

Agenda

Council Meeting
Wednesday 25 May 2022 at 7pm
Gisborne Administration Centre
40 Robertson Street, Gisborne

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Nil

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 27 April 2022, as circulated.

9 MAYOR'S REPORT**9.1 MAYOR'S REPORT - APRIL TO MAY 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

As I write this report, we are in the middle of National Volunteer Week. Council is celebrating our volunteers at an afternoon tea Monday 25th May. Although this is just after the end of the week-long recognition, it was the best time to accommodate all our amazing volunteers and the important work they perform for the community on behalf of Council. A huge thank you, as always, to all volunteers throughout the Macedon Ranges.

Volunteering for just one shift for your local club or community group, even if you can't commit regularly, means those who do regularly volunteer get the chance to have a break. It's a rewarding experience and a great way to meet new people. Many of the events in the Shire are run entirely by volunteers. Below are some of the highlights since the last Council meeting of what Council staff, Councillors and community members have been, or can be involved in, to contribute to life in the Macedon Ranges.

Events

Councillors were pleased to be invited to the following events:

- Kyneton Community House Annual General Meeting on 28 April
- 'A Community Conversation' with Sunbury and Cobaw Community Health throughout April and May
- Official flying fox launch by Mount Macedon and Macedon Business and Tourism Association on 29 April at Ash Wednesday Park
- Tour of Greater Western Water's water recycling plant in Gisborne on 17 May
- Live4Life youth funding announcement 27th April
- Sign up for Urban Sea Shanties (see further information to follow)
- Gisborne Community Bank community investment evening
- Mount Macedon Dawn Service Sundowner thank you
- Malmsbury market pumpkin judging
- Awarding of the Edgy Veg most popular dish (see more to follow)

Councillor Delegates attendances

- Local government working group on gambling
- Macedon Ranges Heritage Council Meeting

- Loddon Mallee Waste and Resource Recovery Group combined forum and technical advisory group
- Audit and Risk Committee
- Planning Delegated Committee
- Hearing of Submitters regarding the potential sale of the East Paddock to the state government (more information follows)
- Municipal Association of Victoria online consultation about proposed rules changes

Conferences and seminars attended

- Greenhouse Alliance annual conference in Melbourne
- Meet the federal candidates for McEwen Electorate in Riddells Creek
- Victorian Local Governance Association Land Use Planning seminar
- Daylesford Macedon Ranges Tourism Conference in Lancefield

Community Consultation

- Open Space Community Assembly:

Council is developing a new Open Space Strategy to provide strategic direction for the planning, management and delivery of public open space. The first phase of the consultation ran for eight weeks. Following this, the Open Space Community Assembly was held at Jubilee Hall in Macedon on 14 May (with the second session scheduled for 28 May). Apart from our deliberative engagement community assembly held to determine the community vision and council plan, this is our first deliberative engagement exercise on significant projects in the Macedon Ranges. As Mayor, I felt privileged to open the event and hear Uncle Ringo give an insightful welcome to country all about open space. We look forward to the outcomes. A big thank you to all participants and to staff, and consultants, for coordinating the engagement.

- East Paddock

Council received an offer from the Victorian Government to purchase the East Paddock at Hanging Rock as part of the longer-term strategic plan to ensure greater protection to the precinct. Following the submission process, Councillors, Executive members and officers participated in a consultation meeting on 12 May. This provided community members the opportunity to speak with Council representatives about the potential sale and their submission.

- Drop in sessions for Romsey Park Recreation Reserve and Kyneton Showgrounds Master Plan reviews
- Draft Budget and Council Plan: submissions close 26th May 2022
- Cool Changes Gisborne workshops to produce Community Climate Action Plans: 17th, 24th and 31st May
- Cool Changes Riddells Creek Workshops were completed over April and May
- Dalton Street Reserve, Gisborne Environmental Master Plan: open until 6th June 2022

Nominations and Awards:

- Mount Macedon has been announced as a finalist in the prestigious 2022 Victorian Top Tourism Town Awards.

Eighteen (18) towns were chosen as finalists out of thirty (30) nominated destinations, with Mount Macedon entered in the Top Tiny Tourism Town category. Public voting, which accounts for 25 per cent of the overall score, has now commenced and is open until 31 May. Get online and place your votes.

- Congratulations to Cafe Paysanne in Woodend, winner of the Edgy Veg competition run by the Macedon Ranges Sustainability group during the Autumn festival. They donated their \$1000 prize money to the Woodend Community Chest.

Arts and Culture

- Kyneton Town Hall Program Launch

It was pleasing that so many locals attended the Kyneton Town Hall Program launch at the Kyneton Town Hall on 6 May. We are extremely fortunate to be able to offer a diverse annual program of performances, exhibitions and workshops for the residents and visitors of Macedon Ranges Shire to enjoy. On this night we lit up, for the first of 7 days, the Kyneton Town Hall in yellow and blue in recognition of the plight of Ukrainians, and to thank all those who are supporting them.

- Urban Sea Shanties Community Choir

Under the guidance of choral leader and Macedon Ranges Shire local, Andrew Price, and singer/songwriter and comedian, Fred Smith, participants started to learn a repertoire of songs which will be practiced over a four month period in preparation for a performance at the Kyneton Town Hall in September. Participation in the Urban Sea Shanties Community Choir is free and is open to people aged 12 years and over. The first workshop was held on 14 May.

- Creative Events

Two creative events were held throughout May including an interactive puppet show and a mini street art festival which showcases interactive murals at different locations across the Macedon Ranges Shire.

Health and Wellbeing

- IDAHOBIT flag raising

Although unable to attend official celebrations in Kyneton organised by Sunbury Cobaw Community Health, due to our regular Tuesday briefing in Kyneton, Gisborne staff and Councillors raised the rainbow flag for International Day Against Homophobia, Biphobia, Intersexism and Transphobia (IDAHOBIT). We have been doing this in support of IDAHOBIT and the local LGBTIQA+ community for a number of years now. The raising of the rainbow flag is embedded in Council's annual flag raising calendar and recognises that, though positive progress has been made on LGBTIQA+ rights in the recent past, many LGBTIQA+ members in our community and beyond still experience ongoing discrimination, and challenges to those rights.

These challenges, and discrimination, can negatively impact the health and wellbeing of LGBTIQA+ members in our community, as well as the overall health well-being of the Macedon Ranges community more broadly.

Celebrating IDAHOBIT is a great way to remind ourselves that there is still a way to go in the push for equality, not just legislatively, but also socially and culturally. IDAHOBIT is an invitation for us all to stand up — not just today but every day — and affirm and support our LGBTIQA+ co-workers, friends, family and community members in the Macedon Ranges.

- Free Fitness Classes

Les Mills Virtual Fitness was introduced at the Kyneton Sports and Aquatic Centre on 2 May 2022. It is an innovative fitness program, providing users with a range of scheduled and on-demand fun, and existing classes on the large screen. Free classes were on offer until 7 May 2022.

Mayor Anderson
Macedon Ranges Shire Council

10 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF**10.1 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL OFFICERS - APRIL - MAY 2022****Summary**

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

Recommendation

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

Record of meetings

Type of meeting	Councillor Briefing
Date and time	26-Apr-2022 at 9.00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Jennifer Anderson (Mayor) • Cr Rob Guthrie (Deputy Mayor) • Cr Dominic Bonanno • Cr Annette Death • Cr Geoff Neil • Cr Janet Pearce • Cr Mark Ridgeway • Cr Bill West
Apologies - Councillors	<ul style="list-style-type: none"> • Cr Anne Moore
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan, Chief Executive Officer • Shane Walden, Director Assets and Operations • Rebecca Stockfeld, Director Planning and Environment • Maria Weiss, Director Community • Adele Drago-Stevens, Director Corporate • Carmen Lawrence, Interim Executive Manager People, Culture and Performance • Rob Ball, Manager Strategic Planning & Environment • Joe Spiteri, Senior Governance Consultant

	<ul style="list-style-type: none"> • Christo Crafford, Coordinator Statutory Planning • Naomi Scrivener, Coordinator Community Support • Leanne Khan, Coordinator Strategic Planning • Jack Wiltshire, Strategic Planner • Evvie Lambrianidis, Senior Governance Officer • Stephanie Harper, Healthy Ageing Engagement Team Leader • Jack Wiltshire, Strategic Planner
Apologies officers	N/A
Presenters	N/A
Items discussed	<ul style="list-style-type: none"> • Every Age Counts Campaign • Romsey Councillor Reference Group • Planning Certificates • Planning Delegated Committee Agenda Review- 11 May 2022 • Agenda Review for 27 April 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	<ul style="list-style-type: none"> • Cr Neil disclosed a conflict in relation to the Dog Obedience Club item <ul style="list-style-type: none"> ◦ Did they leave the meeting? N/A - Item was not discussed. • Cr Anderson disclosed a conflict in relation to the Woodend Repair Café item <ul style="list-style-type: none"> ◦ Did they leave the meeting? N/A - Item was not discussed.
Conflicts of interest declared by officers	N/A

Type of meeting	Councillor Briefing
Date and time	03-May-2022 at 9.00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Jennifer Anderson (Mayor) • Cr Rob Guthrie (Deputy Mayor) • Cr Dominic Bonanno • Cr Annette Death • Cr Anne Moore • Cr Geoff Neil • Cr Janet Pearce

	<ul style="list-style-type: none"> • Cr Bill West
Apologies - Councillors	<ul style="list-style-type: none"> • Cr Mark Ridgeway
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan, Chief Executive Officer • Shane Walden, Director Assets and Operations • Maria Weiss, Director Community • Adele Drago-Stevens, Director Corporate • Evert Grobbelaar, Manager Statutory Planning • Emma Orchard, Manager Children, Youth and Family Services • Sarah Annells, Manager Safer Communities • Travis Harling, Manager Finance & Reporting • Joe Spiteri, Senior Governance Consultant • Christo Crafford, Coordinator Statutory Planning • Vishal Tandon, Coordinator Youth Services • Allie Jalbert, Coordinator Local Laws • Hayley Drummond, Coordinator Property & Valuations
Apologies officers	<ul style="list-style-type: none"> • Rebecca Stockfeld, Director Planning and Environment
Presenters	<ul style="list-style-type: none"> • Anna Tatton • Tamara Wilson • Bruce Mildenhall • Frank Donovan (via Zoom)
Items discussed	<ul style="list-style-type: none"> • Mobile Trading Guidelines • Mental Health Service for Young People • Hanging Rock East Paddock • Mt Macedon Memorial Cross • Planning matters • Other business
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	N/A
Conflicts of interest declared by officers	N/A

Type of meeting	Councillor Briefing
Date and time	10-May-2022 at 9.00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Jennifer Anderson (Mayor) (via Zoom) • Cr Rob Guthrie (Deputy Mayor) • Cr Dominic Bonanno • Cr Annette Death • Cr Anne Moore (via Zoom) • Cr Geoff Neil • Cr Janet Pearce (via Zoom) • Cr Bill West • Cr Mark Ridgeway
Apologies - Councillors	N/A
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan, Chief Executive Officer • Shane Walden, Director Assets and Operations • Rebecca Stockfeld, Director Planning and Environment • Maria Weiss, Director Community • Adele Drago-Stevens, Director Corporate • Rob Ball, Manager Strategic Planning & Environment • Evert Grobbelaar, Manager Statutory Planning • Travis Harling, Manager Finance & Reporting • Lauren Wall, Manager Communications & Engagement • Simon Finlay, Manager Open Space & Recreation • Meaghan McNamara, Manager Assets & Project Management Office • Gemma Rayner, Coordinator Communications & Engagement (via Zoom) • Joe Spiteri, Senior Governance Consultant • Evvie Lambrianidis, Senior Governance Officer
Apologies officers	N/A
Presenters	<ul style="list-style-type: none"> • Robert Ford, Town Planning People • Deborah Barton, landowner • Steve Waldren, landowner • Anthony Judd, DELWP

	<ul style="list-style-type: none"> • Jodi Cant, DELWP • Adam Mallis, DELWP • Sandeep Sarathy, Office of Minister for Energy, Environment and Climate Change • Desley Renton, consultant
Items discussed	<ul style="list-style-type: none"> • Request for planning scheme amendment - 1 Wills St Malmsbury • Hanging Rock East Paddock • Capital works carry forwards • Draft Community Engagement Policy • Planning matters - PLN/2021/62/A • Planning matters - 4 Richardson Street Riddells Creek • Planning matters - Daffodil farmland • Planning Delegated Committee Meeting agenda review • Agenda review - 25 may 2022 Council Meeting • Other business - Customer service
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	<ul style="list-style-type: none"> • Cr Neil disclosed a conflict in relation to the Dog Obedience Club. <ul style="list-style-type: none"> ○ Did they leave the meeting? Yes.
Conflicts of interest declared by officers	N/A

Type of meeting	East Paddock, Hanging Rock - Community Consultation Meeting
Date and time	12-May-2022 at 7.00pm
Venue	Via Zoom and livestreamed (Gisborne Administration Centre)
Present - Councillors	<ul style="list-style-type: none"> • Cr Jennifer Anderson (Mayor) (via Zoom) • Cr Rob Guthrie (Deputy Mayor) (via Zoom) • Cr Dominic Bonanno (via Zoom) • Cr Annette Death (via Zoom) • Cr Anne Moore (via Zoom) • Cr Geoff Neil (via Zoom) • Cr Janet Pearce (via Zoom)

	<ul style="list-style-type: none"> • Cr Mark Ridgeway (via Zoom) • Cr Bill West (part attendance - via Zoom)
Apologies - Councillors	N/A
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan, Chief Executive Officer (via Zoom) • Rebecca Stockfeld, Director Planning and Environment (via Zoom) • Shane Walden, Director Assets and Operations (via Zoom) • Adele Drago-Stevens, Director Corporate (via Zoom) • Travis Harling, Manager Finance and Reporting (via Zoom) • Duncan Kelly, Manager Information Services • Hayley Drummond, Coordinator Property and Valuations (via Zoom) • Kaitlin Evans, Executive Assistant to Director Corporate • Joshua Keen, Information Systems Officer • Amila Sumanasingha, Information Systems Officer
Apologies officers	<ul style="list-style-type: none"> • Maria Weiss, Director Community
Presenters	<ul style="list-style-type: none"> • Andrew Towner on behalf of Macedon Ranges Accommodation Association • Peter Walsh on behalf of Hanging Rock Cricket Club • Jenny Stillman on behalf of Tourism Macedon Ranges • Matthew Nickson • Nathan Alexander • Larry Quick
Items discussed	<ul style="list-style-type: none"> • Opportunity to hear directly from persons who made a submission in response to Council having received an offer from the Victorian State Government to purchase the East Paddock at Hanging Rock.
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	<ul style="list-style-type: none"> • Cr Geoff Neil disclosed that presenter Jenny Stillman was on a community group on which he is also a representative. <ul style="list-style-type: none"> ○ Did they leave the meeting? No • <ul style="list-style-type: none"> ○ Did they leave the meeting?
Conflicts of interest declared by officers	N/A

Type of meeting	Councillor Briefing
Date and time	17-May-2022 at 9.00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Jennifer Anderson (Mayor) • Cr Rob Guthrie (Deputy Mayor) • Cr Dominic Bonanno • Cr Annette Death • Cr Anne Moore (via Zoom) • Cr Geoff Neil • Cr Janet Pearce (via Zoom) • Cr Bill West • Cr Mark Ridgeway
Apologies - Councillors	N/A
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan, Chief Executive Officer • Rebecca Stockfeld, Director Planning and Environment • Shane Walden, Director Assets and Operations • Adele Drago-Stevens, Director Corporate • Maria Weiss, Director Community • Travis Harling, Manager Finance and Reporting • Rob Ball, Manager Strategic Planning & Environment (via Zoom) • Lauren Wall, Manager Communications & Engagement • Evert Grobbelaar, Manager Statutory Planning • Meaghan McNamara, Manager Assets & Project Management Office • Stephen Pykett, Manager Economic Development & Visitor Economy • Cam McFarlane, Coordinator Asset Management • Leanne Khan, Coordinator Strategic Planning • Christo Crafford, Coordinator Statutory Planning • Hayley Drummond, Coordinator Property Valuations • Isobel Maginn, Senior Strategic Planner • Joe Spiteri, Senior Governance Consultant • Evvie Lambrianidis, Senior Governance Officer

Apologies officers	N/A
Presenters	<ul style="list-style-type: none">• Daisy Ager, Echelon Planning• Sarah McQuinn, Echelon Planning• Rebecca Fold, Urban Fold
Items discussed	<ul style="list-style-type: none">• Asset Plan• Gisborne Futures• Hanging Rock East Paddock• Amess Road Precinct Structure Plan• C127macr• Planning matters - PLN/2021/350 - 1164 Kilmore Road Riddells Creek• Megafauna Project
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	N/A
Conflicts of interest declared by officers	

11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS

PE.1	DRAFT MOBILE TRADING GUIDELINES
Officer:	Althea Jalbert, Acting Manager Safer Communities
Council Plan relationship:	2. Healthy environment, healthy people 3. Business and tourism
Attachments:	Nil

Summary

Council has a Roadside and Footpath Trading Policy that is to be reviewed commencing June 2022. Council staff are in the process of preparing a related new set of guidelines for Mobile Trading. Both documents will establish how and where trading can occur – either on the roadside and footpaths – and where mobile food vans may be able to locate on roadsides.

Both documents will be reviewed and created after community and business engagement. Engagement on both topics will be undertaken together.

It was planned to engage at different times on both documents, with new Mobile Trading Guidelines due to be implemented by 1 July 2020. This was to support the introduction of permits for mobile trading activities (e.g. mobile food trucks) on Council land and roads, where the trading is unrelated to approved events or markets. Staff commenced consultation on the Mobile Trading Guidelines; however, Covid-19 impacted on stakeholder responses.

In June 2020, Council resolved to note the lack of feedback and required officers to bring the matter back to Council by June 2021, proposing a timeline to recommence the public consultation process for the draft Mobile Trading Guidelines.

In September 2021, Council further resolved to note that due to the ongoing economic uncertainty for many local businesses (brought about by the COVID-19 pandemic and the associated restrictions on free movement) and required a further report be presented to Council by no later than May 2022 to propose recommencement of public consultation on the draft Mobile Trading Guidelines.

This report proposes to consolidate consultation on the Mobile Trading Guidelines and the Roadside and Footpath Trading Policy, as the two are related, and create one document.

Recommendation**That Council:**

- 1. Notes that a review of the Roadside and Footpath Trading Policy will commence in June 2022, including stakeholder engagement.**
- 2. Notes that a new set guidelines for Mobile Trading (the Mobile Trading Guidelines) will be developed commencing June 2022, including stakeholder engagement.**
- 3. Notes that community engagement on both the Roadside and Footpath Trading Policy and the Mobile Trading Guidelines will be undertaken together as the guidelines will be incorporated into the policy.**

4. Requests that a draft policy be presented to Councillors by August 2022 to commence community consultation for the review of the Roadside and Footpath Trading Policy (incorporating draft Mobile Trading Guidelines).
-

Background

Following amendments made to the *General Purposes and Amenity Local Law No. 10* of 2013 at the Ordinary Council Meeting on 24 July 2019, and adoption of a new *Roadside and Footpath Trading Policy* at the Ordinary Council Meeting on 28 August 2019, new Mobile Trading Guidelines were due to be implemented by 1 July 2020. This was to support the introduction of permits for mobile trading activities on Council land and roads, where the trading is unrelated to approved events or markets.

Community consultation on draft Mobile Trading Guidelines occurred in March 2020, but engagement was low and no feedback was received. This appeared to be a result of COVID-19 impacts on the community and local businesses. The level of feedback received was not deemed sufficient to meet the requirements of Council's Community Consultation Framework. Further consultation on the draft Mobile Trading Guidelines is required prior to it being implemented, to ensure no unintended consequences and consideration of the community's feedback. Approval was sought to defer the introduction of mobile trading on Council land and roads (including those managed by Council) until the Mobile Trading Guidelines can be finalised and provided for consideration by Council for inclusion in the *Roadside and Footpath Trading Policy* (2019).

At the 24 June 2020 Ordinary Council Meeting, Council resolved to:

- (1) *Note that the Mobile Trading Guidelines were drafted and community consultation undertaken in March 2020, however the ability to consult with the community and businesses was hindered by COVID-19, resulting in low engagement.*
- (2) *Defer further consultation on the draft Mobile Trading Guidelines for up to 12 months, pending the lifting of COVID-19 restrictions.*
- (3) *Defer the introduction of mobile trading permits and associated fees from 1 July 2020, until such time as further community consultation is undertaken and the Mobile Trading Guidelines are adopted by Council.*
- (4) *Direct that the Roadside and Footpath Trading Policy 2019 be amended to remove the sentence on page 26 that states, "It is proposed that mobile trading will be permitted from 1 July 2020."*
- (5) *Direct that these changes are communicated to the community.*
- (6) *Direct that a further report be presented to Council by no later than the end of June 2021, proposing a timeline to recommence the public consultation process for the draft Mobile Trading Guidelines.*

At the 24 June 2020 Ordinary Council Meeting, Council resolved to:

"Note that due to the ongoing economic uncertainty for many local businesses, brought about by the COVID-19 pandemic and the associated restrictions on free movement, a further report will be presented to Council by no later than May 2022 to propose recommencement of public consultation on the draft Mobile Trading Guidelines."

Discussion

With COVID-19 normal settings now predominantly in place, local businesses are in a better position to engage with consultation for the draft Mobile Trading Guidelines. The *Roadside*

and Footpath Trading Policy is also due for review in August 2022 and will also require community consultation. It is recommended that both consultations are joined commencing from June 2022.

Consultation and engagement

Community consultation was undertaken prior to adopting the new *Roadside and Footpath Trading Policy* in 2019. As part of that consultation, Council received feedback supporting the introduction of mobile trading with appropriate regulations. Mobile Trading Guidelines, to ensure adequate regulation of mobile trading, were due to be implemented by 1 July 2020 but community consultation undertaken on the draft guidelines in March 2020 was hindered by the COVID-19 pandemic. As a result, the introduction of mobile trading permits was deferred until further community consultation could be undertaken and Mobile Trading Guidelines be adopted by Council for inclusion in the *Roadside and Footpath Trading Policy*.

Officers propose to recommence consultation according to the following timeline:

- June to July – Commence review of the *Roadside and Footpath Trading Policy* and the draft Mobile Trading Guidelines including targeted stakeholder input.
- August 2022 – Return to Councillors with draft Roadside and Footpath Trading Policy (incorporating Mobile Trading Guidelines) prior to broad community consultation.
- September 2022 – Community Consultation.
- October 2022 – Consider feedback and make final revisions to the draft Roadside and Footpath Trading Policy (incorporating Mobile Trading Guidelines).
- November 2022 – Report back to Council with a draft Roadside and Footpath Trading Policy (incorporating Mobile Trading Guidelines) for adoption.

Collaboration

In preparing this report, the Local Laws unit collaborated with the Economic Development unit to gain an understanding of the current situation in which businesses are operating.

Innovation and continuous improvement

Given the massive shift that has occurred due to the COVID-19 pandemic, the need for adaptability and flexibility has come into sharp focus. Business models and practices have changed and/or been altered to suit the new economic and social normal. With a strong push from state and federal governments to utilise outdoor spaces more for business and social interactions, there is a need for policies that can flex to embrace this trend. Across the Macedon Ranges, the pandemic has led to the increased use of both public and private outdoor spaces as well as an increase in outdoor activations and events.

Some local businesses have added mobile trading to their mix of product and service provision to great effect. While mobile trading can occur on private land and as part of events, the current environment creates an opportune time to expand access for mobile trading to Council land and roads.

Relevant law

The Macedon Ranges Shire Council *General Purposes and Amenity Local Law No. 10* of 2013 (Local Law No. 10) sets out requirements to obtain a permit to use Council land and roads for certain activities.

As defined in Local Law No. 10, 'Council land' means land, buildings and facilities which are owned, occupied or vested in the Council, or in respect of which the Council has the care

and management, and to which the public has access whether an entry fee is paid or not, and includes a public place.

As defined in Local Law No. 10, 'road' has the same meaning as in the *Local Government Act 1989* and applies to roads for which the Council has responsibility under the *Road Management Act 2004*. This does not include a state road under the Road Management Act unless a provision in the Local Law is expressly applied to a state road.

The Macedon Ranges Shire Council *General Purposes and Amenity (Amendment) Local Law No. 13* of 2019 (Local Law No. 13) enacted amendments to Local Law No. 10 in relation to roadside and footpath trading, including specific amendments to define and regulate mobile trading.

As defined in Local Law No. 13, 'mobile trading' means any vehicle, caravan, trailer, table, stall or other similar structure used for the purpose of selling food, or offering goods or services for sale, including any food or drink (excluding alcohol).

The Macedon Ranges Planning Scheme is the statutory document that guides the use of private land for mobile trading.

Relevant regional, state and national plans and policies

There are no regional, state, or national plans or policies to be considered in relation to this report.

Relevant Council plans and policies

Draft Mobile Trading Guidelines support the priorities of the 2017 – 2027 Council Plan to:

- Promote health and wellbeing
- Enhance the social and economic environment

Draft Mobile Trading Guidelines also align with the Economic Development Strategy 2021-2031 by supporting thriving townships through collaborating with, and assisting local business operators to support delivery of township activations, events utilising public streets, and other public spaces.

It is intended that Mobile Trading Guidelines will form part of Council's Roadside and Footpath Trading Policy once adopted, and will then be regulated via permit conditions for mobile trading activities on Council land and roads.

Financial viability

There are no financial or resource implications that will result from the decision sought.

Sustainability implications

There are no sustainability implications that will result from the decision sought.

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.

12 CHIEF EXECUTIVE OFFICER REPORTS

CX.1	COMMUNITY ENGAGEMENT POLICY REPORT AND REVIEW
Officer:	Gemma Rayner, Coordinator Communications and Engagement
Council Plan relationship:	4. Delivering strong and reliable government 1. Connecting communities
Attachments:	Community Engagement Policy 2022.05.25 ↓

Summary

This report provides Council with an update on the Community Engagement Policy (the Policy) review findings, as detailed in the Final Community Engagement Report, and proposes alterations to the Policy via a new draft Policy document.

Recommendation**That Council:**

- 1. Adopts the updated Community Engagement Policy; and**
- 2. Notes the Community Engagement Policy review report and recommendations.**

Background

The development of the Community Engagement Policy was informed by a community consultation process conducted between 26 October and 20 December 2020. This included information sent to all ratepayers, discussions with the Health and Wellbeing Committee, and two facilitated webinars.

The Community Engagement Policy was endorsed by Council on 27 January 2021; meeting the deadline of 1 March 2020, as set out under Section 55 of the *Local Government Act 2020*. Council required the policy to be reviewed in 12 months and returned to Council by 27 January 2022. In December 2021, this timeline was extended to 25 May Council Meeting to accommodate competing priorities and resources.

The Community Engagement Policy Review was conducted from February to April 2022 and has now concluded, with a final report including recommendations and an updated Draft Policy submitted for consideration.

Discussion

The new Draft Community Engagement Policy takes into account feedback from staff, Councillors and the community on Council's current Community Engagement Policy and activities. It aims to reflect the following feedback common to all stakeholders:

- (1) The Policy needs to be simple to read and written in 'plain English' without any jargon or bureaucratic speak.
- (2) The Policy needs to include an upfront IAP2 definition of engagement and deliberative engagement.
- (3) The Policy needs to clearly articulate the definition between:

- (a) statutory engagement that is required under various legislation and prescribed in terms of minimum standards; and,
 - (b) optional engagement that is undertaken by Council either because of a Council motion, or by a decision of staff, or driven by the community.
- (4) The Policy needs to clearly articulate the roles and responsibilities (expectations) of all parties including Councillors, staff and the community including:
- (a) Mayor and Councillors
 - (b) CEO and senior leadership team
 - (c) Managers and Coordinators
 - (d) Staff
 - (e) Advisory Committees and Reference Groups
 - (f) Consultants
 - (g) Stakeholders and community

The accompanying report also outlines a series of recommendations, which will make the implementation of the Community Engagement Policy viable.

Consultation and engagement

The consultant team undertook the following tasks as per the contract:

- Read new background materials including the finalised Policy, Council's website and community activity on social media regarding Council activity and reputation;
- Considered best practice policy examples as per the State Government guidelines;
- Investigated the development and outputs of at least two other Council community engagement policies;
- Developed a community survey and analysed feedback;
- Undertook a series of six internal 'deep dive' interviews;
- Undertook two community pop up events, one in Romsey and one in Woodend;
- Facilitated an interactive staff workshop;
- Considered the Victorian Government Gender Impact Assessment Review;
- Reviewed the 2020 Policy submissions;
- Incorporated the feedback from a Resident Association submission;
- Undertook a briefing to senior staff;
- Undertook a briefing to Councillors and incorporated Mayor, and Councillor, feedback;
- Provided a revised version of the amended Community Engagement Policy;
- Captured non-policy related feedback and shared with Council; and
- Developed a final report documenting the process of review making recommendations for change/improvement.

Collaboration

The nature of this review did not require any consultation or community engagement.

Innovation and continuous improvement

This review contributes to continuous improvement, meeting Council's decision to review and fine-tune a new policy one year after adoption. It was conducted by an external Community Engagement expert and included consultation with key internal and community stakeholders.

Relevant law

Section 55 of the *Local Government Act 2020*.

Relevant regional, state and national plans and policies

Gender Equality Action Plan and Child Safe Standards.

Relevant Council plans and policies

The Community Engagement Policy helps deliver on Council strategic objectives: Connecting Communities and Deliver Strong and Reliable Government.

Financial viability

There are no financial or resourcing implications to be considered in relation to this report.

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.

Policy



Community Engagement Policy

Date of Adoption	25 May 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	Coordinator Communications and Engagement, Communications and Engagement Unit		
Nominated Review Period	<input type="checkbox"/> Annually	<input checked="" type="checkbox"/> Every 4 years	
Last Endorsement Date	27 January 2021		
Next Review Date	May 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.

Introduction

This Community Engagement (CE) Policy was developed with input from the community, Councillors and staff. It builds upon Council's CE Policy developed in 2020 and adopted in 2021.

Policy statement

Macedon Ranges Shire Council commits to lead, promote and advocate for meaningful community engagement. Effective planning and resourcing of community engagement helps to ensure high standards of transparency and accountability in Council's decision-making processes. Our engagement will align to the Council Plan strategic objectives and priorities. Council values the contribution our community can make to shaping a strong future that connects communities, supports a healthy environment and people, enhances business and tourism and delivers strong and reliable government.

DOCUMENT HISTORY	Version	Date	Author
Initial Draft	1	3/5/2022	Desley Renton
Second Draft	2	12/5/2022	Desley Renton
Final Draft	3	17/5/2022	Gemma Rayner
Approval			

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Purpose

This Community Engagement Policy documents Macedon Ranges Shire Council's commitment to community engagement planning, delivery and evaluation. It provides clarity of intent and informs the community of why, when and who we engage.

It outlines the principles that guide our work and our actions to address these. It articulates our shared responsibility so that we are all clear of our roles and contributions.

The Policy ensures Council is accountable to the community it serves including our ratepayers, residents, business owners and visitors. It aims to enhance our relationship with our community and strengthen the dialogue and shared problem solving.

How this policy was developed

This policy was developed in consultation with the community, Council and our employees. Initially adopted in January 2021 the Policy was reviewed in early 2022 and amended to reflect the community and Council feedback.

Council will review this policy and our engagement processes every four years to ensure that it continues to reflect the expectations of the community, Councillors and staff.


Definition of engagement

Community engagement is a planned process with the specific purpose of working with individuals and groups to encourage active involvement in decisions that affect them or are of interest to them.

Council's community engagement activities result in better decisions that aim to improve policies, services and facilities, as well as supporting greater community satisfaction and wellbeing.

Where there is no decision to be made Council will be transparent that this process is an information exchange and may not lead to changes and/or directly result in action.

Table 1: The International Association for Public Participation (IAP2) Spectrum is one of the tools used to identify the need for, and level of engagement required.

INCREASING IMPACT ON THE DECISION 					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
COMMUNITY ROLE	Listen Be informed.	Contribute information/ideas.	Contribute ideas/alternatives.	Partner Shared problem solving.	Lead and Partner.

Source: IAP2 International Federation Spectrum of Public Participation 2014.

Definition of deliberative engagement

Deliberative engagement methods are applied to complex issues that require multiple perspectives and deep thinking to arrive at shared outcomes. Typically, deliberative engagement will involve a randomised group that broadly represents the community at large. It will take place over time and require the provision and development of quality information. Access to specialists and technical experts is required to deepen the understanding of the opportunities and constraints of the topic at hand. Participants are supported to hold dialogue and deliberate before arriving at consensus-based recommendations and/or decisions.

Council will undertake deliberative engagement on its Community Vision, Council Plan and Municipal Public Health Plan, Asset Plan and Financial Plan. Other projects may involve a deliberative process where Council determines this is the best-fit approach.

Refer to Appendix 1 for a full list of definitions.

Why we engage

Council acknowledges that the community has a wealth of knowledge and experience that when shared can result in best practice policy, program, and service outcomes. Obtaining wider perspectives on an issue can open new opportunities and bring innovation and new and creative ways of doing things.

The process of community engagement can build community capacity, enhance trust and foster a sense of united purpose. It can enhance relationships, partnerships and attract investment. Good democratic governance occurs when Council has the commitment and resources to effectively inform and engage its community in the planning and delivery of Council activities prior to a decision being made.

When we will engage

In determining the need for community engagement Council considers both its statutory requirements as well as determining how engagement could enhance the outcomes of a particular policy, plan or project. Statutory engagement processes are prescribed by the State Government; however, this does not prevent Council undertaking additional engagement if the issue warrants it. For specific issues requiring statutory consultation and planning scheme amendments, see Appendix 2.

Each non-statutory topic will be considered for its engagement opportunity and an assessment made of the complexity to determine the engagement level. This stage will include consideration of the timeframes and what resources are required to plan, deliver and evaluate the engagement.

Who we will engage

Some of our decisions affect the entire community, while other decisions affect some people more than others. It is our duty to identify and engage with those who are impacted and interested, including those who may face barriers to engagement.

Sometimes the issue will require us to engage with other levels of government, peak bodies, and community organisations. Many of these peak bodies and community organisations can support the engagement process by advocating for participation and helping to recruit participants.

The Local Government Act section 56 states, 'Participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement'. To this end Council aims to harness the views and involvement of a diverse community through the engagement design and delivery of appropriate messaging and methods.

Examples of our stakeholder groups:

- Aboriginal and Torres Strait Islander people
- LGBTQI community
- Children and young people

- Young parents
- Cyclists (both professional and leisure)
- Students
- Visitors
- Older people
- Town based groups
- People with disabilities
- Heritage and history groups
- Culturally and linguistically diverse groups
- People working in specific professions or industries
- Families
- Ratepayers (resident and non-residents)
- Sports and recreation clubs
- People experiencing financial hardship
- Park and or trail users
- Traditional owners
- Small businesses
- Tourism providers

Principles and action

The Local Government Act 2020 establishes five community engagement principles applicable to Council. This Policy gives effect to these principles.

Table 2: Principles and actions

Principle	Action
1. A community engagement process must have a clearly defined objective and scope.	Each engagement activity will be supported by a community engagement plan that identifies the purpose, objectives, stakeholder assessment, methods and measures for success. Adequate and appropriate resources will be made available to ensure effective practice.
2. Participants in community engagement must have access to objective, relevant and	Information to support the engagement will be made available in an accessible and timely manner. Opportunities will be made available to ask questions and seek clarification.

timely information to inform their participation.	Deliberative processes will include the opportunity for community members to liaise, learn, share information, and have informed deliberations.
3. Participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement.	<p>Each engagement plan will include a thorough stakeholder assessment and where required, a risk analysis.</p> <p>The Victorian Government's Gender Impact Assessment Toolkit will help to guide the stakeholder assessment and methods in recognition a person may experience disadvantage based on Aboriginality, age, disability, ethnicity, gender identity, race, religion, sexual orientation and other attributes.</p> <p>The Commission for Children and Young People's Child Safe Standards will also help guide the stakeholder assessment and engagement methods, with a focus on Child Safe Standard 7: Strategies to promote the participation and empowerment of children. This is in recognition that children have a right to be heard and have their concerns and ideas taken seriously, particularly on matters that affect them.</p> <p>Communication methods and promotion will be tailored to suit the targeted audiences.</p> <p>Diverse communities will be encouraged to participate including those that identify as a minority, either culturally, socially or linguistically.</p>
4. Participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement.	<p>Communication tools will include information formats to support participation including language, graphics, and a range of accessible requirements.</p> <p>Methods will be delivered in a range of formats to suit the issue i.e., face to face and online and include a variety of times and locations.</p>
5. Participants in community engagement are informed of the ways in which the community engagement process	<p>The IAP2 Spectrum assessment will guide the level of influence and promise in any given engagement program. Issues within the sphere of influence by the community will be clearly communicated at the outset.</p> <p>Those things outside of community influence will be explained and a rationale provided.</p>

will influence Council decision making.	<p>Where engagement is community led, the level of influence and commitment is still articulated.</p> <p>Community engagement plans will be flexible and can be adjusted as required.</p> <p>Community engagement outcomes (including the extent to which the engaged informed the decision) will be shared in a variety of ways with the broader community.</p>
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Roles and Responsibilities

Table 3: Roles and responsibilities

Role	Responsibility
Mayor and Councillors	<ul style="list-style-type: none"> ● Champion the principles of quality engagement through demonstrating leadership and modelling good practice ● Stay informed of engagement activity ● Attend engagement activity as appropriate ● Consider community engagement feedback as part of the decision-making process
CEO and Senior Leadership team	<ul style="list-style-type: none"> ● Advocate for and model a culture of good practice engagement ● Ensure adequate resourcing of engagement ● Communicate cross organisationally
Managers and Coordinators	<ul style="list-style-type: none"> ● Manage teams and workflow ● Ensure appropriate team members are trained and supported ● Develop and provide information ● Report engagement findings and evaluation
Team members	<ul style="list-style-type: none"> ● Develop community engagement plans and implement in a consistent way that gives effect to the Council Plan and the CE Policy ● Evaluate engagement processes ● Report engagement findings and evaluation
Advisory Committees and Reference Groups	<ul style="list-style-type: none"> ● Advocate for quality community engagement and increased participation ● Contribute ideas ● Seek out ideas of other community members

External consultants	<ul style="list-style-type: none">• Advocate for quality community engagement and increased participation• Act in accordance with the Policy
Community stakeholders, groups and individuals	<ul style="list-style-type: none">• Become informed about the role of Local Government• Participate in an active way by seeking out and requesting information• Contribute and share ideas• Advocate for quality community engagement• Be respectful of others' ideas and opinions

Making a decision

Following a planned community engagement activity Council will:

- Consider the engagement report
- Consider the feedback in the context of who was engaged, other data, advice, strategies and/or legislation that is relevant in the matter.

The community will be notified of the report going to Council and the agenda made public.

APPENDIX 1: Definitions

Term	Definition
Co-design	A partnership with community to come to an agreed model or design of service delivery or public infrastructure. Can also refer to the co-design of the engagement process itself to ensure it is fully transparent and works for all parties.
Community	Can refer to the Macedon Ranges Shire community as a whole or: <ul style="list-style-type: none"> community of place (based on geographic location e.g. the Gisborne community) community of practice (based on common interests and activities e.g. the bike riding or gardening community) community of identity (based on an individual's shared perspective e.g. Aboriginal heritage, language speakers, residents of public housing, particular age groups or a religious community)
Community engagement	Involving those affected by or interested in a decision in the decision-making process.
Deliberative elements	Used where time and resources required of a full deliberative exercise is incompatible with the level of impact a decision entails, but the impact is sufficiently high or the decision is sufficiently complex to still warrant an extra level of transparency, meaningfulness and representation. Examples of elements of deliberative practice include: <ul style="list-style-type: none"> Inviting a representative sample of those impacted by a decision in to a one-off workshop in order to hear the range of perspectives and share more detailed information (this would usually happen after a broader community consultation so the full range of perspectives and issues requiring compromise are fully understood) Inviting the community to consider the trade-offs involved in decision by presenting options, choices or a budget framework Offering information sessions and accessible explanations of the project scope where issues are complex or dependent on other factors Inviting key stakeholders or a sample of those highly impacted to co-design the engagement process to ensure it reaches out to the right groups and is fully representative.

Deliberative processes and/or citizens juries	<p>Usually convened for more complex, long term and high impact issues, where perspectives are likely to differ and/or where the issue is high impact on sections of the community. Can take different forms but best practice always involves:</p> <ul style="list-style-type: none"> • a representative sample of the population or group who are impacted • a clear scope and remit that often asks for an agreed compromise of interests and outcomes, agreed priorities or consensus on a vision and direction • provision of timely, objective and independently sourced/verified information • sufficient time • support to participate (including independent facilitation, reimbursement for time, hardships and expenses incurred) • a commitment to participants on the level of influence their recommendation or decision holds
Engagement approach	The design/plan that ensures appropriate timing, resources, tools and methods according to a considered analysis of those affected, impacted or interested and the scope and remit of any engagement project.
Representative community panel	Can be used to deliver a range of engagement types from world café's, in person and/or online advisory groups through to complex deliberative processes. Panels can provide a representative sample of the population (to acceptable industry standards) of Macedon Ranges and can be appropriate for whole of Council area decisions with wide reaching impact. Panels can also provide representative samples for niche decisions impacting particular groups of the Macedon Ranges community but still require appropriate support, time and information.
Stakeholders	Sections of the community involved in engagement because of impact, interest or responsibility to deliver on an outcome. Can also refer to external organisations, and other levels of government involved in a decision. Always includes internal decision makers and implementers of decision outcomes.
Tools and methods	Refers to the many types of engagement that can be employed such as online or in person, public meetings and community panels, surveys, ideas boards, public competitions or deliberative budgeting for example.

APPENDIX 2: STATUTORY CONSULTATION

While the community engagement processes used for the matters below will vary according to the complexity of the particular issue, each process used will include consideration of any submissions received as part of any statutory community consultation under applicable legislation.

Council has responsibilities and makes decisions under a wide variety of Victorian and Australian legislation. In many instances the legislation sets standards and provides minimum requirements in regard to notifications and referrals. This includes the following matters:

- Setting Councillor and Mayoral allowances (s 39)
- Adopting a Council Plan
- Making and amending a Local Law (s 73)
- Changing the Council's system of land valuations for Council rates (s 355)
- Adopting a budget
- Declaring a special rate or a special charge
- Selling, exchanging or leasing land
- Entering into a regional library agreement
- Deviating or discontinuing a road
- Developing or amending Governance Rules (s 60)
- Leasing land not included as a proposal in the budget (s 114)
- Conducting a review of, or restructuring advisory panel (s 16 & s 239)

The statutory consultation required by law for these matters may include all or some of the following:

- The Council must publish a public notice (in a local or daily newspaper, and on the Council's internet website) that identifies the proposal and tells people that they have the right to make a written submission to the Council.
- People who wish to make submissions must lodge them by the date specified in the public notice
- Anyone who has made a written submission and asked to be heard in support of this submission is entitled to speak to the Council or a committee appointed for the purpose. The submitter may appear in person or be represented by someone else.
- The Council must fix a time, date and place for this meeting and give reasonable notice of the meeting to each person requesting to be heard.
- The Council or a Council committee must consider any submissions received before making a decision.
- After it has made a decision, the Council must write to a person who has lodged a submission advising of the Council decision and the reasons for it.

Planning scheme amendments

Specific consultation arrangements apply in relation to proposed amendments to the Planning Scheme under the Planning and Environment Act 1987. These arrangements enable a person to make a submission:

- to the planning authority about an amendment to its planning scheme
- to a panel appointed to consider a planning scheme amendment.

Council is required to give public notice when proposing amendments to its Planning Scheme, including advice about how submissions can be made.

Protocol for planning permits

In considering with any planning application, Council complies with its statutory consultation obligations which can include the following consultative protocol:

- Letters to adjoining landowners and occupiers and a sign being required to be placed on the site. In some instances in addition to the letters and sign on-site, public advertising of the proposal will occur in the local newspaper(s).
- Notifications to surrounding residents/landowners will advise people on how they can view any plans and supporting information on a proposal. In such instances the information will be available at the relevant Council service centres and online.
- In some circumstances where high levels of community interest are anticipated, community information sessions can be held, either by the developer alone or jointly with Council.
- All submissions on a proposal will be considered in determining any application. If there are objections, the planning officer may convene and facilitate an applicant/objector(s) meeting.

APPENDIX 3: REFERENCES, RELATED POLICIES, RELATED LEGISLATION

References

This policy is informed by a range of external research and best practice standards, including:

- > Public Participation in Government Decision Making – Victorian Auditor General's Office – better practice guide
- > International Association of Public Participation (IAP2) Quality assurance standards – Core Values, Practitioners Code of Ethics and the IAP2 Spectrum of Engagement
- > Co-design Community Engagement, Victorian Government

Related Policies

- > Governance Rules
- > Part II Statement
- > Councillor Code of Conduct
- > Staff Code of Conduct
- > Complaints Handling Policy
- > Live Streaming and Publishing Recordings of Meetings Policy
- > Public Transparency Policy
- > Privacy Policy
- > Procurement Policy

Related Legislation

- > Local Government Act 2020 (Vic)
- > Local Government Act 1989 (Vic)
- > Freedom of Information Act 1982 (Vic)
- > Privacy and Data Protection Act 2014 (Vic)
- > Health Records Act 2001 (Vic)
- > Charter of Human Rights and Responsibilities Act 2006 (Vic)
- > Equal Opportunity Act 2010 (Vic)
- > Public Records Act 1973 (Vic)
- > Privacy Act 1988 (Cth)
- > Copyright Act 1968 (Cth)
- > Other relevant legislative instruments

13 DIRECTOR CORPORATE REPORTS

COR.1	QUARTERLY REPORT FOR PERIOD ENDING 31 MARCH 2022
Officer:	Travis Harling, Manager Finance and Reporting
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Quarterly Report - Q3 2021-22 - January to March 2022 (under separate cover) ⇒

Summary

The Quarterly Report for the period ended 31 March 2022 is presented for Council's consideration and information. This report includes the following:

- Section 1 – Quarterly financial statements
- Section 2 – Capital works progress report
- Section 3 – Council plan actions – progress report
- Section 4 – Risk management report
- Section 5 – Implementation of Council resolutions
- Section 6 – People, Culture and Performance Report
- Section 7 – Governance schedule
- Section 8 – Councillor expenditure
- Section 9 – Councillor activities in the community

The report also provides a high-level summary of the organisation's performance to 31 March 2022.

Recommendation

That Council notes the Quarterly Report for the period ended 31 March 2022.

Background

The Quarterly Report is provided in accordance with Section 97 of the *Local Government Act 2020 (Vic)*, ensuring that a statement comparing budgeted and actual revenue and expenditures is presented at an open Council Meeting.

This quarterly report reports on the actions of the most recently adopted Council Plan, which links directly to the Community Vision adopted by Council in June 2021.

The themes from the Community Vision have been adopted as strategic objectives of the Council Plan, providing a strong link to both the documents. Reporting on the actions of the Council Plan fall under the following strategic objectives.

- Connecting communities
- Healthy environment, healthy people
- Business and tourism

- Deliver strong and reliable government

Discussion**Section 1 and 2 - Financial performance to 31 March 2022**

The Income Statement reports an operating surplus of \$15.7m for the first nine months of the 2021-22 financial year, which is \$0.88m unfavourable to budget. Variances contributing to the variance include:

- \$5 million grant has been received as an advance to contribute towards the storm recovery costs (favourable).
- \$3.5 million received from the sale of repurposed storm waste material (favourable).
- Employee costs are \$2.2 million favourable to budget, due largely to vacancies throughout the organisation (favourable).
- Materials and services is \$19.7 million unfavourable to budget due to a number of contributing factors:
 - June storm recovery costs \$15.2 million.
 - Contractor costs included in materials and supplies offset the savings in employee costs noted above by \$1.3 million.

Capital expenditure totalled \$14.7 million for the nine months, which was \$22 million under budget. The two areas of capital expenditure contributing to the underspend are building and building improvements (\$4.8 million) and infrastructure works programs (\$15.5 million). Contributing factors to the underspend is the increased demand for contractors, resulting in a lack of contractors to undertake works, and the availability of materials to procure to undertake the works. Both factors are as a result of the COVID 19 pandemic. Projects included in these programs will be required to be carried forward for completion in the 2022/23 financial year.

Section 3 to 9 – Quarterly Report to 31 March 2022

Sections 3 to 9 of the report, provide Council an update on the progress of completing various Council Plan actions for the 2021/22 financial year and include reports relating to People, Risk and Wellbeing. The report also includes a Governance Schedule and several other reports relating to Councillor expenses and activities for the quarter.

Consultation and engagement

Officers from across the organisation have contributed to the preparation of the Quarterly Report.

Collaboration

Collaboration with other councils, governments and/or statutory bodies was not required in relation the Quarterly Report.

Innovation and continuous improvement

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

The Quarterly Report is reviewed by the Executive and incorporates feedback from various levels of management to enhance readability and allow for continuous improvement.

Relevant law

This report has been prepared in accordance with Section 97 of the *Local Government Act 2020 (Vic)* and is compliant with the requirements. The financial statements have been prepared in accordance with Australian Accounting Standards.

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

Relevant regional, state and national plans and policies

There are no regional, state or national plans or policies to be considered in relation to the subject matter of this report.

Relevant Council plans and policies

Sections 1 and 2 of the Quarterly Report, report on the financial status of Council with relation to the Council Budget. Section 3 of the Quarterly Report, reports Council's progress against each of the actions set out in the Council Plan.

Financial viability

The Quarterly Report provides information on Council's operating and financial performance for the quarter ending 31 March 2022. The financial statements within the report indicate that Council remains in a sound financial position. Despite several large unbudgeted items occurring during the year, the overall impact on the annual budget is an unfavourable variance of \$883,000.

The annual budget also contributes to the larger financial plan which is Council's ten year plan. Achieving the annual budget enables Council to plan for future budgets, knowing key financial indicators are met and the required cash surpluses are generated to enable the reinvestment in Councils infrastructure across the shire.

Sustainability implications

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

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	EAST PADDOCK COMMUNITY CONSULTATION & PROPOSED SALE
Officer:	Adele Drago-Stevens, Director Corporate
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	<ol style="list-style-type: none"> 1. Summary of feedback received via Survey Monkey (under separate cover) ➡ 2. Copy of written submissions provided (under separate cover) ➡

Summary

This report provides Council with a summary of feedback received following the community consultation process which was undertaken regarding the Victorian State Government's offer to purchase 139 South Rock Road, Newham (East Paddock, Hanging Rock), and a revised recommendation regarding the ongoing process to consider the sale.

Recommendation

That Council:

- 1. Notes the community feedback received regarding the proposal from the Department of Environment, Land, Water and Planning (DELWP) to purchase 139 South Rock Road, Newham (East Paddock, Hanging Rock).**
- 2. Continues the statutory process to sell the land to the Victorian Government by authorising the Chief Executive Officer to:**
 - (a) negotiate the sale of the land in accordance with the agreed valuation; and**
 - (b) sign the transfer of land with any additional documentation in association with the transfer.**

Subject to the following conditions being met:

- (i) the proposed valuation and offer for purchase be an amount equal to, or within 10% of, the current valuation assessed by Council's appointed valuer;**
- (ii) appropriate legal mechanisms are put in place to retain the use of the land as public open space in perpetuity, and to ensure any development on the East Paddock is consistent with protecting the significant natural and cultural values and views of the site;**
- (iii) Macedon Ranges Shire Council remains the Committee of Management for the Hanging Rock Precinct (current Crown Land) and the East Paddock for a transition period of at least three years (or a duration mutually agreed by Council and the Victorian Government), during which period the finalisation and implementation of appropriate, orderly, and long term governance and operational arrangements will occur;**
- (iv) limited concerts, events and markets can continue to be held on East Paddock, as per current practice and the agreement in place between**

Macedon Ranges Shire Council and The Frontier Touring Company (Frontier); and

- (v) Council writes to the Victorian Minister for Energy, Environment and Climate Change, highlighting the importance of alternative facilities for existing Hanging Rock sporting groups being identified, planned, funded and delivered (Stage 1 of Draft Hanging Rock Precinct Master Plan (DELWP)), should these groups be required to relocate as a result of implementing the master plan in its final form.
3. Approves the creation of a new financial reserve in accordance with Council's Financial Reserve Policy that will retain the sale proceeds, less any professional costs incurred by Council, from the sale of East Paddock, and that:
- (a) officers present a report to Council no later than three (3) months post the completion of the sale, which will include initiatives within the Shire that the funds could be allocated to; and
 - (b) the allocation of any funds from the Reserve will occur in line with the current annual budget and mid-year budget processes under existing Council policy.

Background

In 2018, DELWP developed a *Hanging Rock Strategic Plan* in consultation with Council and stakeholder groups. Council adopted the *Hanging Rock Strategic Plan* in August 2018 in principle, however it was noted in a report to Council that the plan did not address the issue of ownership of the East Paddock. Consequently, a recommendation in that report stated:

"Council adopt the Hanging Rock Strategic Plan subject to the State Government formally agreeing to initiating discussions with Council regarding the future ownership of the East Paddock."

This issue also emerged as part of an election promise from the State Labor Government when it announced in October 2018 that it was purchasing the East Paddock from Council to "provide greater protection to the precinct."

A range of meetings and discussions have subsequently occurred between DELWP and Council officers regarding the proposed sale of the East Paddock and negotiations have been ongoing since 2020.

In February 2020, Council received an offer from DELWP to purchase the land from Council. This was based on a valuation undertaken by the Valuer-General Victoria.

Council then obtained a current market valuation from a suitably qualified valuer. There was a significant difference in the two valuations.

Consequently, a confidential Council report was presented on 1 May 2020 that outlined these differences and discussed the asset valuations.

A further report was provided to Council at its Scheduled Council Meeting of 16 December 2020, which disclosed Council's valuation of the East Paddock and that the officers would continue to negotiate a satisfactory outcome to the proposed sale.

During 2021, there were several meetings with DELWP and a consistent valuation methodology was agreed between the parties. Accordingly, Council sought an updated valuation in June 2021, as did DELWP, and a formal letter of offer has been received from DELWP to Council to purchase the East Paddock.

The property

The Hanging Rock precinct comprises six allotments, with a total land size of 92 hectares. The two lots containing the Rock formation are Crown land that was gazetted in 1870 (the Reserve). The Reserve was permanently reserved for the purpose of “Public Recreation and for affording access to water” in the Government Gazette dated 28 November 1884. The Reserve land is zoned Public Conservation and Resource Zone, which provides for the protection and conservation of the natural environment. Macedon Ranges Shire Council is the Committee of Management for these two lots.

The East Paddock is in the ownership of Macedon Ranges Shire Council. It was purchased by the former Newham and Woodend Shire Council in 1990. The site is approximately 22.95 hectares and is in four Crown allotments. The land is zoned Public Park and Recreation Zone, which recognises land for ‘public recreation and open space.’ This land is described in two titles – Volume 8134 Folio 836, comprising three Crown allotments, and Volume 4017 Folio 814, comprising one allotment.

The East Paddock has become established as a regular and unique concert venue for international artists including Rod Stewart, Bruce Springsteen and Leonard Cohen. On the Australia Day weekend 2020, two successful Elton John concerts were held. The venue is used sparingly for world renowned artists, with Hanging Rock providing a spectacular backdrop to these performances. Artists Nick Cave and Warren Ellis are now scheduled to perform at East Paddock on 25 and 26 November 2022, as part of the Victorian Government’s ALWAYS LIVE initiative.

There is limited infrastructure in the East Paddock (such as lighting, shelters, toilets, barbecues, seating, perimeter fencing, road network, power outlets, and car parking).

The *Hanging Rock Strategic Plan* (endorsed 27 September 2018) within Section 5.3.4 Tourism and Recreation, states that events and concerts have a role at the precinct, provided they are respectful of the Traditional Custodians, local community, environmental values of the precinct and the natural landscape setting, and which promote the importance of the Rock and its surrounds.

Discussion

Community Consultation

From Friday 23 March until Friday April 22 2022, community feedback was sought in relation to the offer received from DELWP for the purchase of the East Paddock.

Community feedback was encouraged via several forms, these included:

- Online survey
- Councils “Have Your Say” website (written submission)
- Social media (Facebook)

In total Council received 245 submissions, the submissions were received via the following channels:

- 205 online survey responses
- 40 “Have Your Say” submissions

- Several social media posts were also received and have been included to reflect community sentiment

Of the 245 submissions received, 44 (18%) responses were not able to be clearly labelled as supporting or against the proposal. Of the remaining 201 responses, 118 (58%) supported, and 83 (40.8%) opposed.

A community consultation meeting was held on 12 May 2022 and included six presentations from respondents to the online survey and/or 'Have Your Say' written submissions, four of which were in support, and two against the proposed sale. The following respondents spoke at this meeting:

- Andrew Towner, on behalf of Macedon Ranges Accommodation Association
- Peter Walsh, on behalf of Hanging Rock Cricket Club
- Jenny Stillman, on behalf of Tourism Macedon Ranges
- Matthew Nickson
- Nathan Alexander
- Larry Quick

The survey results and written submissions are provided in Attachment 1 and 2 to this Report.

Submissions from the community included themes covering potential tourism value to the region, securing the environmental and cultural values of the site, the impact on community groups and clubs of proceeding with the sale, and how the proceeds of sale would be spent.

Some of these issues are discussed in greater detail below.

Open Space and Sporting facilities

The *Draft Hanging Rock Precinct Master Plan* (DELWP), which incorporates the East Paddock, proposes changes to the infrastructure across the whole site including sporting and recreation facilities.

The East Paddock was considered by DELWP and the master plan consultants as a potential site to relocate some sporting facilities as part of the master plan. However, this was considered an unviable option based on the potential to impact the Traditional Owner cultural heritage values that may be lost through major ground disturbance, the site conditions and gradient, impacts on the event space for concerts, and estimated costs.

As a result, Council will advocate that alternative facilities for sporting groups be identified, planned, funded and delivered should these groups be required to relocate from the Hanging Rock Reserve as a result of the implementation of the *Draft Hanging Rock Precinct Master Plan* (DELWP). Council will engage directly with DELWP on these issues, and also write to the Minister for Energy, Environment and Climate Change, to support this position.

Future Management of the East Paddock – Committee of Management

The management and governance model is currently being reviewed and this will be considered by the Ministerial Advisory Group, which includes Council's CEO as a member.

The Minister Energy, Environment and Climate Change will consider the future governance and management of the precinct, and DELWP has indicated that the current arrangements are anticipated to continue in the interim, and that Macedon Ranges Shire Council will be involved in working through the transition timing, and requirements, if changes were proposed.

Compulsory Acquisition

Should the sale not proceed, Council has obtained legal advice on the process if the Victorian Government decides to undertake compulsory acquisition of the East Paddock.

The compulsory acquisition process allows the State to take ownership of the land by publishing a Notice of Acquisition in the Victorian Government Gazette.

This can occur without Council's consent or agreement to the sale price.

Compensation would be payable to Council in accordance with the provisions of the *Land Acquisition and Compensation Act 1986 (Vic)*. This includes that the State is responsible for all of Council's costs in respect of the acquisition and a valuation in line with 'market value', as specified in the Act and determined by the Valuer-General Victoria (VGV).

Potential use of Proceeds from the Sale

Should the sale of the East Paddock proceed, it is proposed that a new, separate, financial reserve be created and the funds held in this account, less any costs associated with the sale.

A further report to Council shall then be presented, within three months of the completion of sale, to provide options for the use of the funds.

The allocation of these funds for suitable future use in the Shire will then occur in accordance with the current annual budget and mid-year budget processes, requiring a resolution of Council to be released from the reserve.

Consultation and engagement

The consultation and engagement process was completed in accordance with Council's Engagement Policy.

Input has been sought from First Nations groups.

Collaboration

The consultation and engagement process was completed in accordance with Council's Community Engagement Policy.

Input has been sought from First Nations groups.

Previous decisions of Council

Ordinary Council Meeting (Confidential) – May 2020

Ordinary Council Meeting – December 2020

Innovation and continuous improvement

Not applicable to this report.

Relevant law

Subdivisions Act 1988

Land Acquisition and Compensation Act 1986

Local Government Act 2020

Relevant regional, state and national plans and policies

Hanging Rock Strategic Plan 2018 (DELWP)

Draft Hanging Rock Precinct Master Plan (DELWP)

Victorian Government Land Transactions Policy

Relevant Council plans and policies

Community Engagement Policy

Macedon Ranges Statement of Planning Policy

Macedon Ranges Visitor Economy Strategy 2019-2029

Financial viability

This process will be funded within Council's operating budget.

Sustainability implications

Not applicable 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.

14 DIRECTOR COMMUNITY REPORTS

COM.1	MACEDON RANGES MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE MEMBERSHIP
Officer:	Maria Weiss, Director Community
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Letter from MEMPC ↓

Summary

At its meeting on 29 March 2022, the Macedon Ranges Municipal Emergency Management Planning Committee resolved to invite a Macedon Ranges Shire Councillor to attend its meetings as an observer. The Committee is seeking notification of the nominated representative.

Recommendation

That Council endorses Cr X as the nominated observer and Cr Y as substitute for the remaining scheduled meetings of the Macedon Ranges Municipal Emergency Managing Planning Committee for 2022.

Background

The *Emergency Management Act 2013* (as amended by the *Emergency Management Legislation Amendment Act 2018*) transferred responsibility for municipal level emergency management planning from councils to Municipal Emergency Management Planning Committees (MEMPCs). The core aim of an MEMPC is to share resources and work together to achieve efficient and effective planning outcomes for the municipality.

Council convenes and chairs the committee, which recognises its expertise, networks, and ability to coordinate across agencies at this level. It is, however, the responsibility of the Committee as a whole to deliver the emergency management plan, and not that of the Chair.

The Macedon Ranges MEMPC (MRMEMPC) includes core membership from Council, Victoria Police, Country Fire Authority (CFA) and/or Fire Rescue Victoria, Bushfire Recovery Victoria, Ambulance Victoria, Victoria State Emergency Service (SES), Australian Red Cross and the Department of Families, Fairness and Housing. As per the legislation, the MRMEMPC also includes an additional recovery representative (North Western Metropolitan Public Health Network), and two community representatives. In addition, the Victorian Council of Churches, the CFA Mountain Group, and the Woodend and Gisborne Victoria SES Units attend as observers.

Discussion

At the scheduled Council meeting on 16 December 2020, Council endorsed a notice of motion, resolving that it:

- (1) Directs the Chief Executive Officer to write to the (new model) Municipal Emergency Management Planning Committee to request that the Committee consider allowing one Councillor to permanently sit on it.

- (2) Direct the Chief Executive Officer to include in this letter the context for the request which is that Macedon Ranges Shire Councillors represent the community, and are keen to ensure that their input and knowledge of the area and community is represented on this new Committee.
- (3) Notes that Council officers thanked the members of the former (old model) Municipal Emergency Management Planning Committee at their last meeting in November 2020.

The MRMEMPC discussed this request, and resolved at its meeting on 29 March 2022 that it would welcome a Macedon Ranges Shire Councillor representative to join as an observer. The Chair notified the Mayor of this decision in writing in early April 2022 (Attachment 1).

The MRMEMPC meets three times per annum, in March, June and October, with the following meetings scheduled for the remainder of 2022:

Date	Time	Venue
28 June 2022	6.30pm – 8.30pm	Gisborne Administration Centre
25 October 2022		

Further to this, later in the year when Councillors are considering the appointment of Councillor Delegates to external bodies/committees for 2023, the MRMEMPC will be added for consideration and endorsement.

Consultation and engagement

The MRMEMPC discussed and resolved at its meeting on 29 March 2022, that it would support the addition of a Macedon Ranges Shire Councillor representative to join as an observer.

Collaboration

Not applicable in relation to this report.

Innovation and continuous improvement

The inclusion of a Macedon Ranges Shire Councillor as an observer at the MRMEMPC acknowledges councillors' close connections to the Shire and its residents.

Relevant law

The *Emergency Management Act 2013*, as amended by the *Emergency Management Legislation Amendment Act 2018*.

Relevant regional, state and national plans and policies

The *Macedon Ranges Municipal Emergency Management Plan*, which is developed by the MEMPC in consultation with the community.

Relevant Council plans and policies

Not applicable in relation to this report.

Financial viability

Nil financial impact.

Sustainability implications

Nil sustainability implications.

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.

Municipal Emergency Management Planning

Macedon Ranges



Ref: D22-38692

31 March 2022

Cr Jennifer Anderson
Macedon Ranges Shire Council
PO Box 151,
Kyneton 3444

Dear Councillor Anderson,

Following previous discussion regarding membership of the Macedon Ranges Municipal Emergency Management Planning Committee (MEMPC) at its meeting on November 2021, I write to advise you that the MEMPC resolved at its meeting on 29 March 2022 that it would welcome a Macedon Ranges Shire Councillor representative to join the committee as an observer.

As the Chair of the MEMPC, I would welcome advice from you on both the nominated Councillor representative, and a substitute nominee should that Councillor not be able to attend.

For your information the MEMPC meets three times per annum with the following meetings scheduled for the remainder of the year.

Date	Time	Venue
28 June 2022	6.00pm - 6:30pm Dinner	Gisborne Administration Centre
25 October 2022	6:30pm - 8:30pm MEMPC	

Further to this, later in the year when Councillors are considering the appointment of Councillor Delegates to external bodies/committees, the Municipal Emergency Management Planning Committee will be added for consideration and endorsement.

Please feel free to contact me via email: mweiss@mrsc.vic.gov.au or telephone: 0439 361 941.

Yours Sincerely,

Maria Weiss
Director Community
Chair of MEMPC

15 DIRECTOR ASSETS AND OPERATIONS REPORTS

AO.1	FY21/22 CAPITAL WORKS - CARRY FORWARD PROJECTS
Officer:	Meaghan McNamara, Manager Assets and Project Management Office
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Attachments 1 to 4 - Proposed 2021/22 Capital Works Carry Forward and cancelled Projects (under separate cover) ⇒

Summary

A range of internal and external factors have impacted the delivery of the 2021/22 Capital Works Program resulting in delays and budget constraints for several projects. Construction activities across the public and private sectors have been significantly impacted by the effects of COVID-19, particularly in terms of lockdowns, material and labour cost escalation, supply chain disruptions, and contractor shortages. Other factors affecting project delivery include delays in obtaining approvals, delays to project funding, or other project management related issues.

This Report recommends a list of projects from the 2021/22 Council budget to be cancelled or carried forward for completion in the 2022/23 financial year.

Recommendation**That Council:**

- 1. Approves the cancellation of the following four projects:**
 - (a) RV Dump Point - Kyneton**
 - (b) Building Renewal – Barkly Square Small Bore Range;**
 - (c) Building Renewal – Gisborne Rotunda and Gazebo Audits, Design and Cost Plan**
 - (d) Kyneton Town Hall Equipment Renewal**
- 2. Approves the carry forward of forty-one projects listed as Attachment 3 for delivery in the Financial Year 2022-2023;**
- 3. Approves the carry forward of the following two projects pending approval of additional funds as part of the Financial Year 2022-2023 budget consideration. If additional funds are not forthcoming, these projects will be cancelled.**
 - (a) Kyneton Barkly Square Field**
 - (b) Woodend Golf Clubhouse;**
- 4. Approves the carry forward of the following two building renewal projects utilising the \$56,000 from cancelled projects:**
 - (a) Building Renewal – Kyneton Airfield Toilets**
 - (b) Building Renewal – Demolition Program – Kyneton Airfield Toilets;**
- 5. Approves a scope change and carry forward of the following four projects for delivery in the 2022/2023 financial year:**

- (a) **Building Renewal - Kyneton Obedience Dog Club building at Barkly Square**
 - (b) **Building Renewal - Demolition Program - Kyneton Obedience Dog Club building at Barkly Square**
 - (c) **Building Renewal - Kyneton Rifle Range Club Rooms**
 - (d) **New Gisborne Tennis Courts LED renewal;**
6. **Approves a scope change for the Woodend Golf Clubhouse project and carry forward funds from the Financial Year 2021-2022, pending approval of additional funds as part of the Financial Year 2022-2023 budget consideration. If additional funds are not forthcoming, this project will be cancelled.**

Background

The lingering effects of COVID-19 have impacted construction activities across the public and private sectors; particularly with COVID lockdowns, material and labour cost escalation, supply chain disruptions, and contractor shortages. The infrastructure industry's reliance on overseas materials and equipment means that overseas factory closures, and delays in manufacturing production, cause a depletion of on-shore stock levels and disruptions to supply. This disruption results in project delays in waiting for materials to arrive or the requirement to source materials locally at an unbudgeted premium.

The advice provided by a quantity surveyor at the end of 2021, confirmed that cost escalation from 2018 prices to December 2020 increased by approximately 8% based on the building price index, and cost escalation from December 2020 to December 2021 increased by between 15% to 20%. This increase is primarily due to the following:

- A highly congested market has meant that contractors are more selective on the projects they choose. The high number of projects out to tender (fuelled by increased state and federal government stimulus funding for the construction sector) means that contractors are picking 'easier or less risky' projects and are pulling out of tender processes;
- Labour and skill shortages also impact the construction industry, fuelling price increases due to the labour pool being spread thinner across companies;
- High demand and stock shortages of construction materials are causing time and cost issues. Examples of significantly delayed materials include:
 - Steel
 - Timber and plastering supplies
 - Cladding
- Importing materials and mechanical plant from overseas has experienced increased costs due to delays in shipping, higher freight costs, and pandemic issues affecting the ports;
- COVID-19 issues are also seen in the increased allowance for contract preliminaries from 15% to 20% for extra site accommodation, cleaning, lost time due to COVID isolations, and other compliance requirements.

All of the above factors contribute to higher pricing in the tender market and impact project timelines.

These challenges have impacted the delivery of the Council's 2021/22 Capital Works Program, with budget shortfalls, the need to consider project scope adjustments to suit approved budgets, and general project delays; resulting in a need to cancel or carry forward projects to the following financial year.

Discussion

The conditions listed under Background have led to several projects not being completed this financial year. Officers recommend these projects be:

- cancelled; or
- carried forward for completion in the 2022/23 financial year.

The attached 2021/22 Capital Works Program – Cancelled and Carry Forward Register (Register) lists 53 projects and the reason for their delay or cancellation, noted as Attachment 1.

The Register contains projects from a range of programs, including:

- | | |
|------------------------------------|------------------------|
| • Recreational | • Footpaths |
| • Leisure and Community Facilities | • Bridges |
| • Parks | • Drainage |
| • Open Space and Streetscapes | • Other Infrastructure |
| • Buildings | • Land |
| • Roads | • Plant and Equipment |

Refer to Attachment 2 for a list of proposed cancelled projects.

Refer to Attachment 3 for a list of proposed carry forward projects.

Refer to Attachment 4 for a list of proposed carry forward projects subject to budget consideration.

Council officers seek to update Councillors on four specific recreation building renewal projects, recommend a scope amendment, and carry the projects into the 2022/23 financial year. These projects are detailed below.

Kyneton Obedience Dog Club building at Barkly Square

The original scope of this project was to demolish the existing building (\$20,000) and replace it with a modular construction to serve as a small clubhouse (\$130,000).

Internal costings from Council's Project Officer identified that the like-for-like replacement, with upgrades to include *Disability Discrimination Act 1992* compliance and sewer connections, is approximately \$330,000 (including contingencies and internal project management fees).

Officers attribute the cost escalation to the increase in overall building material and labour costs and design upgrade considerations.

The club is awaiting further communications from officers on the status of this project.

Alternative Option

The proposed building design is beyond a like-for-like replacement under the original project scope. Officers recommend retaining the existing building and providing renewal

improvements within the Council's adopted combined budget of \$150,000 (\$20,000 for demolition and \$130,000 for new build). The new scope would include:

- Asbestos report and removal;
- Demolition of storage area on the southern side;
- Demolition of internal floor and eastern side cladding;
- Re-stump and level the building, replace timber studs as required, frame the new doorway, replace floor and re-clad the east in colour bond sheeting;
- Remove internal wall to west side extension;
- Re-sheet the removed walls with internal cladding;
- Re-instate south side storage area with colour bond cladding and concrete infill floor and a small roller door facing east for access; and
- Re-clad northern side in colour bond sheeting.

These works will increase the lifespan of the existing building by up to 10 years.

The new modular building would have an expected lifespan of 20+ years. On an annualised basis, the building renewal is a financially sound decision and offers the opportunity to work on the replacement scope in a considered manner.

The Kyneton Obedience Dog Club is aware of the budget challenges of this project. Officers have communicated the proposed change in the scope of the works and volunteered to attend a committee meeting to discuss it further.

If the Council endorses the proposed change in scope, the full \$150,000 2021/22 budget will need to be carried forward into the 2022/23 financial year to complete the renewal works.

If the Council does not endorse the alternative option, this will require the initial \$150,000 and an additional allocation of \$180,000, a total allocation of \$330,000.

Kyneton Rifle Range clubrooms and amenities upgrade

The 10-year capital works plan identifies the requirement for a minor renewal to the Kyneton Rifle Range Club Rooms (\$65,000) and a separate toilet block (\$25,000).

In creating a detailed design brief, project officers identified substantial defects. Following a non-invasive inspection, a Building Condition Report was provided on 17 February 2022.

This report identified that the remedial works to the clubrooms and the toilet amenities require significantly more than the available budget. Additionally, officers identified that the assets are not 'fit for purpose' with major defects evident.

Officers estimate that approximately \$110,000 is required to complete the repair works to the clubroom facilities and \$75,000 to conduct repair works to the toilet amenities. These cost estimates include project management fees and contingencies.

Due to the dilapidated condition and significant cost to complete repair works, both buildings require demolition and replacement with a fit-for-purpose facility. The replacement of a new facility is currently unfunded, and the demolition would leave the club without a clubhouse or toilets. If this is to proceed alternate accommodation will be provided.

Alternative Option

Officers propose that Council considers the alternative proposal for the Kyneton Rifle Range Club Rooms and amenities upgrade.

The proposed change of scope is to undertake immediate remedial works to the building, including:

- Invasive timber pest inspection, report and treatment
- Invasive asbestos inspection and possible removal
- Mould assessment, treatment and/or removal
- Due to urgent safety and compliance requirements, water tank removal, additional site drainage and minor plumbing repairs to toilet facilities are currently underway.

These proposed works will address many immediate issues and provide a usable clubhouse in the short term. However, they will not improve the amenity or lifespan of the building.

As well as the immediate works, officers propose to allocate \$25,000 of the renewal budget to undertake the design and planning for a new building to incorporate toilet facilities. The project manager will use the design and planning work for the replacement building to inform future budget bids and/or funding applications.

The Kyneton Rifle Range Club is supportive of the proposed change in the project scope.

New Gisborne Tennis Courts LED renewal

During the public consultation phase of the 2021/22 Council budget, the New Gisborne Tennis Club submission sought \$35,000 to replace the current halogen lamps on courts 3 and 4 with LED lamps. Officers advised Council that this funding may not be sufficient to undertake these works.

Officers engaged a structural engineer to assess the light towers and their suitability to support new lamps; this indicated that they did have the capacity to support new lamps if they were treated for existing rust.

A lighting engineer designed a new LED lighting system (in conjunction with the structural engineer) for the existing poles.

Based on an opinion of probable cost, the new LED system was over the available budget. During this costing process, the club identified some structural concerns with courts 3 and 4. Following discussions with officers, the club proposed a scope change to install lighting on courts 1 and 2 where there are currently no lights.

Alternative Option

Officers propose that Council consider an alternative proposal to the New Gisborne Tennis Courts LED renewal.

Due to the structural concerns identified with courts 3 and 4, officers propose to cease the works to update the lighting and use the remaining funding (\$28,000) to undertake the following:

- Detailed lighting design for courts 1 and 2 (which have no current lighting) including geotechnical and site surveys. This detailed design will inform future funding submissions
- Review the current club-developed master plan and prepare it for future Council consideration. This review will include reviewing the tennis provision at Gisborne, New Gisborne and the Macedon Ranges Regional Sports Precinct.

Immediate repair works to the surface of courts 3 and 4 are currently underway through the operational budget to address the identified concerns with the playing surface.

The New Gisborne Tennis Club is supportive of this proposed change in the scope of this project.

Woodend Golf Clubhouse

An amount of \$200,000 was allocated in the 2020/21 Council budget to undertake a range of minor building renewal works at the Woodend Golf Club. This funding was carried forward to the 2021/22 Council budget and an additional \$123,000 provided in the capital budget to undertake limited future planning works for a new golf clubhouse.

Officers engaged an architect to scope the renewal works (including addressing the *Disability Discrimination Act 1992* issues within the building at the club's request).

A quantity surveyor has estimated that \$650,000 is required to deliver the full scope of renewal works. Of the original \$200,000 budget, there is approximately \$110,000 remaining once architect fees, project management, quantity surveyor and contingency fees are accounted for in the 2021/22 minor renewal project.

Following a Council briefing on 8 February 2022, officers presented strong evidence supporting the safety and accessibility issues as per the quantity surveyor report for approximately \$650,000.

Alternative Proposal

Officers propose that Council consider an alternative proposal regarding the Woodend Golf Club renewal works.

Officers propose that the \$123,000 identified for future planning of a new building be re-allocated to undertake the immediate safety and accessibility works. This funding and the remaining \$110,000 in the renewal budget provides \$233,000. Noting that there is a business case for Council consideration of an additional \$417,000 in the 2022/23 Council budget to provide a total renewal budget of \$650,000.

Undertaking the full scope of works as identified in the architect's work would extend the life of the building for 10-15 years and provide a fit-for-purpose facility for the Woodend Golf Club.

The reallocation of the future planning funding would mean that this work would not be undertaken at this time and would not be considered for approximately ten years.

The Woodend Golf Club are aware and supportive of this alternative proposal.

Should this alternative proposal be endorsed and subject to the consideration of an additional \$417,000 in the 2022/23 Council budget, it would require a carry-forward of the \$110,000 remaining in the renewal budget and the \$123,000 in the capital works budget. No works would be able to be commenced until the full complement of funding is available.

For each project noted above, Officers seek endorsement to proceed per the described Alternative Option. These projects are referenced in the attached 2021/22 Capital Works Program - Carry Forward Register.

Consultation and engagement

Officers and Council undertook a significant amount of internal consultation and community engagement in finalising the 2021/22 Capital Works Program.

Collaboration

Officers collaborated with the committees and clubs affected by the officer's recommendation provided with this report.

Innovation and continuous improvement

The Assets and Operations Directorate demonstrates innovation and continuous improvement by implementing a new capital works reporting process, which includes this report. Since January 2022, the new Project Review Board has monitored the progress of the Capital Works Program and provided support to project officers, and sponsors, in delivering their projects. Improvements to the reporting process ensure the provision of more accurate and reliable project delivery data for analytical purposes. This data has provided the basis for this Reports' findings and recommendations.

Relevant law

There is no legislation applicable to the subject matter of this report.

Relevant regional, state and national plans and policies

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

Relevant Council plans and policies

The implementation of the new capital works project reporting process has provided more accurate and reliable project reporting data for monitoring the progress of the Capital Works Program. This reporting process supports the Council in achieving the Council Plan action of Deliver a Strong and Reliable Government.

Financial viability

The support of the report's recommendations will keep available project delivery resources to manage the delivery of the remaining 2021/22 capital works projects.

There are no other IT or asset management related implications resulting from the outcome of this report.

Sustainability implications

There are no social or environmental sustainability implications resulting from the outcome of this report.

Officer declaration of conflicts of interest

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

16 NOTICES OF MOTION AND RESCISSION

No. 43/2021-22: NOTICE OF MOTION - SUPPORT FOR CAMPASPE SHIRE COUNCIL'S MOTION TO THE NATIONAL GENERAL ASSEMBLY

I, Councillor Jennifer Anderson, give notice that at the next Meeting of Council to be held on 25 May 2022, I intend to move the following motion:

That Council:

- 1. Supports Campaspe Shire Council's following motion to the Australian Local Government Association National General Assembly 2022 (which will be held in Canberra between 19-22 June 2022) as endorsed at their Scheduled Council Meeting on 16 March 2022:**
 - (a) This National General Assembly calls on the Australian Government to continue the Local Roads and Community Infrastructure (LRCI) program funding for local governments and allocate a proportion of this funding for infrastructure design of community infrastructure in partnerships with local communities.**
 - (b) This National General Assembly calls on the Australian Government to amend the necessary legislation, regulations and/or contractual arrangements to ensure that both Telstra and NBNCo, their subsidiaries and contractors, cannot pass the cost of relocating their buried infrastructure on to local government if the publicly available 'as built' (or 'as laid') plans do not accurately record the location(s) of their assets.**
- 2. Requests that the Chief Executive Officer write to the Australian Local Government Association to advise of Macedon Ranges Shire Council's support as outlined above.**

17 URGENT BUSINESS

18 CONFIDENTIAL REPORTS

Nil