall be kept to the minimum required to safely meet operating cash flow requirements.

4.3 Social and Environmental Consideration

Council will give preference to investing its funds in ADIs that do not invest in or finance the fossil fuel industry and support the International Campaign to abolish Nuclear Weapons (ICAN), providing that they meet the criteria in sections 4.1 and 4.2. In accordance with the Climate Change Action Plan, Council will aim to have at least 20% of its investments with ADIs that do not invest in or finance the fossil fuel industry.

A list of ADIs that do not invest in or finance the fossil fuel industry can be found at <https://www.marketforces.org.au/info/compare-bank-table/>

5. Liquidity

The investment portfolio will remain sufficiently liquid to enable Council to meet all operating requirements which might be reasonably anticipated, with investment maturities scheduled to coincide with projected cash flow needs.

6. Authorisation of Investments

The investment of Council's funds are to be in accordance with Council's power of investment under the Act– Section 103, Investments.

Authority is delegated to the Manager Finance and Reporting, Coordinator Accounting, and Director Corporate to place funds in investments permitted under Section 103 of the Act and other relevant regulations.

7. Quotations

No less than three quotations shall be obtained from ADIs when a new investment is proposed. The preferred quote on the day will be successful after considering compliance with the three key components of Section 5 of this policy.

8. Title

All funds invested will be invested under the name of the "Macedon Ranges Shire Council" and no rights, powers or access to those funds is to operate in favour of any other party.

9. Maturing Investments

The redemption of any funds (Principle and Interest) from maturing investments must be paid to Council's Operating Bank Account.

The rollover of current investments with the same institution for similar maturity can be performed by either the Coordinator Accounting or Manager Finance and Reporting, provided the rollover will ensure continued compliance with this policy.

10. Reporting on Investment Performance and Policy Compliance

All aspects of sections 4.1- 4.3 are to be applied equally. In the event that a compliance with a component of the framework falls outside the set limits, Council will make all necessary arrangements to withdraw deposits as soon as practical.

Accounting for investments will comply with the *Australian Accounting Standards AASB 139: Financial Instruments* and the Act.

Transactions involving new, rolled over and withdrawn investments will be recorded in the treasury ledger in the finance system.

A reconciliation and compliance with the Policy is to be reviewed on a monthly basis by the Finance and Reporting Unit, and reported to the Executive Leadership Team.

As part of Council's Quarterly Report the Manager Finance and Reporting will provide a report of investment balances with interest rate and maturity dates. The report will also include the percentage of investments that meet the criteria in Section 4.3.

During times of extreme economic complexity and uncertainty (e.g. world-wide pandemic, international conflicts, disaster), some ADIS' restrict or cease activity accepting investments for interest bearing deposits.

In such circumstances, Council will adjust its approach to investments to maintain responsible returns, and this may see non-compliance with some elements of this policy, including social and environmental considerations or portfolio or individual investment distributions. The reporting framework in place will see relevant levels of management recognise these situations.

The return of compliance will be monitored and as soon as practical steps taken to ensure compliance with this policy is achieved.

11. Human Rights Charter

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights of Responsibilities Charter.

12. Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a Business Unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made with a resolution of Council.

APPENDIX 1 - Standard & Poors Investment Ratings

Standard & Poors Ratings and Definitions				Council Limits	
Short- term		Long-term		Maximum Exposure per Group 4.1(a)	Maximum per ADI 4.1 (b)
Refers to the financial institution's capacity to repay debt in the short term of say 0 to 365 days.		Refers to securities, such as Semi-Government and corporate, which have a maturity greater than 12 months.			
A1+	Extremely strong capacity to pay	AAA	Extremely strong capacity to pay	100%	45%
A1	Strong capacity to pay	AA+ AA AA-	Very strong capacity to pay	100%	45%
A2	Satisfactory capacity to pay	A+ A A-	Strong capacity to pay	70%	40%
A3	Adequate capacity to pay	BBB+ BBB BBB-	Adequate Capacity to Pay	70%	35%
B	Vulnerable to default/speculative	BB+ BB BB-	Uncertainties or Adverse Conditions could lead to inadequate capacity to Pay	Nil	Nil
		B+ B B-	Adverse conditions likely to impair capacity to pay	Nil	Nil
		CCC CC	Vulnerable to default High risk of default	Nil	Nil
		D	Default	Nil	Nil

Definitions

Term	Definition
Authorised deposit-taking institution (ADI)	organisations' such as banks, building societies and credit unions regulated by and subject to the prudential standards of the Australian Prudential Regulation Authority (APRA).
Australian Prudential Regulation Authority (APRA)	is an independent statutory authority that supervises institution across banking, insurance and superannuation and promotes financial system stability in Australia.
Money	refers to cash on hand, funds in bank accounts and funds invested.
Standard & Poors (S&P)	is the world's leading index provider and the foremost source of independent credit ratings.
Credit Rating	an assessment of how likely a bank is to go out of business or default.
The Act	refers to the Local Government Act 2020.
Environment	refers to ADIs that do not invest in or finance the fossil fuel industry and support the International Campaign to abolish Nuclear Weapons (ICAN).
Social	refers to banks that that recognise factors in the social environment that are important to health include those related to safety, violence and social disorder in general.
Clth	refers to the Australian Government.
Council's cash accounts	refers to Council's operating bank accounts and funds held for short periods in "at call" style accounts.

References

- > Nil

Related Policies

- > Cash Handling Policy
- > Climate Change Action Plan

Related Legislation

- > *Local Government Act 2020*
- > *Australian Prudential Regulation Authority (APRA)*
- > *Corporations Act 2001 (Clth)*
- > *Banking Act 1959*
- > *Banking Regulations 2016*
- > *Charter of Human Rights and Responsibilities Act 2006*
- > *Gender Equality Act 2020*
- > *Australian Accounting Standards*

COR.3	FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022
Officer:	Travis Harling, Manager Finance and Reporting
Council Plan relationship:	5. Deliver strong and reliable government
Attachments:	Annual Financial Statements 2021-22 Final (under separate cover)

Summary

The annual financial statements (the Statements) for the year ended 30 June 2022 are attached for Council's consideration and 'in principle' approval.

The Statements comply with the Australian Accounting Standards (AAS), other authoritative pronouncements of the Australian Accounting Standards Board (AASB), the *Local Government Act 2020*, and the *Local Government (Planning and Reporting) Regulations 2020*.

The Statements are audited by the Victorian Auditor-General's Office.

Council's Audit and Risk Committee considered the financial statements at its meeting on 5 October 2022.

Prior to submitting the statements to the Victorian Auditor-General's Office for final approval, the *Local Government Act 2020* requires Council to pass a resolution giving its approval in principle.

Recommendation

That Council:

- 1. Approves 'in principle' the Financial Statements for the year ended 30 June 2022, on the recommendation of the Audit and Risk Committee.**
- 2. Delegates to its Councillor members of the Audit and Risk Committee, authorisation to certify the Financial Statements.**
- 3. Endorses the Financial Statements be included in the Annual Report upon certification.**

Background

The Statements were prepared in accordance with the Local Government regulations and they have been audited by the Victorian Auditor-General's Office. Prior to submitting the Statements to the Victorian Auditor-General's Office for final approval, the *Local Government Act 2020* section.99 (2) requires Council to pass a resolution giving its approval in principle.

Discussion

Overall, Council's financial position continues to remain sound.

Council recorded increases in revenue in several categories during 2021/22, categories include grants, both operating and capital, rates and charges and other income. Increases link directly to the timing of capital work projects, early payment of operating grants and the

reimbursement of costs incurred for storm recovery works. Offsetting the additional income are the costs incurred by Council to undertake storm recovery works, storm recovery site processing costs and the back filling of vacant positions via agency staff.

Capital works expenditure for the year was \$24,810,000 which is higher than the capital works expenditure recorded by Council in 2020/21 of \$18,389,000. The program of works was impacted by COVID-19 largely due to the lack of contractor availability to undertake the works. Council is also experiencing higher than expected tender prices for many projects also placing financial strain on the delivery of the capital works program. There are also several large multi-year projects that commenced in 2021/22, with the balance of the 2021/22 budget requested to be carried forward into 2022/23.

Council has retained a strong liquidity position.

No new borrowings were drawn down during 2021/22. Council borrowings levels have decreased in 2021/22 in line with repayment terms of the current borrowings. Borrowing levels continue to remain at an affordable level.

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

Financial Statements

The Financial Statements include a comparison between the 2021/22 financial year and the 2020/21 financial year. The Financial Statements comprise the:

- Comprehensive Income Statement
- Balance Sheet
- Statement of Changes in Equity
- Statement of Cash Flows
- Statement of Capital Works
- Notes to the Financial Report

Comprehensive Income Statement

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

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

Below is a summary of the Comprehensive Income Statement:

	2021/22	2020/21
Revenue (1)	\$126,877,000	\$92,517,000
Less		
Expenses (2)	\$110,052,000	\$84,562,000
Net Operating Surplus	\$16,825,000	\$7,955,000
Other Comprehensive Income (3)	\$117,063,000	\$7,021,000
Comprehensive Result	\$133,888,000	\$14,976,000

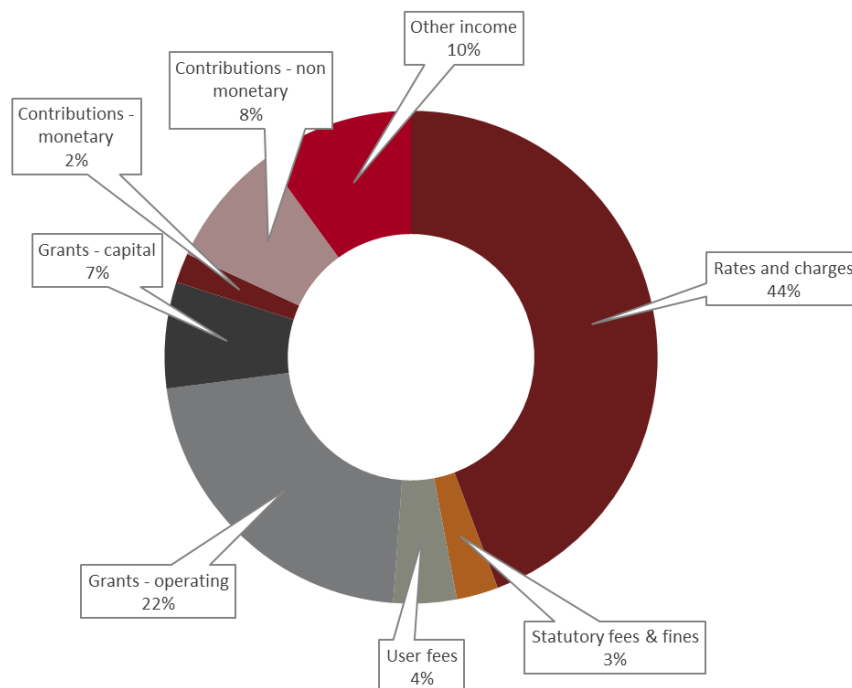
Explanations of some of the key changes between 2021/22 and 2020/21 in the components of the Comprehensive Income Statements are as follows:

(1) Total income increased by \$34,360,000.

Some of the key movements between the income categories were:

- Rates and charges increased by \$2,993,000.
 - The higher income was due to a 1.75% increase in rates per property (in line with the rate cap), an increase in the number of rateable properties (growth) throughout the year and higher waste charges to offset increased recycling costs.
- Operating grants increased by \$10,102,000.
 - Operating grants increased due mainly to the June 2021 Storm recovery grants \$7,900,000 and prepayment of 75% of the 2022/23 Financial Assistance Grant \$4,400,000. In 2020/21 Council received the Working for Victoria grant \$1,900,000.
- Capital grants increased by \$1,334,000.
 - Capital grants fluctuate year on year in line with the completion of capital projects. During 2021/22 grants were received higher amounts for the Roads to Recovery program.
- Contributions of non-monetary assets increased by \$7,464,000.
 - Non-monetary asset income generally relates to the transfer of infrastructure (such as roads and footpaths) by developers to Council following completion of subdivisions. These assets become the property of Council and hence increase Council's asset levels. The value of the assets is recorded as income when the transfer of ownership takes place. The total value of assets transferred varies considerably from year to year depending on the level of development in the Shire and subsequent transfer of infrastructure to Council.
- Other income increased by \$11,121,000.
 - Income relating to the June 2021 storm event has generated \$10,465,000 of revenue. The income has been created from the reimbursement of storm expenditure claims and the use of several Council sites to enable the processing of materials.
 - Sales of recyclable items and gravel increased to \$647,000, this is \$269,000 higher than 2020/21. Sales of merchandise, food and beverages at leisure and aquatics centres increased to \$145,000 (\$49,000 more than 2020/21) as activities increased following the pandemic.

The following graph provides a breakdown of income sources for 2021/22:



(2) Total expenses increased by \$25,490,000

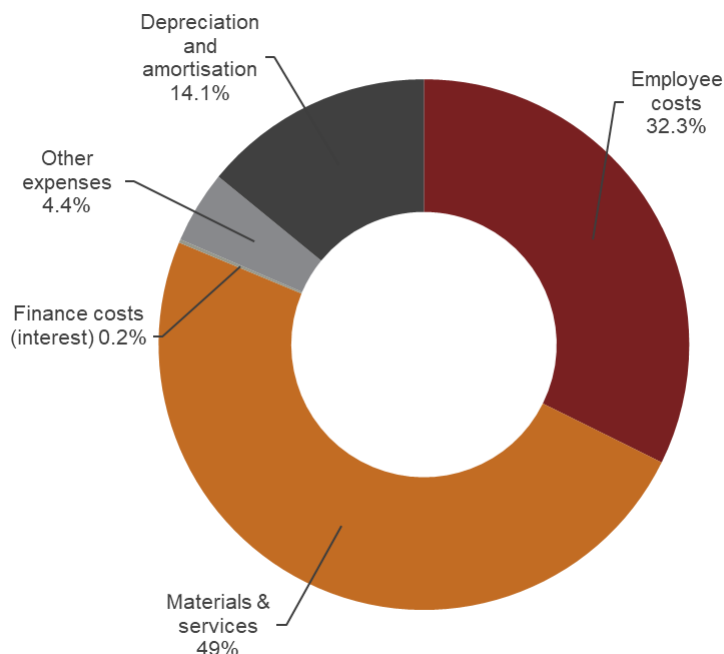
Some of the key movements between the expense categories were:

- Employee costs decreased by \$284,000.
 - Whilst employee costs were budgeted to increase due to annual increases factored in to budget for the Enterprise Bargaining Agreement and several new positions in the 2021/22 budget. Employee costs in fact decreased, this was due to the high number of vacant positions experienced throughout the year. The vacant positions did contribute to an increase in materials and services expenditure to back fill positions with agency staff.
- Materials and Services expenditure increased by \$25,386,000.
 - The increase is due to an increase in contractor costs relating to recovery work post the storm event totalled \$15,400,000.
 - Works were also undertaken to process timber material from the storm recovery incurred expenditure totalling \$6,600,000.
 - Council also recorded increasing costs relating to expenses such as insurance and fuel.
- Other expenses decreased by \$63,000

The decrease in other expenses was partially offset by an increase in Councillors' allowances. This was partially due to the return of in-person meetings, with travel allowances and catering costs incurred during 2022 that were not incurred during 2021. Also contributing to the change was the Victorian Independent Remuneration Tribunal handing down its determination of allowances for Mayors and Councillors', resulting in an increase in allowances paid. Detail on the inclusions for Councillor expenditure is provided to the public in Council's regular quarterly reporting.
- Bad debts

Amounts written off during 2022 (\$9,000) increased compared with 2021 (\$2,000). Council experienced an increase in financial hardship applications from community members during the past year, and therefore has increased its provision for possible future amounts to be written off.

The following graph provides a breakdown of operating expenses for 2021/22:



(3) Other comprehensive income is \$117,063,000

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

The 2021/22 revaluation income was predominantly associated with asset revaluations of land, buildings and roads.

(4) Balance Sheet

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

Current Assets increased by \$8,377,000.

The increase in current assets is a result of a higher level of cash and cash equivalents held at 30 June 2022. The higher levels are a direct result of capital works projects being under budget and several grants have been paid to Council prior to 30 June that relate to the 2022/23 financial year.

Trade and other receivables also contribute to the higher current asset balance at 30 June 2022. At 30 June 2022 trade and other receivables included an amount of \$7,008,714 relating to the storm recovery work.

Non-Current Assets increased by \$133,669,000.

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

Current Liabilities decreased by \$9,023,000.

The higher balance in 2021/22 is due to the early payment of grants relating to the Macedon Ranges Sports Precinct and the Shared Trail projects. These grants were recorded as unearned income 2021/22 \$14,908,000, in 2020/21 unearned income totalled \$7,008,000. Trade payables are \$1,264,000 higher in 2021/22 due to timing of the payment to State Revenue Office Fire Service Levies of \$1,050,977.

Non-Current Liabilities decreased by \$865,000.

Non-Current Liabilities relate to borrowings and provisions that are not payable within the next year. The decrease is linked directly to the payment of liabilities when they have fallen due and provisions decreasing.

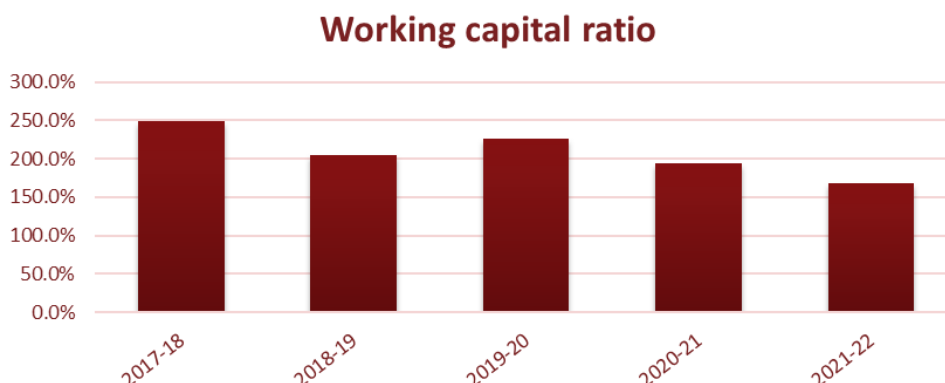
Total Equity is the term used to describe the value of the Council to its ratepayers and is divided between:

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

Council’s total equity was \$1,298,231,000 at the end of 2021/22, an increase of \$133,888,000 from 2020/21, which is due to the operating surplus (comprehensive result) recorded during the year and revaluation of assets.

(5) Working Capital Ratio

The working capital ratio is a liquidity measure and provides an assessment of the number of times Council is able to meet its current commitments. Council’s working capital ratio has remained at 200% or above for the last five years, which indicates that Council can confidently meet its financial obligations. The decrease in 2021/22 is attributable to the recognition of the high balances of unearned income \$14,908,000.



(6) Statement of Cash Flows

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

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

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

The Statement of Cash Flows shows that cash on hand was \$44,384,000 at 30 June 2022. The level of cash should be considered in conjunction with the other financial assets category in the balance sheet as investments switch between these two asset categories, depending on the length of investment term. At 30 June 2022 Council held \$1,000,000 of other financial assets. Overall, cash and other financial assets are higher than 2021/22 due to lower levels of payments for capital works and the early receipt of grants relating to 2022/23.

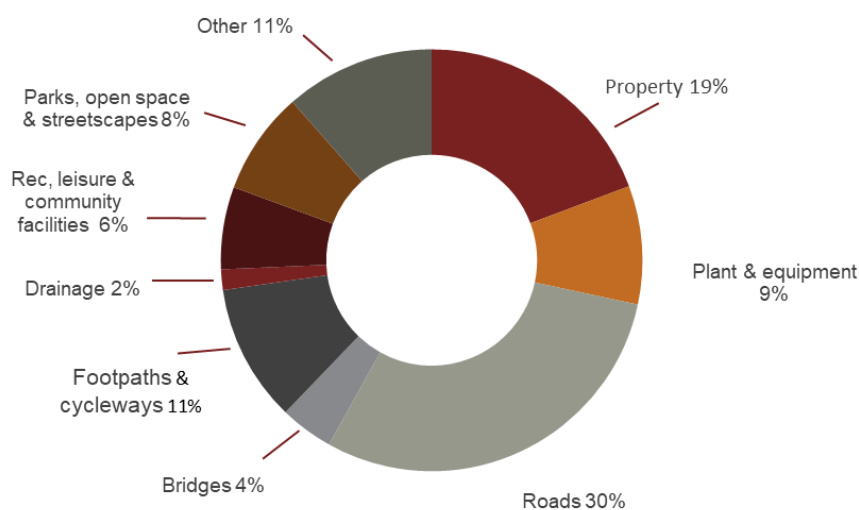
(7) Statement of Capital Works

Capital expenditure for the year totalled \$24,810,000, an increase of \$6,421,000 compared to 2020/21. The capital expenditure for 2021/22 was impacted by the COVID19 pandemic, with contractors and materials proving difficult to engage or source. Some of the key areas of capital works were buildings (\$4,786,000), roads (\$7,377,000), plant and equipment (\$1,908,000), footpaths and cycle ways (\$2,617,000), parks, open space and streetscapes (\$1,959,000) and recreational, leisure and community facilities (\$1,567,000).

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

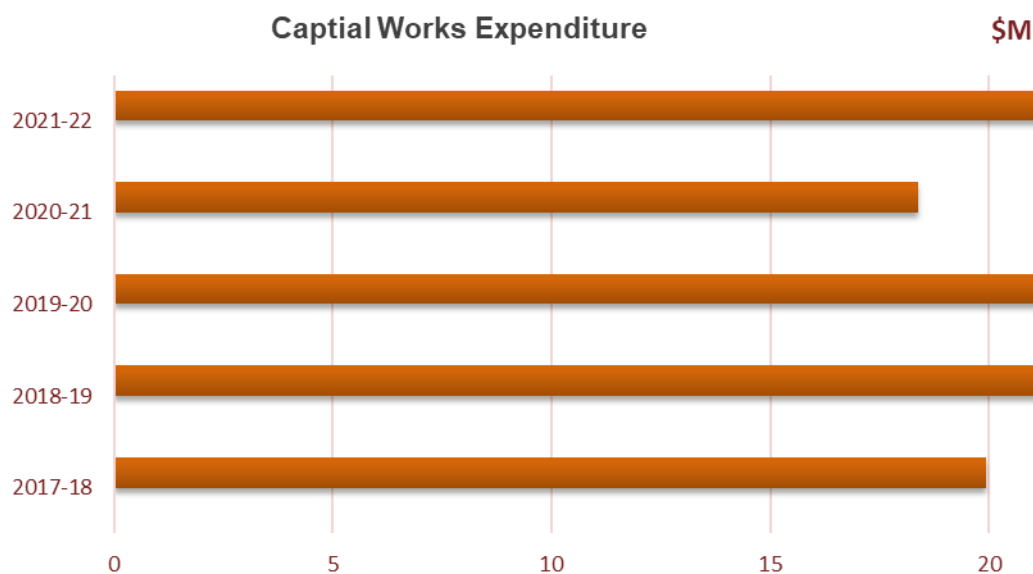
- Kyneton Early Learning Centre (\$680,000)
- Kyneton Town Hall renewal (\$665,000)
- Kyneton Livestock Exchange (\$1,539,000)
- Romsey Ecotherapy Park Stage 2 (\$1,335,000)

The following graph provides a breakdown of Council’s capital works expenditure for 2021/22:



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

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



Approval 'in principle' and Certification of the Financial Statements

This report recommends that the financial statements for the year ended 30 June 2022 be approved 'in principle'.

The *Local Government Act 2020* requires Council to authorise two Councillors to certify the Statements in their final form after they have been reviewed and approved by the Victorian Auditor-General's Office.

It is recommended that Councillor Mark Ridgeway and Councillor Geoff Neil, as Council's delegates on the Audit and Risk Committee, be authorised to certify the Statements, and, as resolved by Council, that Councillors Jennifer Anderson or Janet Pearce be provided with authorisation to certify the Statements as 'alternate' delegates of the Audit and Risk Committee, should Councillors Ridgeway or Neil not be able to perform this duty.

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

Consultation and engagement

The Financial Statements were audited by Victorian Auditor-General's Office and considered by the Audit and Risk Committee at its meeting on 5 October 2022.

Collaboration

This information is prepared by the Victorian Auditor-Generals Office.

Innovation and continuous improvement

The Financial Statements have been prepared in accordance with the *Local Government Act 2020* (the Act) and the *Local Government (Finance and Reporting) Regulations 2020* (the regulations).

Relevant law

The *Local Government Act 2020* (the Act) and the *Local Government (Finance and Reporting) Regulations 2020* (the regulations) set out the requirements for preparing Financial Statements.

Gender Impact Assessment

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

Relevant regional, state and national plans and policies

The Financial Statements have been prepared in accordance with the *Local Government Act 2020* and the Local Government (Finance and Reporting) Regulations 2020.

Relevant Council plans and policies

The Financial Statements are a key component of the *Council Plan 2021-2031* priority – Deliver strong and reliable government.

Financial viability

The financial statements as reported at 30 June 2022 indicates that Council remains financially viable and is able to continue operations at current levels into the future.

Sustainability implications

Nil

Officer declaration of conflicts of interest

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

COR.4	PERFORMANCE STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022
Officer:	Travis Harling, Manager Finance and Reporting
Council Plan relationship:	5. Deliver strong and reliable government
Attachments:	Performance Statement for the year ended 30 June 2022 ↓

Summary

The Performance Statement has been prepared in accordance with the *Local Government Act 2020* (the Act) and the Local Government (Finance and Reporting) Regulations 2020 (the regulations).

The Performance Statement was audited by the Victorian Auditor-General's Office (VAGO) and considered by the Audit and Risk Committee at its meeting on 5 October 2022. Prior to finalising the Performance Statement with VAGO for, the Performance Statement must be given in principle support by Council.

Once the Performance Statement has been audited by VAGO has been finalised, it must be certified in its final form by two Councillors, the Chief Executive Officer and Principal Accounting Officer.

Recommendation

That Council:

- 1. Approves 'in principle' the Performance Statement for the year ended 30 June 2022, on the recommendation of the Audit and Risk Committee.**
- 2. Delegates to the nominated Councillor members of the Audit and Risk Committee, authorisation to certify the Performance Statement.**
- 3. Endorses the Performance Statement be included in the Annual Report upon certification.**

Background

The Victorian Government introduced a mandatory system of performance reporting, the Integrated Strategic Planning and Reporting Framework (ISPRF) on 24 October 2020.

The legislative requirements to develop strategic planning, budgeting and annual reporting documents is covered by Part 4 of the Act which addresses planning and financial management

The Act introduced strategic planning principles for Victorian councils which include an integrated approach to planning, monitoring and performance reporting. This important shift from a more prescriptive form of legislation to a new Act that is principles-based.

The Performance Statement was prepared in accordance with the Local Government regulations and it has been audited by the Victorian Auditor General's Office in accordance with the *Local Government Act 2020* section 99 (4). Prior to submitting the Statement to the Victorian Auditor-General's Office for final approval, the *Local Government Act 2020* section. 99 (2) requires Council to pass a resolution giving its approval in principle.

The Performance Statement must be prepared in accordance with the regulations and contain the following:

- the prescribed indicators of service performance for the services provided by the Council and funded in the budget for the financial year, the prescribed measures relating to those indicators and the results achieved in relation to those performance indicators and measures,
- the prescribed indicators of financial performance, the prescribed measures relating to those indicators and the results achieved in relation to those performance indicators and measures,
- the prescribed indicators of sustainable capacity performance, the prescribed measures relating to those indicators and the results achieved in relation to those performance indicators and measures; and
- any other information prescribed by the regulations.

Discussion

The performance measures in the ISPRF are across a range of Council service areas and also include financial ratios. The Performance Statement is sub-set of key indicators in the ISPRF. The Local Government (Planning and Reporting) Regulations 2020 sets out the indicators that must be included in the Performance Statement.

For the Performance Statement for the year ended 30 June 2022 a number of changes were advised by Local Government Victoria, including new calculations and the retirement and / or replacement of some indicators. These changes have been reflected in the information to be submitted in the attached Performance Statement.

For the year ended 30 June 2022 the following points are to note:

- Some utilisation indicators have been affected by the COVID-19 pandemic, especially utilisation of aquatic facilities and libraries. Indicators have returned to pre COVID levels as Council reintroduces services to the community as the COVID-19 pandemic eases.
- Indicators that include own source revenue and operating expenditure are impacted by the cost incurred by Council to undertake recovery work (operating expenditure) from the June 2021 storm. As claims are raised to the State departments, the claims are recognised as revenue (own source revenue).

A number of other indicators have also experienced movement and where material (greater than / less than 10%) an explanatory comment is provided.

Approval 'in principle' and Certification of the Performance Statement

This report recommends that the Performance Statement for the year ended 30 June 2022 be approved 'in principle'.

The *Local Government Act 2020* requires Council to authorise two Councillors to certify the Statement in its final form after it has been audited by VAGO.

Therefore, it is recommended that Councillor Mark Ridgeway and Councillor Geoff Neil, as Council's delegates on the Audit and Risk Committee, be authorised to certify the Statement (or, as recently resolved by Council, Councillor Jennifer Anderson or Councillor Janet Pearce as 'alternates' should Councillors Neil or Ridgeway be unable to meet this requirement).

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

Consultation and engagement

The Performance Statement was reviewed and prepared by the VAGO and considered by the Audit & Risk Committee at its meeting on 5 October 2022.

Collaboration

The Performance Statement was reviewed and prepared by the VAGO.

Innovation and continuous improvement

The Performance Statements have been prepared in accordance with the *Local Government Act 2020* (the Act) and the *Local Government (Finance and Reporting) Regulations 2020* (the regulations).

Relevant law

Nil

Gender Impact Assessment

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

Relevant regional, state and national plans and policies

The Performance Statement has been prepared in accordance with the *Local Government Act 2020* (the Act) and the *Local Government (Finance and Reporting) Regulations 2020* (the regulations).

The Victorian Government introduced a mandatory system of performance reporting, the *Integrated Strategic Planning and Reporting Framework* (ISPRF) on 24 October 2020.

The *Local Government (Planning and Reporting) Regulations 2020* sets out the indicators that must be included in the Performance Statement.

Relevant Council plans and policies

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

Financial viability

Several of the performance indicators represent strategic financial indicators. These indicators indicate Council remains financially viable.

Sustainability implications

Nil

Officer declaration of conflicts of interest

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

**Macedon Ranges Shire Council
Performance Statement**

For the Year Ended 30 June 2022

Our municipality

The Macedon Ranges Shire Council (the council) is situated north-west of Melbourne. The traditional owners are the DjaDja Wurrung, Taungurung and Wurundjeri Woi Wurrung peoples.

The shire enjoys good rainfall and a more temperate climate than areas to the north and south. The unique landscape of the shire, together with the proximity to Melbourne have attracted residents and visitors since the early 1800s.

The Macedon Ranges population is spread across nine towns and a number of smaller settlements. The largest towns are Gisborne, Kyneton, Romsey and Woodend. About 39% of people in Macedon Ranges live outside a town boundary in a rural setting.

The economy of the Macedon Ranges region is diverse with the major industries (based on number of jobs in the shire) as follows;

- Industry comprising Manufacturing and Construction (11.1% of jobs)
- Public Services comprising Health Care & Social Assistance and Training & Education (11% of jobs)
- Public Services comprising Training & Education (10% of jobs)

The council covers an area of 1,747 km² and has a population of 51,743 which is expected to grow to 65,405 by 2036.

Impact of COVID-19

The COVID-19 pandemic has once again had a significant impact on the operations of the Council. In line with government restrictions, the Council closed a number of facilities and reduced physical service delivery throughout the year, transferring a range of services and consultations online. The financial impact of these closures has been reflected in the results for 2021/22 and appropriate commentary appears throughout the annual financial and performance statements. Council will continue to monitor the non-financial and financial impacts of COVID-19 on its operations.

Storm June 2021

On 9 June 2021, a severe storm caused widespread destruction across the shire. Thousands of residents and hundreds of houses, fences, outbuildings and sheds were impacted. Extensive tree falls occurred, resulting in closures of roads and public spaces. Council assisted with the clean-up from the storm. The clean-up came at a considerable cost to Council and was an unbudgeted item in the 2021/22 budget. Many millions of dollars have been contributed to the clean-up and Council is working with Bushfire Recovery Victoria to have the funds reimbursed. These additional costs are included in the operating expenditure and reimbursements approved are included in the operating revenue of council for the year 2021/22.

Sustainable Capacity Indicators For the year ended 30 June 2022

<i>Indicator / measure</i> [formula]	Results				Comment
	2019	2020	2021	2022	
Population					
<i>Expenses per head of municipal population</i>	\$1,492.55	\$1,565.35	\$1,659.02	\$2,126.90	The increase of expenses per head of municipal population in 2021-22 relates to the unbudgeted expenditure incurred by council from the June 2021 storm. Council has undertaken the recovery works and is awaiting reimbursement for the expenditure from the State Government.
[Total expenses / Municipal population]					
<i>Infrastructure per head of municipal population</i>	\$13,133.31	\$13,177.20	\$13,194.78	\$13,738.07	
[Value of infrastructure / Municipal population]					
<i>Population density per length of road</i>	28.14	28.35	28.75	29.05	
[Municipal population / Kilometres of local roads]					
Own-source revenue					
<i>Own-source revenue per head of municipal population</i>	\$1,280.66	\$1,247.56	\$1,258.42	\$1,499.66	The increase in own-source revenue per head of municipal population in 2021/22 relates directly to the claims submitted for storm recovery costs and fees and charges relating to the state government utilising a Council site to process materials from the storm.
[Own-source revenue / Municipal population]					
Recurrent grants					
<i>Recurrent grants per head of municipal population</i>	\$288.09	\$308.61	\$271.74	\$370.64	The increase in recurrent grants per head of municipal population in 2021/22 is due to the timing of grants received in 2021/22 that relate to the 2022/23 financial year.
[Recurrent grants / Municipal population]					
Disadvantage					
<i>Relative Socio-Economic Disadvantage</i>	9.00	9.00	9.00	9.00	
[Index of Relative Socio-Economic Disadvantage by decile]					
Workforce turnover					
<i>Percentage of staff turnover</i>	21.2%	15.2%	11.8%	17.7%	The high turnover had several contributing factors during 2021/22. Factors include the hard lock down for an extended period of the year, during this time staff also took the opportunity to re-evaluate their working options and their career which has led to retirements, staff leaving and taking up new job opportunities closer to home, staff leaving to take new roles to expand their careers.
[Number of permanent staff resignations and terminations / Average number of permanent staff for the financial year] x100					

Definitions

"adjusted underlying revenue" means total income other than:

- (a) non-recurrent grants used to fund capital expenditure; and
- (b) non-monetary asset contributions; and
- (c) contributions to fund capital expenditure from sources other than those referred to above

"infrastructure" means non-current property, plant and equipment excluding land

"local road" means a sealed or unsealed road for which the council is the responsible road authority under the Road Management Act 2004

"population" means the resident population estimated by council

"own-source revenue" means adjusted underlying revenue other than revenue that is not under the control of council (including government grants)

"relative socio-economic disadvantage", in relation to a municipality, means the relative socio-economic disadvantage, expressed as a decile for the relevant financial year, of the area in which the municipality is located according to the Index of Relative Socio-Economic Disadvantage (Catalogue Number 2033.0.55.001) of SEIFA

"SEIFA" means the Socio-Economic Indexes for Areas published from time to time by the Australian Bureau of Statistics on its Internet website

"unrestricted cash" means all cash and cash equivalents other than restricted cash.

Service Performance Indicators For the year ended 30 June 2022

Service/indicator/measure [formula]	Results				Comment
	2019	2020	2021	2022	
<p>Aquatic Facilities</p> <p>Utilisation</p> <p><i>Utilisation of aquatic facilities</i></p> <p>[Number of visits to aquatic facilities / Municipal population]</p>	7.23	5.50	2.53	4.52	The gradual relaxation of COVID restrictions through 2021, followed by a return to COVID normal operations from Term 1 2022 allowed facilities to significantly expand programming at all sites. The increase in recorded visitations is a direct result of the expansion of programming. Review of pre-COVID attendance figures show facilities are returning to near historic levels on a month to month comparative basis.
<p>Animal Management</p> <p>Health and safety</p> <p><i>Animal management prosecutions</i></p> <p>[Number of successful animal management prosecutions / Number of animal management prosecutions] x 100</p>	New in 2020	100%	0%	0%	No prosecutions were completed in the financial year.
<p>Food Safety</p> <p>Health and safety</p> <p><i>Critical and major non-compliance outcome notifications</i></p> <p>[Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises] x100</p>	100.00%	95.52%	95.12%	100.00%	
<p>Governance</p> <p>Satisfaction</p> <p><i>Satisfaction with council decisions</i></p> <p>[Community satisfaction rating out of 100 with how council has performed in making decisions in the interest of the community]</p>	51	52	47	48	

<p>Libraries</p> <p>Participation</p> <p><i>Active library borrowers in municipality</i></p> <p>[Number of active library borrowers in the last three years / The sum of the population for the last three years] x100</p>	16.40%	16.28%	14.17%	12.24%	Despite overall utilisation returning to pre COVID 19 levels, the number of active borrowers has not. This is possibly due to hesitation resulting from the pandemic.
<p>Maternal and Child Health (MCH)</p> <p>Participation</p> <p><i>Participation in the MCH service</i></p> <p>[Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x100</p> <p>Participation</p> <p><i>Participation in the MCH service by Aboriginal children</i></p>	80.92%	82.38%	80.85%	78.36%	Number of Aboriginal children participating in MCH services increased from 37.5 at 30 June 2021 to 41 at 30 June 2022.
<p>Roads</p> <p>Satisfaction</p> <p><i>Satisfaction with sealed local roads</i></p> <p>[Community satisfaction rating out of 100 with how council has performed on the condition of sealed local roads]</p>	49	54	49	43	Decrease in customer satisfaction can be associated with the growing renewal gap in road pavement reconstruction; clean up and maintenance works on local sealed roads associated with the June 2021 storm; deterioration / potholes in local sealed roads due to one of the wettest Autumns on record; road pavement failure due to an increase of heavy vehicles associated with developments across the Municipality; and the presentation of non council roads was identified as a factor impacting community perception.
<p>Statutory Planning</p> <p>Decision making</p> <p><i>Council planning decisions upheld at VCAT</i></p> <p>[Number of VCAT decisions that did not set aside council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x100</p>	58.33%	100.00%	50.00%	53.33%	Fifteen decisions were considered by VCAT in relation to Council's planning applications during 2022, (2021 16 decisions). Eight of these decisions did not set aside Council's prior decision in relation to a planning application in 2022, (2021, 8 decisions).
<p>Waste Collection</p> <p>Waste diversion</p>					

<p><i>Kerbside collection waste diverted from landfill</i></p> <p>[Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x100</p>	<p>44.78%</p>	<p>53.46%</p>	<p>64.67%</p>	<p>71.08%</p>	<p>This shows the positive impact the 4 bin system is having in increasing the diversion rate from landfill.</p>
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Definitions

"Aboriginal child" means a child who is an Aboriginal person

"Aboriginal person" has the same meaning as in the Aboriginal Heritage Act 2006

"active library borrower" means a member of a library who has borrowed a book from the library

"annual report" means an annual report prepared by a council under section 98 of the Act

"class 1 food premises" means food premises, within the meaning of the Food Act 1984, that have been declared as class 1 food premises under section 19C of that Act

"class 2 food premises" means food premises, within the meaning of the Food Act 1984, that have been declared as class 2 food premises under section 19C of that Act

"critical non-compliance outcome notification" means a notification received by council under section 19N(3) or (4) of the Food Act 1984, or advice given to council by an authorized officer under that Act, of a deficiency that poses an immediate serious threat to public health

"food premises" has the same meaning as in the Food Act 1984

"local road" means a sealed or unsealed road for which the council is the responsible road authority under the Road Management Act 2004

"major non-compliance outcome notification" means a notification received by a council under section 19N(3) or (4) of the Food Act 1984, or advice given to council by an authorized officer under that Act, of a deficiency that does not pose an immediate serious threat to public health but may do so if no remedial action is taken

"MCH" means the Maternal and Child Health Service provided by a council to support the health and development of children within the municipality from birth until school age

"population" means the resident population estimated by council

Financial Performance Indicators For the year ended 30 June 2022

Dimension/indicator/measure	Results				Forecasts				Material Variations and Comments
	2019	2020	2021	2022	2023	2024	2025	2026	
Efficiency									
Expenditure level									
<i>Expenses per property assessment</i>	\$3,219.80	\$3,401.94	\$3,602.98	\$4,575.59	\$3,594.32	\$3,597.11	\$3,619.10	\$3,631.75	The increase of expenses per property assessment in 2021/22 relates to the unbudgeted expenditure incurred by council for the June 2021 storm. The forecasts indicated Council expects this measure to return to pre-2022 levels.
[Total expenses / Number of property assessments]									
Revenue level									
<i>Average rate per property assessment</i>	New in 2020	\$1,843.16	\$1,881.04	\$1,890.51	\$1,932.24	\$1,954.48	\$1,975.99	\$1,997.39	
[Total rate revenue (general rates and municipal charges) / Number of property assessments]									
Liquidity									
Working capital									
<i>Current assets compared to current liabilities</i>	205.23%	225.99%	194.07%	167.81%	145.50%	140.52%	124.87%	130.45%	The decrease in working capital indicator is due to the recognition of high levels of unearned income at 30 June 2022. This increases the current liability balance at 30 June 2022 and therefore decreases the indicator. The forecasts indicates a relatively constant ratio of current assets to current liabilities.
[Current assets / Current liabilities] x100									
Unrestricted cash									
<i>Unrestricted cash compared to current liabilities</i>	105.94%	16.50%	19.01%	6.15%	26.03%	23.38%	16.37%	12.32%	The result reported in 2022 is considerably lower than past year and forecast results. This is due to the unbudgeted expenditure incurred for the Storm Recovery works undertaken during 2022. Council is awaiting claims to be reimbursed which will reinstate Council's unrestricted cash levels. The forecasts indicates a spike in this ratio for the next two years, with it reducing in line with historical levels in years three and four.

[Unrestricted cash / Current liabilities] x100									
Obligations									
Loans and borrowings									
<i>Loans and borrowings compared to rates</i>	18.88%	8.88%	7.56%	6.26%	30.32%	28.23%	25.50%	18.03%	<p>The decrease in 2021/22 is due to no new loans being drawn down during the year. Contributing to the decrease of this ratio is that rates increased from 2020/21 to 2021/22.</p> <p>2022 includes a large loan to contribute to the delivery of the Capital Works Program. This results in an increase in 2023 and a gradual decrease over future years as the loan is retired.</p>
[Interest bearing loans and borrowings / Rate revenue] x100									
<i>Loans and borrowings repayments compared to rates</i>	2.06%	9.91%	1.24%	1.17%	3.72%	3.74%	3.77%	7.50%	<p>The forecast results represent the increased loan and principal repayments as a result of the loan drawn down during 2023. The increase in 2026 is due to the a loan being retired in full.</p>
[Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100									
Indebtedness									
<i>Non-current liabilities compared to own source revenue</i>	15.04%	15.75%	13.34%	9.91%	28.20%	26.44%	20.98%	18.03%	<p>The decrease in 2021/22 from 2020/21 is from Council's non current liabilities decreasing offset against increased own source revenue due largely to contributions and the hire of a site from the June 21 storm event paid to Council</p> <p>The forecast indicates it will rise in 2023 and then decrease over the forward estimates due to a loan budgeted to borrow during 2023.</p>
[Non-current liabilities / Own source revenue] x100									
Asset renewal and upgrade									
<i>Asset renewal and upgrade compared to depreciation</i>	New in 2020	154.75%	87.06%	136.30%	117.62%	129.49%	131.62%	120.88%	<p>The increase in asset renewal and upgrade compared to depreciation is in line with asset management plans. Exceeding 100% of depreciation on asset renewal and upgrades contributes to reducing the asset renewal gap.</p> <p>The forecast remains at above 100% indicating Councils intention to reduce the renewal gap for fixed assets.</p>
[Asset renewal and asset upgrade expense / Asset depreciation] x100									

Operating position								
Adjusted underlying result								
<i>Adjusted underlying surplus (or deficit)</i>	7.58%	4.00%	-2.74%	-0.26%	2.99%	5.92%	8.15%	12.97%
[Adjusted underlying surplus (deficit) / Adjusted underlying revenue] x100								
<p>Both Council's underlying revenue and adjusted underlying surplus increased in 2021/22. This is due to Council receiving early payments of operating grants for 2022/23 in 2021/22 and the revenue recognised as other income during 2021/22 relating to storm event reimbursements.</p> <p>The forecast highlights a gradual improvement in the underlying result.</p>								
Stability								
Rates concentration								
<i>Rates compared to adjusted underlying revenue</i>	61.06%	61.96%	64.62%	51.18%	63.69%	62.30%	61.01%	58.11%
[Rate revenue / Adjusted underlying revenue] x100								
<p>The decrease in 2021/22 indicates that own source revenue has increased at a higher rate than rate revenue. Whilst rates revenue has increased, own-source revenue in 2021/22 has increased at a higher rate due to the claims submitted for storm recovery costs and fees and charges relating to the state government utilising a Council site to process materials from the storm event.</p> <p>The forecast returns to a level in line with prior years. Financial year 2022 was an exception due to the increased level of own source revenue.</p>								
Rates effort								
<i>Rates compared to property values</i>	0.35%	0.33%	0.32%	0.32%	0.25%	0.25%	0.24%	0.24%
[Rate revenue / Capital improved value of rateable properties in the municipality] x100								
<p>Council has noted a consistent increase in property value: across the shire since the pandemic of Covid 19 was declared. The shire is experiencing high rates of growth as people have relocated from the city to a rural lifestyle, driving demand and property prices up.</p> <p>The forecast remains consistent with 2022 results.</p>								

Former measures

Service / indicator / measure	Results		
	2018	2019	2020
Animal Management Health and safety Animal management prosecutions [Number of successful animal management prosecutions]	1	0	Retired in 2020
Efficiency Revenue level Average residential rate per residential property assessment [Residential rate revenue / Number of residential property assessments]	\$2,036.59	\$2,081.76	Retired in 2020
Obligations Asset renewal Asset renewal compared to depreciation [Asset renewal expense / Asset depreciation] x100	94.42%	89.80%	Retired in 2020

Definitions

"adjusted underlying revenue" means total income other than:

- (a) non-recurrent grants used to fund capital expenditure; and
- (b) non-monetary asset contributions; and
- (c) contributions to fund capital expenditure from sources other than those referred to above

"adjusted underlying surplus (or deficit)" means adjusted underlying revenue less total expenditure

"asset renewal expenditure" means expenditure on an existing asset or on replacing an existing asset that returns the service capability of the asset to its original capability

"current assets" has the same meaning as in the AAS

"current liabilities" has the same meaning as in the AAS

"non-current assets" means all assets other than current assets

"non-current liabilities" means all liabilities other than current liabilities

"non-recurrent grant" means a grant obtained on the condition that it be expended in a specified manner and is not expected to be received again during the period covered by a council's Strategic Resource Plan

"own-source revenue" means adjusted underlying revenue other than revenue that is not under the control of council (including government grants

"population "means the resident population estimated by council

"rate revenue" means revenue from general rates, municipal charges, service rates and service charges

"recurrent grant "means a grant other than a non-recurrent grant

"residential rates" means revenue from general rates, municipal charges, service rates and service charges levied on residential properties

"restricted cash" means cash and cash equivalents, within the meaning of the AAS, that are not available for use other than for a purpose for which it is restricted, and includes cash to be used to fund capital works expenditure from the previous financial year

"unrestricted cash" means all cash and cash equivalents other than restricted cash.

Other Information

1. Basis of preparation

Council is required to prepare and include a performance statement within its annual report. The performance statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures together with a description of the municipal district and an explanation of material variations in the results. This statement has been prepared to meet the requirements of the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2020*.

Where applicable the results in the performance statement have been prepared on accounting bases consistent with those reported in the Financial Statements. The other results are based on information drawn from council information systems or from third parties (e.g. Australian Bureau of Statistics).

The performance statement presents the actual results for the current year and for the prescribed financial performance indicators and measures, the results forecast by the council's strategic resource plan. *The Local Government (Planning and Reporting) Regulations 2020* requires explanation of any material variations in the results contained in the performance statement. Council has adopted materiality thresholds relevant to each indicator and measure and explanations have not been provided for variations below the materiality thresholds unless the variance is considered to be material because of its nature.

The forecast figures included in the performance statement are those adopted by council in its financial plan on 27 October 2021 and which forms part of the council plan. The financial plan includes estimates based on key assumptions about the future that were relevant at the time of adoption and aimed at achieving sustainability over the long term. Detailed information on the actual financial results is contained in the General Purpose Financial Statements. The financial plan can be obtained by contacting council.

In my opinion, the accompanying performance statement has been prepared in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020* .

Travis Harling

Principal Accounting Officer

26 October 2022

Gisborne

In our opinion, the accompanying performance statement of the Macedon Ranges Shire Council for the year ended 30 June 2022 presents fairly the results of council's performance in accordance with the *Local Government Act 1920* and the *Local Government (Planning and Reporting) Regulations 2020*.

The performance statement contains the relevant performance indicators, measures and results in relation to service performance, financial performance and sustainable capacity.

At the date of signing, we are not aware of any circumstances that would render any particulars in the performance statement to be misleading or inaccurate.

We have been authorised by the council and by the *Local Government (Planning and Reporting) Regulations 2020* to certify this performance statement in its final form.

Mark Ridgeway

Councillor

26 October 2022

Gisborne

Geoff Neil

Councillor

26 October 2022

Gisborne

Bernie O'Sullivan

Chief Executive Officer

26 October 2022

Gisborne

COR.5	GOVERNANCE RULES
Officer:	Patricia Clive, Coordinator Governance
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	<ol style="list-style-type: none"> 1. Draft Governance Rules with Election Policy - October 2022 - clean (under separate cover) 2. Summary of changes ↓ 3. Draft Governance Rules with Election Policy - October 2022 - tracked changes (under separate cover)

Summary

This report is seeking Council endorsement of the draft Governance Rules for community consultation for two weeks, commencing no later than 31 October 2022. A consultation process was undertaken in April 2022 on proposed amendments to the Governance Rules. As a result of community and Councillor feedback, and further consideration of the structure and content, the draft Governance Rules have been changed significantly since the previous consultation. Therefore, in accordance with the Local Government Act 2020, a further round of consultation is proposed prior to Council considering and adopting all amendments.

Recommendation

That Council endorses the draft Governance Rules for community consultation commencing no later than 31 October 2022.

Background

Council adopted its first Governance Rules in August 2020 as required by the Local Government Act 2020 (the Act). The objective of the Governance Rules is to provide guidance to Councillors and Council staff for managing the efficient and effective conduct of Council meetings and decision-making. Council commenced a review of the Governance Rules, after eighteen months of operation, to identify and address:

- omissions and conflicts within the existing rules;
- ambiguity in Governance Rules regarding processes and procedures;
- rules not consistent with the Act; and
- opportunities to improve function, clarity of language, format and style.

As required in the Act, a community engagement process was undertaken on an earlier draft of the Governance Rules in April 2022. A single submission was received, and has been taken into account during the review process.

In March 2022, the State Government, through the Regulatory Legislation Amendment (Reform) Act 2022 amended the Act to enable Councils to conduct meetings by electronic means. Council was required to amend its Governance Rules by 2 September 2020 to provide for the conduct of electronic meetings after this date. As the changes to the Governance Rules were implementing the Ministerial Good Practice Guideline MGPG 3: Virtual meetings, Council was not required to consult on those changes to the rules.

At the time of adopting the amended Governance Rules, Council outlined its intention to finalise the review of its Governance Rules and undertake further community consultation across all changes, including electronic meetings, later during 2022.

Discussion

The Governance Rules provide the framework for efficient and effective Council meetings and as such need to be easily understood by Councillors, Council staff and the community. The amendments in the proposed draft Governance Rules in **Attachment 1**, are outlined in **Attachment 2**. An overview of the key changes is provided below.

Key general changes include:

- (1) Restructuring the Rules to reflect the elements of a Council meeting—preparation, procedures, conduct and record keeping—allowing the reader to follow the natural flow of the meeting process through the document. The restructure has not been tracked in draft Governance Rules (tracked changes) at **Attachment 3**.
- (2) Location of similar rules together and the removal of rules that do not apply to meeting processes has reduced duplication and the potential inconsistency between Rules.
- (3) Separation of Council and delegated committee meetings to assist with understanding which Rules apply to these meetings. A new Part has been included for delegated committee meetings and references to Chair and members of delegated committee have been removed from Rules in the other Parts.
- (4) Establishing new Parts for both conflict of interest requirements for meetings under the auspice of a Council meeting, and conflict of interest requirements for Council staff. The conflict for interest requirements for Councillors is included in the meeting procedures Part.
- (5) Updating of the Definitions and common terms to ensure common understanding of terms used in the Governance Rules.
- (6) Standardised numbering and referencing have been applied.
- (7) Removal of supporting procedural templates from the Governance Rules to enable improvements and amendments to these documents without further amendment of the Rules.

The key content changes include:

- (1) Outlining the roles of participants in a Council meeting, i.e. Mayor, Deputy Mayor, Councillors, Chief Executive Officer and community members, to establish a common understanding to roles in the meeting.
- (2) Clarifying the process for the election of the Mayor, including scheduling the meeting, nominating candidates, managing voting to achieve an absolute majority to determine the Mayor, determining the office of the Deputy Mayor and establishing a process for appointing and Acting Mayor, if required. The Rules confirm that a lot may be used to determine which candidate with equal fewest votes is defeated.
- (3) Clarifying what constitutes urgent business and the process for Councillors to raise urgent business with the Chief Executive Officer.
- (4) Clarifying processes for notices of motion, notices of rescission and notices of amendment, specifically tightening the timeframe for submitting a notice of rescission or a notice of amendment to ensure Council resolutions are implemented in a timely manner, without undue concern that the decision may be changed.

- (5) Clearly outlining processes for conducting debate including moving a motion, moving amendments and the right of reply. This clarifies that a Councillor moving an amendment does not have a right of reply during the debate on the amendment. However, the original mover of a motion, regardless of the number of amendments considered, retains the right of reply.
- (6) Providing clarity that a point of order must identify a procedural error, an error in fact, misrepresentation of facts or lacks relevance to the debate. Points of order are not part of the debate.
- (7) Making it clear that a point of clarification may be raised to aid understanding of a matter, points of debate or stage of debate. The points of clarification cannot be used to further debate or disrupt the meeting.
- (8) Outlining a process for Council Officers to introduce a report by describing the key details or clarifying the office recommendation.
- (9) Clarifying the requirements for a petition to ensure that all petitioners are clear on the request to Council and that the action is within the remit of Council.
- (10) Establishing a process for community members to make a submission to Council on a matter not subject to a legislative process or review by a delegated committee.
- (11) Clarifying when the Mayor can participate in debate without vacating the chair.
- (12) Providing for the Chief Executive Officer to correct typographical errors or omissions in a Council Report without a resolution of Council to amend without changing the intent of the resolution.
- (13) Updating the legislative references in the Election Period Policy to the Local Government Act 2020.

The amendments to the Governance Rules, in August 2022, to enable the conduct of electronic meetings have been updated to be more appropriately located in the restructured draft Governance Rules. Minor amendments to the Rules for electronic meetings will enable Council to change the format of a scheduled Council meeting if required due to technology issues or other circumstances that may arise where one format is preferable over another.

Consultation and engagement

The community were engaged on proposed changes to the Governance Rules in April 2022. The suggestions from the submission received were considered in the development of the proposed draft Governance Rules.

Significant changes have occurred since the initial consultation, including the adoption of Rules to enable electronic meetings, therefore it is appropriate to provide the community the opportunity to review and comment on the proposed draft Governance Rules.

The next community consultation process will be delivered in line with our Community Engagement Policy, through Council's Have Your Say webpage, and will commence no later than 31 October 2020 and conclude on 11 November 2022.

The community will be invited to submit their comments on the draft Governance Rules via Council's website. The engagement process will be promoted through Council's usual media channels.

Collaboration

The review process has included discussions with Councillors, Council staff and governance experts, and an analysis of best practice in Governance Rules across the sector. The earlier

draft was reviewed by legal experts and it is planned to seek legal review of this draft during the consultation period.

Innovation and continuous improvement

Council has the flexibility to develop meeting processes and procedures that comply with the legislative requirements established in the Act. A review of the initial Governance Rules adopted in 2020 provides an opportunity to improve the applicability and effectiveness of the Rules for Council meetings. During the review process, Governance Rules from across the local government sector have been examined for innovative approaches and best practice.

Relevant law

The draft Governance Rules have been prepared consistent with the Local Government Act 2020, specifically section 60 and 69. Section 60(4) requires Council to engage with the community when amending its Governance Rules.

In accordance with the Gender Equality Act 2020, a Gender Impact Assessment has been conducted in relation to the subject matter of this report. The amendments proposed in the draft Governance Rules provide flexibility for participation in Council decision-making and may assist participation of women in the decision-making processes, including Council meetings, delegated committee meetings, petitions and public submissions. Livestreaming, in particular, allows women to participate in Council meetings without having to make arrangements to attend the Chamber in person, which may clash with caring or other responsibilities, and tends to impact women more than men.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of Human Rights and Responsibilities Act 2006. These amendments will provide flexibility for people to participate in public life in accordance with section 18 of the Charter.

Relevant regional, state and national plans and policies

There are no specific plans and policies relevant to the amendments in the Governance Rules.

Relevant Council plans and policies

The proposed amendments ensure the Macedon Ranges Shire Council Governance Rules comply with the legislative requirements and enable Council and committee meetings be conducted efficiently and effectively.

Financial viability

The community engagement process will be undertaken with existing budget and resources.

Sustainability implications

The amendments to the Governance Rules enable ongoing participation in the decision-making process of Council.

Officer declaration of conflicts of interest

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

Summary of amendments to Governance Rules

Purpose

The draft Governance Rules have been prepared with consideration to the consultation draft circulated in April 2022, feedback and the amendment to the *Local Government Act 2020* (the Act) to enable electronic meetings.

The following document steps through the significant changes in each of part of the draft Governance Rules providing an overview of the change and, where necessary, an explanation.

General amendments

The draft Governance Rules have been restructured to reflect the elements of a Council meeting—preparation, procedures, conduct and record keeping. The restructure has removed the duplication of rules, addressed inconsistencies among rules, located similar rules together and removed rules that are not applicable to meeting process (or required under the Act).

Formatting and language changes in the draft Governance Rules are aimed at improving clarity and readability include:

- separation of Council meeting and delegated committee meetings by creating a new Part for delegated committee meetings
- consistent use of terms, i.e. Mayor, Chair, Councillor, member, motion etc
- consistent numbering of rules, sub-rules and sub-sub-rules
- references between rules corrected
- removal of general or clarifying statements with some information relocated to Definitions and terms
- additional definitions included and irrelevant definitions removed
- use of simple and concise language

As templates are operational tools these have been removed from the appendices of the Rules to provide flexibility and enable continuous improvement.

Part 1: Preliminary

Rule 1. Context: The overarching governance and supporting principles from the *Local Government Act 2020* were removed in the consultation draft distributed in April 2022. However, to enable quick reference to these key principles referenced in the Rules the overarching principles and supporting principles have been included in the Definitions and key terms.

In addition, the consultation draft included a list of policies relevant to the Governance Rules which have been removed from this version, as this could limit the Governance Rules to the interaction with only policies listed and not any yet to be developed policies. Examples of key policies are provided in the Rule.

Rule 2. Definitions and key terms: This Rule has been expanded to include key terms used in the Governance Rules that don't necessarily require explaining, but where context is useful.

Several existing definitions have been revised or clarified in their application to the Macedon Ranges Shire Council. Definitions that were not relevant to the Governance Rules have

been removed, such as authorised officers and penalty unit (legacy from when the Rules where Local Law). In addition, to avoid conflicting explanations, terms that are clearly outlined in the appropriate Rule (such as urgent business) have been removed from the Definitions and key terms.

Rule 4. Purpose of Council meetings: This is a new Rule that clarifies the purpose of Council meetings.

Rule 5. Principles for Council decision-making: The consultation draft included a wordy, legalistic interpretation of decision-making. The wording in the current Governance Rules is clear and concise, therefore these words have been reinstated into the draft Governance Rules as the Principles of Council decision-making. Further, the Governance Rules provide opportunities and clear processes through the Rules for delegated committees and public participation for a person whose rights will be directly affected by a decision of the Council.

Rule 6. Meeting roles: This is a new Rule to assist with clarifying roles of participants during a Council meeting, making it clear for Councillors, Council staff and the community.

The Rule in the current Governance Rules relating to the precedence of the Mayor has been included in this Rule. This Rule has been amended to provide the Mayor with flexibility to decide whether to chair meetings in the Shire involving Councillors that are not Council meetings. The Act only requires the Mayor to chair Council meetings. Some meetings, such as the Audit and Risk Committee that the Mayor may attend have terms of reference that indicate the chair is independent. In addition, if the Mayor is attending a meeting of Councillors electronically, other than a Council meeting, it may be more appropriate for a Councillor in the venue to chair the meeting. These changes provide flexibility for such situations that may arise.

Part 2: Election of the Mayor

Rule 7: Scheduling of the Mayoral election: This is a new Rule to improve clarity around the process for scheduling a Mayoral election in the following three circumstances that arise:

1. following a general election
2. at the end of the Mayoral term
3. if the office of Mayor become vacant

Rule 9: Nomination for Mayor: A new Rule to improved clarity around the process for receiving nominations. This Rule includes the option for nominees to speak in support of their nomination.

Rule 10: Determining the election of the Mayor: The content of this section has been reorganised to assist with understanding the steps involved to determining the election of the Mayor. As required in the *Local Government Act 2020* the Mayor must be elected by an absolute majority of the Councillors of the Macedon Ranges Shire – this is five votes or more.

The draft Governance Rules require all Councillors present at the meeting to elect the Mayor must vote (no abstention is allowed). The current Governance Rules state that Councillors *wishing* to vote must vote for a candidate, this implies that if you don't wish to vote then you can abstain.

During the election of the Mayor, lots may be used to eliminate candidates with the least number of votes if two or more have the same least number. However, before proceeding with a lot, the Chief Executive Officer will conduct a vote of only those candidates with the

fewest votes, after the vote, the candidate with the fewest votes will be eliminated. If the fewest votes is still tied then a lot will be conducted to eliminate one candidate. After these processes are complete a vote of all candidates will be conducted.

The draft Governance Rules provide for the Chief Executive Officer to conduct a second ballot if an absolute majority has not been achieved with the remaining two candidates. This gives Councillors an opportunity to change their vote prior to the meeting being adjourned to another date and time—no sooner than 24 hours and no later than 7 days after the initial meeting.

The option for the elected Mayor to speak on their upcoming term as Mayor has been included in the draft Governance Rules.

Rule 11: Determining the Deputy Mayor: This Rule has been amended to include the process for determining the Office of a Deputy Mayor. In addition, though Council will determine the term of the Deputy Mayor, it shall be the same as the Mayor. This Rule makes it clear that the process for electing the Deputy Mayor is the same as that for electing the Mayor.

Rule 12: Acting Mayor: This is a new rule to provide a process for appointing an Acting Mayor if the Mayor or Deputy Mayor, if determined, are not available to perform the duties of the Mayor.

Part 3: Meeting Preparation

Rule 15: Notice of meeting: Changes to this Rule provide for the Council to resolve the annual schedule of meetings and publish on Council's website.

Rule 16: Electronic meetings: This Rule gives effect to the legislative amendments that came into force on 2 September 2022 that formally allow Council meetings to be conducted electronically, following the temporary COVID-19 arrangements. The draft Governance Rules clarify that Council may, by resolution, change the format of a meeting. In addition, if circumstances require, the Chief Executive Officer may change the format of a meeting, for example if an online meeting cannot proceed because of technology issues.

Rule 17: Business at meetings: The draft Governance Rules provide clarity when preparing the order of business on the agenda, particularly in the management of notices of motions.

The requirement to deliver agendas to Councillors' "residence or usual place of business" has been removed as this the specific destination for papers is an operational process that can be worked out with individual Councillors.

This Rule makes it clear that hybrid meetings can only occur if Council has the appropriate technology available.

Rule 18: Urgent business: Changes in the draft Governance rules provide for clarity on what is considered urgent business for a Council meeting. A clear process is provided for Councillors proposing a matter is admitted as urgent business.

In addition, the Rule provides for the Chief Executive Officer to prepare a written report on any item that has arisen since the preparation of the agenda.

Rule 19: Notice of motion: The draft Governance Rules provide clarity around notices of motion, rescission and amendment, and the processes for submitting these prior to a meeting. If a Councillor is intending to raise a notice for a significant item, then it is proposed

that the notice for motion call for a report of the described circumstances. Noting that the financial value for a notice of motion is consistent with the current financial delegation for a officer who is a Coordinator—\$25,000.

Rule 20: Notice of motion may be rejected: These changes provide clarity on when the Chief Executive Office may not accept a notice of motion.

Rule 21: Notice of rescission: The basis on which a notice of rescission may be accepted have been made explicit in the draft Governance Rules, and these should form the justification in the notice of rescission. The timeline for submitting a notice of rescission has been tightened to provide clarity to Councillors, Council staff and those affected by a decision about when the resolution may be acted on.

If a Councillor is considering preparing a notice of rescission they should advise the Chief Executive Officer who will ensure that no action is taken on the resolution until the timeline for submitting a notice of rescission has passed. Once the written notice of rescission is submitted no further action can be taken on the resolution pending the outcome of Council's consideration of the notice of rescission.

Rule 21: Notice of amendment: The current Governance Rules includes a Rules for notice of rescission or amendment. Notices of rescission and notices of amendment have been separated to provide clarity around the purpose and process for these. A notice of amendment would be used to amend a decision to account for new information that has come to light or correcting errors such as dates, timelines, figures etc.

Like with a notice of rescission, a Councillor intending to submit a notice of amendment should advise the Chief Executive Officer who will ensure no action is taken on the resolution until the timeline for submitting a notice of amendment has passed. Once the written notice of amendment is submitted no further action can be taken on the resolution pending the outcome of the Council consideration of the notice of amendment.

Rule 24: Apologies: This is a new Rule clarifying the process for submitting an apology.

Rule 25: Leave: This is a new Rule clarifying the process for applying for leave.

Rule 27: Postponement or cancellation of meeting: This is a new Rule clarifying the process for postponing or cancelling a meeting.

Part 4: Meeting Procedures

Rule 28: Matters not provided for: This Rule will enable efficient and effective Council meetings and implementation and administration of Council decisions by allowing the Chief Executive Officer to amend typographical errors and omissions. These changes can not affect the intent of the decision.

Rule 29: Time limits for a meeting: Minor changes to this Rule to clarify the process for a continuance past 10.30pm. The changes also restrict the length of meetings not held in the evening to 3 ½ hours.

Rule 32: Conflict of interest: Councillors disclosing a conflict of interest will be required to complete a form each time a disclosure is made. This is because conflicts of interest are situation based and should be disclosed at the meeting each time a conflict arises.

Rule 34: Public Question Time: Changes to this rule provide clarity around submitting a question to Council. The procedural process of suspending standing orders to hear

questions and response has been removed, as this process does not add to the efficiency or effectiveness of Council meetings with regard to questions from the public.

Amendments to this Rule make it clear that no questions can be asked on any statutory or strategic planning matters on the agenda, as these matters have well established consultation process for raising issues with Councillors.

Rule 35: Public forum: New section outlining how community members can present submissions to Council of a matter of community interest at a Council meeting. The current Governance Rules provide a speaking time for members of the public but no process to enable this. This Rule provides a process to enable an existing Rule.

Amendments to this Rule make it clear that no public submissions can be made on any statutory or strategic planning matters on the agenda, as these matters have well established consultation process for raising issues with Councillors.

Rule 36: Petitions and joint letters: The amendments to this Rule provide clarification on what constitutes a petition or joint letter and the process for submitting to a petition or joint letter. A key element of these changes is to make it clear that a petition must make a request of Council and this request is to be on each page of the petition to demonstrate that signatories were aware of the matter in the petition. This Rule outlines how Council can respond to petitions by proposing a motion to forward the petition to the relevant Director for investigation and report to Council or referring the petition to another process such as dealing with the matter operationally.

Rule 37: Electronic petition: Clarified information regarding what constitutes an electronic petition and process for submitting and responding.

Rule 8: Behaviour at meetings: This Rule has located matters relating to behaviour at a Council meeting together.

Part 5: Meeting conduct

Rule 40: Voting process: Changes to this Rule provide clarity around abstaining from a vote. In accordance with the Act, if a Councillor is present in a meeting and does not vote their vote will be considered to have been a negative or a vote against the motion.

Rule 41: Division: The proposed changes improved the clarity around the process of calling and managing a division.

Rule 42: Introduction of report: This is a new Rule that provides a process for Officers introducing reports to Council and a time limit for speaking.

Rule 43: Debate from the Chair: This is a new Rule that provides a process for the Mayor to be involved in the debate but allow debate procedures to be followed. This Rule will allow Councillors to raise points of order with the Deputy Mayor if the Mayor is speaking on a motion. The Mayor is not able to move or second a motion from the chair, if they wish to do so they must vacate the chair. The Deputy Mayor or Acting Mayor will assume the chair for the debate.

Rule 44: Moving a motion: Changes to this Rule improved clarity around the process for moving a motion and the subsequent process for debate.

Rule 46: Lapsed motion or amendment: This Rule clarifies when a motion lapses. As the Governance Rules require a motion to be dealt with prior to moving to the next motion (unless it is laid on the table) the Rules in the current Government Rules can't apply.

Therefore this Rule clarifies that a motion or amendment lapse if it is not moved or moved but not seconded. A lapse motion is not recorded in the minutes and may be presented at a future Council meeting at any time.

Rule 47: Right of Reply: This new Rule clarifies who has right of reply in debate and that no new information can be raised when exercising a right of reply.

Rule 49: Moving an amendment: Clarification of the process for moving an amendment. A Councillor may move an amendment and if agreed by the original mover and seconder it becomes the substantive motion before Council. Debate continues with Councillors who have not yet spoken on the original motion.

If the mover or seconder do not agree with the amendment, then the original motion is set aside (not procedural motion required) while the amendment is debated. Each Councillor can speak once on the amendment only, regardless of whether they have spoken on the original motion. Once debate is concluded the motion is voted on. If successful the amended motion becomes the substantive motion and debate continues with those Councillors who have not yet spoken on the original motion.

If the amendment is not carried, the debate on the original motion continues.

There can be any number of amendments but they must be dealt with in the order received and in full before proceeding to the next.

Rule 52: Separation of motions: This Rule provides a process for separating a motion before Council. This may occur to manage quorums in relation to conflicts of interest or to allow voting on individual components of the motion.

Rule 55: Raising a point of order: Clarification provided for when a point of order can be raised.

Rule 56: Points of clarification: This is a new Rule to Councillors to ask clarification in certain circumstances only. The Mayor can refuse requests for clarification if used incorrectly.

Rule 57 Procedural motions: The current Governance Rules the process for many procedural motions is included in a table in the appendix. In the draft Governance Rules the table of procedural motions has been made part of this Rule.

Rule 58 Adjourning meetings: The Governance Rules allows the Mayor can adjourn meetings for a number of reasons, such as not being able to maintain a quorum or to consider a point of order. Changes to this Rule remove the inconsistency by noting the Mayor adjourn a meeting.

Rule 63 Suspension of standing orders: In line with changes made in other Rules this Rule is amended to remove the requirement to suspend standing orders for question time or when a member of the public is addressing Council.

Part 6: Record keeping

Rule 64 Keeping of minutes: Changes to this rule make it explicit what information must be included in the minutes.

Rule 67: Conflict of interest register: This Rule explains will be on the included in the Conflict of Interest Register and that a summary of Councillors disclose will be made publicly available on the website.

Part 7: Meetings under the auspice of a Council meeting

Relocated this section in the structure so that it is separated from the Rules relating to Council meetings. Provided clarity around record keeping for disclosures at meetings under the auspice of a Council meeting. This section is primarily about disclosures of conflict of interest.

Part 8: Delegated Committees

This section separates the conduct of Council meetings from the conduct of delegated committee meetings. This section outlines which Rules are not applied to the conduct of delegated committee meetings. This includes a requirement of delegated committees that do not include all Councillors in their membership to submit minutes of their meeting to the next practical Council meeting.

Part 9: Community Asset Committees

Unchanged

Part 10: Joint Council Meetings

New section to enable Council to participate in Joint Council Meetings as allowed under the *Local Government Act 2020*.

Part 11: Disclosure of Conflicts of Interest for Staff

Relocated this section so that it is easy to identify in the Governance Rules.

Part 12: Election Period (Caretaker) Policy

Minor amendments to the Policy. Most significant changes are: 1) updating the misuse of position provisions from the *Local Government Act 1989* and the *Local Government Act 2020* as these came into effect on the day of the election in 2020; and 2) clarifying that planning matters may be considered and decided on during the election process to ensure compliance with statutory obligations in a timely manner.

Templates related to the Election Period Policy are operational and will be managed by the Chief Executive Officer—sample templates are provided for information only.

14 DIRECTOR COMMUNITY REPORTS

COM.1	SMALL PROJECTS GRANTS
Officer:	Melissa Telford, Community Project Officer
Council Plan relationship:	1. Connecting communities
Attachments:	Nil

Summary

The Small Project Grants program supports projects and initiatives that:

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

Council's Small Project Grants budget for 2022/23 is \$30,000 and not-for-profit groups can apply for a maximum of \$1,500 per application.

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

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

Three applications have been received, seeking a total of \$4,500 in funding. The applications have been evaluated against the eligibility criteria and all are deemed to be eligible.

Recommendation**That Council:**

1. **That Council approves the awarding of a Small Project Grant of \$1,500 to:**
 - (a) **Sunbury Cobaw Community Health for their 16 Days of Activism Film Project. This will support the costs of producing and editing the film in time for the 16 Days of Activism, to raise awareness and campaign against gender-based violence.**
 - (b) **Romsey Playgroup for their Outdoor Cubby Upgrade Project. This will support the costs of repainting the cubby and purchasing outdoor play furniture to enhance the outdoor play area for children and families using this space.**
 - (c) **Lancefield Football Netball Club for their 150 year History Book Project. This will support the club to research, compile, edit and print a book detailing the club's history, with funding used to cover the costs of printing and publication.**

Background

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

Eligibility criteria

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

The Small Project Grants guidelines, 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	Details
Pass/Fail	Demonstrating eligibility	Compliance with Section 6 of the guidelines
20%	Describing your project	A brief description of the project aim
10%	Unlikely to be funded by other funding programs	The project timing/scale/amount of funding sought is not compatible with other funding programs
30%	Demonstrating community need and benefit	Why the group needs to do the project? How the community will benefit from the project/activity?
20%	Supporting Council Plan priorities	Promotes or contributes to the achievement of one or more Council Plan priorities
20%	Demonstrating good project planning	The project group practices good governance, considers risks, complies with regulations or similar and has an appropriate budget

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

Discussion

Three applications have been received, seeking a total of \$4,500 in funding. The three applications have been evaluated against eligibility criteria and meet program requirements.

Applicant	Project description	Amount requested	Recommendation
Sunbury Cobaw Community Health	16 Days of Activism Film	\$1,500	\$1,500
Romsey Playgroup	Outdoor Cubby Upgrade	\$1,500	\$1,500
Lancefield Football Netball Club	150 Year History Book	\$1,500	\$1,500

Consultation and engagement

Information regarding the Small Project Grants program is publicly accessible on Council's website. Officers consult with applicants regarding their applications and seek internal advice as necessary. In regards to this report, the Community Projects Officer consulted with the Early Years team with regards to the Romsey Playgroup to provide advice prior to submission of their grant application. This helped the applicant to clarify where they need to consult with Council regarding any projects they may wish to undertake in their outdoor space.

Collaboration

Council has not undertaken collaboration with other councils, governments and/or statutory bodies in relation to these applications.

Innovation and continuous improvement

Council is committed to innovation and continuous improvement in relation to the Small Project Grants. Officers regularly review the promotion of the program and seek out new ways to encourage new and diverse community groups to access this small grants program. The application from Sunbury Cobaw Community Health represents an example of this, as the Small Projects Grants program was recently promoted through community newsletters as an avenue for groups seeking funding for 16 Days of Activism based projects.

Relevant law

A Gender Impact Assessment was conducted to ensure Council meets obligations under the *Gender Equity Act 2020*. It was determined that the application from Sunbury Cobaw Community Health is specifically identified as pro-gender equity, as it has a focus on promoting awareness of issues related to gender-based violence, and they have indicated gender inclusiveness in their application.

The other applications from Romsey playgroup and Lancefield Football Netball Club whilst not specifically identified as pro-gender equity, have indicated a commitment to accessibility, equity and inclusion and therefore represent gender inclusiveness.

Relevant regional, state and national plans and policies

The state government, through Respect Victoria, supports prevention initiatives across the state during the 2022 16 Days of Activism campaign. As such, the grant application from Sunbury Cobaw Community Health aligns with state government plans and policies in relation to prevention of gender-based violence.

Relevant Council plans and policies

The Small Project Grants program supports Council's priorities of connecting communities, promoting healthy environments and healthy people and delivering strong and reliable government.

Financial viability

Council's Small Project Grants budget for 2022/23 is \$30,000. Grants of up to \$1,500 are available for eligible projects. At time of writing, two grants have been committed to Small Project Grants in 2022/23, with a total of \$27,000 of allocated funds available, prior to the review of applications contained within this report.

Should these three Small Project Grants be endorsed as per the officer's recommendation, the remaining \$22,500 of allocated funding will be available for further eligible projects until 30 June 2023.

Sustainability implications

There are no social, economic or environmental sustainability implications to be considered in relation to this report.

Officer declaration of conflicts of interest

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

15 DIRECTOR ASSETS AND OPERATIONS REPORTS

AO.1	CONSIDERATION OF A REQUEST FOR INCLUSION OF ROAD ONTO THE PUBLIC ROAD REGISTER - TALBOTS LANE LANCEFIELD
Officer:	Leslie Woo, Team Leader Engineering Planning and Development
Council Plan relationship:	1. Connecting communities
Attachments:	Nil

Summary

This report responds to a request (CRM 258020) by the 122 Talbots Lane, Lancefield, resident to add an access track named Talbots Lane in Lancefield to Council's Register of Public Roads.

In considering the access track for inclusion into the Register of Public Roads, officers assessed it under the Public Roads Procedure Policy (2018). The access track requires considerable repairs and upgrades to meet Council's minimum standards for a Category 6 unsealed local road. Council officers recommend not adding the access track to the Register of Public Roads.

Recommendation

That Council resolves not to include Talbots Lane, Lancefield, in the Register of Public Roads and advise the requestor of this decision;

Background

Talbots Lane consists of a 1.2km in length gravel track extending from Shannons Road to the southwestern corner of 122 Talbots Lane. It has a uniform carriageway width of about 4m located within a 20m wide reserve. Shannons Road is a Council managed local access road. The southern end of the access track is located about 1.6km from Main Road and the township of Lancefield.

The road reserve containing Talbots Lane continues north well beyond the boundaries of 122 Talbots Lane and intersects with Deep Creek.

See Figures 1 to 4 for a locality plan and photos of Talbots Lane.



Figure 1 – Locality Plan

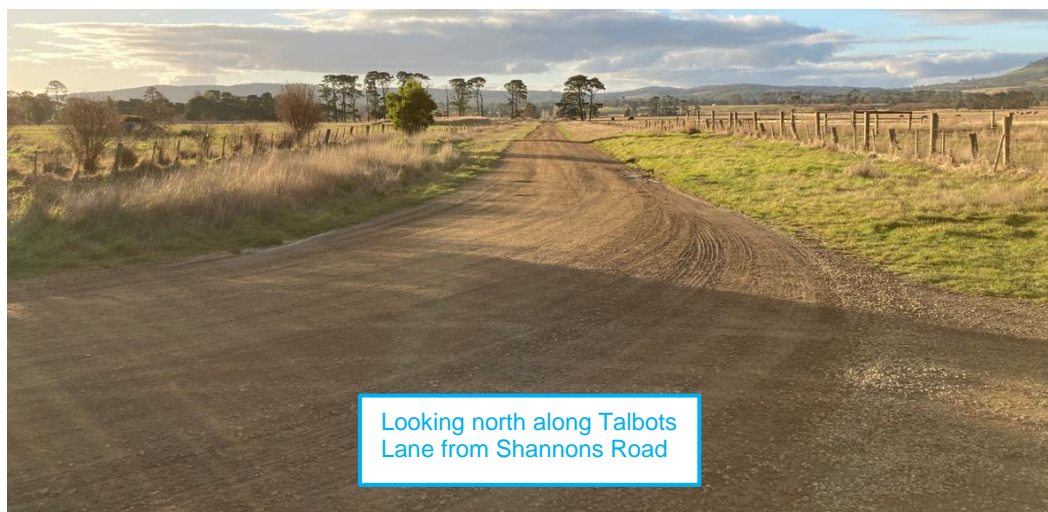


Figure 2 – Southern end of Talbots Lane



Figure 3 – Mid-point of Talbots Lane



Figure 4 – Northern end of Talbots Lane

Officers observed that the existing gravel track is in minor disrepair, with numerous potholes along its entire length. See Figures 5 and 6 below.



Figure 5 – Typical Potholes 1 of 2



Figure 6 – Typical Potholes 2 of 2

The access track is built without table drains and culverts. This track is subject to the ponding of surface run-off. The access track may be difficult to navigate in times of heavy rainfall. See Figures 7 and 8 below.



Figure 7 – Ponding 1 of 2



Figure 8 – Ponding 2 of 2

Finally, there is no turnaround area at the northern end of Talbots Lane to allow emergency and service vehicles safe entry and exit Talbots Lane.

Discussion

The Public Roads Procedure Policy (2018) sets out the criteria used to determine whether a non-registered road qualifies for inclusion in the Register of Public Roads and the process for considering these requests.

Council officers provide the following assessment of Talbots Lane, Lancefield, against the criteria for inclusion into the Register of Public Roads:

Criteria	Response	Comments
1. At least two or more properties and at least two or more permanent residents are abutting onto the road or requiring the road for access purposes	No	Seven (7) properties have access rights to this access track, however only 122 Talbots Lane has a dwelling and regularly uses it for access.
2. Whether or not land abutting onto the road or requiring the road for access has been developed to its highest and best economic use	No	There are three properties/parcels (Lot 1 and 2 PS601073 and Lot 1 TP860286) adjoining the road reserve that remain unoccupied/undeveloped or do not form part of a larger farming property. They remain as paddock/grazing land.
3. The type of properties abutting onto the road, including public open space, community facilities, sporting facilities and car parking areas are of significant community value	No	The road reserve containing the access track extends further north and intersects with Deep Creek. However, there is no public open space or areas of significant community value.
4. Whether the road connects into and forms a part of the wider network of public roads	No	Shannons Road is a public road and connects to Lancefield-Kilmore Road, which leads back to the Lancefield township.
5. The usage patterns of the road in relation to the nature and frequency of past, present and likely future use	No	No significant change or increase in traffic volumes along Talbots Lane is anticipated.
6. Whether the road is regularly required for both vehicular and pedestrian use;	No	The occupiers of 122 Talbots Lane should regularly use the access track for vehicular access. However, the extended length of Talbots Lane suggests it is unlikely to be regularly used by pedestrians from 122 Talbots Lane. Access gates fronting the road reserve from other properties appear rarely used.

Criteria	Response	Comments
7. Whether the Council or any of its predecessors or any other public authority has constructed the road at public expense;	No	Council does not have any records of the construction of Talbots Lane. Enquiries could not confirm if it was built at public expense.
8. Whether the Council has cared for, managed or controlled the road on a regular basis;	No	There are no records that Talbots Lane has been managed or maintained by Council on a regular basis.
9. Whether the properties which enjoy a frontage to the road or require the road for access purposes have alternative access rights;	No	The property of 122 Talbots Lane does not have alternative access rights.
10. Whether there are designated car parking facilities and traffic control signs attaching to any public use of the road;	Yes	There is no car parking facility, although there is a street name and 'no through road' sign installed at the intersection of Shannons Road and Talbots Lane for addressing purposes.
11. Whether the road has ever been required to be set aside for public use as a condition of any planning approval;	No	A review of the Planning Permit PLN/2004/158 for constructing a dwelling and outbuildings at 122 Talbots Lane revealed no condition that Talbots Lane was to be set aside for public use. Condition 5(a) of the permit explicitly stated that "The permit holder must maintain this road (Talbots Lane) on an ongoing basis at no cost to Council."
12. Whether the road has ever been formally dedicated or proclaimed to be a public highway under the Local Government Act, 1989 or any predecessor legislation;	No	There is no record that Council have previously proclaimed Talbots Lane to be a public highway.
13. Whether the road has ever been constructed under a special charge scheme or a private street scheme;	No	There is no record of any special charge scheme initiated by Council for Talbots Lane.
14. Whether the road has been constructed by developer or private owner or entity to Council's minimum standards;	No	The access track is missing important drainage infrastructure and a turnaround area at its northern end.
15. Whether the use is occurring "as of right", in particular evidence of previous permission;	Yes	The approved Planning Permit PLN/2004/158 permitted the land owner or occupier for 122 Talbots

Criteria	Response	Comments
		Lane to utilise Talbots Lane for access.
16. Existing geometric standards and surface condition are in accordance with Council's requirements;	No	The existing gravel surface has numerous minor potholes.
17. Whether the road contains assets owned and managed by public service authorities, gas, electricity, telecommunications, sewerage and water; and	No	A search was undertaken via "Before You Dig" and no public utility services were found within the road reserve.
18. Whether the road has fencing, barriers, signage or associated safety devices.	Yes	There are no barriers, signage or other road safety along the access track. However, post and wire fencing is on both sides of the road reserve.

Condition 5(a) of the permit explicitly stated that "The permit holder must maintain this road (Talbots Lane) on an ongoing basis at no cost to Council." In addition, the results do not support consideration of Talbots Lane, Lancefield, for inclusion in the Council's Public Road Register, having scored 3 out of 18. Therefore officers recommend not to include Talbots Lane, Lancefield, in the Register of Public Roads

Consultation and engagement

Council officers did not undertake community consultation or engagement due to the nature of this request. Officer sought advice from the Romsey & Lancefield Districts Historical Society Incorporated on the history of Talbots Lane – there is no evidence this road was built at public expense.

Collaboration

Council officers did not undertake collaboration with other local governments or statutory authorities as it was not considered necessary for this recommendation.

Innovation and continuous improvement

Council officers prepared this recommendation following Council's Public Roads Procedure Policy (2018).

Relevant law

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

Under the *Gender Equality Act 2020*, a Gender Impact Assessment was not required relating to the subject matter of this report.

Relevant regional, state and national plans and policies

This recommendation has no direct or indirect policy or legislative implications on regional, state, or national plans or policies.

Relevant Council plans and policies

Council officers prepared this recommendation following Council's Public Roads Procedure Policy (2018).

Financial viability

If Talbots Lane, Lancefield, were added to the Register of Public Roads, it would require considerable repairs and upgrades to meet minimum construction standards for a Category 6 unsealed local road. The works include but are not limited to the following:

- (1) the addition of pavement materials and regrading of the road carriageway,
- (2) the creation of table drains on both sides of the road carriageway and installation of culverts at low points, and
- (3) the creation of a turnaround area at its northern end.

Council officers estimate the total cost to complete items 1, 2 and 3 to be \$135,000 excluding GST. Investment in these works is not considered the best value for the community.

Sustainability implications

If Talbots Lane, Lancefield, was added to the Register of Public Roads, works to repair and upgrade the access track will require considerable resources and costs.

Officer declaration of conflicts of interest

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

AO.2	GISBORNE SKATE PARK REVIEW AND DESIGN
Officer:	Dean Frank, Coordinator Recreation
Council Plan relationship:	1. Connecting communities 2. Healthy environment, healthy people
Attachments:	1. Gisborne Skate Park Concept Plan ↓ 2. Gisborne Skate Park Consultation Report ↓

Summary

This report seeks Council endorsement to release the draft Gisborne Skate Park Review and Design (Attachment 1) and the supporting Consultation Report (Attachment 2) for four weeks of community consultation.

Recommendation

That Council endorses the release of the draft Gisborne Skate Park Review and Design for four weeks of community consultation.

Background

At the 16 December 2020 Scheduled Council Meeting, Notice of Motion No. 6/2020-21 was carried by Council, with the following actions:

- 1. Notes written and video correspondence received from 738 people including school students, principals, and teachers from numerous schools requesting the Gisborne Skate Park be upgraded and expanded;**
- 2. Notes the specific requests for the development of more challenging elements at the skate park, a pump track, the installation of water taps and the installation of lighting; and**
- 3. Refers these requests to the 2021/22 Council budget process for consideration.**

Council allocated \$30,000 in the financial year 2021/22 Council budget to undertake community consultation and concept design for improvements to the Gisborne Skate Park.

A consortium of Baseplate and EastbyWest began work on the design in October 2021. Baseplate and EastbyWest are locally owned skate park design companies with extensive community consultation and design experience.

The Gisborne Skate Park is approximately 20 years old, with a newer informal dirt BMX track. The skate park is centrally located in town and bordered to the west by Gardiner Reserve, Jacksons Creek to the north and Bunjil Creek to the east.

The review of the Gisborne Skate Park included an assessment of its current condition, layout and design. The assessment results show that the existing skate park is structurally intact though some minor cracks and chips in the concrete. The consultant considers adding to the existing skate park will deliver the best outcome and value for money.

Discussion

The review of the condition and layout of the current skate park and BMX track and the outcomes of the initial community consultation has informed the proposed concept plan.

The proposed plan identifies a range of improvements, including; the expansion of the skate park to the south, development of a formalised pump track in the current location of the dirt BMX track and upgrades and expansion to the landscape infrastructure, including shelters, seating, bins and access to water etc.

Officers are not aware of current provision ratios for skate and BMX facilities in Australia. However, using American ratios as a guide indicates that the existing skate and pump track location is more than adequate to cater for the Gisborne population well beyond the 2036 predictions.

The existing facility falls short in its lack of diversity, not aligning with current trends i.e. range of functions for all user types (skate, BMX and scooter) and does not appropriately cater for various skill levels. A large percentage of consultation comments related to these points.

The proposed skate park extension will complement the existing park use whilst offering more diversity for a wider variety of users now and into the next 10-20 years.

The proposed concept design and cost estimates include lighting provision. However, Council's Sport and Active Recreation Strategy 2018-28 does not currently support installing floodlighting at existing skate parks. This is due to limited demand and the site's intended use during daylight hours (particularly over the warmer months). After-hours use may cause issues with lighting and noise. However, Gardiner Reserve is an active sporting reserve outside the residential area, with existing lighting on the oval and two netball courts.

The Sport and Active Recreation Strategy 2018-28 has an action to develop a Skate Park Facilities Plan considering the lighting provision. Council funded the Skate Park Facilities Plan (known as the Skate and BMX Strategy) in the 2022/23 financial year and has just engaged a consultant to undertake this work.

Following community consultation on the Gisborne Skate Concept Plan, the implementation of the Gisborne Skate Park Plans will be subject to the completion of the Shire Wide Skate Park Facilities Plan

The Skate and BMX Strategy and the refinement of plans for the Gisborne Skate Park following consultation will run concurrently. The Skate and BMX Strategy will inform the final design work for the Gisborne Skate Park.

The consultants have advised that skatepark.org (out of America) does include provisions guidance as follows in their 'Skatepark Best Practices' guide, noting that these provisions exclude pump tracks:

$$\text{Population} / 2.5 = \text{square footage of skate provision}$$

For Gisborne, this equates to the following:

	Population	Square Feet (/2.5)	Converted to Metres	Shortfall/ Surplus (existing 2400m²)
Gisborne Current	11,086	4,434.4	412 m ²	+1988 m ²
Gisborne 2036 (35.66% Growth)	15,039	6,015.6	559 m ²	+1841 m ²
Gisborne District	15,078	6,031.2	560 m ²	+1840 m ²

Gisborne District 2036	20,454	8,181.6	760 m ²	+1620 m ²
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Based on the above figures, the current skate park is more than the US 'Skatepark Best Practices' provision guidance. There is local interest in increasing the embellishment of the park; this needs consideration with regards to the overall affordability for the municipality's ratepayers and the equity of access balanced with the community's expectation.

Consultation and engagement

The following consultation methods informed the development of the draft concept plan:

- On-line survey, promoted via Council's 'Have your Say' website page and available during the on-site consultation, which received 101 responses;
- Site-meeting during skate park competition; and
- School consultations.

The consultation feedback included an even spread of skateboarders, scooter riders and BMX riders, with approximately 56% of the respondents aged between 11-18.

The consultation identified the following development preferences:

- Larger skate park;
- Increased level of challenge;
- Lighting, to extend the available hours of use;
- Development of a new pump track;
- More social spaces; and
- Ensure beginner-level challenges remain.
- Refer to Attachment 2 for further consultation detail.

In addition to general feedback on the overall concept. Officers will specifically seek information from the community regarding which elements are preferred over other elements with the ability to rate them. These results may be used to inform the final design.

Collaboration

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

Innovation and continuous improvement

The draft Gisborne Skate Park Concept Plan represents continuous improvement as it identifies a long-term planned approach to future improvement options.

Relevant law

In accordance with the *Gender Equality Act 2020*, officers conducted a Gender Impact Assessment relating to the subject matter of this report.

Officers recommended that future facility development and subsequent programming opportunities provide safety and equity of access and use. Specifically, it is recommended that:

- The Gisborne Skate Park Concept Plan provides increased opportunities for participation in informal and unstructured recreation activities.

- Any future programming opportunities are planned in such a way to provide equity of access and use for all current and future users, with an emphasis on those underrepresented participants, and should include those groups in the program planning.
- The future implementation of the Gisborne Skate Concept Plan is an important tool in delivering facilities and services to an often under-represented group in the community. It will assist in delivering the needs of social acceptance, connection and participation.
- The detailed design of the supporting facilities and the interconnection of these facilities at the Gisborne Skate Park consider the requirements of the end users, with a priority being the provision of safe spaces from a cultural, emotional, social, physical and privacy perspective.

This recommendation will deliver a well-considered and planned range of equitable and accessible opportunities for participation in physical activity to a community cohort that is traditionally under-represented in resource allocation. Has this recommendation been implemented in developing the policy, program or service (including plans and strategies)?
X YES NO

Relevant regional, state and national plans and policies

Not applicable in this matter.

Relevant Council plans and policies

The draft Gisborne Skate Park Concept Plan relates to the following strategic objectives of the *Council Plan 2021-2031*.

Connecting Communities: Council will continue to maintain all the roads, paths, buildings and open spaces in our built environment in a financially, environmentally and socially sustainable way.

Healthy environment, healthy people: to promote a healthy environment, healthy people, Council aims to support mental health, prevent violence against women, and improve healthy lifestyles, social connection and inclusion, community safety, and arts and culture.

Other relevant Council plans and strategies that relate to the draft Gisborne Skate Park Concept Plan include:

- *Sport and Active Recreation Strategy 2018-28*;
- *Open Space Strategy 2013*;
- *Youth Strategy 2018-2028*;
- *Council Asset Plan 2021-2031*.

Financial viability

The draft Gisborne Skate Park Concept Plan provides several directions regarding the long-term improvement and development of the Gisborne Skate Park. The finalised Plan will inform future funding opportunities, including but not limited to Council budget processes, State and Federal Government Sport and Recreation Grants and other relevant external funding programs. Cost estimates will require review during the life of the Plan (once adopted) to ensure that each component is accurately costed at the creation of each business case.

There is the capacity to undertake a staged development of the proposed works. However, this introduces a risk of not completing all of the project's elements, affecting the site's

capacity to cater for various levels of experience and challenge. There is also the scope to scale the elements to reduce costs, including removing lighting from the scope.

The total cost to implement the concept plan as presented is approximately \$1.2m, including contingency and project management. If the works are undertaken separately, the preliminary site establishment costs are estimated to increase costs by \$50,000 per stage.

The Council has invested heavily in providing and maintaining facilities catering to organised sports. The organised sporting groups have used their capacity and the support of their membership and peak organisations to lobby for investment in improved facilities. Typically, users of skate and BMX facilities have a minority voice when advocating for projects.

The provision of facilities such as skate parks, BMX tracks and playgrounds provide opportunities for an alternative to formal sports. These facilities can meet the needs of these under-represented members of the community.

Noting the outcomes of the provision ratios indicating that the current footprint of the skate park is more than required for current and future needs, serious consideration is required to value manage the design to ensure a balance between financial sustainability and community expectation. As this draft design is being completed before the completion of the Skate and BMX Strategy the final decision (post consultation) should be after the Strategy is complete.

Sustainability implications

To support Council's commitment to achieving zero net emissions by 2030, any future developments associated with the Gisborne Skate Park will ensure that sustainable design features are included.

Officer declaration of conflicts of interest

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



GISBORNE SKATEPARK UPGRADE - 17 AUGUST 2022

Existing Conditions Plan





Proposed Site Plan

CONCEPT DESIGN

CAR PARKING

CRICKET NETS

NETBALL COURT

NETBALL COURT

PROPOSED SHELTER

EXISTING SHELTER

PROPOSED SKATEPARK

EXISTING SKATEPARK

PROPOSED PUMP TRACK

FOOTPATH

FOOTPATH

CREEK

PROPOSED SHELTER

3 | GISBORNE SKATEPARK UPGRADE - 12 AUGUST 2022

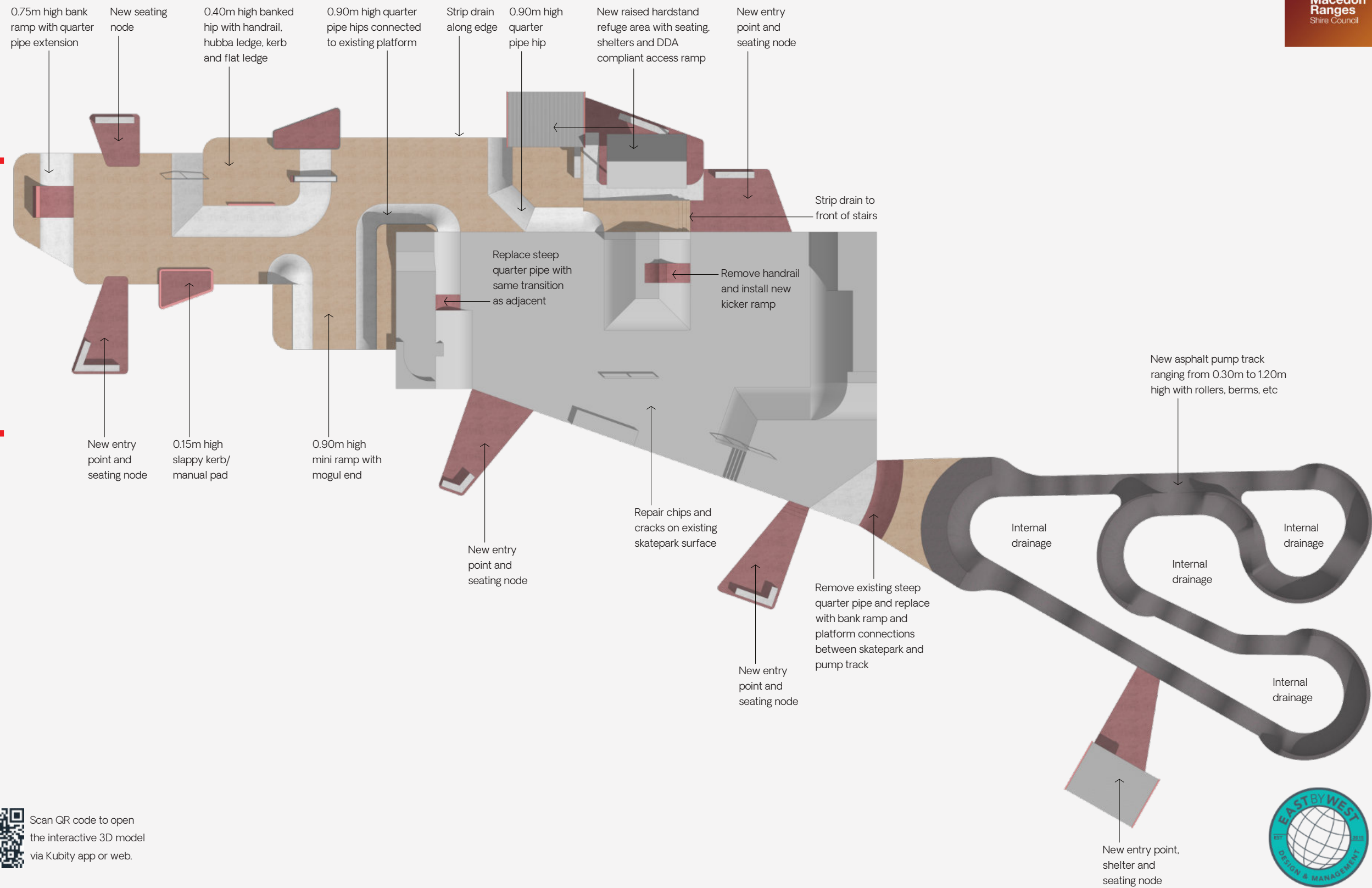


BASEPLATE



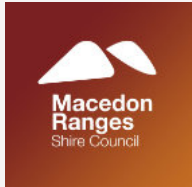
CONCEPT DESIGN

Skatepark Concept Plan



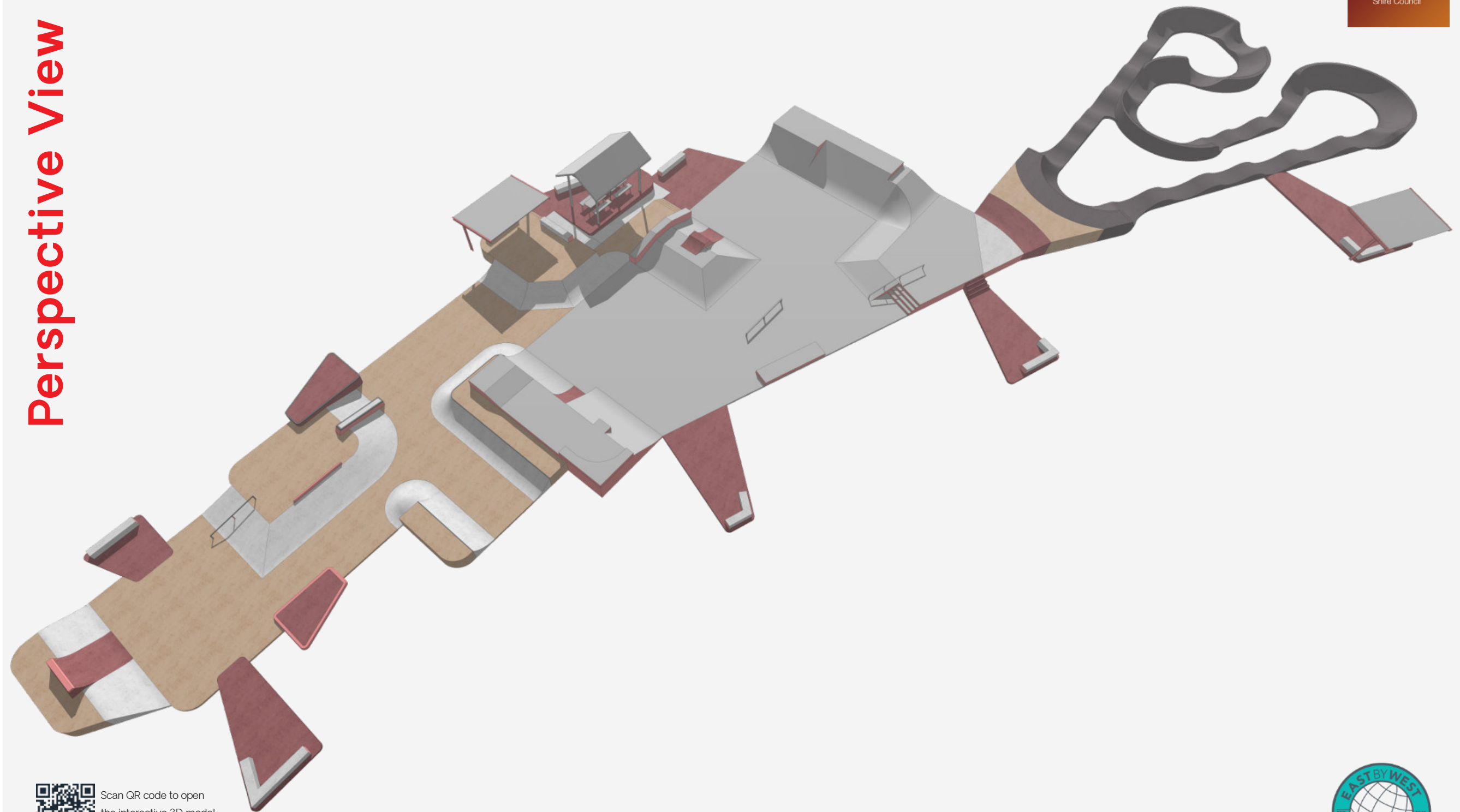
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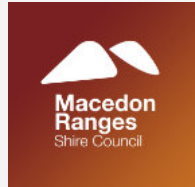
Perspective View 1



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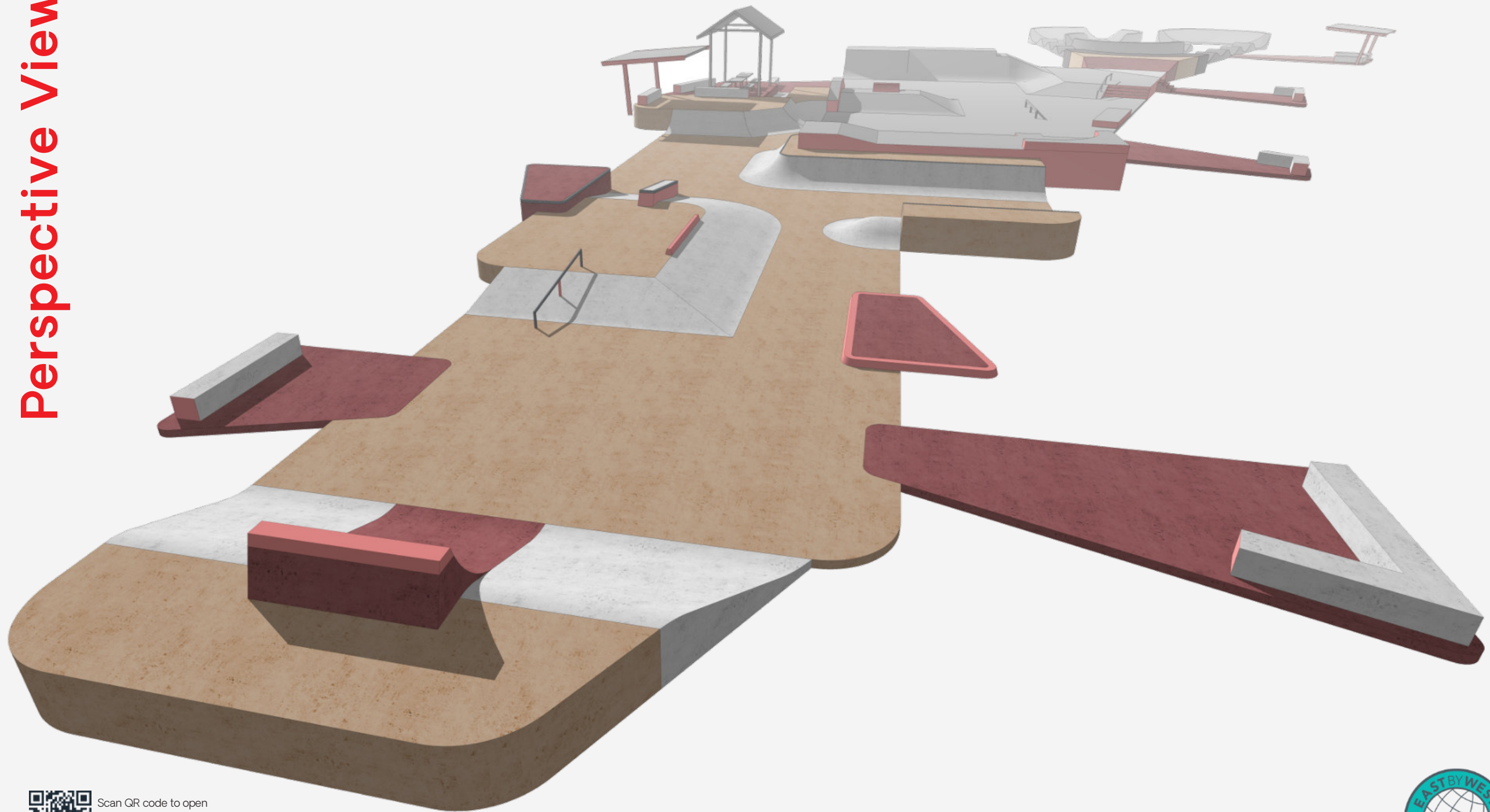


 **BASEPLATE**



CONCEPT DESIGN

Perspective View 2



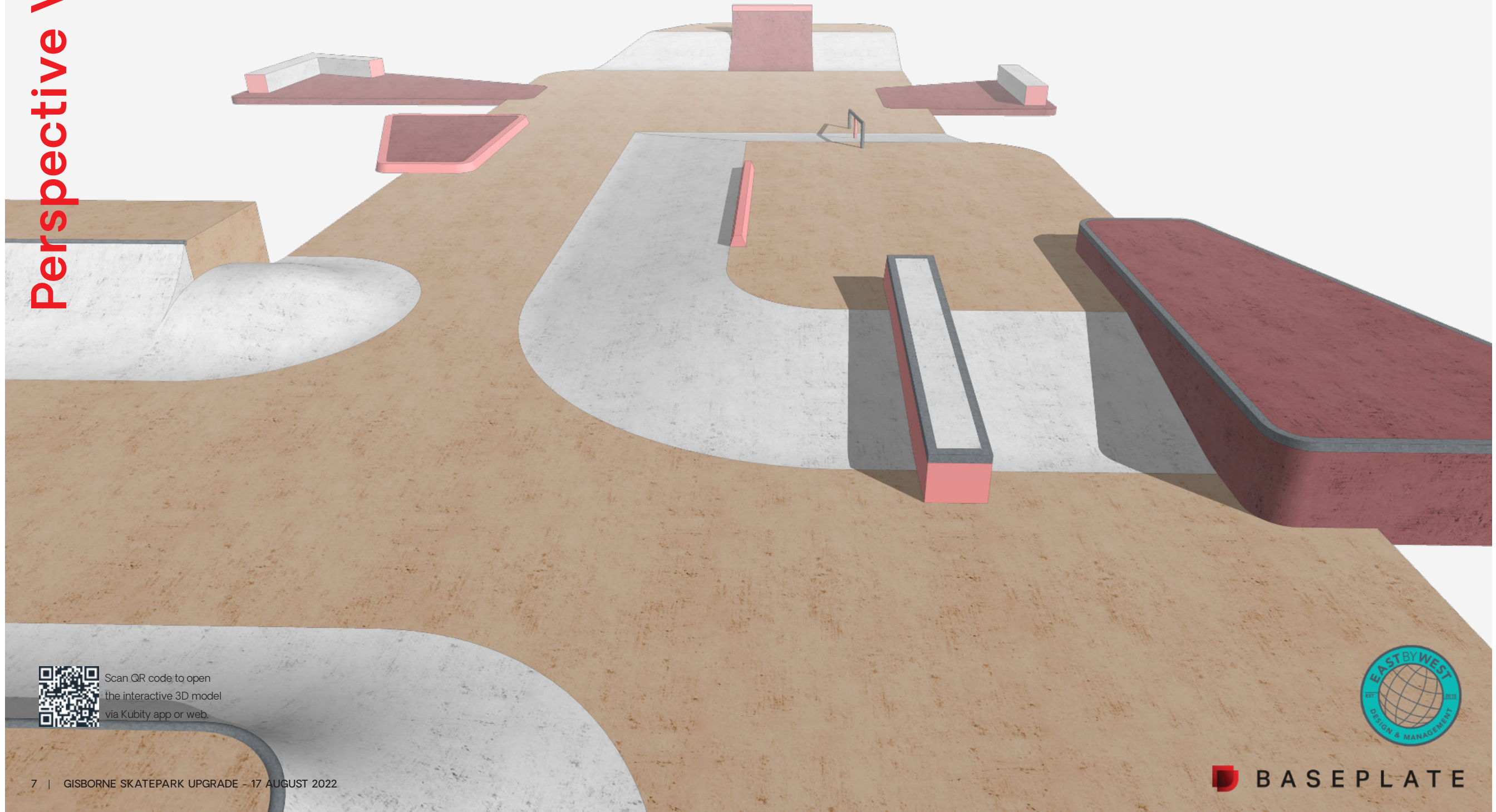
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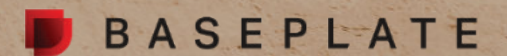
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Perspective View 3



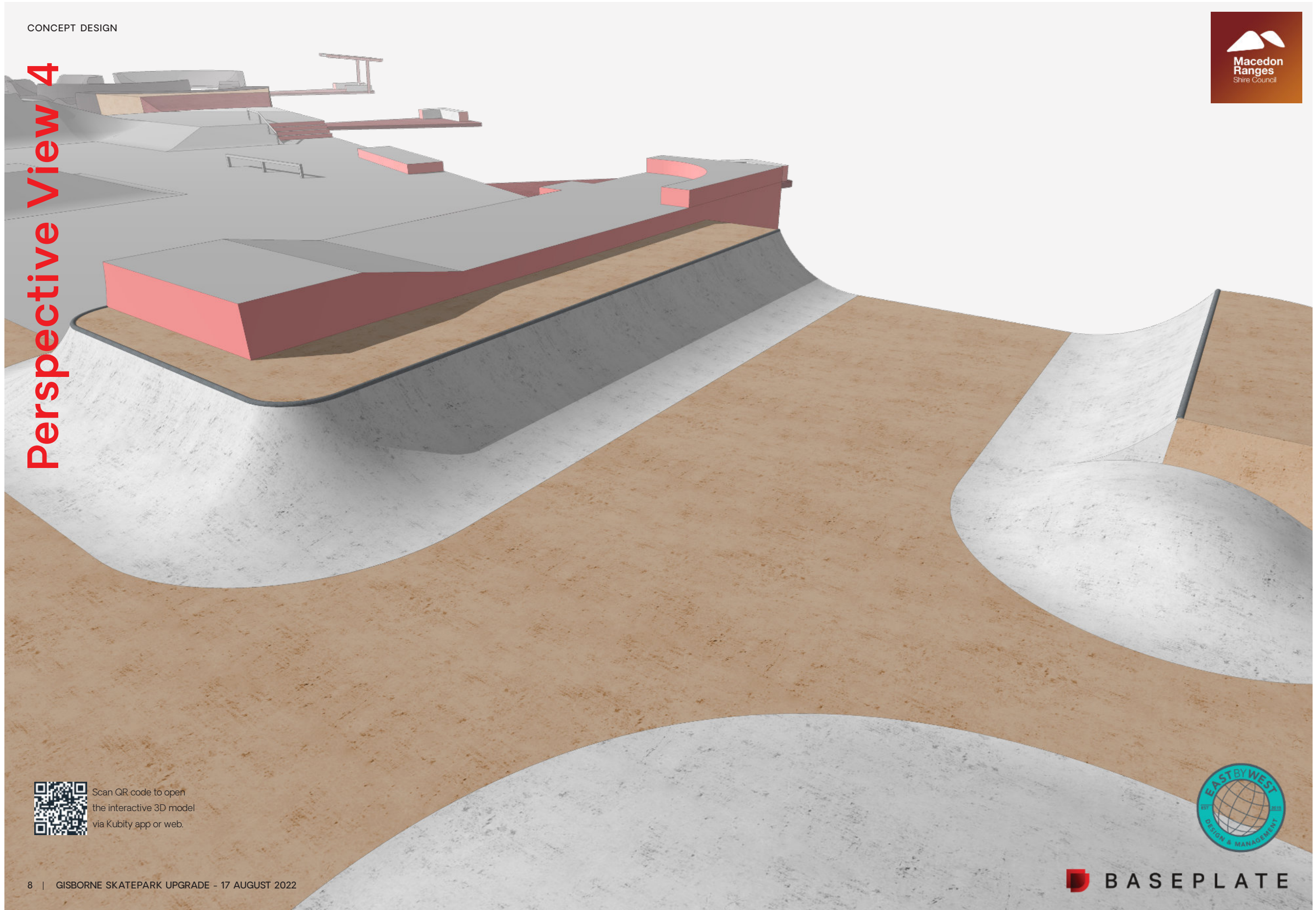
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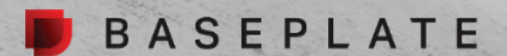
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Perspective View 4



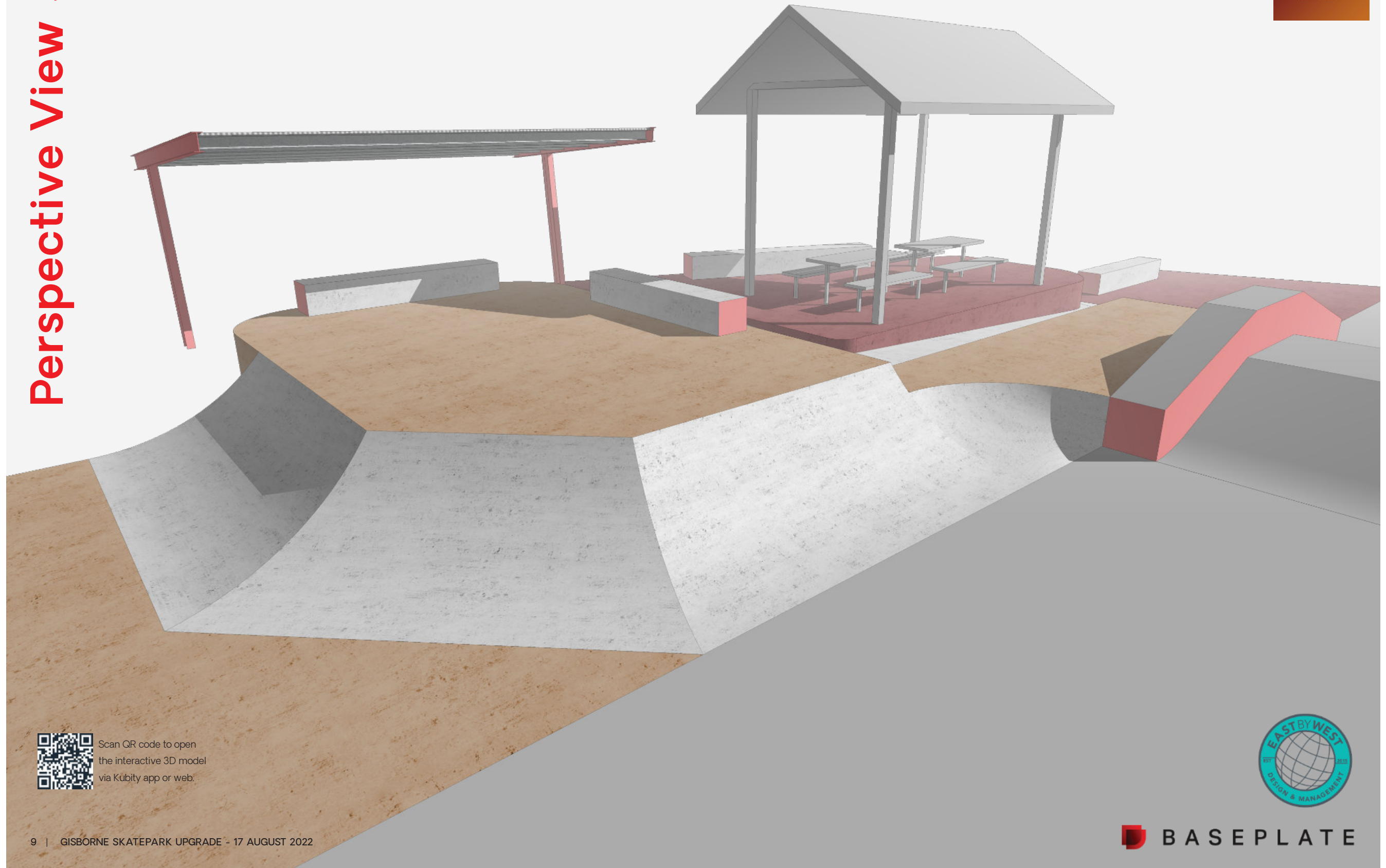
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CONCEPT DESIGN

Perspective View 5

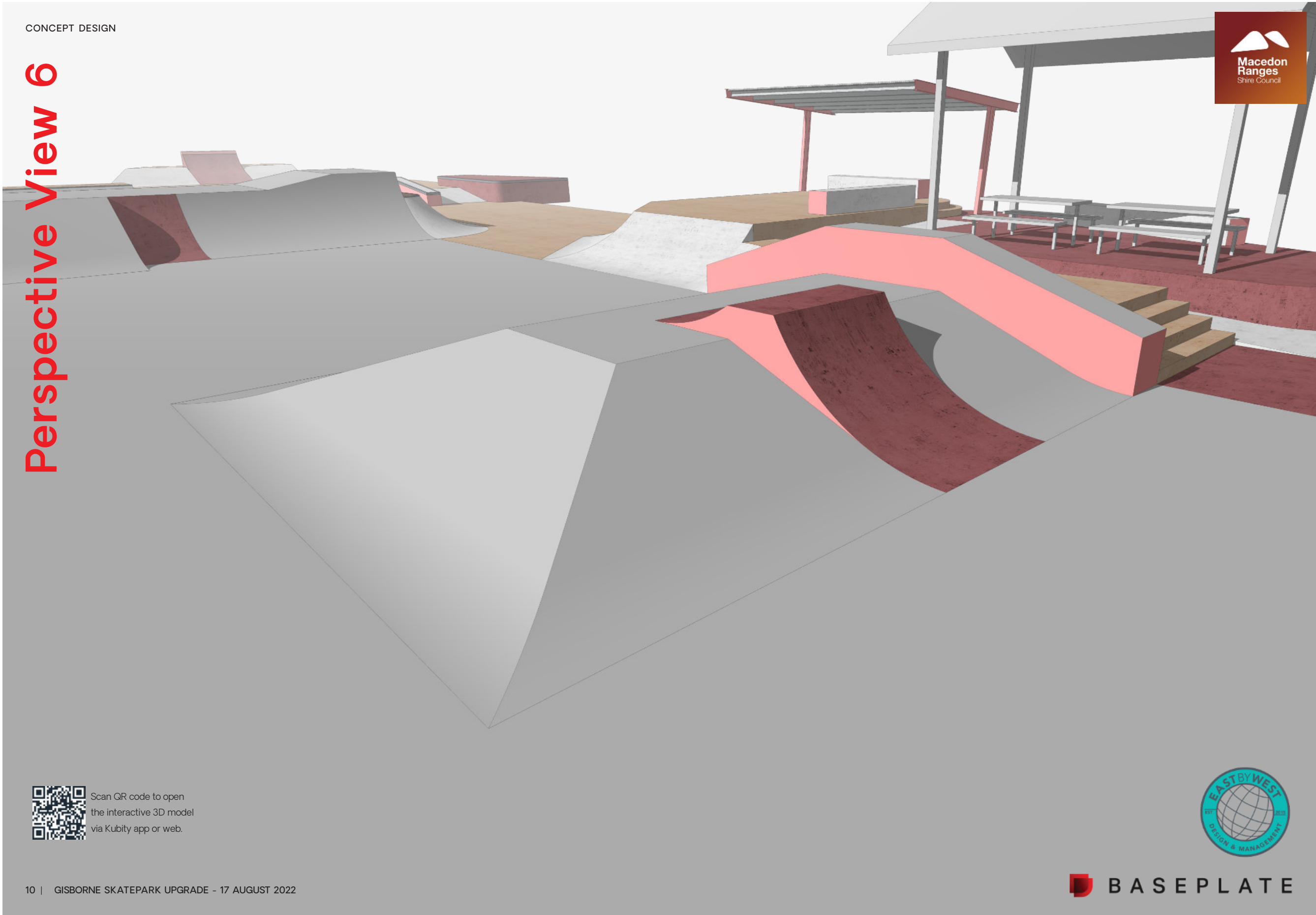
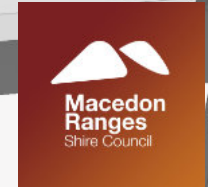


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CONCEPT DESIGN

Perspective View 6



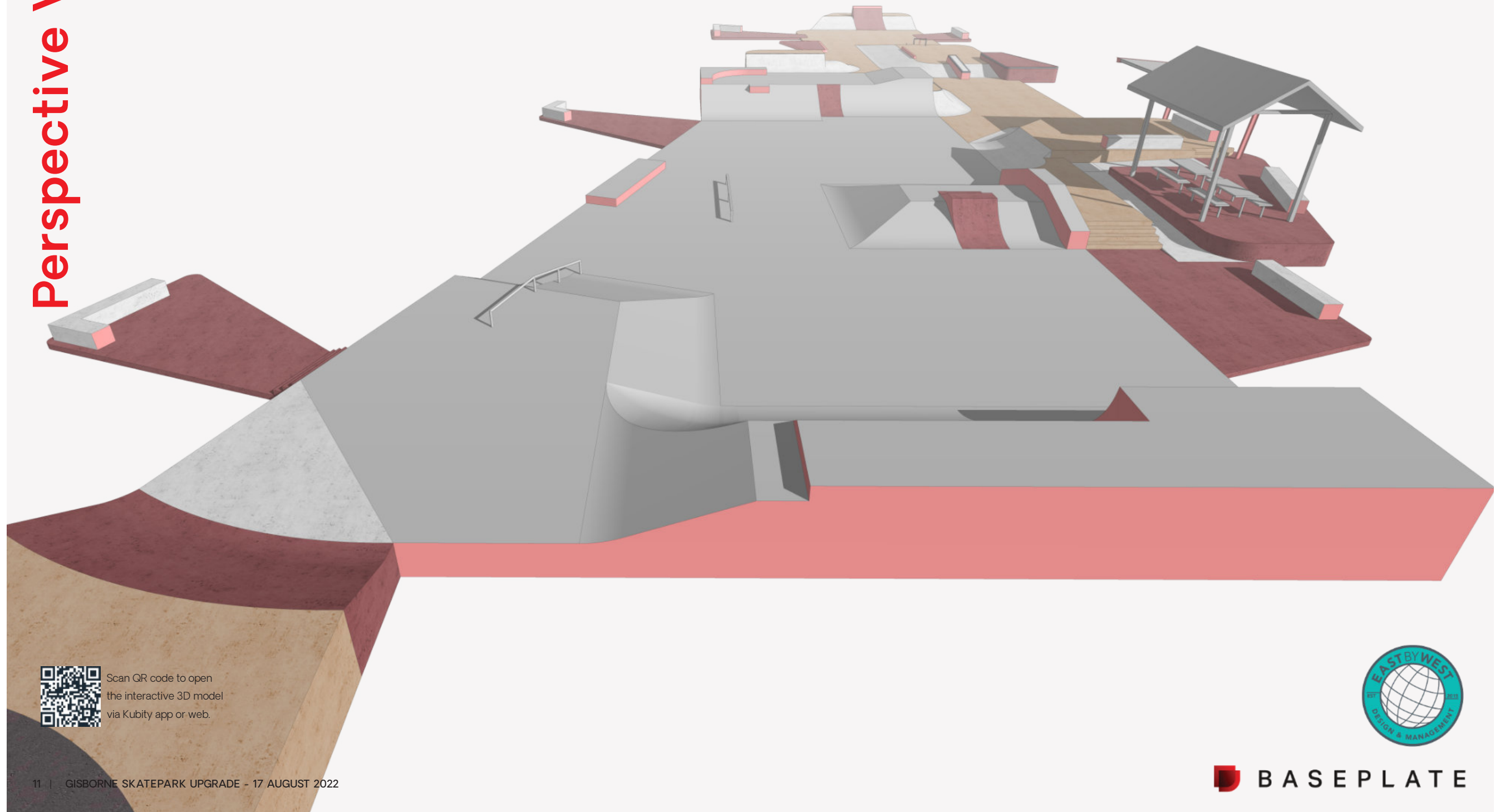
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CONCEPT DESIGN



Perspective View 7



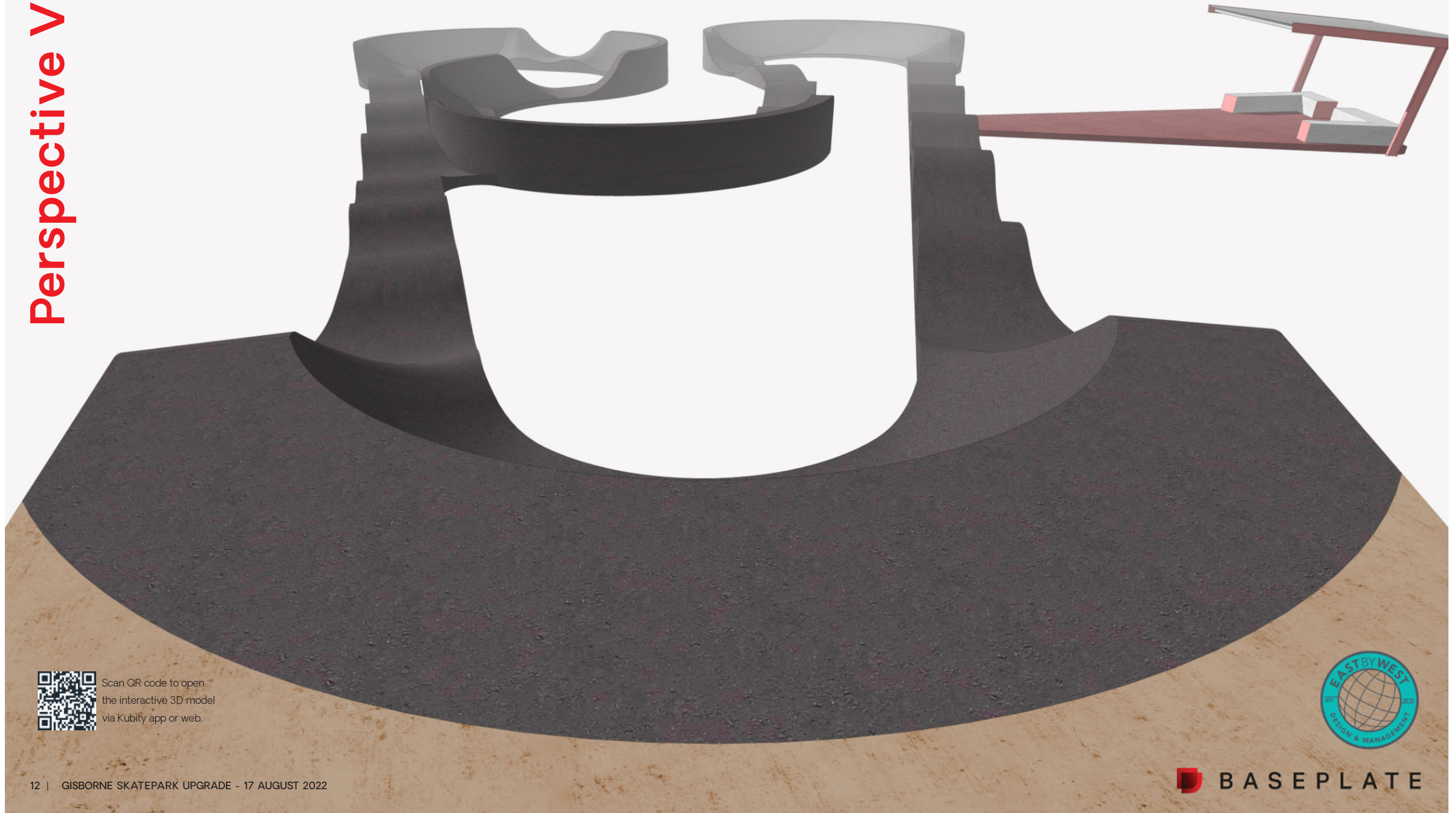
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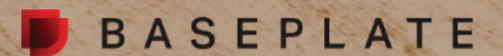
CONCEPT DESIGN



Perspective View 8



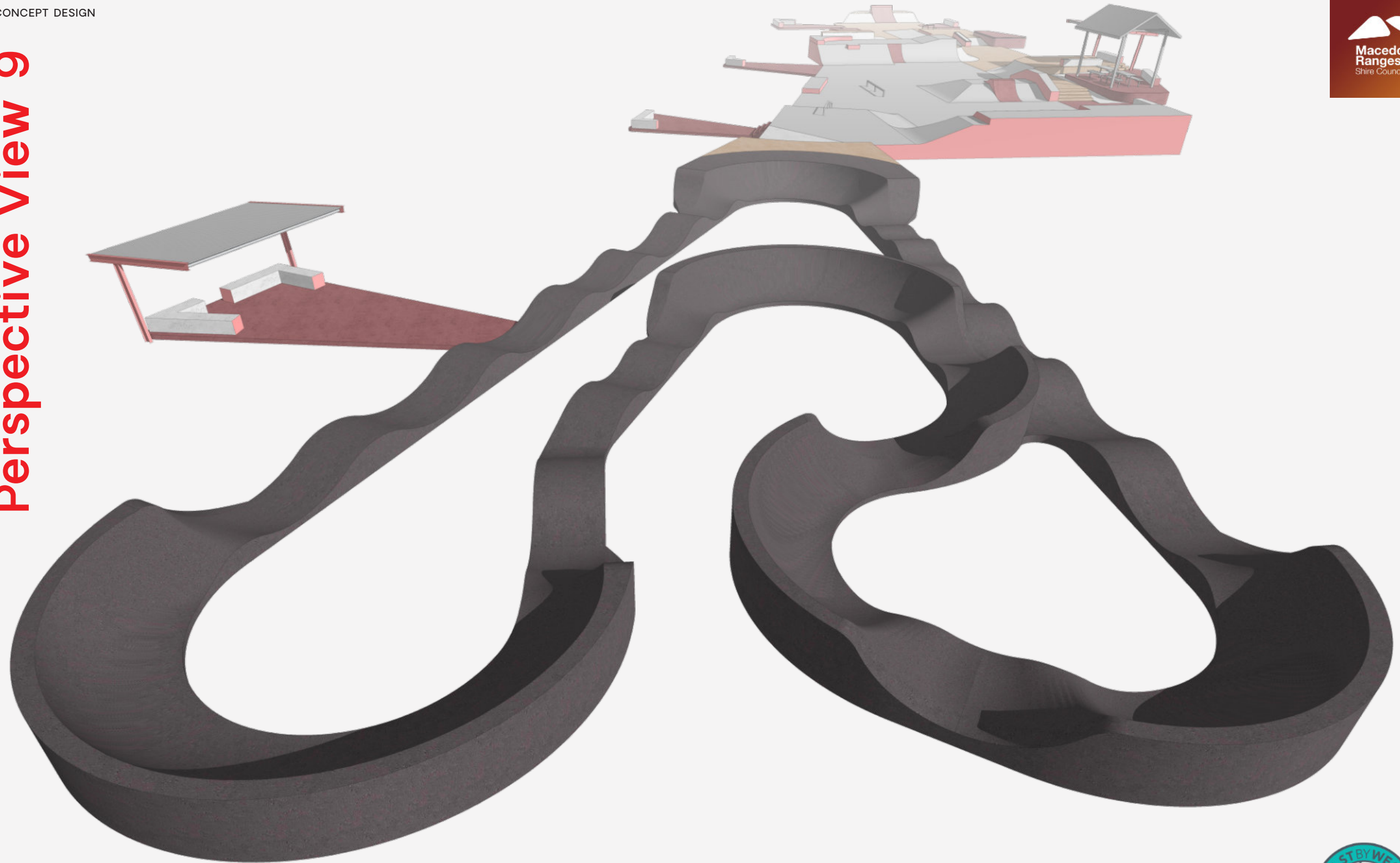
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CONCEPT DESIGN

Perspective View 9



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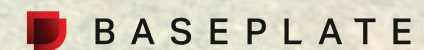




GISBORNE SKATEPARK UPGRADE

DESIGN REPORT - 2022

No: P2131



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 Victoria, 3444



CONSULTANTS
 Baseplate
 www.baseplate.com.au



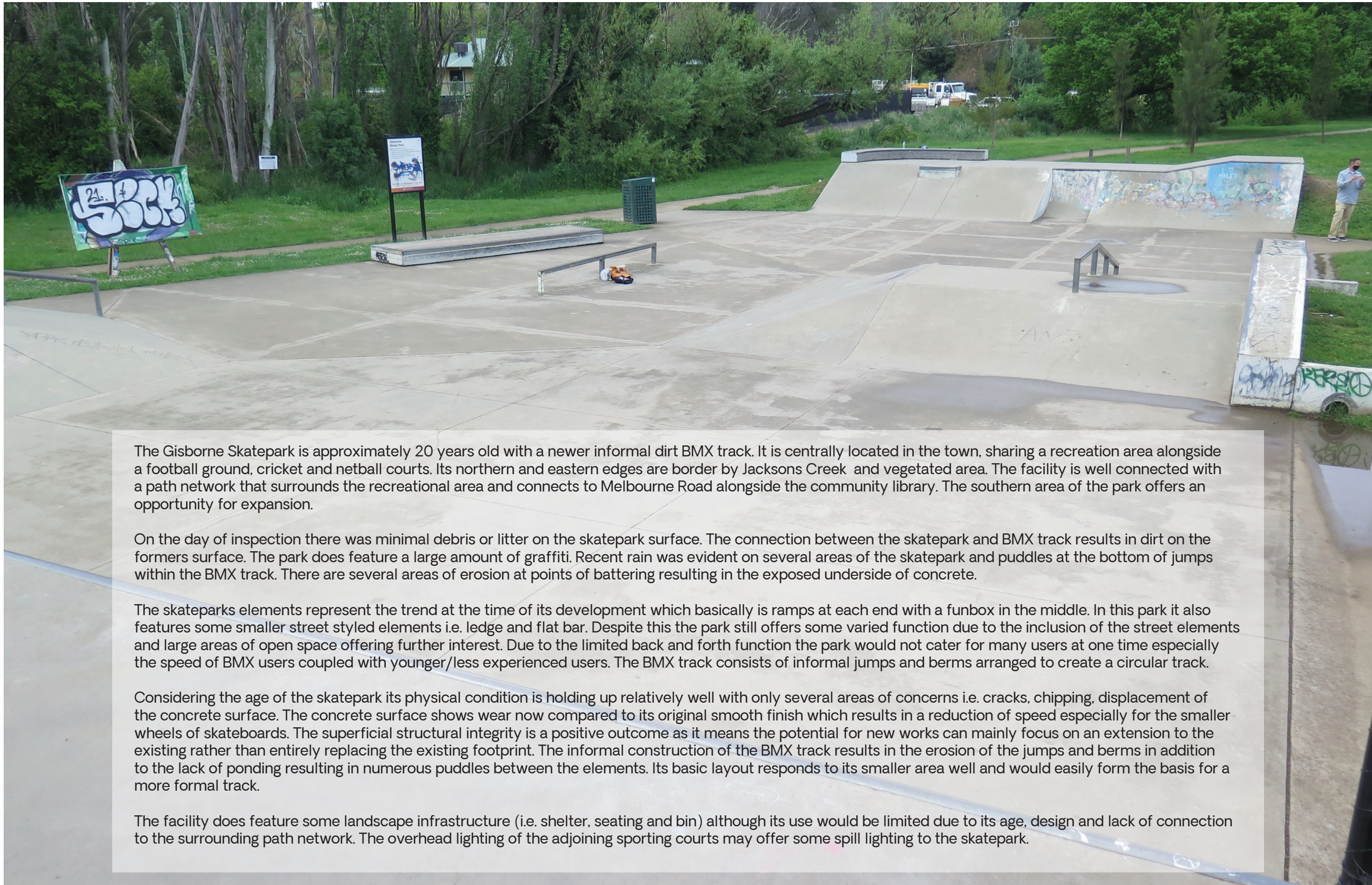
Eastbywest
 www.eastbywestco.com



REPORT INDEX

TITLE	DATE	AUTHOR	REVIEW
Gisborne Skatepark Design Report - Draft Rev 01	10.05.22	Wade Trevean (eastbywest)	Dean Frank (Macedon Ranges Shire Council)

INTRODUCTION



The Gisborne Skatepark is approximately 20 years old with a newer informal dirt BMX track. It is centrally located in the town, sharing a recreation area alongside a football ground, cricket and netball courts. Its northern and eastern edges are border by Jacksons Creek and vegetated area. The facility is well connected with a path network that surrounds the recreational area and connects to Melbourne Road alongside the community library. The southern area of the park offers an opportunity for expansion.

On the day of inspection there was minimal debris or litter on the skatepark surface. The connection between the skatepark and BMX track results in dirt on the formers surface. The park does feature a large amount of graffiti. Recent rain was evident on several areas of the skatepark and puddles at the bottom of jumps within the BMX track. There are several areas of erosion at points of battering resulting in the exposed underside of concrete.

The skateparks elements represent the trend at the time of its development which basically is ramps at each end with a funbox in the middle. In this park it also features some smaller street styled elements i.e. ledge and flat bar. Despite this the park still offers some varied function due to the inclusion of the street elements and large areas of open space offering further interest. Due to the limited back and forth function the park would not cater for many users at one time especially the speed of BMX users coupled with younger/less experienced users. The BMX track consists of informal jumps and berms arranged to create a circular track.

Considering the age of the skatepark its physical condition is holding up relatively well with only several areas of concerns i.e. cracks, chipping, displacement of the concrete surface. The concrete surface shows wear now compared to its original smooth finish which results in a reduction of speed especially for the smaller wheels of skateboards. The superficial structural integrity is a positive outcome as it means the potential for new works can mainly focus on an extension to the existing rather than entirely replacing the existing footprint. The informal construction of the BMX track results in the erosion of the jumps and berms in addition to the lack of ponding resulting in numerous puddles between the elements. Its basic layout responds to its smaller area well and would easily form the basis for a more formal track.

The facility does feature some landscape infrastructure (i.e. shelter, seating and bin) although its use would be limited due to its age, design and lack of connection to the surrounding path network. The overhead lighting of the adjoining sporting courts may offer some spill lighting to the skatepark.

ASSESSMENT



ISSUE: Areas of water ponding
 SOLUTION: New areas of skatepark to be graded to ensure free drainage. Ensure all existing drainage infrastructure is operational.



ISSUE: Erosion causing exposure to underside of slab
 SOLUTION: Upgrade all batters to ensure stability and leveling



ISSUE: Cracking of concrete on slab
 SOLUTION: Review all cracks to ensure no vertical displacement. Wide gaps to be filled with epoxy.



ISSUE: Debris ending up on skatepark
 SOLUTION: Hardstand area to connecting different areas



ISSUE: Ponding at bottom of jumps
 SOLUTION: Include free drainage and where required drainage infrastructure



ISSUE: Limited refuge options
 SOLUTION: New infrastructure that responds to design with connections to existing paths

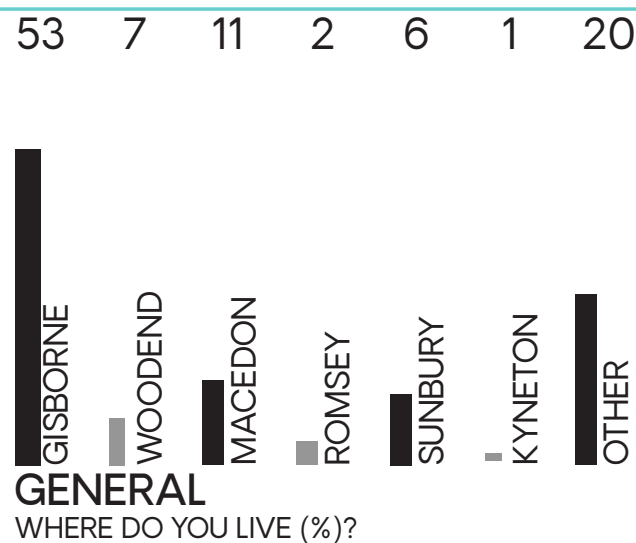
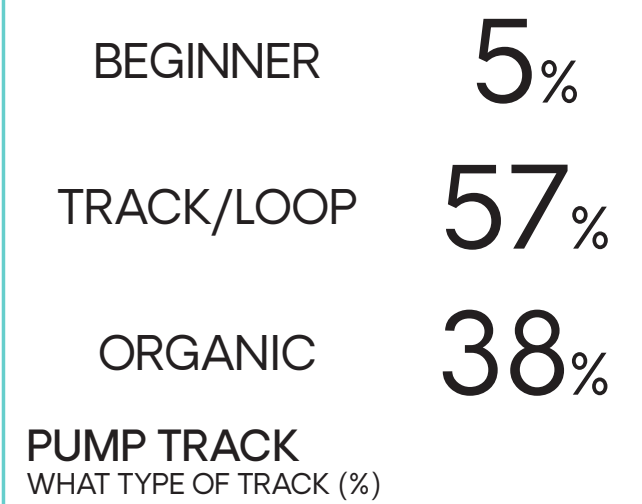
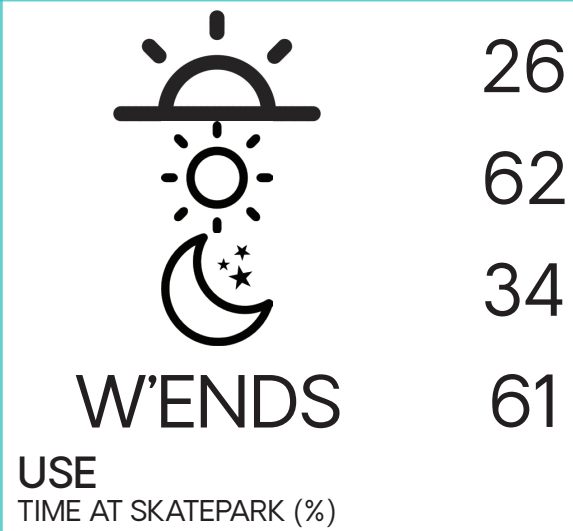
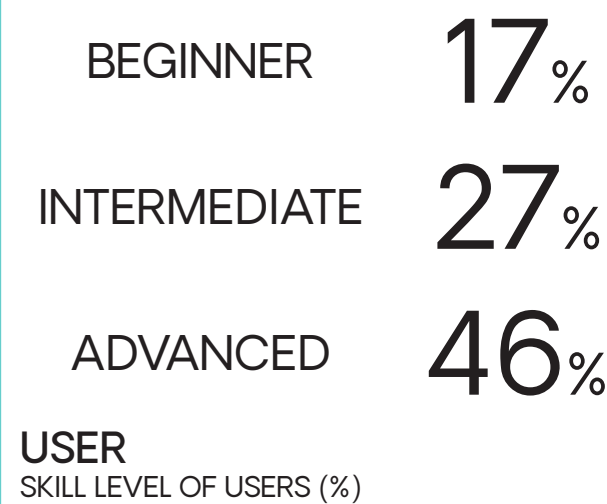
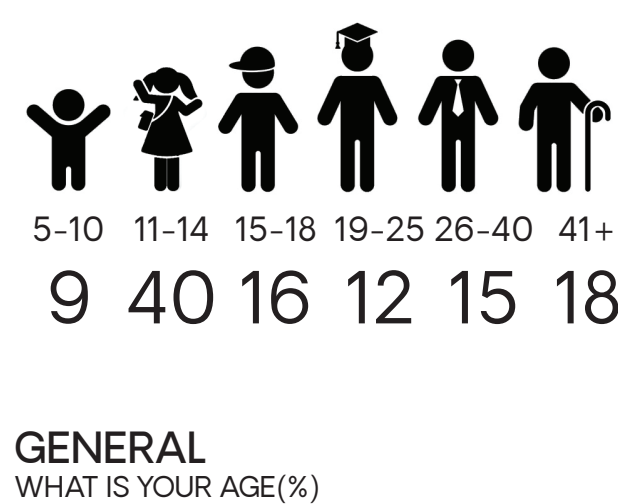
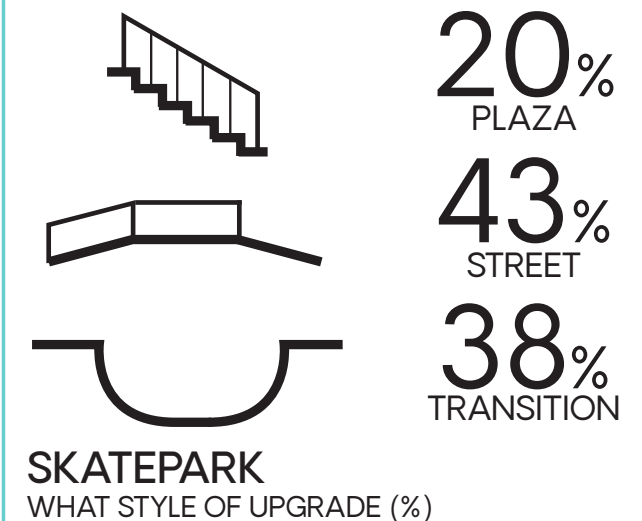
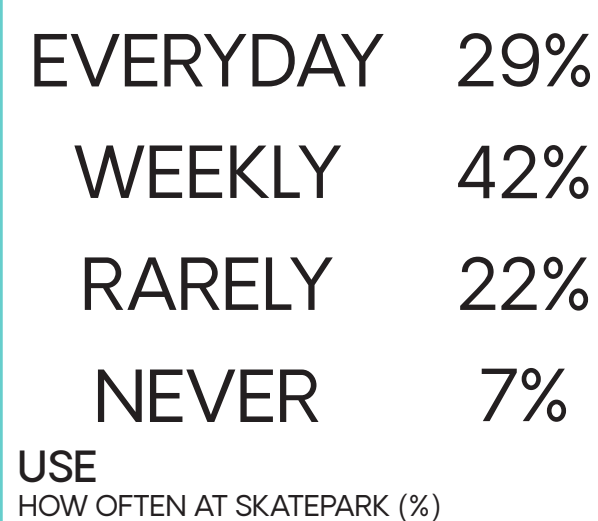
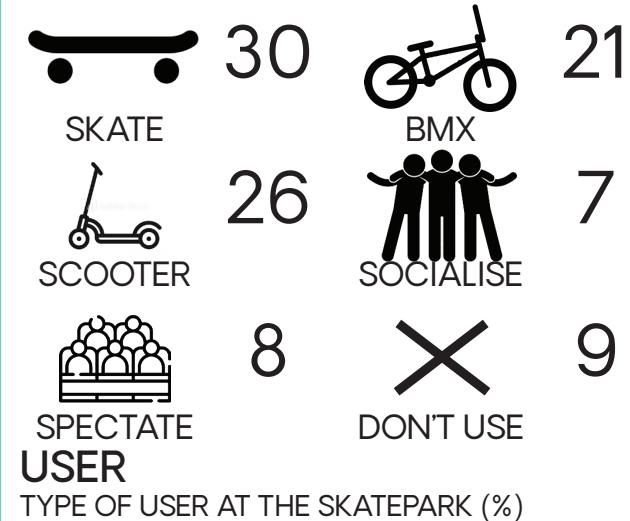
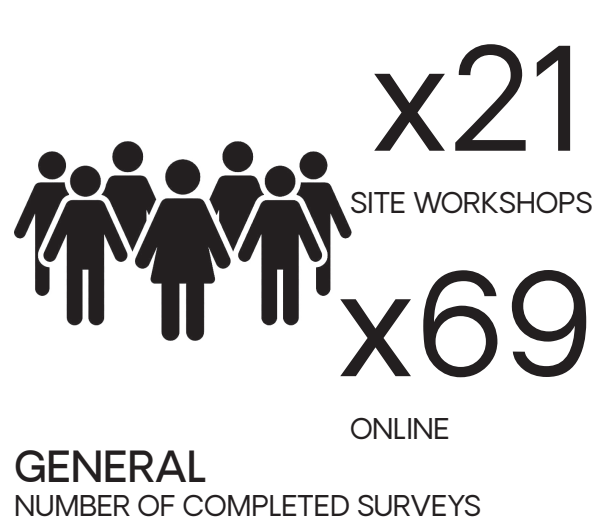
CONSULTATION METHODOLOGY

CONSULTATIONS

MEETING	DATE(S)
Online <i>Online surveys for wider community. Surveys feature specific questions for the skatepark.</i>	14.01.22 - 31.03.22
Site meeting (Gisborne Skatepark) <i>Skatepark Competition</i>	21.01.22
Site meeting (Gisborne High School) <i>Lunch time drop in session</i>	30.03.22
Site meeting (Sacred Heart College, Kyneton) <i>Lunch time drop in session</i>	31.03.22

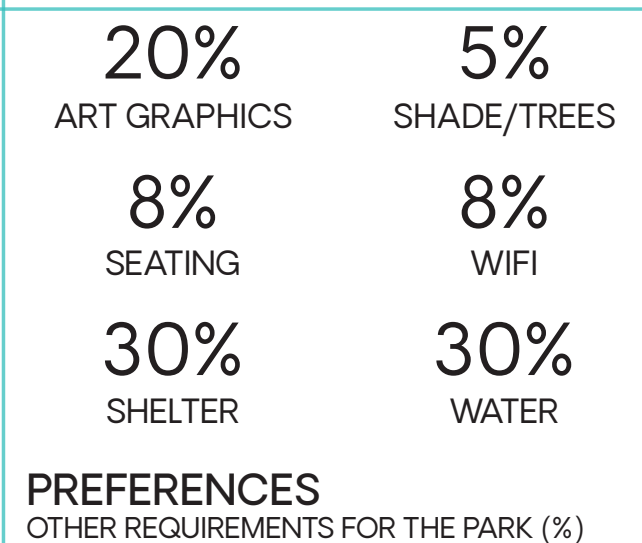
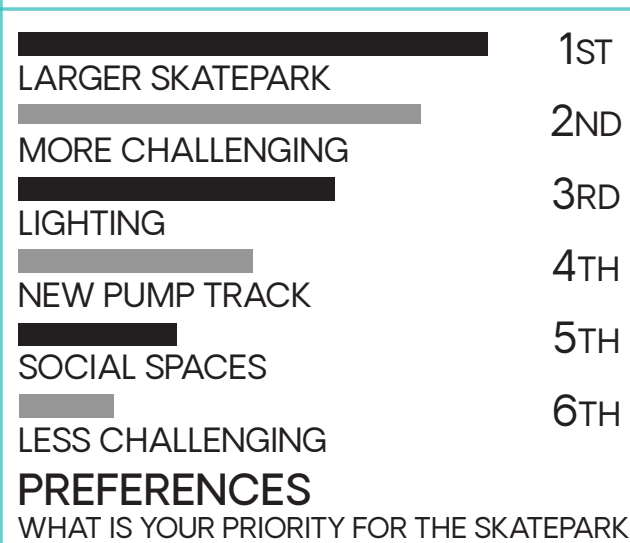


CONSULTATION (INITIAL) - Numbers



UPGRADE, SHELTER, MORE SEATING, TOO MUCH GRAFFITI, TOO SMALL, SPONSORED ART, BEGINNER RAMPS, MORE OBSTACLES, TOO CROWDED, FLOW, RESURFACE, TOO ROUGH, NO SPACE, BAD DRAINAGE, LIGHTING, HANGING WITH FRIENDS, BIGGER OBSTACLES, BOWL, DEBRIS, ART, MORE VARIETY

USER
WHAT DO/DON'T YOU LIKE?



CONSULTATION (INITIAL) - Comments



The consultation for the skatepark was a great success due to the large variance of users coupled with their diverse responses. This was achieved through the different workshop locations and web based option which encouraged contribution by the wider community.

The survey results indicate most of the users are happy with the existing park with many having a strong attachment. Although content nearly all are keen for an upgrade whether its the active and/or passive areas. Several contributors have referenced other parks they have visited to note their positive aspects. Initially some comments referenced potential repairs to the existing as documented on our 'Assessment' page.

The active comments suggest they want the skatepark to extend (rather than demolition) with elements that aren't featured in the existing park whilst ensuring they cater for beginners users and advanced elements for those more experienced. With most being skateboarders, the elements wanted are more of street style i.e. rail, ledges, manual pads etc... With a small mellow bowl also being popular. Whatever is proposed the current open nature of the skatepark i.e. not too many elements is commonly referenced and should be retained. In reference to the pump track its popularity was noted with many wanting this element formalised i.e. hardstand.

The active users also strongly indicated the current poor state and lack of supporting landscape infrastructure. These comments ranged from hard landscape inclusions of a new shelter, more seating, drinking fountain with clean water through to soft landscaping comments of more shade trees. Several users also commented on lighting for the facility.

SUMMARY OF CONSULTATION

"I love Gisborne skatepark however it is getting old now."
 Current skate park user

ACTIVE

- Needs to be updated with modern skateparks Lancefield is a great example, it caters for all users and all skill levels
- The skatepark is in terrible condition. The council no longer clean the skatepark and there is glass and smashed bottles from teenagers that don't use the facility for skating rather to hang out.
- Build a better pump track at Gisborne
- Would be great to add extra areas to split abilities, and elements that cater for all modalities (scooters, skateboards and bikes). Need more space as often lots of kids at once, including older advanced kids needing to share with toddlers etc
- Keep the old ramps where they are and resurface them too. I like the ramp dimensions, the box, the mini ramp, the ledge, and the flat bar
- I think keep the skatepark as is but just extend on it
- Check out the new Cohuna Skate park. They have done a wonderful job of creating a great space in keeping with environment, including seating, gardens, trees etc.
- An extension with a bowl and some more rails would be AWESOME!
- The smallest quarter gets covered in debris from the awkward transition between the two tracks. If some more flat concrete was added to top of the quarter and beginning of the bike track, it would help a lot with this issue
- Mainly the concrete is old and harsh and needs newer, smoother concrete. Please try to keep an emphasis on street obstacles in the new design.
- The park is quite boring and I only use it because it's the only local option. If you look at parks built around Melbourne in recent years there is more variety in the size, shape, complexity of the objects to give options. Surface is critical as well and a nice smooth surface makes a huge difference in the usability of the park.
- Suggestion of a pump track is key and hold many users at a time and separate users making it safer.

PASSIVE

- Sponsored art. We have some wonderful talent in the area that would be more than capable of beautifying the place. This can be a wonderful asset for a growing community.
- Indigenous trees and plantings would be very welcome, to soften the appearance and help skate park visitors to appreciate nature
- More of the basics such as shelter, water fountain, possibly lighting
- I also think a bubble tap to fill drink bottles
- Add a bbq and maybe add events
- Some nice architecture or landscaping would make the space a lot more inviting and pleasant. It looks a bit sad at the moment. :(thanks so much. Lancefield is a good example...
- The flooding issue. it doesn't drain water at all
- With the recent extension of the netball courts, this has further diminished the capacity of the area to accommodate other users needs, and protect and enhance the waterways and passive open spaces. Looking at the choices below for comment, if the huge extensions proposed are wanted, perhaps looking at relocating the whole skate park would be the only/best option.
- A drinking fountain would be awesome too! Maybe some cool landscaping. Also another bin.

COMMENTS

FROM SKATEPARK QUESTIONNAIRES

AO.3	CAPITAL WORKS MONITORING
Officer:	Jeetendra Dahal, Manager Assets and Project Management Office
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Nil

Summary

This report provides transparency on cost escalations on infrastructure projects and seeks further funding, scope change or the cancellation of infrastructure projects.

Recommendation

That Council

1. **Adopts the following changes to the Financial Year 2022/2023 budget relating to the following infrastructure projects:**
 - (a) **Kyneton Obedience Dog Club Project and Barkly Square Public Toilet Project – cancel this project returning \$167,000 to the budget**
 - (b) **Barkly Square Multiuse Building, design and plan – provide a budget (as returned by item 1(a)) to undertake this revised project**
 - (c) **Carrington Street, Macedon Footpath Installation Project – increase the budget for this project by \$43,000 from \$116,650 to \$159,650**
 - (d) **The Crescent, Lancefield Footpath Installation Project – increase the budget for this project by \$68,000 from \$102,500 to \$170,500**
 - (e) **Bloomfield Drive Gisborne Footpath Installation – cancel this project returning \$230,739.99 to the budget**
 - (f) **Bloomfield Drive, Gisborne Drainage – cancel this project returning \$26,899.99**
2. **Notes that recommendation 1 (above) currently provides a capital works surplus of \$146,639.98 to the financial year 2022-2023 budget. Officers will continue to manage the overall infrastructure project program within the initial overall infrastructure project program 2022-2023 budget.**

Background

During Financial Year 2021/2022, there were significant price rises across many building materials. The Master Builders Association reports that between March 2020 and March 2022, steel products increased by over 40% and timber products by over 20%. In addition, labour increased significantly.

The Council budget build process begins in October of the previous year. This means pricing is already outdated by nine months before the budget year starts. Some infrastructure projects will not be tendered until over twelve months after the initial estimates were set. Officers allow a reasonable cost escalation on project costs; however, the cost increases experienced were outside this estimate.

Some tenders are coming as high as 30% over budget. This is not sustainable, and there is no budget to cover these unexpected increased costs.

The other impact of the current construction-led recovery is a shortage of contractors. Council has experienced tenders where there was either only one response or zero responses and/or non-compliant tender responses.

The combination of cost increases and contractor availability require Council critically review all project impacted by these factors.

Discussion

Each year, Council announces a commitment to expend a defined amount of money to deliver specific infrastructure projects through the budget. In real terms, our dollar purchases less than forecasted. This presents three potential actions to remain within budget:

- (1) value managing the project to deliver the expected outcome within the provided budget;
- (2) over-expending the budget; or
- (3) reducing the number of infrastructure projects delivered.

The second potential option is not acceptable within Council’s legislative and moral responsibilities. The last is achievable by critically reviewing over-budget infrastructure projects and determining which must proceed and which must be cancelled.

The concept is that in critically reviewing which infrastructure projects are funded and which are not funded, the intent is to have the unfunded infrastructure projects cover the increase in costs for the project determined to continue.

In determining which project proceeds, even though over budget, the following items need to be considered:

- Associated grant funding with acquittal requirements
- Immediate asset reliability and functionality

Officers will attempt to ‘value manage’ the project to deliver the expected outcome within the provided budget – this will generally occur before going to tender or if a tender response is above budget. This will happen as part of normal council operations.

This month, officers identified the following over-budget infrastructure projects or projects requiring scope change:

Infrastructure Project	Progress with Project?	Reason for Progression or Non-progression	Change to the Budget - () is an additional cost to the budget
Financial Position following previous decisions		Bring forward \$34,000 balance resulting from the resolution of the September 2022 Scheduled Council Meeting	\$34,000.00
Kyneton Obedience Dog Club – building design and plan	No	Cancel both the design and plan projects for:	\$137,000.00

Barkly Square Public Toilet - design and plan	No	<ul style="list-style-type: none"> • Kyneton Obedience Dog Club • Barkly Square Public Toilet 	\$30,000.00
Barkly Square Multipurpose Building	Yes	Initiate a new project with the residual funding for the design and plan for the Barkly Square Multipurpose Building.	(\$167,000.00)
Carrington Street, Macedon Footpath Installation Project	Yes – Increase Funding	All preparatory works are complete. The tender resulted in an over-budget cost, seeking additional funds to proceed.	(\$43,000.00)
The Crescent, Lancefield Footpath Installation Project	Yes – Increase Funding	All preparatory works are complete. The tender resulted in an over-budget cost, seeking additional funds to proceed.	(\$68,000.00)
Bloomfield Drive, Gisborne Footpath Installation Project	No	Officers have identified that this project should not proceed this financial year and will be presented for future financial year consideration. There are approximately \$20,000 in costs for a design already expended – this cost is not wasted as the designs can be used for future tendering.	\$230,739.99
Bloomfield Drive, Gisborne Drainage Project	No	This project is linked with the project above and cannot proceed separately.	\$26,899.99
Total			\$180,639.98

This decision and the resolution of the September 2022 Scheduled Council meeting currently results in a budget surplus of \$180,639.98 to offset future over-budget infrastructure projects. Officers are confident that infrastructure project decisions during this financial year will enable infrastructure project delivery to come in on budget.

Regarding the Bloomfield Drive footpath cancellation, officers have reviewed the entire footpath program and identified that four footpaths would likely be over budget. If these tenders come in over budget, they will be presented for Council consideration in the coming months.

Consultation and engagement

Within individual infrastructure projects, there will be identified stakeholders. Project Sponsors will liaise with stakeholders of projects that are the subject of this report.

This report is an initiative to ensure transparency in decision-making for infrastructure projects. By publically providing this report in the Scheduled Council Meeting agenda, the community can understand the decisions being made in a timely manner and without the need to await a quarterly, six monthly or annual report.

Regarding Barkly Square, direct stakeholders have been contacted and the Kyneton Obedience Dog Club has moved temporarily to Hurry Reserve until a new building is available. Community consultation with non-sporting clubs will be essential and signage will be posted on site to ensure that all interested community members can provide feedback on the design process.

Collaboration

Our officers are sharing initiatives across many neighbouring Councils – all report similar challenges and impacts resulting from current economic conditions.

Innovation and continuous improvement

This is an innovative approach to the problem of unprecedented infrastructure project price increases. Council would typically address project budget issues via the mid-year budget review. An agile response is required in response to the current economic environment. Preparing a report such as this, for presentation to Scheduled Council Meetings throughout this financial year, provides resolutions with minimal lost time.

Relevant law

There is not a specific law relating to information provided within this report

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in direct relation to the subject matter of this report. Officers have noted gender impact within each business case for infrastructure projects and referred to these regarding determining recommendations for infrastructure project tenders over budget.

Relevant regional, state and national plans and policies

Not Applicable

Relevant Council plans and policies

The relevant Council plan to this report is delivering strong and reliable government. Transparently providing timely information for the community should provide confidence in how Council is adapting its infrastructure project delivery within budget.

Financial viability

The processes described in this report detail how Council is adapting its infrastructure project delivery to ensure it is within budget.

Sustainability implications

There are no direct sustainability impacts resulting from this report.

Officer declaration of conflicts of interest

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

16 NOTICES OF MOTION AND RESCISSION

No. 52/2022-23: NOTICE OF MOTION - FLOOD EFFORTS - OCTOBER 2023
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I, Councillor Geoff Neil, give notice that at the next Meeting of Council to be held on 26 October 2022, I intend to move the following motion:

That Council:

- 1. recognises and acknowledges the efforts of the Macedon Ranges Shire Council leadership and staff, Victorian emergency services and community groups in preparing for and responding to the Macedon Ranges extreme weather event and flooding during October 2022;**
 - 2. commends the Shire community for supporting one another, and their resilience in dealing with the impacts of these events; and**
 - 3. conveys our well wishes and thoughts to other Victorian communities impacted by these weather events in their recovery efforts.**
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17 URGENT BUSINESS

18 CONFIDENTIAL REPORTS**Recommendation**

That pursuant to section 66(1) and (2)(a) of the *Local Government Act 2020*, Council closes the meeting to the public to consider the confidential report(s) listed below, which are confidential on grounds provided in Section 3(1) of the *Local Government Act 2020*:

18.1 Design consultant variation request

18.2 CEO Employment and Remuneration

Confidential reasons**18.1 Design consultant variation request**

This matter is considered to be confidential under Section 3(1) - g(ii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

18.2 CEO Employment and Remuneration

This matter is considered to be confidential under Section 3(1) - f of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

This report contains personal information relating to performance and remuneration.